

CHAPTER III.

An Act to incorporate the City of West Saint Paul.

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

CHAPTER I.—BOUNDARIES.

Incorporations SEC. 1. All the district of country in the county of Dakota, contained within the limits and boundaries hereinafter described shall be a city by the name of West Saint Paul, and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the City of West Saint Paul, and shall have the general powers possessed by municipal corporations at the common law, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity; and have a common seal and may change and alter the same at pleasure.

Boundaries SEC. 2. The limits of said city shall be all that district of country on the west side of the Mississippi river, commencing at a point where the section line between section sixteen (16), and section nine (9), town twenty-eight (28), range twenty-two (22), intersect the Mississippi river on the west side, thence running due west along said line, until said line intersects the Mississippi river, thence along down the channel of said river to point of beginning.

The said city of West Saint Paul shall be divided into two wards as follows: All of said city lying east of A street to be the first ward, and all lying west of A street to be the second ward, and that A street shall be continued as near as practicable a south course to intersect the southern boundaries of said city.

CHAPTER II.—GOVERNMENT OF THE CITY.

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

Sec. 2. The Board of Aldermen shall consist of three members from each ward, to be chosen for one year by the qualified voters of each respective ward, and until their successors shall have been elected and qualified.

Aldermen

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, and an elector of the State of Minnesota.

Qualifications

Sec. 4. The City Council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections.

Sec. 5. 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.

Quorum

Sec. 6. The City Council shall have power to determine the rule of its proceedings and punish its members for disorderly conduct.

Sec. 7. 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.

Record

Sec. 8. 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.

Disabilities

Sec. 9. 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.

Oath

Sec. 10. 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.

Tie in election

Sec. 11. There shall be twelve stated meetings of the City Council each year, at such times and places as may be prescribed by ordinance.

Meetings

CHAPTER III.—OF THE CHIEF EXECUTIVE OFFICERS.

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

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

Mayor

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 Mayor, it shall be filled by election.

CHAPTER IV.—OF ELECTIONS.

First election
Voters

SEC. 1. On the first Monday of April next, an election shall be held in said city, for one Mayor, six Aldermen, and one Justice of the Peace, and thereafter on the first Monday of April in each year, there shall be an election for one Mayor and six Aldermen. The first election for Mayor and Aldermen, shall be held by the qualified voters residing within the limits of the city of West Saint Paul, as described in Chapter first and Section second of this Act; each ward in said city shall constitute an election precinct, and it shall be the duty of the Commissioners of Dakota county to appoint to each ward in said city of West Saint Paul, three Judges of Election, whose duties shall be the same as prescribed by law, and it shall be the duty of the Clerk of the Board of County Commissioners for said county, to cause notice of the time and place of holding the first 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 said Clerk of the Board of County Commissioners, and he shall canvass the same and issue certificates of election to persons having the highest number of votes: *Provide*, That in all subsequent elections for choice of city officers, the election shall be held in such manner as shall be prescribed by ordinance.

Voters

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 actually been residents of said city six months next preceding said election, shall be entitled to vote for city officers.

CHAPTER V.—OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Power to col-
lect tax

SEC. 1. The City Council shall have power and authority to levy and collect taxes on all property, real and personal, within the city limits, not exceeding one per cent. per annum, upon the assessed value thereof, according to the actual valuation of the land, 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.

Appoint clerk
&c

SEC. 2. The City Council shall have power to appoint a Clerk and Supervisor.

Election

SEC. 3. A Treasurer, Assessor and Marshal, shall be elected by the people annually, and at the same time and in the same manner as the members of the City Council.

SEC. 4. The City Council shall have the power to require of all officers appointed in pursuance of this charter, such bond, 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, and shall have power to levy a tax not exceeding one half of one per cent. on the assessed value of the property, for building school houses; but shall have no power to levy any other tax than is specified in this act, and shall have no power to borrow money or contract debts

Council shall have power to require bonds sureties &c

SEC. 5. To appropriate money and provide for the payment of the expenses of the city.

SEC. 6. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose and enforce the same.

SEC. 7. To establish hospitals and to make regulations for the government of the same.

SEC. 8. To make regulations to secure the general health of the inhabitants, and to prevent nuisances and to remove the same.

SEC. 9. To open, alter, abolish, widen, extend, establish, grade, repair, or otherwise improve and keep in repair, streets, avenues, lanes and alleys.

SEC. 10. To establish, erect and keep in repair bridges.

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

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

Powers of council

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 inclosing, 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.

SEC. 18. To regulate, tax and license venders of ardent spirits, taverns, and pedlers.

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

SEC. 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.

Powers of
council

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

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

Sec. 24. To regulate and prohibit wooden buildings.

Sec. 25. To regulate the fixing of chimneys, stove-pipes and the fines 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 standing 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, firewood and other fuel to be sold and used in the city.

Sec. 31. To regulate the inspection of butter, lard and other provisions.

Sec. 32. To provide for taking the enumerations of the inhabitants of the city.

Powers of
council

Sec. 33. To regulate the election of city officers, and provide by ordinance for removing from office any person holding an office created by ordinance.

Sec. 34. To regulate the police of the city, to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

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

Sec. 36. 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. 37. The style of the ordinances of the city shall be, Be it ordained by the Council of the City of West Saint Paul,

Sec. 38. All ordinances passed by the City Council shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall be published as aforesaid for two weeks.

Sec. 39. 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 re-

ceived in evidence in all courts or places without further proof.

CHAPTER VI—OF THE MAYOR AND CITY COUNCIL.

Sec. 1. The Mayor shall be the executive officer of the city. No ordinance, law or regulation shall be in force until passed by a majority of the members of the Council, and until submitted for the approval of the Mayor; and if approved by him, the same shall be in force; and if he should disapprove or veto any such ordinance, law or regulation, the same shall be returned by him to the City Council, with his reasons therefor in writing; when the members of the Council shall re-consider the same, and if then passed by two-thirds of the members, such ordinance, law or regulation shall be in force.

Veto power
of the mayor

Sec. 2. Any two Aldermen may call special meetings of the City Council.

Spec'l meeting

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 violation of duty to be prosecuted and punished; he shall from time to time communicate to the Aldermen such information, and recommend all such measures, as in his opinion may tend to the improvement of the finances, the police, the health, the security, the comfort and ornaments of the city.

Duties of
mayor

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 sum not exceeding ten dollars.

His power

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.

Officers to exhibit books

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.

Execute acts

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

Jurisdiction

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

Salary

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 in-

Penalties for
neglect of duty
or malconduct

dicted in the District Court for Dakota 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

Power of 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 this State. In case of the absence, sickness or 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.

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

CHAPTER VIII.—PROCEEDINGS IN SPECIAL CASES.

Private property taken—compensation
Sec. 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed on,

the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city, to be selected as jurors in Justices' courts.

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

Opening of streets &c

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

Jurors sworn

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

Compensation

Sec. 5. The City Council shall have power by ordinance, to levy and collect a special tax on the holders of the lot on any street, avenue or alley, or any 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.

Powers to levy special tax

CHAPTER IX.—MISCELLANEOUS PROVISIONS.

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

Labor—forfeit

Sec. 2. The City Council shall cause to be published annually, on the first Monday in January, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

Statement to be published annually

Sec. 3. All suits, actions and prosecutions instituted, connected or brought by the corporation hereby created, shall be instituted, commenced and prosecuted, in the name of the city of West Saint Paul.

Suits issued in name of the city

Sec. 4. Appeals shall be allowed from decisions in all

cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the District Court of Dakota county, and every such appeal shall be taken and granted in the same manner and with like affect as appeals are taken from and granted by Justices of the Peace to the District Court under the law of this State.

Appeals allowed

Sec. 5. Whenever the Mayor shall absent himself from the city, or shall resign or die, or his office shall be otherwise vacated, the board of Aldermen shall immediately proceed to elect one of their number President, who shall be Mayor, *pro tem*.

Vacancy—how filled

Public act Sec. 6. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this State, without proof.

Execution of writs

Sec. 7. The city Marshal, or any other officer authorized to execute writs or other process issued by the city Justice of the Peace, shall have power to execute the same within the limits of Ramsey or Dakota counties, and shall be entitled to the same fees for traveling as are allowed to Constables in similar cases.

Not to interfere with &c

Sec. 8. Nothing in this act shall interfere with the Territorial or corporate rights of the city of Saint Paul.

Sec. 9. The Legislature may alter or amend this act at any time.

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

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

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, }
St. PAUL, March 22, 1858. }

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

CHAS. L. CHASE, Secretary.