

CHAPTER XVIII.

*An Act to incorporate the City of Minneapolis.*March 2, 1888.

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

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the county of Hennepin, contained within the limits and boundaries hereinafter described, shall be a city by the name of "Minneapolis" 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 Minneapolis," and by that name shall sue and be sued, plead and be impleaded in any court, make and use a common seal, and alter it at pleasure, and purchase, take and hold, lease and convey all such real, personal and mixed estates, as the purposes of the corporation may require, within or without the limits aforesaid, shall be capable of contracting or being contracted with, and shall have the general powers possessed by

Incorporation.

municipal corporations at common law, and in addition thereto shall possess all the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

Boundaries.

SEC. 2. The district of country aforesaid, constituting the city of Minneapolis, and the limits and boundaries thereof, shall be as follows: Sections thirteen (13), fourteen (14), fifteen (15), and the east half of section sixteen (16), and the east half of section twenty-one (21), and sections twenty-two (22), twenty-three (23), twenty four (24), twenty-five (25), twenty-six (26), and twenty-seven (27), all in township twenty-nine (29), north of range twenty-four (24) west.

Divided into wards.

SEC. 3. The said city shall be divided into eight wards, called the first, second, third, fourth, fifth, sixth, seventh, and eighth, described, limited, and bounded, as follows: The first, second, third and fourth wards as now constituted and established in the city of St. Anthony, shall respectively and in the order named constitute the first, second, third and fourth wards of the city of Minneapolis.

Ward boundaries.

The fifth ward shall be constituted from and include all that portion of the territory of said city of Minneapolis, lying west of the Mississippi river, and south and east of the following line, commencing in the middle of the main channel of said river where the same intersects Russell street, extended northeasterly in a direct line, thence running southwesterly along the centre of said Russell street to Seventh, thence northwesterly along the centre of Seventh street to Cataract street, thence southwesterly along the centre of Cataract street to the road running south on the section line, thence along the centre of said road to the southern boundary of the said city.

The sixth ward shall be constituted from and include all that portion of said territory west of said river and between said fifth ward and a line commencing in the middle of the main channel of said river where Minnetonka street, extended northeasterly in a direct line, intersects the same, thence running southwesterly along the centre of said Minnetonka street, and the same extended in a direct line to the road on quarter section line, known as the Blaisdell road, thence south along the centre of said road to the southern boundary of said city.

The seventh ward shall be constituted from and include all that portion of said territory west of said river and lying between said sixth ward and a line commencing in the middle of the main channel of said river where Utah street, extended northeasterly in a direct line, intersects the same, thence running southwesterly along the centre of said Utah street to Eighth street, thence running westerly along the centre of Eighth street, and the same extended, in the same direction to the St. Paul & Pacific Railroad, [thence southwesterly along the centre of said railroad] to the southern boundary of said city. Ward boundaries

The eighth ward shall be constituted from and include all that portion of said territory west of said river lying north of the seventh ward.

CHAPTER II.

ELECTIONS.

SECTION 1. There shall be an annual election for elective officers, hereinafter provided, held on the first Tuesday in April 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, except that aldermen when elected for full terms shall hold office for two years. Annual election.

SEC. 2. The elective officers of said city shall be a Mayor, Treasurer, Comptroller and Justice of the Peace, for the said 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 two 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. At the first election under this act, after it shall have gone into effect, there shall be elected in each ward one Alderman, who shall hold his office for one year, one Alderman who shall hold his office for two years, Titles of city officers.

the same to be designated upon the ticket voted. 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, unless otherwise herein provided.

Office holders
may be removed.

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 defence.

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 shall have power 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.

Vacancies—how
filled.

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 right and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Election to be by
ballot.

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.

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 be entitled to vote for any officer to be elected under this act and to hold any office hereby created; and the different wards established by law shall constitute the election precinct 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 county auditor of the county of Hennepin, within the time and in the manner proscribed by law.

Persons entitled to vote.

SEC. 7. The elections of said city shall be held and conducted by the two aldermen and one other legal voter of each ward, the last to be appointed by the common council, who shall be the judges 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 of elections, and shall have 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 among the judges thereof filled as required by the laws of this State regarding elections; *Provided*, That no judge or clerk of an election shall be eligible to any office voted for at such election.

How election to be conducted.

SEC. 8. 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 judges 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.

Judges of Election to make returns.

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.

SEC. 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the alderman of each ward, in the same manner and the returns thereof shall be made in the same form

Special election.

and manner as general and annual elections and within such time as may be prescribed by resolution.

Council to fill vacancies. SEC. 10. 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 officers. SEC. 11. The term of every officer elected under the law shall commence on the second Tuesday of April of the year for which he was elected, and shall continue, unless otherwise provided, for one year, and until his successor is elected and qualified.

On failure to elect Council to order new election. SEC. 12. 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 being first given.

CHAPTER III.

POWERS AND DUTIES OF OFFICERS.

Officers to take oath. SECTION 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 with the clerk of the city, and the treasurer, clerk, comptroller, wharf master, street commissioner, 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 Minneapolis 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.

Duties of mayor. 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 executive

officers of the city discharge their respective duties. Duties of Mayor. 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. 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 record. If any ordinance or resolution shall not be returned by the mayor within five days (Sundays excepted) after it shall be presented to him the same shall have the same effect as if approved by him.

Sec. 3. 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. Council to elect President, etc. The president shall preside over the meetings of the 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 discharge the duties of such president and act in his place. The president or temporary presiding officer, while presiding over the com-

mon council and performing the duties of mayor, shall be styled acting mayor, and acts performed by him, when acting as mayor as aforesaid, shall have the same force and validity as if performed by the mayor.

Duties of Clerk.

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 originals were produced. He shall draw and sign 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.

City Attorney.

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.

Treasurer's duties.

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 treasurer 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 papers of the city.

Duties of police officers.

SEC. 7. There shall be a chief of police of said city, 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 the 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 aforesaid, shall be entitled to like fees.

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 harbor 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.

Wharfmaster's
duties.

SEC. 9. The common council shall at their first meeting after each annual election, select two street commissioners, who shall hold their offices for the term of one year; one shall be selected from the inhabitants of the district of said city lying east of the Mississippi river, and the other from the district of said city lying west of said river. It shall be the duty of each commissioner so selected to superintend all local improvements in the respective districts from which he shall be selected, and to carry into effect all orders of the common council. They shall keep accurate accounts thereof, and return the same to the common council, quarterly, or oftener if required; and the line of division of said above mentioned district shall be the same as heretofore existed between the towns of St. Anthony and Minneapolis.

Street Commis-
sioners.

SEC. 10. The common council shall, on or before the first day of March, in each year, elect two assessors, one from each of the districts mentioned in the last preceding section, who shall, each in his respective district, 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.

Assessors—their
duties.

Powers and
rights of City
Justice.

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 Hennepin, under the laws of the State, and shall have in addition thereto, sole and 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 said city of Minneapolis, 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 Minneapolis, 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 judgment 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 ex-

When appeal al-
lowed.

ceeding six months, and in a sum not exceeding five hundred dollars.

The said justice 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 public peace, nor to affect in any manner the jurisdiction or powers of district courts, or supreme court of this State. In cases of the absence, sickness, or other inability of such justice, or for any sufficient reason, the mayor, by warrant, may 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 the said city, shall belong to, and be a part of the finances of said city.

In case of absence, &c., the Mayor to appoint

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 Hennepin such fees in criminal cases as are allowed to other justices in the county for similar services.

City Justice to report to Council

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 districts. 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 respectively bear, and recommend such action to the common council as will secure the punctual payment of the principal and interest of such bonds.

Comptroller's duties.

Further duties.

SEC. 14. He shall report annually, on or before the first day of April, to the common council, an estimate of the expenses of the city and the several districts, and likewise the revenue necessary to be raised for the current year, and the fiscal year shall commence on the first day of April.

To make estimates.

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.

To keep regular account books.

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 districts, and which shall at all times show the precise financial condition of the city and the several districts, 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, &c., which have been redeemed, and the amount of each outstanding, to countersign all bonds, orders, certificates, or other evidences of indebtedness of the city or either of the districts, and to keep an exact account thereof, stating to 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.

To keep lists of certificates.

SEC. 17. He shall keep a list of all certificates issued in each district, 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 districts which, under this act, may be subjected 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.

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 districts 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 funds until the amount of taxes actually collected be ascertained; and during the remainder of the fiscal year, he shall not exceed revenue actually collected for the fund to which expenses are properly chargeable.

Comptroller to report state of city finances.

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.

To examine Treasurer's book

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 treasury shall be examined and countersigned by him before they are delivered by the city clerk.

Claims to be audited.

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 districts is a party.

Comptroller's books to be open to inspection.

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, plans, or estimates made by him for the city or either of the districts, shall be the property of 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 the

Surveyor—Powers and duties.

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.

Penalty for not delivering books and papers. SEC. 23. 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 law of this State.

Aldermen not to be interested in contracts. SEC. 24. No alderman shall be a party to or interested in any job or contract with the city or either of the districts, 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.

Whom shall be peace officers. SEC. 25. The mayor, or acting mayor, sheriff of Hennepin 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 city limits, and for such purpose may command the assistance of all by-standers, and if need be, of all citizens and military companies; and if any person, by-stander, 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 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.

Further powers of Council. SEC. 26. 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 herein before 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.

SEC. 27. 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. Council to designate official paper.

SEC. 28. 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 City Printer.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The aldermen shall constitute the common council, and the style of all ordinances shall be: "The Common Council of the City of Minneapolis 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. General powers.

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 Council to hold meetings.

personally or left at their usual place of abode. The common council shall be the judge of the election (and) qualification 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.

Council to control finances.

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 house for the imprisonment, custody and safe keeping of all persons arrested for or 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 their 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:

To license showmen.

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 licenses and regulate auc-

tions and auctioneers, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors; and provided all licenses shall commence and terminate on the first Monday of May in each year.

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

To prohibit gambling.

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 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.

To prevent riots.

Fourth—To compel the owner or occupant of any 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, breweries, distilleries, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder, or other combustible materials.

Powers of Council.

Sixth—To prevent the encumbering of streets, sidewalks, alleys, lanes, 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 immoderate driving or riding 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 city limits.

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.

Powers of Council.

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 skins 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, to regulate and license hacks, carts, omnibusses, 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 contract for the erection of gas works for lighting the streets and 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 sidewalks in said city, or in any way doing any damages to such sidewalks.

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

ness and obscenity in the streets or public places of said city, and to provide for the arrest and punishment of all such 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. Powers of Council.

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' stalls, 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 fire-wood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Twenty-first—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, 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

Powers of Coun.

landing of persons from boats, vessels or other conveyances whereon are contagious or infectious diseases or disorders, and to make such dispositions 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, whisky, and other liquors and provisions.

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

Twenty-ninth—To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, public grounds and highways of the city.

Thirtieth—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 nuisance.

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

Thirty-fourth—Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said city, may ex-

tend to a fine not exceeding one hundred dollars, and imprisonment in the city prison or 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.

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 nays, 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 nays, and entered among the proceedings of the council.

Ordinances--Ap-
propriations--
How 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.

Suits not barred

SEC. 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, 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

Duties of Council

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 may 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 ten 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.

CHAPTER V.

FINANCES.

May levy taxes.

SECTION 1. The common council shall have power to levy upon all the taxable property of said city, taxes to provide for the current expenses of the city government, and for all buildings and improvements which are properly chargeable to either of the districts of said city: *Provided*, That such taxes shall in no year amount to more than one-quarter per cent. upon the assessed valuation.

Also special taxes.

SEC. 2. The common council shall also have power to levy special taxes upon the taxable property in each of the two districts, and each of the wards of said city, for the purposes contemplated in chapter sixth of this charter, and under the restrictions mentioned in said chapter.

Provides for bonds.

SEC. 3. The common council shall also have power to levy a special tax each year, collectable only in lawful money of the United States, or current bank bills of the State of Minnesota, to provide for the payment of the principal and interest of the bonds of said city which by this charter they are authorized to issue, which tax shall not exceed one-half per cent. upon the assessed valuation in any one year, and the amount collected by such tax shall be applied to the payment

of the principal and interest of such bonds, or the purchase thereof before due, and to no other purpose.

SEC. 4. Taxes may be levied by resolution of the common council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in such case the surplus shall, if the tax be a general tax, go into the general fund of the city; if it be a bond tax, it shall be kept and used for the future payment of principal and interest of the same class of bonds, or purchase thereof before due; if it be for improvements within either district of said city, it shall be kept and used for further improvements in the same district, or used in paying the outstanding debts or obligations of the same district, as the common council, with the assent of the majority of the aldermen elected from such district, shall determine.

Taxes not to be invalid for informality.

SEC. 5. The common council shall cause to be transmitted to the county auditor of Hennepin county, on or before the first day of September of each year, a statement of all taxes by them levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as State and county taxes are paid, and the payment thereof enforced, and the county treasurer of said Hennepin county shall pay such taxes over, when collected, to the treasurer of said city.

Tax statement to be furnished to county auditor.

SEC. 6. No moneys shall be paid out of the city treasury, unless such payment shall be authorized by a vote of the common council, and shall then be drawn out only upon orders signed by the mayor and clerk and countersigned by the comptroller, which orders shall specify the purpose for which they were drawn and the fund out of which they are payable, and the name of the person in whose favor they may be drawn, and may be made payable to the order of such person or to the bearer, as the common council may determine.

How money to be paid.

SEC. 7. When any such order shall have been paid to or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same and file the same away in his office, keeping the orders drawn upon each fund separate.

Orders to be cancelled.

Poll tax.

SEC. 8. It shall and may be lawful for the common council of said city, at any meeting, to levy a corporation poll tax upon every qualified voter in said city; *Provided*, That said tax shall not in any one year exceed the sum of two dollars on each person so taxed.

CHAPTER VI.

DISTRICTS.

Divided into two
Districts.

SECTION 1. For the purpose of education, improvement of streets, and taxation for special purposes provided for in this charter, the city of Minneapolis shall be divided into two districts, one of which districts shall comprise the first, second, third and fourth wards of said city, (being the territory heretofore included in the city of Saint Anthony) and shall be called "The first district of the city of Minneapolis." The other district shall comprise the fifth, sixth, seventh and eighth wards of the city and shall be called "The second district of the city of Minneapolis."

Public property
—How disposed
of.

SEC. 2. All public property which at the time of the adoption of this charter shall belong to the city of Saint Anthony, shall belong to said first district exclusively, and be kept or disposed of for its benefit, and all moneys, taxes due, and choses in action belonging to said city of Saint Anthony, shall be collected, kept and used for the benefit of said first district exclusively, and all debts, liabilities and obligations of said city of Saint Anthony, at the time of the adoption of this charter, shall, by such adoption, be assumed by said first district, and shall, together with the interest accrued or to accrue thereon, be provided for and paid by taxes raised within said first district exclusively and by the appropriation to such purpose of all proceeds of the sales of any of the public property received from said city of Saint Anthony, which may be hereafter sold, and of all moneys or taxes of said city of Saint Anthony heretofore raised or levied to pay such debts and obligations.

Public property
—How disposed
of.

SEC. 3. All public property which, at the time of the adoption of this charter, shall belong to the town of Minneapolis shall belong to said second district exclusively and be kept and disposed of for its benefit,

and all moneys, taxes due and choses in action belonging to said town shall be collected, kept and used for the benefit of said second district exclusively; and all debts, liabilities and obligations of said town of Minneapolis at the time of the adoption of this charter, shall by such adoption be assumed by said second district, and shall, together with the interest accrued or to accrue thereon, be provided for and paid by taxes raised within said second district exclusively, and by the appropriation for such purpose of the proceeds of all sales of any of the public property received from the said town which may be hereafter sold, and of all moneys or taxes of said town heretofore raised or levied to pay such debts and obligations.

SEC. 4. The common council shall have the power to provide by taxation in each of the districts created by this chapter, for the payment of the debts and obligations assumed by such districts, as heretofore provided, and interest on the same, and of determining the amount of tax to be raised in each of said districts in each year, for such purpose. *Provided*, that in determining such amount and in the levying of taxes thereof, it shall be necessary that a majority of the aldermen elected from the district affected thereby shall in each case concur.

Powers of Council.

SEC. 5. The common council of said city shall have the care, supervision and control of all highways, bridges, streets, alleys, public squares and grounds within the limits of the city, and shall have power to build and keep in repair bridges, lay out, open, alter and vacate public squares, highways, streets, lanes and alleys, and widen or straighten the same, and take ground for the site of public buildings, subject to the assessment of damages, as hereinafter provided.

Control of highways, &c.

SEC. 6. The common council shall have power to order and contract for the making, grading, repairing and cleansing of streets, alleys, public grounds, reservoirs, gutters, sewers and sidewalks within said city, and to direct and control persons employed thereon; and all such improvements shall be superintended by the street commissioner of the proper district, within which the same shall be made.

Council to make contracts for improvements.

SEC. 7. Whenever it shall be necessary to take private property for the purposes contemplated in the

Commissioners
to be appointed
to value prop-
erty.

last two sections, the common council shall appoint as many commissioners as there are wards in said city, selecting one from each ward, who shall be a freeholder and qualified elector of the city, to view the premises and assess damages which may be occasioned by the taking of such private property. Said commissioners shall be notified as soon as practicable by the city clerk of said city, to attend at his office on a day fixed by him for the purpose of qualifying and entering upon their duties, and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city not exceeding fifty dollars, and shall be prosecuted therefor before the city justice as in case of fines imposed for violation of an ordinance of the city, and the commissioners in attendance shall be authorized to fill all vacancies by appointment of proper persons from the wards not represented, or the common council may in its discretion fill such vacancies.

Commissioners
to be sworn.

The commissioners shall be sworn by the city clerk or any officer authorized to administer oaths, to discharge their duties as commissioners in the matter with impartiality and fidelity, and to make due return of their actions and doings to the common council.

Survey and plat.

The said commissioners shall, with all reasonable dispatch, with the assistance of the city surveyor, cause a survey and plat of the proposed improvement or grounds to be made and filed with the city clerk, exhibiting as far as practicable the lands or parcels of property proposed to be taken or which may be damaged thereby, and shall thereupon give notice by publication in the official newspaper of said city, once in each week for two successive weeks, to the effect that such plat has been filed, and that the said commissioners will meet at a time and place designated in such notice, and thence proceed to view the premises and assess the damages for property to be taken or which may be damaged by such improvement. The time so designated must be at least fifteen days after the first publication of such notice.

To assess dam-
ages.

At the time and place designated in such notice the commissioners shall proceed to view the premises and may hear any evidence or proof offered by parties interested, and adjourn from day to day for such pur-

pose. When their view and hearing aforesaid shall be concluded, they shall determine and assess the amount to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by such improvement, and in so doing shall take into consideration the value of the property proposed to be taken, or such other damage as may be incident thereto, and also the advantages which will accrue to such owner or owners in making such improvement.

If there should be any building standing, in whole or in part, upon the land to be taken, the said commissioners shall in each case determine and assess the amount of damages which should be paid to the owner or owners thereof, in case such building, or so much thereof as might be necessary, should be taken, and also determine and assess the amount of damages to be paid to such owner or owners in case he or they should elect to remove such building; and the damages in relation to buildings shall be assessed separately from the damages in relation to the lands upon which they are erected.

Further powers
of Commission-
ers.

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

Said commissioners having ascertained and assessed the damages aforesaid, shall make and file with the city clerk a written report to the common council of their action in the premises, embracing a schedule or assessment of the damages in each case with a description of the land and the names of the owners, if known to them, and also a statement of the costs of the proceeding.

To report to
Council.

Upon such report being filed in the office of the city clerk, said city clerk shall cause to be published in the official paper of said city, a notice to the effect that such assessment has been returned and filed, and that the same will be confirmed by the common council at a meeting thereof, to be named in said notice, and which shall be at least ten days after the publication thereof,

Publication of
notice.

unless objections are made in writing by persons interested in any land required to be taken. Any persons interested in buildings standing in whole or in part upon land required to be taken, shall, on or before the time specified in said notice, notify the common council in writing of their election to remove such buildings (if they so elect) according to the award of the commissioners. The common council upon the day fixed for the consideration of such report, or at any subsequent meeting to which the same may stand over or be referred, shall have power in their discretion to confirm, revise, or annul the assessment, giving due consideration to any objections interposed by parties interested.

How damages to
be disposed of.

The damages assessed shall be paid or tendered or deposited and set apart in the treasury of said city, to and for the use of the parties entitled thereto, within one year from the confirmation of such assessment and report, and the land required to be taken shall not be appropriated until the damages awarded to the owner thereof shall be paid or tendered to the owner or his agent, or deposited and set apart for his use as aforesaid; and in case the said city shall be unable to determine to whom the damages in any particular case so awarded should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited, by order of the common council, in the district court for Hennepin county, in the same manner as moneys are paid into court until parties thereto shall substantiate their claims to the same.

Time for removing
buildings.

In case the owner or owners of any buildings as aforesaid shall have elected in manner aforesaid to remove his or their buildings, he or they shall so remove the same within thirty days from the confirmation of such report, or within such further time as the common council may allow for such purposes, and shall thereupon be entitled to payment from the city of the amount of damages awarded in such case in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after such election to remove) the same within the time prescribed, such buildings, or so much thereof as may be necessary, upon payment or depositing the damages awarded for such taking in manner

aforesaid, may then be taken and appropriated, sold or disposed of in such manner as the common council shall direct, and the same, or the proceeds thereof, shall belong to the city.

When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under any legal disability, the judge of the district court or court commissioners for said county of Hennepin may, upon the application of such commissioner, or of the mayor of said city, or of the party laboring under such disability, or his next friend, appoint some suitable person guardian for such person, which guardian shall stand in all respects for and in the place of the party whom he represents in the proceedings.

Guardians to be appointed in certain circumstances.

Any person feeling aggrieved by such assessment may by notice in writing served on 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 in said Hennepin county within twenty days after the confirmation of such report or assessment, appeal from such assessment to the district court aforesaid. Such appeal shall be tried by the court or 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 shall not be entitled to have any other objections than those so specified considered, and a transcript of such report, certified by the city clerk, or the original thereof, shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just and made in conformity to law, and that all proper notices were duly given and proper proceedings had. The judgment of the district court therein shall be final; such appeal shall be entered and brought on for trial and be governed by the same rules in other respects as appeals from justices of the peace in civil actions.

Appeals allowed.

SEC. 8. The expenses of building, repairing and maintaining bridges (except those mentioned in the next section) laying out, opening widening and straightening highways, streets and public grounds within said city, shall be borne by the district within which the same may lie, but the expenses of grading, repairing, con-

How expenses to be apportioned.

tracting, paving and cleaning the public grounds, highways, streets, alleys, reservoirs, gutters, sewers and sidewalks within said city, shall be borne by the ward in which said work is done; and all damages assessed for private property taken for public use (save what is mentioned in the next section) under the provisions of section seven of this chapter, shall also be paid for from moneys raised in the district within which such property is taken, and shall in each case be raised by taxation upon the taxable property of the proper district: *Provided*, That the common council shall have no power to authorize any such expense to be incurred, nor to levy any tax to meet the same, unless a majority of the aldermen elected from the wards composing the district affected thereby, shall vote in favor of the same.

Bridges—How
maintained.

SEC. 9. The expenses of building, repairing and maintaining bridges across the Mississippi river, or from either shore to the islands therein, and all damages for private property upon any of such islands which may be taken for public use, shall be paid out of the general funds of said city: *Provided*, That no such expenses shall be incurred except by a vote of two-thirds of all the aldermen elected.

School system.

SEC. 10. The school system heretofore in force in each of said districts shall remain the same, except that the corporation heretofore known as "The Board of Education of the city of Saint Anthony," shall hereafter be styled and known as "The Board of Education of the First District of Minneapolis," and the corporation heretofore known as "The Board of Education of the town of Minneapolis," shall hereafter be styled and known as "The Board of Education of the Second District of Minneapolis."

Elections for di-
rectors—How
conducted.

SEC. 11. The elections for directors in said first district shall take place at the time of the annual city elections, and such directors shall be voted for upon the same ticket with city and ward officers in said district; and all powers with reference to said district heretofore vested in the city council of the city of Saint Anthony, are hereby vested in the common council of the city of Minneapolis; and all reports heretofore required to be made by the board of education of the city of Saint Anthony to said city council,

shall hereafter be made by the board of education of said first district to said common council; and all duties heretofore performed by officers of the city of Saint Anthony respecting the business or affairs of such board of education, shall hereafter be performed by officers of the city of Minneapolis exercising like functions.

CHAPTER VII.

FIRE DEPARTMENT.

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 rebuilding of wooden buildings within 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 Council in relation to fires.

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. Further powers.

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 by-standers 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.

Divides the city
into five districts

SEC. 3. That the said city shall be divided into two fire districts, the said divisions to correspond to the aforesaid divisions of the first and second districts of Minneapolis, and that all property connected with the fire department and now belonging to the city of Saint Anthony and the town of Minneapolis shall be considered the property respectively of said districts, and the taxes for organizing and sustaining the fire department in each district shall be raised separately in each district as taxes for local improvements and require in like manner the consent of a majority of the aldermen from the district thereby affected.

Council may purchase fire engines, &c.

SEC. 4. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engines, 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 forty years, and may elect their own officers and form their own 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: *Provided*, That in all questions involving any tax or expenditure relating to either of said districts, the consent of a majority of the aldermen of that district shall be obtained.

Fire Companies
—meetings.

SEC. 5. There shall be a meeting of the companies of each district on the third Monday of November in each and every year, at such places as may be designated by the chief engineer of the district, when they

may nominate for each district a chief engineer and two assistant engineers, and the common council shall thereupon confirm such nominations; but after the first general election it shall be the duty of the common council to appoint said officers, to continue in office until the time of said nominations as aforesaid.

SEC. 6. At the said time, the members of said companies in each district 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. 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.

Penalties.

CHAPTER VIII.

CITY BUILDINGS AND PARK.

SECTION 1. The common council of the city of Minneapolis are hereby authorized and required to purchase for said city, that part of Nicollet island lying north of the road which leads to the suspension bridge, at a price not to exceed the sum of forty-seven thousand five hundred dollars, reserving to the present owners of said island such water rights and boom privileges as may be agreed upon, and in payment therefor to issue bonds of said city, drawing interest payable either annually or semi-annually at a rate not exceeding eight per cent., in denominations of not less

Common Council to purchase Nicollet Island.

than five hundred dollars each, and payable at such times and places as the common council may designate: *Provided*, That no greater amount than eight thousand seven hundred and fifty dollars of such bonds shall be made payable within one year from the issuance thereof, nor any greater than a like additional amount shall be made payable within two years from such issuance, and that fifteen thousand dollars of such bonds shall be made payable at least ten years after date, and the like sum of fifteen thousand dollars shall be made payable at least twenty years after date.

*Site for city buildings.

SEC. 2. The grounds mentioned in the preceding section, when so purchased, shall be used as a site for the city buildings which may be hereafter erected, (except engine houses and such other buildings as may be required in other localities,) and such other buildings of a public or eleemosynary character as the common council may allow to be erected thereon. The rest of said grounds shall be kept and used for a city park.

CHAPTER IX.

MISCELLANEOUS PROVISIONS.

Public works to be under direction of street commissioner.

SEC. 1. All work for the city, or either of the districts, upon the streets, alleys, or public grounds, shall be under the direction and supervision of the street commissioner of said district; but the common council may, if they deem it expedient, direct certain work to be let by contract, and may directly or by a committee supervise the letting of the same, and accept or reject contracts proposed, as they shall deem expedient.

When vote may be rescinded.

SEC. 2. No vote of the common council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there be present as large a number of aldermen as were present when the vote was taken.

Penalty—how remitted.

SEC. 3. No penalty or judgment recovered in favor of the city, shall be remitted or discharged except by a vote of two-thirds of the aldermen elect.

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.

Action—how
be brought.

SEC. 5. In all prosecutions for any violation of this act, or of any by-law or ordinance of the city of Minneapolis, the first process shall be by 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 Minneapolis, 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 city justice for violation of any ordinance or by-laws of the said city, shall run in the name of the State of Minnesota, and shall be directed to the chief of police or any police officer of the said city.

Process to be by
warrant.

SEC. 6. In all cases of imposition of penalty or fine, 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 said city of Minneapolis, 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 city prison, to the common jail of Hennepin county, and be there imprisoned for a term not exceeding three 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 trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no such prison, in the common jail of Hennepin county.

How offenders to
be dealt with.

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.

Inhabitants not
to be incompe-
tent jurors, etc.

SEC. 8. All ordinances and resolutions heretofore made and established by the common council of the city of Saint Anthony, or by the board of supervisors of the town of Minneapolis, not inconsistent with the

Ordinances to re-
main in force, &c.

provisions of this act shall be and remain in force until altered, modified or repealed by the common council of said city, after this act shall have taken effect.

Fines to be property of city.

SEC. 9. 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 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.

How suits may be commenced.

SEC. 10. 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 have (been) in such case provided.

Streets to be graded.

SEC. 11. The common council may cause to be established from time to time, and as rapidly as the convenience of the inhabitants shall require, under the direction of the city surveyor, the grade of all streets, sidewalks and alleys of said city, and shall cause accurate profiles thereof to be made and kept in the office of the city surveyor.

City may hold real estate.

SEC. 12. 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 the same shall be free from taxation.

When repealed.

SEC. 13. No law of the 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.

City not liable.

SEC. 14. The city of Minneapolis shall not be liable in any case for the board or jail fees of any person who may be committed by any officer or magistrate of the city to the jail of Hennepin county under the State laws.

Executions not to affect Hens, &c.

SEC. 15. No sale under execution or other proceedings upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment for any tax or for any improvements chargeable to, or assessed against the property under this act, although the confirmation of such as-

assessment may be subsequent to the lien of such judgment, decree or other lien, or to such transfer or mortgage.

SEC. 16. The street commissioner of each district shall collect the corporation or poll tax in his district which may be levied by the common council, and each street commissioner shall in his district have all the powers possessed by road supervisors, as provided by the laws of this State, and shall report to the common council when required.

Street Commissioner to collect poll tax.

SEC. 17. There shall be elected in each district of said city two justices of the peace, who shall hold their offices for the term of two years, and until their successors are elected and qualified, and who may have jurisdiction in matters which are not within the exclusive jurisdiction of the city justice.

Two justices.

SEC. 18. No alderman shall receive from the city any compensation for services.

Aldermen not to be compensated.

SEC. 19. The common council shall prescribe the width of all sidewalks by them ordered to be constructed or repaired, and the materials with which the same shall be constructed or repaired.

Sidewalks.

SEC. 20. Whenever the common council shall deem it necessary to construct or repair any sidewalk within said city of Minneapolis, they shall require the street commissioner of the district within which said improvement is proposed, to notify the owner or owners or occupants of any lot or lots adjoining such sidewalk, to make or repair the same at his or their own proper cost and charge, within a certain time designated, by the publication in the official paper of said city, for two weeks, of a notice setting forth what work is required to be done by such owner or owners or occupants, and the time within which he or they are required to do the same.

Street Commissioner to give notice.

If such work is not done in the manner and within the time prescribed, the common council may 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 said street commissioner, and returned to the common council. And said assessments, so made and returned, shall constitute a lien upon said lot or lots, as in the case of city, county and State taxes. If said assessment is

Lots to be charged.

not paid to the said street commissioner on or before the twentieth day of August in any year, the common council shall cause a statement of the same to be transmitted, with the statement of the city taxes by them levied, to the auditor of the county of Hennepin, on or before the first day of September in each year. And such assessment, when so transmitted to said auditor, shall be collected and payment thereof enforced with and in like manner as city, county and State taxes are collected and payment thereof enforced, and the county treasurer shall account for and pay over the same, when collected, to the city treasurer as in the case of city taxes.

CHAPTER X.

ACCEPTANCE OF CHARTER AND FIRST ELECTION.

To be voted on—
when.

SECTION 1. This act shall be submitted for acceptance or rejection to the electors of each of the two districts which compose said city of Minneapolis, at elections which shall be holden for that purpose. The election for the purpose aforesaid shall be holden in the second district of Minneapolis on the nineteenth day of March, A. D. one thousand eight hundred and sixty-six, and the election for the same purpose shall be holden in the first district of Minneapolis on the twenty-first day of March, A. D. one thousand eight hundred and sixty-six. The ballots to be used at such election shall be written or printed as follows: Those in favor of the acceptance of this act, "Acceptance of charter"—"Yes;" those against the acceptance of this act, "Acceptance of charter"—"No." The polls at such election shall be opened at nine o'clock in the forenoon, and remain open until five o'clock in the afternoon, when they shall be closed.

Where election
to be held.

SEC. 2. At such elections each of the wards in the first district of Minneapolis (the district lying east of the Mississippi river) shall constitute an election precinct, and such election may be holden at the same place within each of said wards where the last general election was holden, unless the city council of the city of St. Anthony, or the judges of election when organized, shall designate some other convenient

place within the ward for holding the same. The city council of the city of St. Anthony may appoint three qualified electors of each ward to be judges of said election, but if they shall fail so to appoint, or if the judges so appointed shall fail to qualify or act, then the electors of such ward who may assemble at the time and place of preparing or correcting the poll lists or of holding the election, may choose such judges *viva voce*, and the judges of election shall appoint two qualified electors who shall [act] as clerks of election.

The second district of Minneapolis (the district lying west of the Mississippi river) shall constitute at such election one election precinct, and such election may be holden at the place where the last general election within the town of Minneapolis was holden, unless the supervisors of said town, or the judges of election, when organized, shall designate some other suitable place within said district for holding the same; the township supervisors of said town of Minneapolis shall be the judges of said election, and the general laws concerning elections shall apply with respect to the filling of vacancies and to clerks of elections.

The judges of elections in each of the election precincts shall meet at the place designated for holding the election therein, on Tuesday, the sixth day of March, A. D. one thousand eight hundred and sixty-six, at ten o'clock in the forenoon, (and after) filling all vacancies in the office of judges, may then proceed to make out a poll list of the persons who are entitled to vote in such precinct at such election, conformably to the general election law, and shall post up three copies of such list at least five days before such election, in three public places in such precinct, and it shall be the duty of such judges to be present at the place of holding such election, on the day next previous to the holding of such election, from the hour of nine o'clock in the forenoon until five o'clock in the afternoon, and on the morning of such election for two hours next preceding the opening of the polls, for the purpose of making all necessary corrections in such list. All provisions of the general election law not incompatible with the provisions of this chapter shall

Duties of Judges
of Election.

apply to such election. The returns of said election shall be made to the city clerk of the city of St. Anthony on or before the hour of ten o'clock in the forenoon of the twenty-second day of March, A. D. one thousand eight hundred and sixty-six. At the hour and on the day last mentioned the town clerk of the town of Minneapolis and the city clerk of the city of St. Anthony shall meet at the office of the latter, and shall there open and canvass the returns of said election, and if it shall appear upon such canvass that a majority of the votes cast in either of said districts shall be against the acceptance of this charter, then no further action shall be taken under this act, and it shall be deemed and taken not to have been accepted; but if on such canvass it shall appear that a majority of the votes cast in each and both of said districts shall be in favor of the acceptance of this charter, then the same shall be deemed to have been accepted.

Judges and
Clerks to be paid

SEC. 3. The judges and clerks of election in the wards composing the first district shall be paid for their services by the city council of the city of Saint Anthony, and those in the second district by the supervisors of the town of Minneapolis, out of the general funds of said city and town respectively.

Duties of City
Clerk.

SEC. 4. If this charter shall have been accepted as herein provided, the city clerk of the city of St. Anthony, and the town clerk of the town of Minneapolis shall within four days thereafter, issue and cause to be posted up in not less than two public places in each ward of the city of Minneapolis, as created by this act, notices of the first city election to be held under this act, on the first Tuesday of April, A. D. one thousand eight hundred and sixty-six, which notice shall designate the time and places in each ward of holding such election, and the officers to be voted for thereat.

Judges of Elec-
tion—how ap-
pointed—their
duties.

SEC. 5. The city council of the city of St. Anthony may appoint judges of election for the first four wards of the city, and the board of supervisors of the town of Minneapolis may appoint judges of election for the last four wards, selecting in each case three qualified voters in each of the respective wards.

The judges of election shall meet at the place ap-

pointed for holding such elections in their respective wards, on Saturday, the twenty-fourth day of March, A. D. one thousand eight hundred and sixty-six, at ten o'clock in the forenoon, and in case of any failure to appoint such judges, the electors of the proper wards who shall assemble at such time and place, may choose such judges of election *viva voce*, or fill any vacancies. The judges appointed or chosen in each ward shall appoint two qualified electors of the ward clerks of election, and shall proceed to make a list of the names of all persons who are entitled to vote in such ward, conformably to the provisions of this charter concerning elections, (except as to time.) Three copies of such lists shall be posted by the said judges in three public places in such ward, at least five days before the day of election, together with a notice of the time and place, when and where the judges of election will be present for the purpose of making all necessary corrections in said list. It shall be the duty of the judges of election of each of said wards, on the Saturday next preceding such election, and if necessary also on the Monday next preceding such election, from the hour of nine in the forenoon till four in the afternoon, and for two hours next preceding the opening of the polls on the day of election, to be present at the place appointed for holding such election, for the purpose of making all necessary corrections in such list. In all other respects said first city elections shall be governed by the rules prescribed in this charter, except that the returns of said first election shall be made to the city clerk of the city of St. Anthony, within forty-eight hours after the closing of the polls. On the seventh day of April, A. D. one thousand eight hundred and sixty-six, at ten o'clock in the forenoon, the town clerk of the town of Minneapolis, and the city clerk of the city of St. Anthony, at the office of the latter, shall open and canvass said returns, and after ascertaining what officers are or appear to have been elected, shall notify such officers of their election.

Duties of judges
of election.

SEC. 6. The aldermen elect shall hold their first meeting at (the) office of the city clerk of the city of St. Anthony, on Tuesday, the tenth day of April, A. D. one thousand eight hundred and sixty-six, when they

Organization.

shall qualify and proceed to organize the common council. The city clerk of the city of St. Anthony shall act as the city clerk of the city of Minneapolis until the common council shall elect a city clerk.

When functions of separate organizations to cease.

SEC. 7. When the common council shall have organized, the functions of the city council of the city of St. Anthony shall cease, and the board of supervisors of the town of Minneapolis shall also cease to have or exercise any further powers within the limits of said city.

Vested rights secured.

SEC. 8. Notwithstanding the supersedure or repeal by this act of the act incorporating the city of St. Anthony and acts amendatory thereof, and other acts affecting the interest of the inhabitants of the city of Minneapolis, or any portion thereof, it is not intended that any rights vested shall be lost thereby; but in all cases affecting past taxes not yet collected, liens for the same, rules of evidence and rights of every kind inchoate or perfected, the provisions of such acts as are hereby superseded or repealed, shall be deemed to continue in force, whenever such continuance shall be for the advantage of said city of Minneapolis, or either district thereof.

To be a public act.

SEC. 9. This act is a public act and need not be pleaded nor proven in any court in this State.

SEC. 10. This act shall take effect from and after its passage.

Approved March 2, 1866.