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An Act to amend an act entitled an act to incorporate the city of Saint Anthony, approved March third, eighteen hundred and fifty-five. February 25, 1865.

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

[SECTION 1.] That an act entitled an act to incorporate the city of St. Anthony, approved March third, A. D. eighteen hundred and fifty-five be, and the same is so amended as to read as follows :

CHAPTER I.

SECTION 1. That all the district of country in the county of Hennepin, contained within the limits of sections thirteen, fourteen, fifteen, twenty-three, twenty-four and twenty-five, of township twenty-nine north of range twenty-four west, and lying east of the main channel of the Mississippi river, shall be a city by the name of St. Anthony; and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the city of St. Anthony, and shall have the general powers possessed by municipal corporations, at the common law, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Boundary line of the city of St. Anthony.

SEC. 2. The said city shall be divided into four wards, and the several wards shall be constituted as at present, except that that portion of the above described territory, which lies in section twenty-five shall be added to, and be a part of the fourth ward.

Divided into wards

CHAPTER II.

SECTION 1. There shall be a city council, to consist of a mayor and board of aldermen.

Of whom the city council to consist.

Board of aldermen
—term of office.

SEC. 2. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified electors of each ward respectively, and whose regular term of office shall be two years.

Qualifications of
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 a qualified elector of the ward for which he is elected; and if any alderman, during the time for which he is elected, shall remove out of his ward, he shall be deemed to have vacated his office.

To judge of the
qualification and
election of its own
members—contested
election.

SEC. 4. The city council shall judge of the qualifications, election and returns of their own members, and shall determine all contested elections.

What constitutes
a quorum.

SEC. 5. A majority of the city council shall constitute a quorum, to do business; but a smaller number may adjourn from time to time, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

To determine its
proceedings, etc.

SEC. 6. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member.

To keep a journal
of its proceedings.

SEC. 7. The city council shall keep a journal of its proceedings, and the ayes and nays when demanded, shall be entered on the journal.

Qualifications for
office.

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.

To take an oath for
faithful performance
of duty.

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.

When new election
may be held.

SEC. 10. Whenever there shall be a tie in any election, there shall be a new election ordered, in such manner as shall be provided by ordinance.

Number of stated
meetings of each
year.

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.

SEC. 12. Whenever any vacancy shall occur in the office of alderman, in any ward of the city, it shall be the duty of the city council forthwith to order a special election in such ward, to fill the vacancy.

Vacancies, how filled.

SEC. 13. No alderman shall receive any salary for [his] their services.

Compensation.

CHAPTER III.

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

Who to be chief executive officer.

SEC. 2. No person shall be eligible to the office of mayor, who is not a qualified elector, nor who shall not have been a resident of the city for one year next preceding his election.

Eligibility to the office of mayor.

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

When office of mayor may be deemed vacant.

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.

Contest for mayorship—how conducted.

SEC. 5. Whenever any vacancy shall occur in any of the elective officers of the city, except that of mayor or alderman, such vacancy may be filled by the city council, until the next general election, and when a vacancy shall happen in the office of mayor or alderman, a new election may be ordered by the city council.

Vacancies in subordinate offices—how filled.

CHAPTER IV.

SECTION 1. On the first Tuesday in April in each year, an election shall be holden in said city, to be known as the annual election. At each annual election holden in said city, there shall be elected one mayor, one treasurer, and one assessor, whose term of office shall be one year, and until their successors shall be elected and qualified. At the first annual election hereafter, and thereafter, at each alternate annual election, there shall be elected in said city, two justices of

Annual election—offices to be filled at said election.

the peace and two constables, whose term of office shall be two years. At the first annual election hereafter, there shall be elected in each ward, two aldermen, one of whom, to be determined by lot, in such manner as the council may prescribe at their first meeting after such election, shall go out of office at the end of one year, and the other of whom shall go out of office at the end of two years; and thereafter, at each annual election, there shall be elected one alderman in each ward.

Qualifications of electors.

SEC. 2. All qualified electors of the State, who shall have been actual residents of said city, for six months next preceding any election, shall be entitled to vote at such election, in the ward in which they shall have resided for ten days next preceding such election. *Provided*, That no person shall be entitled to vote at any election, who shall not have paid any poll tax which may have been imposed upon him by the city council, for the year next preceding such election.

To appoint judges of election—when.

SEC. 3. The city council, at least ten days before each annual election, shall appoint three qualified electors of each ward, to be judges of election for such ward, and one qualified elector of each ward, to be clerk of election for such ward, who shall hold their office for one year, and until their successors shall be appointed.

How elections to be conducted.

SEC. 4. The said election shall be conducted in the same manner, in all respects, as the State elections are held and conducted.

When returns of election to be made to the city clerk.

SEC. 5. The returns of said election shall be made to the city clerk within three days after the day of such election, and shall be canvassed by the city council at their next meeting thereafter.

By whom provisions of this act to be carried out.

SEC. 6. The city council may make by ordinance, any provisions necessary for carrying out the provisions of this charter, not inconsistent therewith.

CHAPTER V.

SECTION 1. The city council shall have power to levy and collect taxes on all property, real and personal, within the limits of the city, not exempt by law; and the same shall be collected and the payment there-

of enforced with, and in like manner as State and county taxes are paid and the payment enforced; and in addition to such power, the city council shall have power to assess, levy and collect special taxes on all the said property, for the purposes hereinafter named, and none other which said taxes shall be collected and paid in gold and silver or current bank bills; and the payment of which shall be enforced in like manner as of the tax first above named; and the same, when collected, or so much thereof as may be necessary, shall be set apart for the following purposes: first, for the purpose of paying the interest and coupons of the outstanding bonds of said city; and the balance of said last named tax, after paying said interest and coupons, shall be applied to the payment of said bonds, as they become due; and they shall also have power to levy and collect a tax for the purpose of paying bounties to volunteers, and for the support of the families of volunteers; and all qualified electors of said city shall further be liable to a poll tax of not exceeding one dollar in any one year, which shall be collected by and paid to the treasurer of said city, and the payment of which shall be by him enforced in the same manner as State personal property taxes are enforced; and any record, roll, return, or other paper which by the act of which this is an amendment, or any act amendatory thereof has been or may be made evidence of any facts, shall continue to be such evidence, notwithstanding the repeal of such acts.

Powers of the
council.

SEC. 2. The city council shall have power to appoint a clerk, supervisor of streets, marshal, and such other officers as may be deemed necessary.

SEC. 3. The city council shall have power to require of all officers elected or appointed in pursuance of this charter, such bonds, with penalty and surety for the faithful performance of their respective duties, as may be deemed expedient; and also to require of all officers elected or appointed as aforesaid to take an oath for the faithful performance of their respective duties, before entering upon the duties of their office; to borrow money upon 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; *And*

provided, That the city council shall not borrow on the credit of the city, without first submitting a proposition to a vote of the qualified electors of the city, at an annual or special election; which said proposition shall state the object and amount of the proposed loan, the proposed time of payment, and the proposed rate of interest, and if a majority of the electors voting at such election, shall vote in favor of such proposition, then the city council shall be authorized to carry out the said proposition, but not otherwise; and the manner of submitting such proposition, the voting thereon, and ascertaining the result thereof, shall be prescribed by ordinance. In addition to the aforementioned powers, the city council shall have power to raise any bonds that may be outstanding against the city, by issuing new bonds therefor, in such amounts not exceeding the principal sum of such outstanding bonds, exclusive of interest, and on such time as said council shall deem expedient.

Powers of the
council.

SEC. 4. The city council shall have the power to appropriate money and provide for the payment of the debts and expenses of the city.

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

SEC. 6. To establish hospitals, and make regulations for governing the same.

SEC. 7. To make general 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, establish, extend, grade, repair and otherwise improve and keep in repair, streets, avenues, lanes and alleys.

SEC. 9. To establish, erect and keep in repair, bridges in said city; and also to erect, purchase or receive any bridge or bridges across the Mississippi river, though the said bridge or bridges may not entirely be in said city, if one termination of such bridge or bridges be in the said city; and to own, hold and keep in repair, such bridge or 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 in 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 enclosing, improving and regulating all public grounds belonging to, or in the city.

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

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

SEC. 18. To license, regulate and tax merchants, retailers, ordinaries, bankers, peddlers, brokers, pawn brokers, money changers, common showmen, and shows of all kinds, or the exhibition of caravans, circuses, concerts and theatrical performances; billiard tables, nine or ten pin alleys, bowling saloons; to grant licenses to and regulate auctions and auctioneers, livery stables, groceries, taverns, and all persons vending or dealing in spirituous, vinous, or fermented liquors.

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 the wagonage, cartage and drayage of property.

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

SEC. 21. To restrain, prohibit and suppress gaming, bawdy and other disorderly houses.

SEC. 22. To provide for the extinguishment and prevention of fires; and to organize and establish fire companies.

SEC. 23. To regulate and prohibit the erection of wooden buildings.

SEC. 24. To regulate the fixing of chimneys, stove pipes and the flues thereof.

SEC. 25. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible material.

SEC. 26. To establish standard weights and measures to be used in the city; in all cases, not otherwise provided for by law.

SEC. 27. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

SEC. 28. To provide for the inspection and weight of hay, and stone coal, the measuring of charcoal, wood, and other fuel, to be sold and used in the city.

SEC. 29. To provide for and regulate the inspection of tobacco, beef, pork, flour, meal and whiskey, in barrels.

SEC. 30. To regulate the inspection of butter, lard and other provisions.

SEC. 31. To fix and regulate the rate of speed of driving railroad trains and engines; horses and mules in the city.

SEC. 32. To provide for the taking up, impounding and disposal of estrays and animals found running at large within said city. This shall include the power to cause such estrays and animals to be sold, and the title thereto to become absolutely vested in the purchaser; and to dispose of the proceeds of such sales.

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

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 enforcement, recovery and appropriation of such fines, forfeitures and penalties.

SEC. 35. To regulate the election of city officers, so far as it may be necessary, to carry out the provisions of chapter four of this act, and provide for removing from office, any person holding an office created by 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 the State of Minnesota.

SEC. 37. The style of the ordinances of the city shall be: "Be it ordained by the city council of the city of Saint Anthony." Style of all ordinances.

SEC. 38. All ordinances passed by the city council shall, within one month after they shall have been passed, be published, by posting written or printed copies thereof in the office of the city clerk of said city; or by publishing the same in some newspaper published in the county of Hennepin and of general circulation in said city of St. Anthony; and shall not be in force until published as aforesaid. All ordinances to be published.

SEC. 39. All ordinances of the city may be proved 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; and the fact that an ordinance has been published as provided in the last preceding section, shall always be presumed, until the contrary be shown. When ordinances may be received as evidence.

CHAPTER VI.

SECTION 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 the meeting. Who to preside over city council.

SEC. 2. The mayor or any two aldermen may call special meetings of the city council. Who may call special meetings.

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

SEC. 4. He is hereby authorized to call upon every male inhabitant of the city over the age of eighteen

Suppression of
riots—how.

years, to aid in enforcing the laws and ordinances, and in case of a 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 the city a fine not exceeding ten dollars.

Officers to exhibit
books and papers.

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.

To execute all acts
required of him.

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.

Jurisdiction of
mayor.

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.

Compensation.

SEC. 8. The mayor shall receive no salary for his services.

When liable to in-
dictment.

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, mal-conduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the district court for Hennepin 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 grand jury) to add to the judgment of the court, that he be removed from office.

CHAPTER VII.

When justices of
the peace to qual-
ify—jurisdiction.

SECTION 1. The justices of the peace for the city, shall qualify and enter upon the discharge of the duties of their office at the same time and in the same manner as other justices of the peace; they shall have the same jurisdiction, perform the same duties, and be subject to the same liabilities as other justices of the peace, and in addition thereto, shall have exclusive jurisdiction in all cases of the enforcement of the ordinances of the city; and all fines, forfeitures and penalties imposed and collected by said justices of the peace, shall be by them paid over to the treasurer of the city for the use of the city.

SEC. 2. The constables of the city shall qualify and enter upon the discharge of their duties at the same time and in the same manner as other constables, and they shall perform the same duties, receive the same fees for services performed by them, and be subject to the same liabilities as other constables, and may serve any process issued by the city justices of the peace.

Qualifications and duties of constables.

CHAPTER VIII.

SECTION 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 upon, the mayor shall cause the same to be ascertained by a jury of twelve disinterested freeholders of the city to be selected as are jurors in justices courts.

When necessary to take private property for improvements, how to proceed—damages how ascertained.

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 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 assessment of benefits or damages that may accrue thereby, to any of the petitioners.

When streets may be opened without compensation.

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

Damages how ascertained.

SEC. 4. In ascertaining the amount of compensation for property taken for opening, widening or altering such 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.

Amount of compensation—how ascertained.

SEC. 5. The city council shall have power to levy and collect a special tax on the owners of the lots on any street or part of any street, according to the respective fronts of such lots, for the purpose of grading, paving or planking the sidewalks along such street or part of street, which may be collected, as follows :

May levy and collect a special tax—
for what purpose—
how collected.

Whenever the city council shall by resolution order the sidewalks of any street or any part thereof to be graded, paved or planked, the supervisor of streets shall forthwith notify the owners of the lots adjacent to such sidewalks (or if the owner thereof do not reside within the city, then the notice may be left with the occupants thereof, or affixed thereon, if such lots be unoccupied) to build such portions of such sidewalks as extend along the line of such lots, in conformity with the requirements of such resolution, within thirty days after such notice ; and if any of the owners of such lots shall fail to build his, her or their proportion of such sidewalks, within the time above prescribed, the supervisor of streets shall proceed to build and complete the same, and shall keep and report to the city council as soon as may be, an accurate account of the expense thereof, opposite to each lot respectively, and the city council shall thereupon levy the several amounts of such expense, as a special tax on such lots respectively ; and if not paid at or before the expiration of thirty days thereafter, suit may be instituted to recover said tax ; and the court shall have power in the judgment therein, to decree the same to be a specific lien upon such lots or parts of lots, and may therein order the same, or so much thereof as may be necessary, sold to pay the amount of such tax, interest, charges and cost. Any return of delinquent taxes, either general or special, heretofore made by the city clerk or any collector of taxes of said city, shall be prima facie evidence that all proper proceedings were had and taken, from and including the appointment of the assessor and valuation of the land and levy of the tax, and all things incident thereto, up to and including the said return ; and such special tax and charges, together with interest thereon from the time such tax and charges shall accrue, at the rate of twenty-five per cent. per annum, shall be and remain a lien on such lots, from the time the same is assessed, until paid.

May institute suit
for the recovery of
said tax.

CHAPTER IX.

SECTION 1. 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 and hook and ladder houses, together with the grounds and lots on which the same are situated, and all fire engines, carriages, hooks, ladders, buckets, hose, and any other apparatus used by any company created or organized by the council of said city; school and market houses, and the furniture thereof, and furniture of city council, and office rooms: *Provided*, That nothing herein contained shall exempt any of the aforesaid real or 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 sold any such fire apparatus to, or on the credit of the 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 any debt, obligation or contract of the city.

What property to be exempt from taxation.

CHAPTER X.

SECTION 1. The city council shall have power, for the purpose of keeping the streets in repair, to require every male inhabitant of said city over the age of twenty-one years and under the age of fifty years, to labor on such streets, not exceeding two days in each year, or in lieu thereof to pay the sum of one dollar each per day, to be expended on said streets, for the purpose aforesaid; and if any such persons shall after having been notified by the supervisor of streets, fail or neglect to appear and perform such labor, either in person or by substitute, and shall neglect or refuse to pay the said sum in lieu thereof, the supervisor of streets shall proceed forthwith to levy and collect such sum by levy, distress and sale of the goods and chattels of such person, at public auction, first giving six days public notice of such sale, to be posted in three public places in said city; and no property shall be exempt from distress, or sale for such tax.

How streets to be kept in repair.

Statement of all moneys received and expended.

SEC. 2. The city council shall cause to be published, annually, on the first Monday in April, a full and complete statement of all moneys received and expended by the corporation, during the preceding year; and upon what account received and expended.

All suits to be brought in the corporate name of city

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

Appeals.

SEC. 4. Appeals shall be allowed in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the district court of Hennepin county; and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace, to the district court, under the laws of this State.

When to elect president pro tem.

SEC. 5. Whenever the mayor shall absent himself from the city, or shall resign, or die, the board of aldermen shall forthwith proceed to elect one of their number, president, who shall be president pro tem.

Powers of city marshal.

SEC. 6. The city marshal or any other officer authorized to execute writs or other processes issued by the city justices of the peace, shall have power to execute the same within the limits of Hennepin county, and shall be entitled to the same fees for traveling, as are allowed to constables, in similar cases; and the said marshal shall have, and may exercise all the powers of a constable under the laws of this State.

Declared a public act

SEC. 7. This act is hereby declared to be a public act.

When to take effect

SEC. 8. This act shall take effect and be in force from and after its passage.

Repeal of inconsistent acts.

SEC. 9. All acts inconsistent with this act, are hereby repealed.

Approved February 25, 1865.