

SESSION LAWS.

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An Act to reduce the law incorporating the City of Saint Paul, in the County of Ramsey, and State of Minnesota, and the several Acts amendatory thereof into one Act, and to amend the same.

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

CHAPTER I.—CITY AND WARD BOUNDARIES.

Section 1. All the district of country in the County of Ramsey contained within the limits and boundaries herein after described, shall be a City by the name of "Saint Paul," and the people now inhabiting, and those who shall hereafter

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inhabit within the district of country herein described, shall be a municipal corporation by the name of the City of "Saint Paul;" and by that name shall sue and be sued, complain and defend in any Court, make and use a common Seal, and alter it at pleasure; and take, hold and purchase, lease and convey such real and personal or mixed estate, as the purposes of the corporation may require within or without the limits aforesaid, 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.

City bounds
ries.

SEC. 2. The district of country aforesaid constituting the City of "Saint Paul," and the limits and boundaries thereof shall be as follows: All of Sections number thirty-one (31), and thirty-two (32), in township number twenty-nine (29), north of range number twenty-two (22) west; all of section number thirty-six (36), in township number twenty-nine (29), north of range number twenty-three (23) west; all of section number one (1,) in township number twenty-eight (28), north of range number twenty-three (23) west; and so much of section number twelve (12), in said last named township, and so much of sections number five (5), and six (6), in township number twenty-eight (28), north of range number twenty-two (22) west, as lie north of the middle of the Mississippi River, including the Islands therein, to wit: Ames, Coal and Lamb's Islands, Raspberry, Barns and Harriet Islands, being bounded on the north by the north lines of said sections thirty-six (36), thirty-one (31), and thirty-two (32); on the east by the east line of said section thirty-two (32), and so much of the east line of said section five (5), as lies north of the middle of the Mississippi River, on the south by the middle of the Mississippi River, and on the west by the west lines of said sections thirty-six (36), and one (1), and of said section twelve (12), continued to the middle of said Mississippi River, including all of the Islands aforesaid.

Wards—their
limits and
bounds.

SEC. 3. The said city shall be divided into four Wards, called the First, Second, Third and Fourth, limited and bounded as follows:
All the district of country and territory east of the middle of Jackson Street, and its extension from the middle of the Mississippi River to the north line of said city shall be the First Ward:

All the district of country and territory between the west line of the First Ward, and the middle of Wabashaw Street, and its extension from the middle of the Mississippi River to the north line of said city, shall be the Second Ward.

All the district of country and territory between the west line of the Second Ward, and a line commencing in the mid-

dle of Mississippi River where the middle of Eagle Street extended would strike the same ; thence running northerly along the middle of Eagle Street to its intersection with St. Anthony Street ; thence running north-westerly along the middle of St. Anthony to its intersection with Dayton Avenue ; thence running north-easterly along the middle of Dayton Avenue to its intersection with the south-east corner of section (36), in town 29, range 23, thence north along the east line of said section, to the westerly line of the Second Ward, shall be the Third Ward.

The Fourth Ward shall comprise all the district of country and territory lying west of the west line of the Third Ward: *Provided*, That Ames', Boal and Lamb's Islands shall be in the First Ward, Raspberry in the Second, and Barns and Harriet Islands in the Third Ward :

SEC. 4. Three Aldermen shall be elected in the said Fourth Ward as provided in the other Wards of said city ; and at the next annual election of said city, there shall be elected three Aldermen in said Ward, one for the term of one year, one for the term of two years, and one for the term of three years, and at each annual election thereafter, there shall be elected one Alderman in said Ward, for the term of three years, and where other officers are elected or appointed from the other Wards respectively, the like officers shall be elected or appointed in the same manner from the said Fourth Ward, and until such Aldermen or other officers are elected or appointed in said Fourth Ward ; the Aldermen and officers elected or appointed from the Third Ward shall act for and represent the Fourth Ward, and the present Aldermen and officers elected and appointed from and to represent the First, Second and Third Wards, as heretofore limited, shall continue in office and act for and represent said last named Wards within the limits thereof, fixed by this Chapter, until their term of office expire : *Provided*, That if either of the Aldermen now representing the Third Ward, shall, upon the division of Wards as provided in this Chapter, be residents within the limits of the said Fourth Ward, then such Aldermen shall represent the said Fourth Ward for the balance of the term for which they were elected in said Third Ward, and the said Third Ward may elect Aldermen to fill the vacancies occasioned thereby.

Election of Aldermen.

CHAPTER II.—ELECTIONS.

SEC. 1. There shall be an annual election for elective officers hereinafter provided, held on the first Tuesday 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 in the afternoon, and ten days previous, notice shall be given by the Common Council of the time and place of holding such election, and of the officers to be elected.

Annual election.

Sec. 2. The elective officers of said city shall be a Mayor, Treasurer, Comptroller, and Justice of the Peace for the city, who shall be styled City Justice, all of which said officers shall be residents within, and qualified voters of said city; each Ward shall elect three Aldermen, who shall be residents within, and qualified voters of the Ward for which they may be elected; all other officers necessary for the proper management of the affairs of said city shall be appointed by the Common Council unless otherwise provided.

Elective officers and their duties.

At every annual election there shall be elected one Alderman for each Ward, who shall hold his office for three years. The City Justice shall hold his office for two years and until his successor is elected and qualified. All other elective officers shall hold their respective offices for one year, and until their successors are elected and qualified.

Sec. 3. Every person appointed to any office by the Common Council, or elected to any office by the people, may be removed from such 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 or notified of the charges, nor until such person shall have had a reasonable opportunity to be heard in his defense. The Common 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 to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall neglect to appear and answer to such charge, the Common Council may declare the office vacant.

Removal of officers.

Sec. 4. Whenever a vacancy shall occur in the office of Mayor or Alderman, such vacancy shall be filled by a new election, which shall be ordered and held within ten days after such vacancy shall occur, and reasonable notice of such election shall be given. Any vacancy happening in any other office shall be filled by the Common Council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Vacancies—how filled.

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

Elections—how conducted.

Sec. 6. All persons entitled to vote for State and County officers and who shall have resided for ten days next preceding the election in the Ward where they offer their vote, shall

Persons entitled to vote.

be entitled to vote for any officer to be elected under this law and to hold any office hereby created; and the different Wards established by law, and such precincts as may be hereafter established shall constitute the election precincts for State and County, as well as city elections; and the mode of conducting all State and County elections in said city shall be in the manner herein provided in reference to city elections, except that the returns thereof shall be made by the Judges of election to the Register of Deeds of the county of Ramsey within the time and in the manner prescribed by law.

SEC. 7. The elections in said city shall be held and conducted by the Aldermen of each Ward, until such Wards shall be divided into precincts as hereinafter provided, who shall be the inspectors of elections, and shall take the usual oaths or affirmations as prescribed by the general laws of this State to be taken by the Judges and Inspectors of elections, and shall have the power to appoint Clerks of such elections, and to administer the necessary oaths. Said elections shall be held and conducted in the manner, and under the same penalties, and vacancies in the Board of Inspectors thereof filled as required by the laws of this State regarding elections; *Provided*, That no Inspector or Clerk of an election shall be eligible to any office voted for at such election.

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Aldermen to
be inspectors
of election

SEC. 8. If either of the Inspectors of election shall suspect that any person offering to vote does not possess the qualifications necessary for an elector, or if the vote of such person be challenged by a qualified voter of the ward, the Inspector, before receiving the vote of any such person shall require him to take the following oath: You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of the United States (or have declared your intention to become a citizen conformably to the laws of the United States on the subject of Naturalization); that you have resided within this State four months, and within this ward or precinct ten days next preceding the election; that you have not voted at this election; and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election. And if the person offering to vote shall take such oath his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than in the one in which he resides, or shall vote more than once at any election, he shall be liable to indictment, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars or less than twenty-five dollars. It shall be the duty of the Inspectors to keep

Illegal voting—
how punished
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a list of the names of all persons whose votes may be challenged as aforesaid and who shall make the oath aforesaid; and if any Inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or any Clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every such Inspector and Clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars. All such indictments shall be tried in the District Court of the County of Ramsey.

Election re-
turns

Sec. 9. When an election shall be closed and the number of votes for each candidate or person voted for shall be counted and ascertained, the said Inspectors shall make 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 Common Council, who shall forthwith give notice to each of the Aldermen of their respective elections. Within one week after any election, the Common Council shall meet and canvass said returns and declare the result as it appears from the same.

Special elec-
tions

Sec. 10. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the Aldermen of each ward (until such wards shall be divided into precincts as hereinafter provided) in the same manner and the returns thereof shall be made in the same form and manner as general and annual elections, and within such time as may be prescribed by resolution.

Refusal to
serve

Sec. 11. Any officer removing from the city or ward for which he was elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the Common Council shall proceed to fill the vacancy as herein prescribed.

Term of office

Sec. 12. The term of every officer elected under the law, shall commence on the second Tuesday 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.

New election
in certain cases

Sec. 13. 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 days notice of the time and place of holding the election, being first given.

The council
may divide
wards

Sec. 14. The Common Council shall have power, by a two-third vote of all the Aldermen, to divide any ward into two or more election precincts and to prescribe the limits and boundaries thereof, and establish the poll or place of holding elections therein, as now provided for the different wards; *Provided*, If any ward shall be so divided into pre-

cinets, the officers conducting such elections shall be established and appointed by the Common Council in lieu of the Aldermen, as at present provided, and that the elections in such precincts shall be conducted by the same number of officers in each precinct and in all respects, and the returns thereof made in the same manner as in the several wards as now provided.

CHAPTER III.—OFFICERS, THEIR POWERS AND DUTIES.

SEC. 1. Every person elected or appointed to any office under this Act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the Olérk of the city, and the Treasurer, Clerk, Comptroller, Wharf Master, Street Commissioners, Collectors 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. Paul, a bond with at least two sureties, who shall make affidavit that they are each worth the penalty specified in said bonds over and above all debts, exemptions or liabilities, and said bonds shall contain such penal sum, and such conditions as the Common Council may deem proper; and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Oath of office
and bonds re-
quired

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 executives 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 chief executive officer and head of the police of the city, and shall appoint all police officers and watchmen; and in case of a riot or other disturbances, 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 reduction of their number render it necessary.

Relating to
the Mayor and
his powers

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 the same with the City Clerk to be presented to the Common Council at their next meeting thereafter; upon the return of any ordinance or resolution by the Mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration the Common Council shall pass the same by a vote of two-thirds, it shall have the same

effect as if approved by the Mayor, and in such case the vote shall be by ayes and nays, which shall be entered by the City Clerk of Records. If any 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.

Officers of the council

Sec. 8. At the first meeting of the Common Council in each year, they shall proceed to elect by ballot from their number, a President and Vice President. The President shall provide over the meetings of the Common Council, and during the absence of the Mayor from the city, or his inability from any reason to discharge the duties of his office, the said President shall exercise all the powers and discharge all the duties of the Mayor. In case the President shall be absent at any meeting of the Common Council, the Vice President shall act as presiding officer for the time being, and shall discharge the duties of such President and act in his place. The President or temporary presiding officer, while presiding over the Common Council or performing the duties of Mayor, shall be styled Acting Mayor, and acts performed by either when acting as Mayor as aforesaid, shall have the same force and validity as if performed by the Mayor. The Mayor and Aldermen of said city, shall have the right to administer oaths and affirmations, take acknowledgements of deeds and do and perform generally all acts which may be done or performed by Notaries Public under the laws of this State.

City clerk and his duties

Sec. 4. There shall be a Clerk of said city styled the City Clerk, who shall be elected by the Common Council and hold his office at the City Hall. 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 meetings it shall be his duty to attend; copies of all papers filed in his office and transcripts, from the records of the Common Council, certified by him under the corporate seal, shall be evidence in all courts as if the 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 Clerk shall have power to administer oaths and affirmations, and take the acknowledgement of deeds and other writings.

City attorney to be chosen by the council

Sec. 5. The Common Council shall have power to elect an Attorney for the City, who shall perform all professional services incident to the office, and when required shall furnish opinions upon any subject submitted to him by the Common Council or its Committees.

Duties of the treasurer

Sec. 6. The Treasurer shall receive all moneys belonging to the City, including license money and fines, and keep an accurate and detailed account thereof, in such manner as the Common Council shall from time to time direct. The Treas-

urer shall exhibit to the Common Council, at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of all receipts and expenditures, after the date of the last annual report, and also of the state of the treasury, which account shall be filed with the Clerk, and a copy of the same shall be published in all the daily papers of the City.

Sec. 7. There shall be a Chief of Police of said City, who shall be appointed by the Mayor as other police officers, and who shall perform such duties as shall be prescribed by the Common Council for the preservation of the public peace. All police officers and watchmen 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 whatever 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 they shall have power to pursue and arrest any person fleeing from justice in any part of this State, and when performing the duties of Constables as aforesaid, shall be entitled to like fees.

Chief of police and his duties

Sec. 8. The Common Council shall have power to establish and to elect a Wharf Master with powers of a police officer, whose duty it shall be to collect all wharf dues and enforce all ordinances in relation to the harbour landings belonging to or under the control of the City and the levee within the City limits, and who shall perform such other duties as the Common Council may ordain.

Wharf Master and his duties

Sec. 9. The Aldermen in each ward shall, at the first meeting of the Council after each annual election, select one of their number a Street Commissioner of such ward, who shall hold his office for one year; and the Aldermen of each ward shall have power to fill any vacancy in such office of Street Commissioner as often as the same may occur. It shall be the duty of the Street Commissioners so selected, to superintend all local improvements in their respective wards, and carry into effect all orders of the Common Council in relation thereto and perform such other duties as may be herein prescribed or ordained by the Common Council. They shall keep accurate accounts of all expenditures incurred by them and render monthly accounts thereof to the Common Council, or oftener, if required.

Street commissioners and their duties

Sec. 10. The Common Council shall on or before the first day of March, in each year, elect one Assessor in each ward who shall perform all the duties in relation to the assessing of property for the purpose of levying the taxes imposed by the Common Council. On completing their assessment rolls, they shall meet together and revise, correct and equalize the same, and return the same to the Common Council in such manner as may be herein prescribed—and shall hold their office for the term of one year, and until their successors are elected and qualified.

Relating to assessors

Justice of the
peace and his
duties

Sec. 11. The Justice of the Peace for the City shall possess all the authority, powers and rights of a Justice of the Peace of the County of Ramsey, under the laws of the State, and shall have in addition thereto, 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 said Justice, may be issued in criminal cases, by any other Justice in the City, but no fee shall be received therefor by said Justice.

The said Justice shall have exclusive jurisdiction in all cases cognizable before a Justice of the Peace in which the City is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of the said City of St. Paul, or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offences committed against the same.

All prosecutions for assaults, batteries and affrays, not indictable and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the City of St. Paul, and the same proceedings shall be had in all civil and criminal suits before said Justice, where not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this State before a Justice of the Peace.

Provided, That in case of prosecutions for a breach or violation of an ordinance, by-law, or regulation of said City or its charter or for an assault, battery or affray, not indictable, committed within the City limits, no appeal shall be allowed where the judgement or fine imposed, exclusive of costs, is less than ten dollars.

In all cases of convictions for assaults, batteries, and affrays, within said City, and in all cases of conviction under any ordinance of said city, for breach of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same, and of keeping or maintaining disorderly and ill-governed houses; the said Justice shall have power, in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

Powers
of the Justice

The said Justice shall have the same power and authority in case of contempt as a court of record, *Provided*, That nothing herein contained shall be deemed to divert the district Judges of their authority as conservators of the public peace, nor to effect in any manner the jurisdiction or powers of the district courts or supreme court of this State. In case of the absence, sickness, or other inability of such Justice, or for any sufficient reason the Mayor by warrant may

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authorize any other Justice of the Peace within said City to perform the duties of said Justice of the Peace for the City, and it shall thereupon be the duty of the Mayor to inform the City Attorney and Chief of Police of such substitution and make report thereof to the Common Council, and they may confirm or set aside such appointment or appoint some other Justice of the Peace, and the Justice of the peace so appointed shall, for the time being, possess all the authority, powers and rights of said City Justice. All fines and penalties imposed by the City Justice for offences committed within the City limits, or for violations of any ordinance, by-law or regulation of said City shall belong to, and be a part of the finances of said City.

Sec. 12. The City Justice shall, as often as the Common Council may require, report to the Common Council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the City Treasurer all fines and penalties collected by him belonging to said city; and said Justice shall be entitled to receive from the county of Ramsey such fees in criminal cases as are allowed to other justices in the county for similar services.

The city justice required to report.

Sec. 13. It shall be the duty of the City Comptroller to report to the Common Council the financial condition of the city and each of the wards. He shall make a list of all outstanding city bonds: to whom issued: for what purposes: when and where payable, and the rate of interest they may respectfully bear; and recommend such action to the Common Council as will secure the punctual payment of the principal and interest of such bonds.

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Duties of the comptroller.

Sec. 14. He shall report annually, on or about the first day of May, to the Common Council, an estimate of the expenses of the city and the several wards, and likewise the revenue necessary to be raised for the current year; and the fiscal year shall commence on the first day of May.

Comptroller shall report to council.

Sec. 15. He shall make, or cause to be made, estimates of the expenses of any work to be done by the city, and countersign all contracts made in behalf of the city and certificates of work by any committee of the Common Council or by any city officer.

He shall make estimates of city expenses

Sec. 16. It shall be the duty of the Comptroller to keep regular books of account, in which he shall enter all indebtedness of the city or either of the wards, and which shall at all times show the precise financial condition of the city and the several wards: the amount of bonds, orders, certificates or other evidences of indebtedness issued by the Common Council or the Street Commissioners: the amount of all bonds, orders, certificates, etc. which have been redeemed, and the amount of each outstanding; to countersign all bonds, orders or other evidences of indebtedness of the city or either of the wards: and to keep an exact account thereof, stating to

Required to keep books of account

whom and for what purposes issued and the amount thereof; to keep accounts with all the receiving and disbursing officers of the city: showing the amount which they have received from all the different sources of revenue, and the amount which they have disbursed under the direction of the Common Council.

Other duties
required

Sec. 17. He shall keep a list of all certificates issued in each ward, and, before the levy by the Council of the special tax, shall report to the Council a schedule of all the lots or parcels of land within the several wards which under this act may be subject to any special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lot or parcel of land: which said schedule shall be verified by the affidavit of the Comptroller, and shall be *prima facie* evidence of the facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The 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.

Further duties

Sec. 18. If on or before the first day of January of any year the amount expended or to be expended, chargeable to any of the wards or city funds, (adding thereto the current expenses estimated for the remainder of the fiscal year and chargeable to such fund), shall be equal to three-fourths of the tax authorized to be raised, or revenue estimated for such fund, he shall at once report the same to the Common Council; and he shall not countersign any contracts 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 revenue actually collected for the fund to which such expenses are properly chargeable.

Further duties

Sec. 19. He shall examine the reports, books, papers, vouchers, and the accounts of the Treasurer, and from time to time shall perform such other duties as the Common Council may direct.

All orders to
be examined
by him

Sec. 20. All claims and demands against the city, before they are allowed by the Common Council, shall be audited and adjusted by the Comptroller, and all orders on the Treasurer shall be examined and countersigned by him before they are delivered by the City Clerk.

Further duties
of the comp-
troller

Sec. 21. The Comptroller 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 records shall be open to inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city or either of the wards is a party.

City surveyor
and his duties

Sec. 22. There shall be elected by the Common Council a 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 services performed by him. All surveys, profiles, plan or estimates, made by him for the city or either of the wards, shall be the property of the said city, and shall be carefully preserved in the office of the Surveyor, open to the inspection of parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the Surveyor, at the expiration of his term of office, to his successor or the Common Council.

Sec. 23. The Common Council, at their first meeting in each year or as soon thereafter as may be, shall designate one newspaper printed in said city, in which shall be published all ordinances, and other proceedings and matters required by this act or by the by-laws or ordinances of the Common Council to be published in a public newspaper. The council to elect a city printer

Sec. 24. The city printer or printers, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the Clerk of the city, a copy of such publication, with his or their affidavit or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution. Duties of the city printer

Sec. 25. If any person, having been an officer in 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 such successor may recover the possession of such books, papers and effects, in the manner prescribed by the laws of this State. Requiring all officers to deliver to their successor property, books, &c

Sec. 26. No alderman shall be a party to or interested in any job or contract with the city, or any of the Wards, and any contract in which any Alderman may be so interested, shall be null and void; and in case any money shall have been paid on any such contract, the Common Council may sue for and recover the amount so paid from the parties to such contract, and the Alderman interested in the same. Aldermen shall not be parties to contracts

Sec. 27. The Mayor or acting Mayor, Sheriff of Ramsey county, Coroner, and each Alderman, all Justices of the Peace, police officers and watchmen, shall be officers of the peace, and may command the peace, suppress in a summary manner, all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty Officers of the peace

dollars; and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section shall direct the proceedings.

Council to impose further duties on officers

Sec. 28. The Common Council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties unless herein otherwise provided for, but no officer elected or appointed by the 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 also have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act; such compensation shall be fixed by resolution, at the time the office is created or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

CHAPTER IV.—THE COMMON COUNCIL: ITS GENERAL POWERS AND DUTIES.

Style of ordinances

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. Paul 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.

Stated and special meetings

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 Judge of the election and qualifications of its own members, and in such case shall have the power to send for persons and papers, and shall also determine the rules of its own proceedings and have power to compel the attendance of absent members.

Powers of the council

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, rules and by-laws for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient; they shall have power to establish and maintain a city prison and watch houses for the imprisonment, custody and safe-keeping of all persons arrested for

er charged with any offence whatever, in any way cognizable 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 the compensation ; the keepers of said prison and watch-houses shall have and possess all the powers and authority of jailors at the common law or by the laws of this State. The Common Council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law passed and ordained by them ; and all such ordinances, rules and by-laws are hereby declared to be and have the force of law : *Provided*, That they be not repugnant to the Constitution and laws of the United States or of this State ; and for these purposes shall have authority by ordinances, resolutions or by-laws :—

First. To license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, billiard tables, nine or ten-pin alleys, bowling saloons, to grant licences and regulate auctions and auctioneers, groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors : *Provided*, That the license for so dealing in, or vending spirituous or fermented liquors, shall not be less than fifty dollars a year, that no license shall be granted for a less term than one year ; and all licenses shall commence and terminate on the second Tuesday of May in each year.

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

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

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

Fifth—To direct the location and management of slaughter-houses and markets, brewerics, distillerics and pawn-brokers, and to establish rates for, and license venders of

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 11th May 1858
 Council
 11th May 1858

gunpowder, and regulate the storage, keeping and conveying of gunpowder, or other combustible materials.

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

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

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

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

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

Eleventh—To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for and control the erection of water works for the supply of water to the inhabitants; to regulate and licence hacks, carts, omnibuses, and the charges of hackmen, draymen, cartmen, and omnibus drivers in the city; and to erect lamps and to provide for lighting the city and to 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.

Twelfth—To establish and regulate boards of health, provide hospitals, and hospital grounds, the registration of births and deaths, and the returns of the bills of mortality, and regulate or prevent the burial of the dead within the city limits.

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

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

Fifteenth—To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situa-

Power of the
Council

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tion which may be considered by the Council dangerous to the city, or any property therein, or annoying any citizen thereof.

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

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

Eighteenth—To establish public markets and other public buildings and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Nineteenth—To license and regulate butchers' stall-shops and stands for the sale of game, poultry, butchers meat, butter, fish and other provisions.

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

Power of the
Council

Twenty-First—To compel the owner or occupant of buildings or grounds to remove snow, dirt, or rubbish from the side-walk, street, or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the Board of Health shall direct; and in his default, to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant.

Twenty-Second—To control and regulate the construction of piers or wharves, or grading said wharves into the Mississippi River within the corporate limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon, and to prevent and remove all obstructions in the water of said river. And to prescribe and regulate rates of wharfage and pierage to be charged to any boat or vessel landing or mooring at any landing, wharf or pier, within the limits of said city, and paid to said city; and to regulate the landings, levee, wharves and piers within the limits of said city, and boats and vessels landing and mooring at the same.

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

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

Twenty-Fifth—To provide for watchmen, and to prescribe their number and duties and regulate the same; and to create

and establish the police of said city, and to prescribe the number of police officers and their duties, and to regulate the same.

Twenty-Sixth—To provide by ordinance for a standard of weights and measures; for the appointment of a City Sealer, and to require all weights and measures to be sealed by the City Sealer, and to provide for the punishment of the use of false weights and measures.

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

Twenty-Eighth—To regulate the measurement and inspection of lumber, shingles, timber and building materials.

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

Thirtieth—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

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

Thirty-Second—To 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 nuisances.

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

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

Thirty-Fifth—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 and county jail not exceeding thirty days, or both, and to be fed on bread and water at the discretion of the City Justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

Thirty-Sixth—The Common Council shall have power to establish a work-house in said city, and may provide by ordinance that any one convicted of an offense before the City Justice and committed upon non-payment of fine imposed, shall be committed to the work-house and be required to work out the amount of his fine under such regulations, and in such manner as the Common Council may prescribe. And the said Common Council, for the purpose of providing for the erection of such work-house, may issue the bonds of said city, not exceeding the amount of ten thousand dollars,

Powers of the
Council

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for a time not exceeding ten years, and bearing interest not exceeding twelve per cent. per annum, in such form and amounts and under such regulations as the Common Council may prescribe. The Common Council shall also have power, in lieu of punishment by imprisonment provided by this Act, to provide that the offender may be committed to the work-house, and set to work not exceeding thirty days, under such regulations and in such manner as the Common Council may ordain.

Powers of the Council

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 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 to be provided for that purpose. No appropriation shall be made without a vote of a majority of the members of the Common Council present in its favor, which shall be taken by ayes and noes, and entered among the proceedings of the Council.

How ordinances may be passed.

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. Depots, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time; gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Additional powers.

Sec. 6. The Council shall examine, audit and adjust the accounts of the Clerk, Treasurer, Street Commissioner of each Ward, City Justice, Wharf Master, and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of said city were elected or appointed shall have expired. And the 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 said 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 order suits and proceedings at law against any officer and agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties; and shall make a full record of all such settlements and adjustments.

Council to examine accounts

Power to issue bonds

Sec. 7. The Common Council may, during any fiscal year, by a vote of two-thirds, issue the bonds of said city, bearing interest not exceeding twelve 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 such bonds, or the proceeds thereof, shall be applied to the same purposes as the taxes and revenues in anticipation whereof they may be issued.

Bonds for water works

Sec. 8. The Common Council may, for the purpose of providing for the erection and construction of water works for supplying said city and the inhabitants thereof with water, and for the purpose of providing the necessary pipes, conduits and apparatus for introducing and distributing the same, and also for the purpose of providing fire-engines and apparatus for extinguishing fires,—by a vote of two-thirds, issue the bonds of said city bearing interest not exceeding twelve per cent. per annum, and for a time not exceeding twenty years nor less than five years, in such amounts and under such regulations as the Common Council may prescribe: *Provided*, That the amount of bonds issued under this section shall not exceed the sum of two hundred thousand dollars; and that all revenues and water rents collected from such water-works shall be applied to the necessary expenses thereof, and to the payment of the interest of the bonds issued for such purposes, and for providing a sinking fund for the payment of the principal thereof. And the Common Council shall provide for the payment of the interest and the ultimate payment of the principal of any city bonds which shall be issued under this section, and for that purpose is authorized, if need be, to assess and collect annually a special tax on the real and personal property of said city, as other taxes are levied and collected in said city, not exceeding one-half per cent. per annum: *And provided further*, That a proposition to issue bonds for the purposes aforesaid (except to an amount not exceeding five thousand dollars for fire-engines) shall be first submitted to a vote of the qualified voters of said city, at any annual election or at a special election held for that purpose, in such manner and at such time as the Common Council may prescribe, for their approval or rejection; and in case such water-works are provided by the city, the Common Council shall have power to establish and ordain all needful regulations and ordinances in relation thereto, and to assess and establish such water rents and charges for the use of the water, to be paid by the persons using the same, as the said Common Council may deem expedient; and the said Common Council shall have power to regulate the use of the water, and provide for and regulate the collection of the water rents and charges for the use thereof, and to appoint

all needful officers for the purposes aforesaid and to prescribe their duties and compensation.

CHAPTER V.—FINANCES AND TAXATION.

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

Funds under the control of the council

SEC. 2. The said Council shall have power to annually levy a tax upon all the property in said city subject to taxation, not exceeding one-half per cent. per annum, to defray the current expenses of the city.

Tax for city expenses

SEC. 3. The Common Council shall also annually levy upon the property liable to taxation in each ward a tax, not exceeding one-half per centum per annum, to defray the current expenses of such ward.

For ward expenses

SEC. 4. It shall and may be lawful for the Common Council of the said city, at any meeting, to levy a corporation or poll tax upon every qualified voter in said city: *Provided*, That the said tax shall not in any one year exceed the sum of one dollar on each person so taxed.

Levy poll tax

CHAPTER VI.—OPENING STREETS, ALLEYS, ETC.

SEC. 1. The Common Council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds within the limits of said city, and shall cause all streets which may have been opened and graded to be kept open and in repair and free from nuisances. No street or alley which shall hereafter be dedicated to public use by the proprietor or proprietors of grounds within said city, shall be recognized as a public street or alley of said city, unless the Common Council shall first approve the plat thereof, or accept such dedication, or afterwards confirm the same by an ordinance specially passed for such purpose.

Council to control streets

SEC. 2. The Common Council shall have power to lay out, open, alter and vacate public squares, streets, grounds, highways and alleys, and to widen and straighten the same: *Provided*, That whenever it shall be required to take private lands or property for the purposes aforesaid, the Common Council shall not have power to act thereon except as follows:

Council to control streets

Council to con-
trol streets

First.—Whenever ten or more freeholders owning real estate within and residents of any Ward shall petition the Common Council for opening, altering, widening or straightening any public square, grounds, streets, highways or alleys within such Ward,—setting forth the facts and the courses and distances, metes and bounds of the lands proposed to be taken, accompanied by a plat of the same, and of the proposed improvement, together with the names of the owners of such premises, and their residences, if the same shall be known to the petitioners, and representing that it is necessary to take such lands for public use, which said petition shall be verified by the oath of at least two of the petitioners,—the Common Council shall thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the City Clerk, who shall give notice to all parties interested, by publication in the official paper of the city for four weeks, at least once in each week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that, on a certain day, at the Council-chamber, not less than ten days from the expiration of such notice, the Common Council will appoint five Commissioners to view and to assess the damages and benefits in the premises; and it shall be the duty of the Street Commissioner of the proper Ward to cause such notice to be served on the owner of any land to be taken for public use residing within the County of Ramsey, and the occupants thereof, if the names and residences of such persons shall be known to him, or stated in the petition, by personal service on them or by mailing the same.

Second.—Upon the day and time specified in said notice the Common Council shall choose by ballot five disinterested freeholders, residents and qualified voters of said city, who shall not be residents of such Ward nor interested in the result as Commissioners; and it shall be the right of any party interested, at the time of the appointment of such Commissioners to object to any person selected as Commissioner aforesaid, upon the ground of interest or disqualification, and the Common Council shall thereupon determine such objection, and fill any vacancy in the manner before provided, and when the appointment of such Commissioners shall be completed, the Common Council shall thereupon issue their precept to the Chief of Police of said city, commanding him to summon the said Commissioners to attend at the office of the City Clerk at a day and time therein named, and act as Commissioners in the said matter, and to make return of their actings and doings to the Common Council within thirty days thereafter, of which day and time of meeting of said Commissioners at least three days notice shall be given in the official paper by the City Clerk.

Third.—If any Commissioner appointed as aforesaid shall neglect or refuse to attend as aforesaid, he shall forfeit and

pay a fine to the said City not exceeding fifty dollars, and shall be liable to prosecution therefor before the City Justice of said city; and the Commissioners in attendance shall be authorized to fill such vacancy by the appointment of any person possessing the qualifications of Commissioner aforesaid.

Council to control streets

Fourth.—The Commissioners shall be sworn by the City Clerk to discharge their duties as Commissioners in the matter with impartiality and fidelity, and to make due return of their actings and doings to the Common Council.

Fifth.—The said Commissioners after being sworn as aforesaid shall proceed in a body accompanied by the Street Commissioner of the proper Ward, and the City Surveyor to view the said premises and also such other premises as may be benefitted by the proposed improvement, and may adjourn from time to time until such view is completed; after their said view is completed, they shall adjourn to some convenient time and place not exceeding ten days thereafter, for the purpose of hearing testimony and evidence on the part of parties interested, which said evidence and testimony shall be reduced to writing by one of the Commissioners, and any of the Commissioners shall be authorized to administer the necessary oath to witnesses, of which meeting at least three days notice shall be given in the official paper by the Commissioners.

Sixth.—After viewing the premises and hearing such testimony and evidence as may be offered the said Commissioners shall determine.

1st: Whether in their judgment it is necessary to take such premises for the purposes specified in such application.

2nd: If the said Commissioners shall be satisfied that it is necessary to take such premises for the purposes aforesaid, and shall so determine—

They shall next determine the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefitted by such taking; and to assess and return within the time limited, such damages and benefits to the Common Council; and in case the said Commissioners shall determine that it is not necessary to take said premises aforesaid, they shall so report to the Common Council without making further return; and in all cases the testimony and evidence taken before the Commissioners, and all proceedings had before them shall accompany their return.

Damages for lands taken

Seventh. If there should be any building standing in whole or in part upon the land to be taken, the Commissioners before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

Eighth.—At least five days' personal notice of such deter-

Notice to be
given to land
owners

mination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given for ten days in the official paper, such notice shall specify the building and the award of the Commissioners; it shall also require the parties interested to appear by a day to be therein named, or give notice in writing of their election to the Common Council, either to accept the award of the Commissioners and allow such building to be taken with the land appropriated, or of their intention to remove such building, at the value set thereon by the Commissioners to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the Common Council may allow.

Ninth.—If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the Common Council shall have power to direct the sale of such building at public auction for cash giving ten days notice of the sale. The proceeds shall be paid to the owner, or deposited to his use.

Tenth. The Commissioners shall thereupon proceed to make their assessment and to determine and to appraise to the owner or owners, the value of the real estate appropriated for the improvement, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owners as damages, after making due allowance therefrom of any benefits which such owners may respectively derive from such improvement. In the estimate of damages to the land, the Commissioners shall include the value of the building or buildings, (if the property of the owner of such land,) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in that case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Relative to
streets

Eleventh. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the Commissioners shall strike a balance and carry the difference forward to another column; so that the assessment will show what amount is to be paid or received by such owner or owners respectively and the difference only shall, in any case, be collected of them or payable to them.

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

Thirteenth. Having ascertained the damages and expenses of the improvement as aforesaid, the Commissioners shall

thereupon apportion and assess the same, together with the costs of the proceedings and the fees of the Commissioners, which shall be two dollars per day each, to be included therein, upon the real estate by them deemed benefits resulting thereto from the improvements, as nearly as may be, and shall describe the real estate upon which the assessments may be made. The award of the Commissioners shall be signed by them and returned together with the testimony taken, to the Common Council, within the time limited by their appointment.

Fourteenth. The City Clerk shall give ten days' notice in the official paper that such assessment has been returned, and on a day to be named therein, will be confirmed by the Common Council unless objections are made in writing by persons interested; objections may be heard before the Common Council, and the hearing may be adjourned from day to day. The Council shall have power in their discretion to confirm or annul the assessment, or refer the same back to the Commissioners. If annulled, all the proceedings shall be void; if confirmed, as hereinafter provided, a warrant shall be issued to the City Treasurer for the collection thereof; and such lands and buildings may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys, highways, or other improvement may be made and opened, and shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys, and other public grounds heretofore opened and laid out. If referred back to the same or other Commissioners, they shall proceed to make their assessments and return the same in like manner, and give notices as herein required in relation to the first, and all parties in interest shall have the like notice and rights, and the Common Council shall perform like duties and have like powers in relation to any subsequent determination as are herein given in relation to the first; and the said Common Council shall have the power, at their discretion, to enlarge the time limited for the Commissioners to make their returns.

Relative to streets

Fifteenth. Where the whole of any lot or tract of land, or other premises under lease or other contract, shall be taken by virtue of this act, all covenants, contracts or engagements between landlord and tenant, or any other contracting parties touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged. When only part of a lot or tract of land, or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for or in respect to the

same, shall be so proportioned so that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for, in respect to the same.

Sixteenth. The damages assessed shall be paid or tendered or deposited as herein required, or secured to be paid to the satisfaction of the parties entitled thereto, within six months from the confirmation of such assessment and report, and the benefits so assessed shall become and remain a lien upon the premises so determined by the Commissioners to be benefited by the opening or widening of such street, alley or public ground.

Relative to
streets

Seventeenth. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under legal disability, the Judge of the District Court of Ramsey County, or in his absence, the Judge of any Court of Record in said county, may, upon application of the Common Council or such party or his next friend, appoint a guardian for such party, and all notices required by this act, shall be served upon such guardian.

Eighteenth. It case it shall appear that the assessment of benefits are inefficient in amount to discharge the amount of damages awarded and necessary expenses, the Common Council may, in their discretion, upon the recommendation in writing, filed with the City Clerk, of any two of the Aldermen of the ward wherein the proposed improvement lies, order the deficiency to be paid out of the fund of such ward, and thereupon may confirm the said report, but if in such case such recommendation shall not be made by such Aldermen, as aforesaid, the said report shall be ordered to be annulled, and all proceedings thereon shall be void, and in no case shall the amount of such assessment for benefits exceed the amount of damages awarded and the necessary expenses.

Nineteenth. The confirmation of such report shall be by resolution describing therein the proposed improvement, and specifying the amounts of damages and assessments of benefits, and to whom and by whom payable, in accordance with said report and the amount, if any, to be paid out of the ward fund; and after the same shall go into effect, it shall be published as in the case of ordinances of said City, and a transcript thereof, duly certified by the City Clerk, shall be filed in the office of the District Court of Ramsey County. Such assessments of benefits, upon confirmation aforesaid, shall be a lien upon the land so assessed, and shall bear interest at the rate of thirty per cent. per annum, ten days after the confirmation thereof.

Twentieth. Any person whose property is taken, or against whom an assessment is made may, by notice in writing to 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 of Ramsey County, within twenty days from the time

of publication of such confirmation appeal from the said assessment of damages or benefits, to the District Court aforesaid, where such appeal shall be tried by the Court and Jury as in ordinary cases, but no pleadings shall be required, and the party appealing shall specify in the notice of appeal the grounds of objection to such assessment, and the transcript filed as aforesaid shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just, and made in conformity to law. The judgment of said Court therein shall be final and conclusive.

Relative to streets

Twenty-first. In case the damages assessed should not be paid, or tendered, or deposited within the time herein before required, the Common Council may, by resolution passed by a vote of two-thirds, order the same or such part thereof as remains unpaid to be paid out of the general fund of the City, and charged against the fund of the proper Ward, and in such case the assessment of benefits shall be collected for the use of said City, so far as may be necessary to reimburse the same, and credited to the fund of the proper Ward.

Sec. 3. Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the Common Council shall cause an accurate survey and profile thereof to be made and filed in the office of the City Surveyor.

Surveys

Sec. 4. In all cases where the return of a Jury may have established the necessity of taking private property for the purpose of opening streets, previous to the passage of this act, the Common Council may cause the damages and benefits arising therefrom to be assessed as required by this act, and for such purpose Commissioners may be appointed, and do and perform all other acts in the same manner as if such proceedings had been originally instituted under this act.

Damages to be assessed

Sec. 5. The warrants for the collection of such assessments of benefits shall be issued in the same manner as in case of taxes, and the Common Council shall fix a time not less than three months from the time of the confirmation aforesaid, for the sale of the premises so assessed to satisfy such assessment, which time shall be specified in the warrant. The Treasurer shall enforce the payment of such assessments and make sale in the same manner and under the same regulations as in the case of taxes, but the notice of such sale shall be published for at least four weeks in the official paper of said City, and also a like notice shall be posted upon the premises and in a conspicuous place in the City Hall. Such notice shall specify the time and place of sale, a description of the property, and the names of the owners thereof, if known, and shall also state within what time the same may be redeemed. Said sale shall be conducted as tax sales of real estate, and the Treasurer shall deliver like certificates, and with the same effect to purchasers

Tax warrants - how they may be issued

as in case of tax sales, and in case such property shall not be bid in, at the amount of such assessment, and interest and charges, the same shall be bid in by the Treasurer, for the said City, and said City shall be vested with all the rights of any other purchaser.

Redemption
of land sold

Sec. 6. Any lot or tract of land so sold, or any portion thereof, may be redeemed within one year, from the day of sale, and at any time before the deed is executed by the owner or any person interested therein, paying to the Treasurer the amount for which the same was sold, together with the interest at the rate of thirty per cent. per annum, and the legal charges thereon after the time of redemption shall expire; the Treasurer shall execute a deed to the purchaser or his assigns as provided in tax sales herein.

Vacature
lands

Sec. 7. No public grounds, streets, alleys or highways within said City shall be vacated or discontinued by the Common Council, except upon the petition of a majority of the owners of property on the line of such public grounds, streets, alleys or highways, resident within the said City; such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways propose to be vacated, and shall be verified by the oath of at least two of the petitioners. The Common Council shall thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the City Clerk, who shall give notice by publication in the official paper of said City, for four weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the Common Council or a Committee appointed by them on a certain day and place therein specified, not less than ten days from the expiration of such publication.

The Common Council, or such Committee as may be appointed by them for the purpose at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of parties interested. The Common Council may thereupon, after hearing the same, or upon the report of such Committee, in favor of granting such petition, may by resolution, declare such public grounds, streets, alleys or highways, vacated, which said resolution, after the same shall go into effect, shall be published as in the case of ordinances, and thereupon a transcript of such resolution duly certified by the City Clerk, shall be filed with the Clerk of the District Court of the County of Ramsey.

Appeal

Sec. 8. Any person aggrieved thereby, may within twenty days after the publication thereof, appeal to the District Court of Ramsey County, under the same regulations, and with the same effect as appeals are heretofore allowed in the case of opening streets and alleys, and the judgment of the Court thereon shall be final.

CHAPTER VII.—CITY IMPROVEMENTS.

Sec. 1. The Common Council of said City, shall have power to order and contract for the making, grading, repairing and cleansing of streets, alleys, public grounds, reservoirs, gutters and sewers, within said City, and to direct and control the persons employed therein; and all such improvements shall be superintended by the Street Commissioner of the Ward wherein the work is to be done. Contract for certain works

Sec. 2. Whenever the Common Council shall deem it necessary to construct or repair any sidewalk within the City, they shall require the Street Commissioner of the proper Ward to notify the owner or occupant of any lot adjoining such sidewalk to make or repair the same at his own proper cost and charge, by publication in the official paper for ten days. If such work is not done in the manner and within the time proscribed, the Common Council shall order the same to be done at the expense of the lots adjoining such sidewalks, and the expense thereof, shall be assessed upon such lots so chargeable by the Street Commissioner of the proper Ward, and returned to the Common Council, and collected in the same manner and under the same regulations as assessments for Street Improvements, and shall bear a like rate of interest after confirmation. Repair of sidewalks

Sec. 3. The cost and expense of surveying streets, alleys, sidewalks, sewers, and estimating work thereon, and of repairing and cleansing streets and alleys, and of constructing and repairing reservoirs, and sewers, shall be chargeable to and payable out of the fund of the proper Ward. Graveling, grading, planking, macadamizing or paving streets and alleys, to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley, within the line of improvement so far as the work extends; and the whole expense thereof shall be assessed upon such lots in proportion to their fronts thereon. Sewers and drains communicating with main sewers or drains, may be built by order of the Common Council, through any street or alley for the purpose of draining the lots in the blocks fronting such street or alley, and in such case the expense thereof may be assessed upon the lots so drained and benefitted in such blocks, and being within the line of the improvement. Expenses borne by the wards
Provided, That in all cases where improvements or works of any kind are chargeable by virtue of this section upon lots benefitted, all such improvements across streets, alleys and public grounds, shall be made and paid for out of the funds of the proper Ward, in proportion to the width of the streets, alleys or public grounds.

Sec. 4. The Common Council shall, as early as practicable, adopt a general system of Sewerage for the city, the cost of which together with the expense of surveying and constructing same, shall be paid out of the general sewer fund of the city, System of sewerage

and for that purpose the Common Council are hereby authorized to levy and collect a general sewer tax, which shall be assessed on all real property within the city limits corresponding with the general assessment rolls of the city, and said sewer tax when collected, shall be set apart and no appropriation made therefrom except for the purposes as provided for in this section; and for the more effectual carrying out the provisions of this section, the Common Council may appoint one competent person as Commissioner of Sewers for the whole city, who shall be under their control and direction and whose powers and duties shall be defined by an ordinance of the city.

Exemptions
in certain cases

Sec. 5. No grading of streets or alleys to be done at the expense of lots fronting such improvements or sewers, the expense of which is to be charged to the lots drained or benefited, as before provided, shall be ordered by the Common Council, except upon the petition in writing of a majority of the owners of the property residing on the street, whose lots will be so chargeable with the expenses unless by a two-third vote of the Common Council; and whenever the Common Council shall determine upon a public improvement under this section, upon such petition or by a two-third vote, they shall pass a resolution to that effect, and shall require the Street Commissioner of the proper Ward, with the assistance of the City Surveyor, to examine the premises and report a grade (in the case of a street or alley,) and an estimate of the whole expense thereof, and the lots chargeable with the expense, and the owners names, if known, and the proportion of expense to be assessed each; and the Common Council may adopt, revise, correct or amend the same with instructions. Upon such report being adopted, an accurate survey and profile of such grade shall be prepared by the City Surveyor and filed in his office of record. The Common Council may thereupon order the said work to be placed under contract upon such terms and under such regulations as they may deem advisable.

Notice of
contracts

Sec. 6. When any work provided for in the preceding section shall be completed, and the contract performed to the satisfaction of the Street Commissioner of the proper Ward, and the City Surveyor, said Street Commissioner shall give notice by publication in the official newspaper of said city, for ten days, that the expense thereof, (in case of streets and alleys,) will be assessed upon the lots fronting such street or alley within the line of such improvement in proportion to their fronts thereon, and in case of sewers chargeable to the lots as hereinbefore provided, that the lots in the blocks fronting such improvement drained or benefitted thereby, (which lots shall be designated in the notice,) will be assessed in proportion to their size or area. Any owner of such lot or lots to be charged as aforesaid, feeling himself aggrieved by such assessments, may, before the expiration of the publication

of such notice, file a petition with the Street Commissioner, showing (in the case of streets and alleys,) that his lot or lots by reason of deep cutting or great filling will not be benefitted to the extent of the expense apportioned to such lot, or (in the case of sewers,) that his lot or lots will not be drained or benefitted by such sewer or drain, and that such assessments, in his case, would be unequal and unjust; which said petition shall be sworn to by the petitioner or some one having knowledge of the facts. The Street Commissioner shall thereupon require the Chief of Police to summon three disinterested freeholders of said city and non-residents of the Ward wherein such improvement is located, as Commissioners to attend at some convenient time and place, of which notice shall be given by publication in the official paper of said city, at least three days before the time appointed for such Commissioners to meet. At the time of meeting, such Commissioners shall be examined under oath touching their qualifications to act, and in case of disqualification or absence, the Street Commissioner shall require the Chief of Police forthwith to summon others to supply the vacancy. Said Commissioners shall be sworn faithfully and impartially to discharge the trust reposed in them, and shall view and examine the premises in question and shall have power to hear the parties and administer oaths and examine witnesses. It shall be their duty as early as practically and within ten days from the time they entered upon their duties, to report to the Street Commissioner their decision in writing accompanied by any testimony or proof, or the substance thereof taken before them, and shall, in each case, determine whether such assessment, (in case of grading streets and alleys,) would be unequal and unjust, and whether, and how much the same will exceed the benefits, and, (in case of sewers,) whether the lot or lots in question will be drained or benefitted by the sewer, and thereupon what abatement or exemption, if any, should be allowed.

Notice of contracts,

The Street Commissioner shall thereupon complete his assessments for such improvement, making the necessary abatements or exemptions in accordance with the report of the Commissioners; and in case of grading streets and alleys, the amount deducted for such abatements shall be made up and charged to the fund of the proper Ward, and in case of sewers, the amount deducted for such abatements shall be assessed upon the other lots chargeable with the expense aforesaid, in the manner before prescribed. Such assessment, when completed, shall be returned to the Common Council, and the said Common Council shall thereupon fix a time for confirmation of the same, of which notice shall be given in the official paper of the city. Upon the confirmation thereof, a warrant for the collection thereof shall issue to the Treasurer, and the same shall be levied and collected as other taxes and assessments.

Wharves and
piers

Sec. 7. The Common Council shall have power to regulate and cause to be constructed, altered and maintained, wharves and piers, or grading and paving along the banks of the Mississippi River, and shall have and exercise the same power and control over the said river within the limits of said city, that they may possess over streets, highways and alleys, so far as such power and control may not be inconsistent with the laws of the United States or of this State. The expense of constructing, altering and maintaining such wharves, piers, grading and paving, shall be paid out of the general fund of said city.

No error to
vitiate assess-
ments —

Sec. 8. No error or informality in the proceedings shall vitiate the assessments made by virtue of this Chapter, where the notices hereinbefore provided shall have been given and all assessments for work or expenses chargeable to lots hereinbefore provided, shall be payable from the time of the confirmation thereof by the Common Council, and shall bear interest ten days thereafter, at the rate of thirty per cent. per annum, and the Common Council shall fix a time for the sale of such premises for the unpaid assessments, not less than three months from the time of the confirmation thereof, to be specified in the warrant, or may order the same to be entered in the annual assessment roll, to be sold at the time of sales for taxes in said city. Sales for such unpaid assessments shall be conducted in the same manner and with the same effect, and under the same regulations as in case of sales for taxes in said city, and shall be subject to the like right of redemption upon payment of such assessment and interest, at the rate of thirty per cent. per annum and charges, except that the time of redemption in sales for assessments under this chapter, shall be limited to one year, and the notice of such sale shall specify the time of redemption.

Monies cred-
it'd to the ward
fund

Sec. 9. All amounts collected from assessments for improvements under this chapter, shall be credited to the fund of the proper Ward, and all contracts and claims for improvements chargeable to lots under this chapter, shall be audited and adjusted as other claims against the city, and paid and discharged as other claims against said city, and the amount thereof debited against the proper Ward. *Provided*, That during the progress of any work done under the provisions of this chapter, the Common Council shall have power to pay to the contractors thereof not exceeding seventy-five per cent. of the amount of such work, reported to the Council by the Street Commissioner and City Surveyor.

Bonds may
be issued

Sec. 10. The Common Council may, at any time, for the purpose of anticipating the collection of such assessments, and of meeting the demands against the city for such improvement, by a vote of two-thirds, issue the bonds of said city, in such form and amounts, and under such regulations as they may prescribe, for a time not exceeding two years, and bearing interest not exceeding twelve per cent. per an-

num, and the proceeds thereof shall be applied to the purposes aforesaid, and the collections from such assessments in anticipation whereof they were issued, shall stand appropriated and pledged for the payment of the principal and interest of the same; *Provided*, That the amount of such bonds on account of improvements in any Ward outstanding, shall not at any time exceed one per cent. of the assessed value of the property in such Ward, according to the last assessment.

CHAPTER VIII.—ASSESSING, LEVYING, AND COLLECTING TAXES.

SECTION 1. All property, real or personal, within the city, except such as may be exempt by the laws of this State, shall be subject to taxation for the support of the City government, and payment of its debts and liabilities; and the same shall be assessed in the manner hereinafter provided; Property subject to taxation the assessors elected under this act shall have and possess the same powers that are, or may be conferred upon township or county assessors, except so far as they may be altered by this act. The Common Council may prescribe the form of assessment rolls, and may fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable.

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

For the purpose of facilitating the assessments of personal property, each assessor shall be furnished by the City Clerk with suitable blanks or list, specifying the different kinds of

personal property subject to taxation in such form and under such regulations as the Common Council may prescribe; and such blanks or list shall be left by the assessor with each owner of personal property subject to taxation, who shall fill up the blanks with the amount and value of such property, and shall be required to make oath thereto, under such regulations as the Common Council may prescribe; such list shall be returned to the assessor within ten days, and unless so returned the assessor shall make assessment of such personal property; and no objection to an assessment shall be heard by the assessors until the foregoing provisions is complied with.

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

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

Assessment rolls to be returned to the City Clerk **Sec. 5.** When the assessment roll shall have been revised and corrected, the same shall be filed with the City Clerk, and an order confirming the same shall be entered in the proceedings of the Common Council. Thereupon the Common Council shall, by resolution, levy such sum or sums of money as may be sufficient for the purposes for which taxes are herein authorized to be levied, but not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied, and if not for general city purposes, the Ward upon which the same are levied.

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

Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes on personal property.

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

Taxes to be copied

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

Tax list to be compared by the City Clerk

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

Treasurer required to give notice upon receiving the tax list

Sec. 10. On the expiration of the twenty days mentioned in the preceding Section, the Treasurer shall proceed to enforce the collection of the personal taxes in the manner specified in Chapter twelve of the Revised Statutes; and if any such personal taxes shall not be paid or collected in consequence of the neglect or delay of the Treasurer, the Common Council may sue and recover the amount thereof from the said Treasurer and his sureties. In case the taxes on

Treasurer to enforce the collection of personal taxes

personal property shall not be paid within the time limited in the Ninth Section of this Chapter, the Treasurer may issue his warrant, directed to the Chief of Police, requiring and commanding him, within a certain time in such warrant to be specified, to proceed and collect such taxes on personal property as shall then remain unpaid. And the Chief of Police receiving such warrant shall be subject to all the liabilities, and shall have the power of levying, distraining and selling that are herein given to the Treasurer, and shall be entitled to the fees for collecting which the Treasurer would have been had the tax been collected by him; *Provided*, That the proceedings may be stopped at any time on payment of the taxes or assessments, with costs incurred.

Lands to be
sold at public
auction

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

Amount to be
charged for re-
fusal to pay
taxes

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

Providing for
redemption of
lands sold

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

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

Treasurer to convey lands to purchasers

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

Assignees of tax certificate to receive a Deed

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

City to receive certain lands

Sec. 17. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding years, and that the same was then liable to taxation, they shall in addition to the assessment for that year assess upon the lot or tract so omitted, for such years or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred; and such assessment shall have the same force and effect as it would have had, if made the year when the same was omitted; and the Common Council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with, had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year; all lands shall be subject to taxes that may have been omitted, in whosever's hands they may have come; should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in the levying, selling and conveying the same, but not affecting the equity or justice of the tax itself, the Common Council shall cause the tax or assessment so set aside or declared void, to be re-levied in such a manner as they shall by resolution direct: *Provided*, That if the defect was in the assessment, the same shall be again assessed at such time as the Common Council may direct; and the said tax or assessment so re-assessed or relieved, shall be and continue a lien upon said lot or tract, and shall be collected as other taxes and assessments are collected under this Act.

Assessors to assess taxes previously omitted

Deeds to be evidence of the validity of taxes

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

No error to vitiate taxes

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

The Treasurer to receive money tendered him for tax

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

Liens to be recorded on the tax list

SEC. 21. In all cases where by the provisions of this Act any charge or assessment is made a lien upon the land, the amount of such charge or assessment shall be carried out on the tax list in a separate column or columns, opposite the lot or tract upon which the same may be a lien, and the Treasurer may collect and sell, and do all other acts in regard thereto, in the same manner as if the amount of such lien was a general tax.

Fees of the Treasurer

SEC. 22. The Treasurer in addition to such sum as the Common Council may allow him, shall be entitled to the following fees, to wit: Two per cent. on all sums collected on personal tax, the same to be added to the amount of the personal tax of each person taxed; and in case of a distress and sale by him of goods and chattels for the payment of any tax, he shall be entitled to such fees as are allowed Sheriffs' on sales of goods under execution. For each certificate by him issued on sale of lands for payment of taxes or assessments, ten cents; to be added to the amount of such tax or assessment, and included in such certificate. For each lot redeemed, for which he shall issue a certificate, twenty-five cents; five cents for each additional lot embraced in such certificate, to be paid by the person redeeming for each tax Deed executed by him, one dollar; and five cents for each additional lot or tract of land embraced in the same Deed, to be paid by the person receiving the same.

Sale for tax

SEC. 23. Whenever any person shall bid off any lot offered for sale for taxes, which may have been bid off in the name of the city for taxes of any previous year, and, at the time of

such subsequent sale, remains the property of the city, such person shall, before being entitled to his certificate of such sale, purchase of the city its certificate, by paying the amount of principal, interest and charges thereon, and receive from the Treasurer an assignment thereof.

SEC. 24. When there shall be a sale by the County Treasurer, and by the City Treasurer, of any piece or parcel of land for taxes, in the same year, the purchaser of such piece or parcel who may be first in point of time may redeem the same from the subsequent purchaser; and in case he shall not redeem, the right of the last purchaser shall be held paramount in case of the execution of any tax deed therefor. If the first purchaser in point of time shall so redeem, it shall be the duty of the proper officer to make an entry in the sale-book of the character in which such person may redeem, and the person so redeeming shall be substituted to all the rights of the holder of the certificate so redeemed as aforesaid.

Redemption
of lands sold
for taxes

SEC. 25. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside any deed executed in consequence of the non-payment of such taxes, and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the Treasurer the amount of all State, County and City taxes that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

No person al-
lowed to insti-
tute suit &c

COUNTY AND STATE TAXES.

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

Duty of the
city clerk

SEC. 27. The Board of County Commissioners shall have the right of equalizing the assessment rolls of the towns in said county and of said city, as provided by law, but, in such equalization, shall consider the assessment roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Equalize as-
essment

SEC. 28. The said Board of County Commissioners may levy a tax as now provided by law, but shall therein proceed without regard to the division of the city into wards, and shall cause the amount of taxes to be levied, and the purposes to be certified to by their clerk, in the manner provided by the general laws of this State; and the said clerk shall make out a tax list for that purpose, and deliver the same to the City Treasurer as provided by law.

Levy a tax

SEC. 29. The Treasurer of the city, in giving bonds and

Conform to
general laws

making his returns to the County Treasurer, shall conform to the general laws of the State, and in conformity with the laws regulating the return of Sheriffs for unpaid taxes, and under a like penalty, except that the returns of the County Treasurer shall be for the city and not for the wards.

Reduction of
taxes

SEC. 30. All tax levied by the Common Council and the Board of Commissioners of Ramsey County under the provisions of this chapter shall, if paid within thirty days from the receipt of the tax list by the City Treasurer, be reduced ten per cent. and, if not paid before the last day of December following, five per cent. shall be added thereto and collected with the amount of such tax, and interest after the time of sale, as before provided, at the rate of twenty-five per cent. shall be chargeable on the amount of such tax, including the five per cent. added thereto as aforesaid.

CHAPTER IX.—FIRE DEPARTMENT.

For the pre-
vention of fires

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

Powers of
the council

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

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

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

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

To regulate and prevent the use of fireworks and firearms;

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

To authorize the Mayor, Aldermen, Fire-Wardens, and other officers of the city, to keep away from the vicinity of any fire all idle and suspected persons; and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to dangers thereat; and generally to establish such regulations for the prevention and

extinguishment of fires as the Common Council may deem expedient.

SEC. 3. The Common Council shall have power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook-and-ladder and hose companies, and to provide for the due and proper support and regulation of the same; and to order such companies to be disbanded, and their meeting to be prohibited, and their apparatus to be given up. Each company shall not exceed one hundred able-bodied men, between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistent with the laws of this State or the ordinances of said city, and shall be formed only by voluntary enlistments. Every member of each company hereby authorized to be formed shall be exempt from highway work and poll-tax, from serving on juries, and from military duty, during the continuance of such membership; and any person having served for the term of five years in either of said companies shall be forever thereafter exempt from serving on juries, from poll tax, and from military duty except in cases of insurrection and invasion.

Purchase fire apparatus

SEC. 4. There shall be a meeting of the members of said Companies on the third Monday of November in each year, at such places as may be designated by the Chief Engineer, when they may nominate and recommend to the Common Council for appointment one Chief Engineer and two Assistant Engineers, and the Common Council shall thereupon confirm said nominations; and the persons so appointed shall perform such duties as the Common Council shall prescribe.

Meeting of fire companies

SEC. 5. At the same time, the members of said Companies shall nominate and the Common Council shall appoint the same three Fire Wardens, who shall perform such duties as the Common Council prescribe; and they may at any time enter into or upon any house, barn, or other building or enclosure, for the purpose of inspecting the same.

Fire wardens

SEC. 6. The net proceeds of all fines and penalties recovered for the breach of any ordinance, by-law, or regulation made in pursuance of this chapter, shall be paid to the fire department.

Fines paid to fire departm't

SEC. 7. Whenever any person shall refuse to obey any lawful order of any Engineer, Fire Warden, Mayor or Alderman, at any fire, it shall be lawful for the officers giving such order to arrest, or to direct orally any constable, police officer, watchman or any citizen to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner, such officers or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing shall be liable to such penalty as the Common Council may prescribe, not exceeding fifty dollars.

Punishment for disobeying orders

CHAPTER X.—MISCELLANEOUS PROVISIONS.

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

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

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

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

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

Imposition of fines and penalties Sec. 6. In all cases of the imposition of fine or penalty, or of the rendering of a judgment by the City Justice of said City, pursuant to any statute of the State of Minnesota, or pursuant to any ordinance or by-law of the City of Saint Paul, as a punishment for any offence, or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the City Prison of said City, or if there be no such prison, to the common jail of Ramsey County; and be there imprisoned for a term not exceeding six months, in the discretion of the City Justice, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any offence whatever, until the time of the trial, the person or persons so arrested may be imprisoned in the said City Prison, or in case there be no such prison, in the common jail of the County of Ramsey.

SEC. 7. No person shall be an incompetent Judge, Justice, Witness or Juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest. Relative to witnesses

SEC. 8. All ordinances, regulations or resolutions now in force in the City of Saint Paul, and not inconsistent with this Act, shall remain in force under this Act, until altered, modified or repealed by the Common Council after this Act shall take effect. Relative to ordinances

SEC. 9. All actions, rights, fines, penalties and forfeitures in suit or otherwise, which have accumulated under the several Acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created, and all fines, penalties, judgments and moneys, (except officers' fees) that may be imposed, levied or collected by the City Justice, or that may be collected by any other officer of said city, and all that have heretofore been levied, imposed or collected by any of the city officers, for any violation of any by-law or ordinance of said city, or of any of the laws of the State of Minnesota, shall be vested in and be the sole and exclusive property of the said city. Rights vested in the city

SEC. 10. If any election by the people or Common Council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the Common Council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending, or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the Common Council, and if any of the duties enjoined by this Act, or the ordinances or by-laws of the city, to be done by any officer at any specified time and the same are not so done or performed, the Common Council may appoint another time at which the said acts may be done and performed. Relating to elections

SEC. 11. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process, by the proper officer, with the Mayor, and it shall be the duty of the Mayor forthwith to inform the Common Council thereof, or to take such other proceedings as by the ordinances or resolutions of said Council may be in such case provided. Relative to suits against the city

SEC. 12. The following property now or at any time hereafter, belonging to said city or either of the Wards thereof, shall be exempt from levy and sale under or by virtue of any execution: Engine-houses, hook and ladder houses, together with the grounds and lots on which they are situated, and all fire-engines, carriages, hooks, ladders, buckets, hose or any other fire apparatus used by any company created or authorized by the Common Council of said city; market-houses, and the furniture thereof, City Hall and furniture of Common Council and office-rooms; *Provided*, That nothing herein contained shall exempt any of the aforesaid real or Property exempt from taxation

personal property from levy and sale by virtue of any execution issued on judgments rendered in favor of any person or persons who may have furnished or sold any such fire apparatus to, or on the credit of said city. Nor shall any real or personal property of any inhabitants of said city, or of any individual or corporation be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Grade of streets

SEC. 13. The Common Council shall cause to be established, under the direction of the City Surveyor, the grade of all streets, side-walks and alleys in said city, and shall cause accurate profiles thereof to be made, one of which shall be recorded in the office of Register of Deeds of Ramsey county; and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade.

Personal estate

SEC. 14. The said city may lease, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and and the same shall be free from taxation.

Special taxes

SEC. 15. Real estate exempted from taxation by the laws of the State, shall be subject to special taxes as other real estate under this Act.

State laws

SEC. 16. No law of this State contravening the provisions of this Act shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth in such law.

The city not liable for jail fees

SEC. 17. The City of Saint Paul shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the city or any magistrate, to the Jail of Ramsey county, for any offense punishable under the State laws.

Council to constitute any Ward a Road District

SEC. 18. The Common Council may constitute any Ward a Road District, and require the Street Commissioners of the proper Ward to collect the poll tax; such Street Commissioner shall have all the powers of Road Supervisors, as provided in the Revised Statutes of this State, and shall report to the Common Council when required; *Provided, however,* The Street Commissioner shall receive his compensation out of the moneys collected on such poll tax; and that in no case shall any moneys be drawn either from the Ward or City funds for the compensation of Road Masters, or for any work performed by them or under their supervision.

What shall affect a tax lien

SEC. 19. No sale under execution or other proceedings upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall direct or affect the lien of any assessment for any tax, or for any improvements, works or benefits chargeable to or assessed against property under this Act, although the confirmation of such assessment may be subse-

quent to the lien of such judgment, decree or other lien, or to such transfer or mortgage.

Sec. 20. In addition to the remedies herein provided for the collection of taxes and assessments, suit may be instituted by the said city, in the District Court in and for Ramsey county, or before any Justice of the Peace residing in said city, to recover any tax or assessment for work or improvements or benefits chargeable to lots under this Act against the parties liable therefor, or owners of such property so taxed or assessed, in the same manner as other suits are instituted under the laws of this State; and in case the parties defendant cannot be found within the county of Ramsey, publication in the official newspaper of said city of the summons for six weeks once a week, shall be deemed and be equivalent to actual service; and it shall be sufficient to state as the cause of action in the complaint, that the city of Saint Paul, by virtue of its corporate powers, on a certain day made and confirmed, a certain assessment on certain property of the defendant or defendants, specifying the amount, the property assessed, and the nature and purpose of the assessment; and a transcript of such assessment for taxes, improvements or benefits, duly certified by the City Clerk, shall be *prima facie* evidence of the facts therein set forth, and that such assessment was regular and legally and duly made, and a judgment thereon entered shall bear interest at the rate of thirty per cent. per annum.

Additional remedies for the collection of taxes

Sec. 21. Nothing in this Act shall impair the validity, force or effect of any certificate which may have been issued heretofore by the Aldermen of said city as Street Commissioners to Contractors, and all remedies heretofore in force for the collection of such certificates by entering them on the assessment roll, suit or otherwise, shall continue in force for that purpose; and where any contracts heretofore entered into by the Aldermen of said City as Street Commissioners, providing for the issuance of such certificates has not yet been completed, certificates in such case may be issued by the Aldermen of the proper Ward, with the same effect and under the same regulations as heretofore.

Certificate used by aldermen

The Common Council shall have power to direct orders to be drawn on the City Treasurer for the amount of all or any portion of such certificates outstanding, or which may be hereafter issued, as provided in this section, upon such certificates being delivered up by the holders thereof, for the use of said City, and in such case the said City shall possess, and be vested with the same rights therein, and be entitled to the same remedies for the collection thereof, as the holders of the same; orders drawn for the purposes aforesaid, shall be charged to the fund of the proper Ward, and such certificates when collected, shall be credited to such Ward fund.

Sec. 22. Nothing in this act shall be construed to supersede any officer or officers of said city, now acting by virtue

Officers to continue in office of the act incorporating said City or acts amendatory thereto heretofore passed, such officer or officers shall continue in office as heretofore, until his or their term of office shall expire.

Publications SEC. 23. The Common Council shall cause all publications made by authority of the City, to be inserted in the first columns of the third page of the newspaper doing the City printing.

More Wards may be created SEC. 24. The Common Council shall have power to divide the said city into more Wards, and to define the boundaries thereof, by an ordinance prepared for the purpose: *Provided*, The same shall be passed, by a vote of a majority of all the Aldermen elect: *Provided further*, That no division of the said city into Wards shall be made before the next election for municipal purposes, and the Aldermen elected thereat shall have qualified and taken their seats.

Relating to former acts SEC. 25. All Acts or parts of Acts heretofore passed, for the incorporation of the City of Saint Paul, and amendatory thereto, not necessary to carry out any provisions of this Act, nor contained in, or incorporated herein, and all Acts inconsistent with this Act are hereby repealed: *Provided*, That nothing herein contained shall affect or impair the force of an Act, entitled "an Act to authorize the Common Council of the City of Saint Paul to issue bonds for certain purposes, passed March 1, 1856; or an Act entitled an Act to authorize the Common Council of the City of Saint Paul, to issue bonds for the construction and completion of the Robert Street Sewer, Approved January 18, 1858," or an Act, entitled "an Act to authorize the City of Saint Paul to loan its bonds to the Saint Paul Bridge Company."

Deemed public act SEC. 26. This Act shall be deemed a public Act and take effect from and after its passage; and that no more than six days notice shall be required of the first election, to be held under this Act, any thing contained in the same to the contrary notwithstanding.

GEORGE BRADLEY,
Speaker of the H. of R.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, }
March 9, 1858. }

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

CHAS. L. CHASE, Secretary.