

with the amount assessed on each item of property as found on the assessment roll, duly corrected on the books of the county for the same year, which duplicate shall be certified by the President and Recorder, and one copy thereof shall be placed in the hands of the Marshal, whose duty it shall be to collect said tax in the same manner and under the same regulations as other county or town taxes are collected, and the collector shall pay over said taxes immediately after collecting the same, to the Treasurer of said corporation, taking his receipt therefor, and the said Marshal shall have the same power to sell property, both real and personal, for the non-payment of the corporation taxes as is given to the Town or County Collectors under the laws of the State.

Tax duplicate
and collection
of taxes

SEC. 13. The officers elected at the annual election, shall qualify and enter upon the discharge of their duties on the first Monday of each and every year, and shall continue in office until their successors are elected and qualified.

Tenure of office

SEC. 14. This Act may be amended or repealed at any future Legislature, by request, through petition of a majority of the qualified electors of said town.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July fifteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
July 15, 1858. }

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

FRANCIS BAASEN, Secretary of State.

CHAPTER CXVI.

An Act to incorporate the City of Anoka.

- CHAPTER 1. Boundaries of City.
2. Of the City Government.
3. Of the Chief Executive Officers.
4. Of the City Elections.
5. Of the Legislative powers of the Council.
6. Of the duties and powers of the Mayor.
7. Of the authority of the City Justice.
8. Of proceedings in the opening and grading of streets.
9. Of Miscellaneous provisions.

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

CHAPTER I.

BOUNDARIES.

SECTION 1. All the District or country in the county of

Boundaries
and corporate
powers

Anoka contained within the limits and boundaries hereinafter described, shall be a city by the name of Anoka; and the people now inhabiting, and those who shall hereafter inhabit within the District of country herein described, shall be a municipal corporation by the name of the City of Anoka, and shall have the general powers possessed by municipal corporations at the common law, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in all Courts of law and equity; and shall have a common seal, and may change and alter the same at pleasure.

Sec. 2. The limits of said city shall be all that district of country on the east side of the Mississippi River, commencing at a point where the section line between sections seventeen (17), and eighteen (18), township thirty-one (31), north range twenty-four (24) west, intersects the Mississippi River on the east side; thence running due north along on said line to the township line between towns thirty-one (31) and thirty-two (32), north range twenty-four (24), west; thence running west on said line to the Mississippi River; thence along down the channel of said river to the point of beginning. The said city of Anoka shall be divided into two wards, as follows: All of said city lying on the east side of Rum River, to be the First Ward, and all lying west of Rum River to be the Second Ward.

CHAPTER II.

GOVERNMENT OF THE CITY.

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

The govern-
ment of the city

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

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

Sec. 4. At the first meeting of the City Council, the Aldermen in each ward shall be divided by lot in two classes. The seats of those of the first shall be vacated at the first annual election, and of the second class at the second annual election. So that one-half of the said Board shall be elected annually.

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

Sec. 6. A majority of the City Council shall constitute a quorum to do business, but a smaller number may adjourn

from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

The govern-
ment of the
city

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

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

Sec. 9. No Alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been elected.

Sec. 10. The Mayor and each Alderman, before entering upon the duties of their office, shall take and subscribe an oath that they will support the Constitution of the United States and the Constitution of the State of Minnesota, and that they will well and truly perform the duties of their office to the best of their abilities.

Sec. 11. Whenever there shall be a tie in an election there shall be a new election ordered in such manner as shall be provided for by ordinance.

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

CHAPTER III.

OF THE CHIEF EXECUTIVE OFFICERS.

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

The mayor—
eligibility

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

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

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

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

CHAPTER IV.

OF ELECTIONS.

SECTION. 1. On the first Monday of September next, an election shall be held in said city for Mayor, six Aldermen and

City election one Justice of the Peace, and thereafter on the first Monday of April, in each year, there shall be an election for one Mayor, three Aldermen, and one Justice of the Peace. The first election for Mayor and Aldermen shall be held by the qualified voters residing within the limits of the city of Anoka, as described in Chapters first and second of this Act. Each ward in said city shall constitute an election precinct, and it shall be the duty of the Judge of Probate of Anoka county to appoint to each ward in said city of Anoka, three Judges of Election, whose duties shall be the same as prescribed by law, and it shall be the duty of the Register of Deeds for said county to cause notice of the time and place of holding the first election to be held under this charter, the same as prescribed by law, for precincts at regular elections, and the returns shall be made to the Register of Deeds, and he shall canvass the same and issue certificates of election to persons having the highest number of votes; *Provided*, That in all subsequent elections for choice for city officers, the election shall be held in such manner as shall be prescribed by ordinance.

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

CHAPTER V.

OF THE LEGISLATIVE POWERS OF THE COUNCIL.

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

Appointment of city officers SEC. 2. The City Council shall have power to appoint a Clerk, Treasurer, Assessor, Marshal, Supervisor of streets, and such other officers as may be necessary.

Bonds and oath of office SEC. 3. The City Council shall have power to require of all officers appointed in pursuance of this charter, such bonds with penalties and security, for the faithful performance of their respective duties as may be deemed expedient, and also to require all officers appointed, as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the duties of the same. To establish, regulate and support common schools, to borrow money on the credit of the city; *Provided*, That no sum or sums of money shall be borrowed at a greater interest than ten per cent. per annum, nor shall the

interest on the aggregate on all sums outstanding, ever exceed one-half of the city revenue, arising from taxes assessed on real property within the limits of the city corporation.

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

General powers of the council

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

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

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

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

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

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

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

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

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

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

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

Sec. 16. To improve and preserve the landing on the Mississippi River within the limits of the city.

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

Sec. 18. To regulate and tax merchants, retailers, taverns, groceries, ordinaries, bankers, pedlers, brokers, pawn-brokers and money-changers.

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

Sec. 20. To license and regulate porters, and fix the rate of portorage.

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

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

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

General powers of the council

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

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

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

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

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

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

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

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

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

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

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

SEC. 35. To regulate the Police of the city, impose fines, forfeitures and penalties for the breach of any ordinance; and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

SEC. 36. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this Act, of any ordinance; *Provided*, That no city officer created under the provisions of this Act, shall be entitled to, or receive any compensation whatever for services until two years after the adoption of this Charter, by the legal voters within the boundaries prescribed in Section two of Chapter one of this Act.

SEC. 37. The City Council shall have power to make all ordinances, which shall be necessary and proper for carrying into execution the powers specified in this Act, so that such ordinance be not repugnant to, nor inconsistent with the Constitution of the United States and the Constitution of this State.

SEC. 38. The style of the ordinances of the city shall be: "Be it ordained by the Council of the city of Anoka."

SEC. 39. All ordinances passed by the City Council shall, within one month after they shall have been passed, be published in some newspaper published in the city, or by notice posted in three public places in the city, and shall not be in force until they shall be published as aforesaid.

Sec. 40. All ordinances of the city may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the corporation, the same shall be received in evidence in all Courts or places without further proof.

CHAPTER VI.

OF THE MAYOR.

Sec. 1. The Mayor shall preside at all meetings of the City Council and shall have a casting vote and no other, in case of non-attendance of the Mayor at any meeting, the Board of Aldermen shall appoint one of their own members Chairman, who shall preside at that meeting. Powers and duties of the Mayor

Sec. 2. The Mayor or any two Aldermen may call special meetings of the City Council.

Sec. 3. The Mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city. He shall inspect the conduct of all subordinate officers of said city, and cause negligent and persistent violations of duty to be prosecuted and punished. He shall from time to time communicate to the Aldermen such information, and recommend all such measures as, in his opinion, may tend to the improvement of the finances, the police, the health, the security, the comfort and ornaments of the city.

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

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

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

Sec. 7. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

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

Sec. 9. In case the Mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct, or partiality in the discharge of the duties of his office, he shall be liable to be

indicted in the District Court for Anoka County, and on conviction, he shall be fined not more than five hundred dollars, and the Court shall have power (on the recommendation of the jury,) to add to the judgment of the Court, that he be removed from office.

CHAPTER VII.

OF CITY JUSTICE OF THE PEACE.

Powers and duties of the city Justice

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

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

CHAPTER VIII.

PROCEEDINGS IN SPECIAL CASES.

SEC. 1. When it shall be necessary to take private property for opening, widening, or altering any public street, lane,

avenue or alley, the corporation shall make just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed on, the Mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city, to be selected as jurors in Ju dices' Courts.

Opening of streets &c.—assessment of damages and benefits how made

SEC. 2. When owners of two-thirds of the property on a street, lane, avenue or alley, proposed to be opened, widened or altered, shall petition therefor, the City Council may open, widen or alter such street, lane, avenue or alley, upon condition to be prescribed by ordinances, but no compensation shall, in such case, be made to those whose property shall be taken for the opening, widening, or altering such street, lane, avenue or alley, nor shall there be any assessments or benefits or damages, that may accrue thereby to any of the petitioners.

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

SEC. 4. In ascertaining the amount of compensation for property taken for opening, widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley.

CHAPTER IX.

MISCELLANEOUS PROVISIONS.

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

Labor upon the public streets—who are subject to

SEC. 2 The City Council shall have power by ordinance, to levy and collect a special tax on the holders of the lots on any street, lane, avenue or alley, or part of any street, lane, avenue or alley, according to their respective fronts, for the purpose of paving and grading the side walks, and lighting such street, lane, avenue or alley.

Special tax for paving and grading sidewalks

SEC. 3. The City Council shall cause to be published annually, on the first Monday in January, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

Receipts and expenditures

- Suits how brought** **SEC. 4.** All suits, actions and prosecutions instituted, connected or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of Anoka.
- Appeals how made** **SEC. 5.** Appeals shall be allowed from decisions in all cases arising under the provisions of this Act, or any ordinance passed in pursuance thereof, to the District Court of Anoka county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by Justices of the Peace to the District Court under the law of this State.
- Absence of Mayor** **SEC. 6.** Whenever the Mayor shall absent himself from the city, or shall resign or die, or his office shall be otherwise vacated, the Board of Aldermen shall immediately proceed to elect one of their number President, who shall be Mayor *pro tem*.
- Declared a public act** **SEC. 7.** This Act is hereby declared to be a public act, and may be read in evidence in all Courts of law and equity in this State, without proof.
- City Marshal jurisdiction of** **SEC. 8.** The City Marshal or any other officer authorized to execute writs, or other process issued by the City Justice of the Peace, shall have power to execute the same within the limits of Anoka and Hennepin counties, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases.
- Submission of this charter to the people** **SEC. 9.** On the fourth Monday of August, the legal voters within the boundaries prescribed in Section 2, of Chapter 1, of this Act, shall meet at the Third Avenue School House, in Anoka, and those voters in favor of the adoption of this City Charter, shall deposit in a box to be prepared by the Judges of Election, ballots, written or printed thereon, as follows: "For City Charter—Yes!" Those opposed shall deposit ballots, "For City Charter—No!" The aforesaid Judges of Election prescribed in this Section, shall be appointed by the Register of Deeds of Anoka county, and the said Judges of Election shall canvass the votes so given as above described, and make due returns thereof to the Register of Deeds of said county of Anoka, who shall make proclamation of the result by posting the same in three public places within four days after the election before mentioned in this Section. If it shall appear that this City Charter shall be adopted by a majority of the voters present and voting, this Act shall take immediate effect; but if the said Charter shall be rejected, then this Act shall be null and void.
- SEC. 10.** The Legislature may alter, amend or repeal this Act at any time.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-ninth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
July 29, 1858. }

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

FRANCIS BAASEN, Secretary of State.

CHAPTER CXVII.

An Act to Incorporate the Town of Cleveland.

- SECTION 1. Boundaries of the Town.
2. First election for Trustees and Justices of the Peace.
 3. Manner of conducting the election.
 4. Powers of the Town Council.
 5. Receipts and expenditures to be posted annually.
 6. Improvement of streets, how made.
 7. Corporation tax, power to levy.
 8. Collection of taxes, how made.
 9. Justice of the Peace, his powers.
 10. Authorized to use county Jail.
 11. Delivery of books to successors.
 12. Marshal, his duties.
 13. Restriction against borrowing money.
 14. Act takes effect on passage.

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

SECTION 1. That so much Territory as is contained in the east one-half of the north-west quarter of section twenty-one, and the north-east quarter of section twenty-one, and the north-west quarter of section twenty-two, in township one hundred and ten, north of range twenty-five west, is hereby constituted and incorporated, and is hereby made a municipal corporation by the name of Cleveland, and the inhabitants occupying the above described country or lands, shall have and possess power by, in and under said corporate name to acquire property real and personal, or mixed, for the use of said town, and may sell and convey the same at pleasure, may sue and be sued, defend and be defended, in all manner of actions in all Courts of law or equity.

SEC. 2. The inhabitants of said town qualified to vote in State elections, shall meet on the first Wednesday of August, A. D. 1858, at ten o'clock in the forenoon, at the school house in said town, and at the same time annually afterwards, at