

aid of the construction of said road and provide for the levy of a tax to pay the same, in the same manner and upon the same terms and conditions as are hereinbefore provided in respect to the bonds which said town of Chatfield is hereinbefore authorized to issue. *Provided*, That the whole amount of bonds issued by any one town under this act shall not exceed the sum of twenty-five thousand dollars."

When act to take effect.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 5, 1868.

CHAPTER XXVI.

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

March 6, 1868.

CHAPTER I.

BOUNDARIES OF CITY AND WARDS.

- SECTION 1. The several acts incorporating the City of St. Paul consolidated and incorporated into one act.
2. Corporate rights of said City.
 3. Boundary lines of the City of St. Paul.
 4. Divided into five Wards—names of Wards—boundary lines of each Ward.
 5. Common Council may change the boundaries of the several Wards, or increase the number.

CHAPTER II.

ELECTIONS.

- SECTION 1. When annual election to be held—length of time the polls to be kept open—notice to be given.
2. Elective officers of said City—term of office of City Assessor and City Comptroller.
 3. Persons appointed or elected to any office may be removed for cause—how.
 4. Vacancies how filled.

5. All elections by the people shall be by ballot—in case of a tie vote how decided.
6. When qualified as an elector—who to be judges of election.
7. Special elections, how conducted.
8. When office deemed vacant.
9. When term of office to begin.
10. In case no election held on day designated, the Common Council may order a new election.

CHAPTER III.

CITY OFFICERS THEIR POWERS AND DUTIES.

- SECTION 1.** Persons elected or appointed to office to take and subscribe an oath—what officers to give bonds.
2. Mayor to see that all laws and ordinances are duly enforced—to be chief executive officer, and head of the police—all ordinances and resolutions to be signed by the Mayor.
 3. When Common Council to elect presiding officer—in the absence of the Mayor President of the Council Mayor *ad interim*—may administer oaths.
 4. Common Council to elect annually a City Clerk—duties of said Clerk.
 5. Duties of City Attorney.
 6. Duties of City Treasurer—to give bond for faithful performance of duties.
 7. Mayor to appoint a Chief of Police—duties of said officer.
 8. Common Council to elect a Wharfmaster—duties of said officer.
 9. Duties of Street Commissioner—compensation—to make report to Common Council—when.
 10. Duties of Assessor—term of office—to make the necessary qualifications—when office may be declared vacant—compensation—when books, blanks, &c., to be delivered to said Assessor.
 11. Duties of City Justice—no appeal shall be allowed where the judgment, exclusive of costs, is less than twenty-five dollars—in case of absence or sickness the Mayor may authorize any other justice to perform the duties.
 12. City Justice required to report to Common Council—what report to contain—fees allowed in criminal cases.
 13. Duty of Comptroller.
 14. Comptroller to make annual report to Common Council—what to contain.
 15. To make estimates of expenses of any work to be done by the city.
 16. To keep regular books of accounts in which shall be entered all indebtedness of the city.
 17. To make report to Common Council—when—what to contain.
 18. May examine the reports, books, &c., of the Treasurer.
 19. To assist the Treasurer in carrying out the provisions of Chapter 5 of this act.
 20. To keep books open to the inspection of all parties interested—not to be interested in any contract—required to give bond.
 21. Common Council to prescribe duties and fix compensation for services performed by the City Surveyor.
 22. Common Council to designate the official paper of the city.

SPECIAL LAWS

23. City Printer to file affidavit of publication of notices, &c., with City Clerk, which shall be conclusive evidence of publication.
24. Any person refusing to deliver to successor in office all property, books, &c., shall forfeit and pay to the city \$1,000.
25. No Alderman shall be interested in any job or contract with the city—members of Council exempt from serving on juries.
26. Who deemed to be officers of the peace.
27. Further powers of Council.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

- SECTION 1.** Style of all ordinances—when and where Council to meet—what to constitute a quorum.
2. Council to hold stated meetings—Mayor may call special meetings—Council to be judge of the qualifications and elections of its own members,
 3. Council to have control of the finances—further powers of Common Council.
 4. Vote necessary to pass all ordinances, &c.—when may be admitted as evidence in any court.
 5. What to be deemed common nuisances.
 6. Common Council shall examine and adjust all accounts.

CHAPTER V.

FINANCES AND TAXATION.

- SECTION 1.** The present bonded debt of the city shall not be increased.
2. What funds to be under the control of the Council—what orders upon the Treasurer to specify.
 3. Duty of the Council after the passage of this act.
 4. For what purpose tax to be levied.
 5. When taxes to be due and payable.
 6. When taxes collected to be paid over to the City Treasurer.
 7. Treasurer to open and keep separate accounts of all revenues for specific purposes.
 8. Comptroller in auditing accounts to specify upon each claim the particular fund out of which the same shall be paid.
 9. No orders to be drawn upon the Treasury unless the requirements of the preceding Section have been complied with.
 10. Any wilful neglect to perform the duties required in this Chapter declared to be a felony—penalty.
 11. In case bonds heretofore issued bear a higher rate of interest than seven per cent. Council shall have power to issue new bonds.
 12. Holders of bonds bearing a higher rate of interest than seven per cent. may be exchanged for preferred bonds.
 13. For what purpose money may be appropriated.
 14. No appropriation for public receptions, &c.
 15. Not to be construed to prevent the issuing of bonds specified in previous enactments.

CHAPTER VI.

THE COMMISSIONERS OF THE INTEREST AND SINKING FUND.

- SECTION 1.** Commissioners of the Interest and Sinking Fund.

2. Number necessary to transact business.
3. Disposition of moneys constituting the Sinking Fund.
4. When bonds of States or United States may be sold and invested in City bonds.
5. Transfer of fund invested in City bonds.
6. By whom money in Sinking Fund disbursed.
7. How money drawn from Treasury.
8. Comptroller to keep correct journal of proceedings of Commissioners.
9. Vacancy how filled.
10. City Treasurer to have charge of all bonds and securities for safe keeping.
11. Commissioners to protect the credit of the City.
12. Defines "Bills Payable."

CHAPTER VII.

OPENING AND VACATING STREETS, ALLEYS, &C.

- SECTION 1. Common Council to have control of all public highways, &c.
2. Common Council shall have power to lay out, open or vacate public squares, streets, &c.—when necessary to take private property how to proceed.
 3. To cause survey and profile to be filed in the office of City Surveyor.
 4. When public grounds, streets or alleys may be vacated.
 5. Persons aggrieved may appeal to the District Court.
 6. Duties of City Clerk.

CHAPTER VIII.

CITY IMPROVEMENTS.

- SECTION 1. Common Council power to contract for making, grading and cleaning streets.
2. All improvements to be made from the General Fund.
 3. No improvement shall be ordered except by a vote of two-thirds of the members present.
 4. All contracts for improvements to be let to the lowest responsible bidder.
 5. Purchase of material for improvements exceeding the sum of one hundred dollars, to be made from the lowest bidder.
 6. Committee on Streets—power of.
 7. Public streets, bridges, &c., damaged by fire, flood, &c., may be immediately repaired.
 8. Duty of Street Commissioner.
 9. Contractors to be responsible for any loss or damage by reason of neglect.
 10. Common Council shall have power to regulate and maintain wharves and piers along the banks of the river.
 11. Right of way may be granted to any steam railway or horse railway company.
 12. Common Council to establish grade of streets and sidewalks.
 13. Transfer of record of established grades of streets, alleys, &c.

CHAPTER IX.

THE FIRE DEPARTMENT.

- SECTION 1. Common Council authorized to purchase fire engines and other fire apparatus—exemptions of members of fire department.
2. Time for annual election of Chief and Assistant Engineers.
 3. When Fire Wardens to be appointed—duty of.

4. Penalty for refusing to obey orders given at any fire.
5. Power to prescribe fire limits.
6. Power to prevent the dangerous construction of chimneys, &c.
7. May make reasonable appropriations for the support of said Department.

CHAPTER X.

THE BOARD OF HEALTH—ITS POWERS AND DUTIES.

SECTION 1. When Council to elect health officer—duties of said officer.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

- SECTION 1. When penalty for judgment may be remitted.
2. All action shall be brought in the name of the city.
 3. In what cases shall warrant be issued—what cases warrant not to be issued.
 4. For non-payment of fines how punished.
 5. In what cases not liable for board or jail fees.
 6. Qualifications of judge, justice, &c.
 7. How suits may be brought against the city.
 8. How to proceed in case of appeals.
 9. Provision for paying judgments rendered against the city.
 10. What property exempt from levy and sale by virtue of any execution.
 11. Execution of deeds, and other instruments to be authorized by resolution of Common Council.
 12. All bonds to be issued shall be signed by the Mayor and City Clerk.
 13. May lease and hold property—for what purpose.
 14. All work to be given to the lowest responsible bidder.
 15. No laws shall be considered repealing or modifying the same unless expressly set forth in such law.
 16. Every ordinance passed to be published in the official newspaper of said city.
 17. What documents may be read in evidence in all courts.
 18. Repeal of inconsistent acts.
 19. When act to take effect.

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

CHAPTER I.

Acts consolidated.

SECTION. 1. That the several acts of the legislature of this state, incorporating the City of Saint Paul, and the several acts and parts of acts amendatory thereof, be and the same are hereby amended, consolidated and incorporated into one act, as follows :

BOUNDARIES OF CITY AND WARDS.

SEC. 2. All the district of country in the county of Ramsey contained within the limits and boundaries herein-

after described, shall be a City by the name of "Saint Paul," and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the "City of Saint Paul," and by that name shall sue and be sued; complain and defend in any court; make and use a common seal, and alter it at pleasure; and take, hold and purchase, lease and convey such real and personal or mixed estate as the purposes of the corporation may require, within or without the limits aforesaid; shall be capable of contracting and being contracted with; and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession.

SEC. 3. The district of country aforesaid, constituting the "City of Saint Paul," and the limits and boundaries thereof, shall be as follows: All of sections number thirty-one (31) and thirty-two (32), in township number twenty-nine (29) north, of range number twenty-two (22) west; all of section number thirty-six (36), in township number twenty-nine (29) north, of range number twenty-three (23) west; all of section number one (1), in township number twenty-eight (28) north, of range twenty-three (23) west; and so much of section number twelve (12), in said last named township, and so much of sections number five (5) and six (6), in township number twenty-eight (28) north, of range number twenty-two (22) west, as lie north of the middle of the Mississippi River including the islands therein, to wit: Ames, Boal and Lamb's Islands, Raspberry, Barnes and Harriet Islands, being bounded on the north by the north lines of said sections thirty-six (36), thirty-one (31), and thirty-two (32); on the east by the east line of said section thirty-two (32), and so much of the east line of said section five (5), as lies north of the middle of the Mississippi River; on the south by the middle of the Mississippi River; and on the west by the west lines of said sections thirty six (36) and one (1), and of said section twelve (12) continued to the middle of the said Mississippi River; including all of the islands aforesaid.

SEC. 4. The said city shall be divided into five wards, called the first, second, third, fourth and fifth, limited and bounded as follows: All the district of country and territory east of the middle of Broadway and Mississippi

Corporate rights

City boundary.

Names of wards
—boundaries.

streets, and extending from the Mississippi river to the northern boundary of said city, shall be the Fifth Ward. All the district of country and territory between the west line of the Fifth Ward, and a line commencing at the Mississippi river, and extending along the centre of Jackson and Sylvan streets, to the northern boundary of said city, shall be the First Ward. All the district of country and territory between the west line of the First Ward, and a line commencing at the Mississippi river, and extending up the centre of Wabashaw street to its termination, thence down the centre of Bluff street to its intersection with Bond street, thence through the centre of Bond street to its intersection with Ewing street, thence north in the centre of Ewing street to Melrose street, thence in the centre of Melrose street to its intersection with Park Avenue, thence northerly in the centre of Park Avenue to the northern boundary of said city, shall be the Second Ward. All that district of country and territory between the west line of the Second Ward, and a line commencing at the Mississippi river and extending up the centre of Eagle street to the centre of Exchange street, thence up the centre of Exchange street to the centre of Third and Saint Anthony streets, thence up Saint Anthony street to its intersection with Dayton and Summit Avenues, thence along the centre of Summit Avenue to its intersection with Rice street, thence up Rice street to its terminus at north line of the city, shall be the Third Ward. The Fourth Ward shall comprise all the district of country and territory lying west of the west line of the Third Ward, and east of the west line of the city, and thence extending north from the centre of the Mississippi river, including Harriet Island, to the north line of the city.

Can change the boundaries and increase number of wards.

SEC. 5. The common council of said city may change the boundaries of the several wards in said city, or increase the number of such wards, by ordinance, for that purpose, but no such change or increase shall be made within three months prior to the date of a general or or charter election in said city, or a special election in a ward.

CHAPTER II.

ELECTIONS.

SECTION 1. There shall be an annual election for elec-

tive officers hereinafter provided, held on the first Tuesday of April of each and every year, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon until five in the afternoon; and ten days previous notice shall be given by the common council, of the time and place of holding such election, and of the officers to be elected.

Annual election when held—manner of holding the election.

SEC. 2. The elective officers in said city shall be a mayor, treasurer, city attorney, street commissioner, city surveyor, city assessor, city comptroller, and justice of the peace for the city, who shall be styled city justice, all of which said officers shall be residents within and qualified voters of said city. Each ward shall elect three aldermen, one justice of the peace, and one constable, who shall be residents in 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. At every annual election there shall be elected one alderman from each ward, who shall hold his office for three years. The city justice shall hold his office for two years and until his successor is elected and qualified. The city treasurer and city attorney shall hold their offices for two years, and until their successors are elected and qualified. The city surveyor shall hold his office for three years, and until his successor is elected and qualified. The street commissioner shall hold his office for two years, and until his successor is elected and qualified. The justice of the peace and constables in each of said wards shall hold their offices for two years and until their successors are elected and qualified. The city assessor shall hold his office for two years and until his successor is elected and qualified; *Provided however*, That no assessor shall be elected under this act until the regular annual election for city officers in the year one thousand eight hundred and sixty-nine. The city comptroller shall hold his office for one year and until his successor is elected and qualified.

Elective officers—term of office.

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

Officers can be removed—how

shall have power to fix a time and place for the trial of such officer, of which not less than ten days notice shall be given, and to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall neglect to appear and answer to such charge, the common council may declare the office vacant.

Vacancies how filled.

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

Election shall be by ballot—in case of a tie how decided.

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.

Qualifications of electors—judges of election.

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 elected under this law, and to hold any office hereby created. The alderman in each ward shall be the judges of election in their respective wards, and shall appoint two qualified electors of each ward respectively, who shall be clerks respectively. Said election shall be held and conducted in the manner and under the same penalties as required by the laws of the state regarding elections, except that the returns for all city elections shall be made to the city clerk. The common council shall appoint at the regular meeting next preceding any election, one or more persons for each ward, from among the qualified electors thereof, to act as judge of election for such ward, in case of the absence or inability of any alderman thereof.

SEC. 7. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward in the same manner, and the returns thereof shall be made in the same form and manner as general and annual elections, and within such time as may be prescribed by resolution.

Special elections
how conducted.

SEC. 8. Any officer moving 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.

When office
deemed vacant.

SEC. 9. The term of every officer elected under this law shall commence on the second Tuesday of April, of the year of which he was elected, and shall, unless otherwise provided, continue for one year, and until his successor is elected and qualified.

When term of
office to begin.

SEC. 10. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days notice of the time and place of holding the election being first given.

When Council
may order new
election.

CHAPTER III.

CITY OFFICERS, THEIR POWERS AND DUTIES.

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, duly certified by the officer taking the same, with the clerk of the city; and the treasurer, clerk, comptroller, wharfmaster, street commissioner, assessor, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of St. Paul a bond, with at least two sureties, who shall make affidavit that they are each worth the penalty specified in said bonds over and above all debts, exemptions or liabilities, and said bonds shall contain such penal sum, and such conditions as the common council may deem proper; and they may from time to time require new or additional bonds, and remove from office any officer, refusing or neglecting to give the same.

Officers to take
oath and give
bonds.

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. 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 the 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 approves 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 consideration, 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 have been 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. The president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability, from any reason, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent at any meeting of the common council, the vice president shall act as presiding officer for the time being, and shall discharge the duties of such president, and act in his place. The president or temporary presiding officer, while presiding over the common council

Council to elect
presiding officer
—his duties.

or performing the duties of mayor, shall be styled acting mayor, and acts performed by either when acting as mayor as aforesaid, shall have the same force and validity as if performed by the mayor. The mayor and aldermen of said city shall have the right to administer oaths and affirmations, take acknowledgments of deeds, and do and perform generally all acts which may be done or performed by notaries public under the laws of this state.

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 papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts as if the original were produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. The clerk shall have power to administer oaths and affirmations, and take the acknowledgment of deeds and other writings.

Council to elect
City Clerk—duties of Clerk.

SEC. 5. The city attorney for said city shall perform all professional services incident to his office, and when required shall furnish opinions upon any legal question submitted to him by the common council or any of its committees, and perform such other duties as may be prescribed by ordinance.

Duties of City
Attorney.

SEC. 6. The city treasurer shall receive all moneys belonging to said city, including all taxes, license money and fines, and other revenues of said city, and keep an accurate and detailed account thereof, in such manner as to show the exact financial condition of said city. He shall exhibit to the common council, at least fifteen days before the annual election, and as often as said common council or the finance committee thereof, may require, a full and detailed account of all receipts and expenditures since the date of his last annual report, or for any required period, and also the state of the city treasury, which annual account shall be filed with the clerk, and published in the official paper of said city. He shall give such bond as the common council may require, and the same shall be conditioned for the faithful performance of all the duties im-

Duties of City
Treasurer—to
give bonds.

posed by this act, and particularly the duties required of such treasurer by chapter five of this act, relating to "finance and taxation."

How Chief of
Police appointed
—his duties.

SEC. 7. There shall be a chief of police of said city, who shall be appointed by the mayor as other police officers, and who shall perform such duties as shall be prescribed by the common council for the preservation of the public peace. All police officers and watchmen of said city shall possess the power, of constables at common law or by the laws of this state, and it shall be their duty to execute and serve all warrants, process, commitments and all writs whatever issued by the city justice for any violation of the laws of the state of Minnesota, or of the ordinances or by-laws of said city; and they shall have power to pursue and arrest any person fleeing from justice in any part of this state, and when performing the duties of constables as aforesaid, shall be entitled to like fees.

Council to elect
Wharfmaster—
his duties.

SEC. 8. The common council shall have power to establish and to elect a wharfmaster, 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.

Duties of Street
Commissioner—
compensation—
when to make
report.

SEC. 9. It shall be the duty of the street commissioner to render his personal services and perform labor in repairing the streets of said city, and to superintend all local improvements throughout the said city under the direction of the common council and committee on streets, and to carry into effect all orders of the common council and committee on streets in relation thereto, and perform such other duties as may be prescribed by ordinance or ordered by resolution of the common council. Said street commissioner shall receive a compensation, to be fixed by the common council, and shall keep accurate accounts of all expenditures incurred in the discharge of his duties, and render monthly accounts thereof to the common council, or oftener if required.

Duties of Asses-
sor—term of of-
fice—qualifica-
tions—office can
be declared vac-
ant—compensa-
tion—books, &c.
to be delivered
to said Assessor

SEC. 10. The assessor shall be a resident freeholder and elector of said city, and who shall perform all the duties required by law of assessors of property for the purposes of taxation for state, county, city or other purposes within the city of St. Paul. Said assessor shall hold his office for two years from the time of his election, and until his successor is elected and qualified, and shall file a bond with

the county auditor of Ramsey county, for the sum of five thousand dollars, and shall take an oath of office in the manner and within the time prescribed for assessors under the general laws of the state. In case of his failure to qualify according to law, or in case of his death, resignation, removal, or other cause disqualifying him from performing the duties of his office, his office shall be declared vacant, and another assessor elected by the council, to act in his place. His compensation shall be fixed by the council and paid like the salaries of other officers. The books, abstracts maps, blanks and other papers required by law to be delivered by county auditors to assessors, shall be delivered to such assessor by the fifteenth day of January, and he shall immediately thereafter enter upon the duties of his office. Said city assessor shall make a separate roll or return for each ward of said city, contained in a book or books to be furnished him by the county auditor, and shall return the same to the county auditor, in the manner prescribed by the general laws of the state, and on or before the first day of September of each year, and said returns and assessments shall be subject to the revision and correction of the county board of equalization, and of the county auditor of Ramsey county, in the manner and in the cases prescribed by the general laws of this state regulating the assessment of property. *Provided, however,* That no correction, revision or alteration of the assessment contained in such return shall be made by such county board of equalization, except as provided in chapter five of this act.

SEC. 11. The city justice for the city shall possess all the authority, powers and rights of a justice of the peace of the county of Ramsey, under the laws of the State, and shall have in addition thereto, sole, exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace; but warrants returnable before said justice may be issued, in criminal cases, by any other justice in the city, but no fee shall be received therefor by said justice. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of the said city of Saint Paul or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all

Duties of City Justice—when no appeal allowed—Mayor to fill vacancy.

cases of offences committed against the same. All prosecutions for assaults, batteries and affrays not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the city of St. Paul, and the same proceedings shall be had in all civil and criminal suits before said justice, where not otherwise herein directed, as are established and required to be had in civil and criminal actions, by the laws of this state before a justice of the peace. *Provided*, That in cases of prosecution for a breach or violation of an ordinance, by-law or regulation of said city or its charter, or for an assault, battery, or breach of the peace, 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 twenty-five dollars (\$25). 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 of frequenting the same, and of keeping or maintaining disorderly and ill-governed houses, the said justice shall have power, in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in case of contempt as a court of record. *Provided*, That nothing herein contained shall be deemed to divest the district judges of their authority as conservators of the public peace, nor to affect in any manner the jurisdiction or powers of the court of common pleas of the county of Ramsey, the district courts or supreme court of this State. In case of the absence, sickness or other inability of such justice, or for any sufficient reason, the mayor, by warrant, may 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 violation of any

ordinance, by-law or regulation of said city, shall belong to and be part of the finances of said city.

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

To make report
—what to contain—fees.

SEC. 13. There shall be a comptroller of said city, who shall be elected at the annual election in each year, whose duty it shall be to report to the common council the financial condition of the city. He shall make a list of all outstanding city bonds, to whom issued, for what purpose, 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.

Duty of Comptroller.

SEC. 14. He shall report annually, on or about the first day of May, to the common council, an estimate of the expenses of the city and likewise the revenue necessary to be raised for the current year; and the fiscal year shall commence on the organization of the new council.

To make report
—what to contain.

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 make estimates of expenses.

SEC. 16. It shall be the duty of the comptroller to keep regular books of accounts, in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city; the amount of bonds, orders, or other evidences of indebtedness issued by the common council; the amount of all bonds, orders, &c., which have been redeemed, and the amount of each outstanding; to countersign all bonds, orders, or other evidences of indebtedness of the city, and to keep an exact account thereof, stating to whom and for what purpose 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 books of account.

To make report
—when—what
to contain.

SEC. 17. If on or before the first day of January of any year, the amount expended or to be expended, chargeable to any of the special funds, (adding thereto the current expenses estimated for the remainder of the fiscal year, and chargeable to such fund,) shall be equal to three-fourths of the tax authorized to be raised, or revenue estimated for such fund, he shall at once report the same to the common council; and he shall not countersign any contracts chargeable to such fund until the amount of taxes actually collected be ascertained; and during the remainder of the fiscal year, he shall not countersign any contract the expenses of which shall exceed the revenue actually collected for the fund to which such expenses are properly chargeable.

May examine
books, &c., of
Treasurer.

SEC. 18. 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 assist Treas-
urer—audit all
claims.

SEC. 19. He shall at all times have access to the said reports, books, papers, vouchers and accounts, and shall assist the treasurer in carrying out the provisions of chapter five of this act; all claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the comptroller, and all orders on the treasurer shall be examined and countersigned by him before they are delivered to the city clerk.

To keep open
books—interest-
ed in no con-
tracts—to give
bonds.

SEC. 20. 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 the inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city is a party. He shall give such bond as the common council may require, and the same shall be conditioned for the faithful performance of all the duties required of such comptroller by chapter five of this act, relating to finances and taxation.

Duty and pay of
Surveyor fixed
by Council.

SEC. 21. The city surveyor 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 of any service performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the wards, shall be the property of the said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same, together

with all books and papers appertaining to said office, shall be delivered over by the surveyor, at the expiration of his term of office, to his successor or the common council.

SEC. 22. 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. *Provided*, That the common council may order the publication of ordinances, advertisements, proceedings or such resolutions as may be of general importance in such other newspapers as they may direct.

Council to select official paper.

SEC. 23. 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, and no account for the publication of such notice, ordinance or resolution shall be allowed or adjusted by the comptroller, without the certificate of the city clerk that such proof of publication has been made and filed.

What shall be evidence of publication &c.

SEC. 24. If any person, having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one thousand dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state.

Penalty for refusing to deliver property, &c. to successor.

SEC. 25. No alderman shall be a party to or interested in any job or contract with the city; 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. The members of the common council shall be exempt from serving on any jury during their term of office.

Aldermen not to be interested in contracts—to be exempt from serving on juries

SEC. 26. The mayor or acting mayor, sheriff of Ram-

Who deemed
officers of peace.

sey county, coroner, and each alderman, all justices of the peace, police officers and watchmen, shall be officers of the peace, and may command the peace, suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty 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. 27. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless herein otherwise provided for; but no officer elected or appointed by the common council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one year, and until his successor is elected or appointed, and duly qualified, except as provided in this act. 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 such year.

CHAPTER IV.

THE COMMON COUNCIL.—ITS GENERAL POWERS AND DUTIES.

Style of ordi-
nances—when
and where Coun-
cil to meet—
quorum.

SECTION 1. The aldermen shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of Saint Paul do ordain, &c." The common council shall meet at such time and place as they by resolution may direct. A majority of the aldermen shall constitute a quorum.

Stated meetings
—special meet-
ings how called
—qualifications.

SEC. 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members, to be delivered personally or left

at their usual place of abode. The common council shall be the judge of election and qualification of its own members, and in such case shall have 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.

SEC. 3. The common council shall have the management and control of the finances, (subject to the provisions of this act,) 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 the power to establish and maintain a city prison and watch-houses 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—

Council to control finances—
further powers.

First—To license and regulate the exhibition of common showmen, and shows of all kinds, and the exhibitions of caravans, circuses, concerts and theatrical performances, and also to license and regulate all auctioneers, billiard tables, pigeon-hole tables, nine or ten-pin alleys, bowling saloons, butcher shops and butcher stalls, and vendors of butchers' meat, pawnbrokers, insurance officers and insurance agencies, taverns, lager beer saloons, victualing houses, and all persons vending, dealing in or disposing of spirituous,

Powers of Council.
ch. 1

vinous, malt or fermented liquors. *Provided*, That this act shall not be so construed as to prevent pork packers from disposing of offal or trimmings of hogs, nor shall any person selling game or who may dispose of any animals raised or fattened by him, or who may sell fresh meats by the carcass or quantities not less than by the quarter, be deemed or held to be a vendor of fresh or butchers' meats under the provisions of this act; and also to license and regulate the selling or contracting for the sale of any goods, wares or merchandise by samples, when such goods, wares or merchandise are thereafter to be sent or delivered to the purchasers. *And, Provided further*, That not less than five dollars, nor more than five hundred dollars shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed one dollar; and said common council may at any time revoke any license granted under this act for malconduct in the course of trade, and may regulate or restrain the sale of fresh or butchers' meat within the corporate limits of said city, and punish or restrain the forestalling of poultry, game, eggs, or fruit within said city.

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

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

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

Fifth—To direct the location and management of slaughter houses and markets, breweries, distilleries and pawnbrokers, and to establish rates for, and license vendors of

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

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

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

Eighth—To restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties Powers of Council. on the owners of such animals for violation of the ordinances; *Provided*, That when a sale of such animals shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling such animals, shall be deposited in the office of the treasurer of said city, for the use and benefit of the owners thereof, if called for by such owner within one year from the day of such sale.

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 carcase, 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 officer, at the expense of such person or persons.

Eleventh—To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for and conduct water into and through said city, and into and through its streets, avenues, alleys, and public grounds, and to provide for and control the erection of water works for the supply of water to its inhabitants; to regulate, and at a reasonable rate to license hacks, carts, omnibuses, trucks, wagons, and other vehicles engaged in hauling or carrying for hire, and the charges of the dri-

vers of such vehicles; to regulate, and at a reasonable rate to license secondhand stores and junk shops, and to erect lamps and to provide for lighting the city, and to control the erection of gas-works, or other works for lighting the city streets, public grounds and public buildings, and to create, alter and extend lamp districts.

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

Powers of Council.

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 or other public grounds or property in said city, or in any way doing any damage to such sidewalks, grounds or property.

Fifteenth—To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks 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 drunkenness and obscenity in the streets or public places of said city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

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

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

Nineteenth—To provide for the receipt, storage, transportation, safe keeping, and dealing and traffic in gunpowder, guncotton, petroleum, kerosene or other dangerous, explosive or inflammable oils or substances within said city, or within one mile of the corporate limits thereof, and to provide for the summary condemnation or destruction of any of said articles as may be kept, stored, dealt in, transported through or received in said city, contrary to

such ordinance as said city may enact for the safety of life and property therein.

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

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.

Powers of Council.

Twenty-third—To regulate, control and prevent the landing of persons from boats or vessels whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city; and also to regulate, control and prevent the landing and conveyance of paupers and persons in a destitute condition into said city, and not having a legal settlement or residence therein, by any boat or vessel or other means of conveyance, and to require that such persons shall be taken back to the place from whence they may have been brought by the person or persons bringing or leaving them in said city.

Twenty-fourth—To regulate the time, manner and place of holding public auction 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 punishment for 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 regulate the measurement and inspection of lumber, shingles; timber and building materials.

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

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

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

Thirty-second—To remove and abate any nuisance injurious to the public health or safety, and to remove or require to be removed any building which by reason of dilapidation, defects in structure or other causes may have or shall become imminently dangerous to life and property; and to provide for the punishment of all persons who shall cause or maintain such nuisances, and to charge and assess the expense of removing or abating the same upon the lot or lots upon which such nuisance or dangerous building may be maintained.

Thirty-third—To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and make regulations to prevent the introduction of contagious diseases into the city; and to make quarantine laws and enforce the same within the city limits. The jurisdiction of said city shall extend to and be in force over any lands within the county of Ramsey, purchased or used by said city for the purposes of a quarantine, for police and sanitary regulations; and for the preservation of the health of said city, and the suppression of disease and abatement of public nuisances, and the suppression of any business contrary to the sanitary regulations of the common council or board of health the jurisdiction of said city shall extend for a circuit of one mile from the present city limits, east of the Mississippi River.

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

Thirty-fifth—Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding one hundred dollars and imprisonment in the city prison and county jail not exceeding thirty days, or both, and to be fed on bread and water at the discretion of the city justice; and offenders against the same may be required to give security for their good behavior and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

Thirty-six—The common council of said city may provide by ordinance that any one convicted of an offence before the city justice, subjecting such offender to imprisonment under the charter and ordinances of said city, may be kept at hard labor in any work house established by said city for that purpose, or in case of a male offender, may be kept at hard labor during his term of imprisonment, in such workhouse or upon the public streets and improvements of said city, or both; and may also provide by ordinance that any one convicted of an offence before the city justice as aforesaid, and committed upon non-payment of a fine imposed, may be kept at hard labor in any workhouse of said city as aforesaid, or in case of a male offender, may be kept at hard labor either in such workhouse, or upon the public streets and improvements, or both, until such persons shall work out the amount of such fine at such rate of compensation as said common council may prescribe, for a time not exceeding the term of such commitment; and the common council shall have full power to establish by ordinance all needful regulations for the security of such prisoners thus employed, and to prevent escape and ensure proper discipline, and shall have power to establish a suitable workhouse in said city for the purpose aforesaid, and under such regulations as the said common council may provide: *Provided*, That the common council aforesaid shall be and is hereby authorized to use the jail of Ramsey county as the workhouse of the city of Saint Paul, provided for in this act, the prisoners of the city to be as at present in the custody of the sheriff of Ramsey county, except when employed upon the public streets and improvements of said city.

Powers of Council.

SEC. 4. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of

Ordinances how
passed—when
used as evidence
—appropriations

the members of the common council present by ayes and noes, and published in the official paper before the same shall be in force, and shall be admitted as evidence in any court of the state, without further proof; and 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 elect of the common council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council.

Nuisances.

SEC. 5. The powers conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind within the limits of said city, wherein more than twenty-five pounds of gunpowder, or more than five barrels of thirty-six gallons each, (or such greater or less quantity as said common council may direct by ordinance,) of petroleum, kerosene, naphtha, or other inflammable or explosive oils or substances are deposited, stored or kept at any one time; gambling houses, houses of ill fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Council to adjust
all accounts.

SEC. 6. The council shall examine, audit, and adjust the accounts of the clerk, treasurer, street commissioner, city justice, wharfmaster, and other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of said city were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts, and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall order suits and proceedings at law against any officer and agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties; and shall make a full record of all such settlements and adjustments.

CHAPTER V.

FINANCES AND TAXATION.

SECTION 1. The present bonded or permanent funded debt of the city shall not be increased, nor shall any new bonds of the city be issued except for existing debts or in liquidation or exchange for bonds heretofore issued, nor shall the city loan her credit, become a stockholder in or make contribution or donation to any private company or corporation until the same shall have been voted for and approved by two-thirds of all the legal voters voting at a regular annual city election; *Provided*, That nothing contained herein shall be construed to prevent the city from issuing bonds in accordance with a vote heretofore taken to aid the Mississippi and Lake Superior Railroad Company, or to prevent the issuing of bonds for the purchase of \$50,000 of the bonds of the St. Paul and Chicago Railroad Company, as heretofore agreed upon by the common council, and to aid the Minnesota Central Railroad Company; nor to prevent the issuing of bonds to said companies on account of a modification or change of the former agreement with the Lake Superior and Mississippi Railroad Company, heretofore made by the common council, and on account of any modification or change of an agreement which the common council may make with the Minnesota Central (now Milwaukee and St. Paul and Minneapolis) Railway Company, to aid in constructing a bridge across the Mississippi River. *And provided further*, That the common council may authorize the finance committee thereof to negotiate for and procure such an extension or renewal of that portion of the present floating indebtedness of the city as is secured by "bills payable," and "collateral bonds," so called, amounting to fifty thousand dollars, with the interest accruing, and to accrue thereon, upon such terms as they can procure the same; but the present rate of interest named in said "bills payable" shall not be increased, nor shall any other or additional "collateral bonds" be issued or delivered to secure such extended or renewed "bills payable." The said common council shall have full power and authority to issue bonds to fund the present floating or funded indebtedness of the city, including all past due bonds with the interest accrued thereon, and the said "bills payable," and bonds maturing during the year

Bonded debt not
to be increased.

one thousand eight hundred and sixty-eight, and interest thereon to accrue, provided that such bonds shall not be negotiated at a rate less than eighty cents on the dollar. Such bonds to be payable in not less than twenty years after date, with interest payable semi-annually in the city of New York. No bonds hereafter to be issued by said city, for the above or any other purpose, shall draw more than seven per cent. interest per annum, and the common council are fully authorized and required to provide by taxation for the prompt payment of interest, and for a sinking fund sufficient to meet such bonds, and all other bonds of said city, at maturity, whether heretofore or hereafter to be issued. And all acts of the legislature of this state, whether heretofore or hereafter to be passed, authorizing an issue of bonds by said city, shall be construed to contain a provision for the payment of the interest thereon, and for a sinking fund sufficient to pay the same by taxation, unless the contrary shall be expressed in such act.

SEC. 2. Until the beginning of the next fiscal year, all funds in the city treasury, except wharfage funds, bridge receipts, and such other funds as may have been heretofore pledged or appropriated to a specific purpose, shall be credited to the general fund, and shall be under the control of the common council, and shall be paid out as heretofore upon the order of the mayor and clerk, countersigned by the comptroller, duly authorized by a vote of the common council; and all orders drawn upon the treasurer shall specify the specific purpose for which they were drawn, and shall, until the date aforesaid, be payable generally out of any funds in the general fund belonging to the city; but no such orders shall be paid out of the wharfage fund, bridge fund, or other special fund which has been specifically pledged as aforesaid; and such specific funds shall only be drawn out upon orders drawn upon such funds by virtue of a resolution of the common council. All orders shall be payable to the order of the person in whose favor they may be drawn, and they may be transferred by endorsement; no order on the treasury shall be drawn or issued, until there shall be funds sufficient to pay the same, together with the orders that may then be outstanding; and the comptroller is prohibited from countersigning any such order until there shall be sufficient funds in the treasury to meet such orders, together with the orders which may be then outstanding.

Funds to be under whose control—orders what to specify.

SEC. 3. It shall be the duty of the common council forthwith after the passage of this act, to cause a careful estimate of the probable, general and current incidental expenses of said city, to be made, from that date to the first day of January, one thousand eight hundred and sixty-nine; and also of the probable amounts which will accrue to the general fund of said city, from uncollected taxes, and all other sources of revenue not specifically pledged, and no contracts for street improvements, shall be let, nor work done in the opening, grading, or improving of streets, building sewers, or other general improvements made, during the period aforesaid, unless the same shall be determined by resolution to be absolutely necessary. And the city comptroller shall not countersign any contract, nor any order for work done for the above named purposes, unless it shall appear from said estimate that there will be funds in the treasury to pay for the same, within the period aforesaid. And it shall be the duty of said common council to so limit the general improvements that the present floating debt of said city shall not be increased during the period aforesaid.

Duty of Council
after passage of
this act.

SEC. 4. All property real and personal within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government, and payment of its debts and liabilities, and the same shall be assessed in the manner provided by law. The said common council may levy an annual tax upon all property in said city taxable under the laws of this state, to and for the specific purposes following, that is to say:—

Taxes levied for
what purpose.

First—To provide for the interest on all outstanding bonds and said “bills payable” to become due during the fiscal year, and for a sinking fund sufficient to meet and pay such bonds, and “bills payable,” at maturity, and the floating indebtedness of the city.

Second—To provide for the support of the public free schools of said city.

Third—To provide a “general fund” to pay the general current and incidental expenses of the city, including salaries of officers, police, street force, fire department, lighting the city, printing and stationery, and for a contingent fund not exceeding ten thousand dollars, and to provide for the preservation of the health of the city; but the amount of money to be raised for the above purposes shall only be so much as will be necessary, in addition to amount received from licenses, fines, bridge tolls, wharf-

age, markets, and other incidental sources, for an economical administration of the affairs of the city, and shall not exceed five mills on the dollar of the assessed value of the taxable property of the city; and the money so raised shall not be expended for any other purpose than above stated.

Fourth—To provide a “street improvement fund” for the opening and improving of streets, the construction of sidewalks, sewers, and other improvements of a public character, there may be levied annually a tax not exceeding three mills on the assessed value of the property of the city. *Provided*, That the tax for the opening and improving of streets, &c., shall not be levied as a general tax, after the city shall have received power to assess the same on the property benefitted, and shall have passed an ordinance to carry the said power into operation. The said common council in making such levy, shall designate in the resolution therefor, the amount to be levied for each of said several funds, and no further levy shall be made except for the purposes above designated.

SEC. 5. The said levy shall be made by said common council on or before the first day of October of each year, and the same shall be entered upon the tax duplicates for the county of Ramsey, and collected annually in like manner as state and county taxes are collected. *Provided*, That the said city taxes shall be due and payable on the first day of January of each year, and no general law of the state extending the time for the payment of such taxes, or remitting costs or penalties for non-payment thereof, shall apply to the said city taxes, (except school taxes), unless the said law shall specially name the same; *And provided further*, That the board of equalization for said county of Ramsey shall not have power or authority to abate, alter or amend the city assessment of real and personal property as returned by the city assessor, nor shall the board of county commissioners of Ramsey county have power or authority to extend the time for the payment of city taxes, or to remit any costs or penalties for non-payment thereof, without first reporting the same for the action and approval of said common council, who may approve, disapprove, or modify the action of said board of equalization, or of said board of county commissioners. *Provided*, That such disapproval or modification shall be made within twenty days after the same is proposed and submitted to said common council.

When taxes to
be due.

SEC. 6. The county treasurer of the county of Ramsey shall pay over to the city treasurer for said city, all taxes by him collected belonging to said city, on the first Monday of each month next after such collections are made, Immediately after the first levy of taxes under section four of this chapter, the city treasurer shall open and keep in his books separate and distinct accounts for each of the several items of taxation therein provided for; and particularly separate and distinct interest and sinking fund accounts for all bonds, "bills payable," and floating indebtedness; for the "general fund," and for the "street improvement fund." And thereafter, whenever the said county treasurer shall pay over to said city treasurer, any taxes belonging to said city, and collected under the levy provided for by said section four, he shall credit each of the said respective funds with its proportionate amount of such payment according to the tax levy for such separate fund, and the same shall remain so credited, and shall not be paid out by said treasurer except in payment of such interest, "bills payable," or other specific fund for which said funds shall have been levied and collected. And no ordinance, resolution or order of the said common council, or of any committee thereof, or officer of said city, shall warrant or authorize the said treasurer to divert any of said separate funds from the legitimate purposes for which the same were collected and credited as aforesaid, or to borrow or transfer any balance or portion of one of said funds to the credit of the other, except as particularly provided for in chapter six of this act.

When taxes to be paid to City Treasurer.

SEC. 7. In all cases where the common council have heretofore or may hereafter pledge or set apart any specific source of revenue of said city, for any particular purpose, by ordinance, the said city treasurer shall immediately after the passage of this act, open and keep in his books separate and distinct accounts of each of such revenues so pledged or set apart; and thereafter, so long as said ordinance remains in force, he shall credit all such revenues to such account, and the same shall only be paid out upon orders against the said fund, and for the particular purposes for which the same is so pledged, and no resolution of the common council, or order or direction of any committee thereof, or officer of said city, shall warrant or authorize the said treasurer to divert any of said separate funds from the legitimate purposes for which the same was collected, or to borrow or transfer any balance or portion of one of said

Treasurer to keep separate accounts of revenues for specific purposes.

funds to the credit of the other, except as particularly provided in chapter six of this act. *Provided*, That a separate fund, created by ordinance, may be diverted to the general fund or to any other special fund, by an ordinance duly enacted for that purpose, but this proviso shall not apply to separate funds provided for in section six of this chapter.

Comptroller to specify out of what fund each claim to be paid.

SEC. 8. From and after the passage of this act, it shall be the duty of the comptroller, in auditing and adjusting claims and accounts, as hereinbefore provided, to designate and specify upon each claim, demand and account so audited and adjusted, the particular fund out of which the same shall be paid; and the same shall not be audited or adjusted by him, or reported to the council until there shall be sufficient funds to the credit of the particular fund out of which the same is payable, to pay the same, as well as all other claims before that time audited and allowed against such fund.

When orders to be drawn upon the treasury.

SEC. 9. The city clerk shall not prepare, or sign any order upon the treasury, unless the requirements of section eight have been complied with by the comptroller; and in drawing all orders he shall designate therein the particular fund designated upon the claim by the comptroller; and the comptroller shall not countersign such order, unless the same shall be drawn upon the particular fund by him designated therefor.

Penalty for violating the duties imposed by this chapter.

SEC. 10. Any wilful neglect or refusal on the part of the said city treasurer, the city comptroller, or the city clerk, to perform the duties required in this chapter, or any vote or act of any alderman, or of said officers, or other officer of said city, made or done with the wilful intent to evade the provisions of this chapter, or to divert the funds raised by taxation, or pledge by ordinance, to a specific purpose, is hereby declared to be a felony; and upon conviction thereof, such officer shall be punished by fine not exceeding five thousand dollars, and by imprisonment in the county jail not exceeding three years.

When Council may issue new bonds.

SEC. 11. In all cases where the bonds of said city heretofore issued, bear a higher rate of interest than seven per cent. per annum, the common council of said city shall have power to issue new bonds of said city, to be called "preferred bonds," which shall bear interest at the rate of seven per cent. per annum, payable semi-annually in the city of New York, and redeemable in not less than five, nor more than twenty-five years after their dates, in such

forms and amounts as the common council of said city may direct.

SEC. 12. Any holder of said bonds of said city, bearing a higher rate of interest than seven per cent. per annum, shall, upon delivering up any such bonds, last mentioned, to the common council to be exchanged for said "preferred bonds," be entitled to receive, under such regulations as the said common council may establish, "preferred bonds," aforesaid, to the same amount as the amount of the principal of the bonds so delivered up, adding thereto the unpaid interest thereon at the rate of seven per cent. per annum. The comptroller of said city shall carefully register the bonds so delivered up and exchanged, with their numbers, dates, amounts, purpose for which issued, and other needful particulars, and thereupon the same shall be cancelled. The said comptroller shall also certify upon the back of said "preferred bonds," so exchanged as aforesaid, the numbers, dates, purpose for which issued, and other needful particulars, of the bond or bonds delivered up in exchange for such "preferred bonds," in each case.

When bonds can be exchanged.

SEC. 13. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act, and no vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

Money may be appropriated—what for.

SEC. 14. No money shall be appropriated or expenditures be made by the council for defraying the expenses of any reception, parade, show or celebration, or any public dinner, or for any similar purpose or occasion. *Provided*, That the common council may appropriate the sum of two hundred dollars each year, to defray the expenses of the annual parade of the fire department of said city.

No appropriation for public receptions, &c.

SEC. 15. This act shall not be so construed as to prevent the common council from issuing bonds for the particular purposes specified in section six (6), of "an act to amend the charter of the city of St. Paul," approved March fourth, one thousand eight hundred and sixty four, and published on pages two hundred and seventeen and two hundred and eighteen of the special laws of one thousand eight hundred and sixty-four. Nor to prevent said common council from issuing bonds under "an act to authorize the common council of the city of Saint Paul to issue bonds to liquidate the interest of the shareholders in

Not to affect the issuing of bonds heretofore authorized.

the St. Paul bridge company," approved January thirty-first, one thousand eight hundred and sixty-seven, and published on pages two hundred and nine and two hundred and ten of the special laws of one thousand eight hundred and sixty-seven. *Provided*, That the interest and sinking fund for bonds heretofore or hereafter to be issued, under said acts, shall be provided for by taxation as prescribed in this chapter.

CHAPTER VI.

THE COMMISSIONERS OF THE INTEREST AND SINKING FUND.

Commissioners of interest and sinking fund.

SECTION 1. The mayor, comptroller and treasurer of said city, the president of the common council, and the chairman of the finance committee of said common council, shall constitute and be denominated "the commissioners of the interest and sinking fund of the city of St. Paul."

Number necessary to transact business.

SEC. 2. Any four of the officers above named, of whom the comptroller shall be one, shall be and are hereby authorized and required to discharge the trusts and duties vested in them, in the succeeding sections of this chapter, but shall not be entitled to receive any additional compensation or salary for such services.

May invest sinking fund in State or United States bonds.

SEC. 3. The said commissioners shall from time to time invest the moneys which shall constitute the sinking fund for the redemption of the city debt, or any surplus of interest to the credit of the interest fund, or as much as they can, in the purchase of bonds issued by said city, at the market price, not exceeding the par value thereof; and if, at any time, such investments cannot be made at par, then the said commissioners shall be authorized to invest the said moneys, or such part thereof as they may see fit, either in the purchase of said bonds, or in the bonds of the state of Minnesota, or in United States bonds, notwithstanding said bonds may be above the par value thereof. *Provided*, That they shall at all times give the preference to the purchase of city bonds, if the same can be procured at a reasonable rate.

Such bonds may be sold and invested in city bonds.

SEC. 4. Whenever the said commissioners shall have invested any part of the said fund in the purchase of the bonds of this state, or of the United States, and shall at any time thereafter be enabled to purchase any of the city bonds at such prices as they may judge best for the public interest, they shall forthwith sell and dispose of the same

and invest the said bonds of the state, or of the United States, or the net proceeds thereof, in city bonds, if in their opinion such disposition would be beneficial to the public interest.

SEC. 5. Whenever the said commissioners shall have invested any part of the said fund in the purchase of city bonds, and shall at any time thereafter be enabled to purchase any of the city bonds or "bills payable" which shall be by its terms redeemable at an earlier day, they may forthwith sell the same and invest the net proceeds in such other city bonds, or "bills payable," if, in their opinion, such exchange shall be desirable and beneficial to the public interest.

Transfer of fund invested in city bonds.

SEC. 6. Whenever any of the moneys constituting the sinking fund for the redemption of the city debt, shall be required for any such purchases or investments, as are in this chapter mentioned, or for the redemption of any city bonds at their maturity, the amount of money respectively required shall be paid by the treasurer, upon a warrant signed by the said commissioners, or any four of them, the city comptroller being one, and also by the city clerk, who shall affix the seal of the city thereto.

Who to disburse sinking fund.

SEC. 7. All moneys constituting the fund for the payment of the bonds or "bills payable," of the city, whenever required to meet such bonds or "bills payable," shall be drawn from the treasury in the manner provided in the foregoing section.

How money drawn from treasury.

SEC. 8. It shall be the duty of the comptroller to keep a correct journal of the proceedings of the said commissioners, to be verified by any four of them, himself being one, and once in each year, or oftener if required, to render unto the common council a full and detailed report of the proceedings of the said commissioners, and all investments or other acts of said commissioners shall be based upon resolutions duly entered in said journal.

Journal of proceedings of commissioners—how kept.

SEC. 9. In the event of a vacancy in office, or inability of any of said commissioners to attend to the trusts hereby imposed, it shall be the duty of the common council to designate one or more of their number to supply the place of such commissioner or commissioners, for the time being, by resolution. The said commissioners shall meet at any time upon the call of the mayor, the president of the council, or the comptroller. The mayor shall preside at such meetings.

Vacancy how filled.

SEC. 10. All bonds and securities purchased by said

Treasurer to
have charge of
bonds.

commissioners shall be held for safe keeping by the city treasurer. Whenever city bonds or "bills payable" are paid upon the warrant of said commissioners, a record thereof shall be made in the books of said commissioners, and the same shall be carefully cancelled and burned in the office of the comptroller under the direction and supervision of said commissioners.

Commissioners
to protect credit
of the city.

SEC. 11. It shall be the duty of the said commissioners to protect the credit of the city and direct and superintend the remission of funds for the payment of interest and the bonded indebtedness of the city, to the city of New York or wherever said interest and bonds may be payable, and if at any time after the first day of January, eighteen hundred and sixty-nine, they shall find that the interest fund for the payment of the interest upon the bonded indebtedness or "bills payable" of said city shall not be sufficient to meet and pay such interest, the said commissioners may by a resolution to be entered upon their records, and signed by any four of said commissioners, of whom the comptroller shall be one, recommend to the common council, that any surplus balance to the credit of the sinking fund, or so much thereof as may be necessary to meet and pay said interest, may be transferred to the credit of such interest fund, or, in case of a surplus of the interest fund for any one year, they may in like manner recommend that the said surplus may be transferred to the credit of the sinking fund; or, they may in like manner recommend that a certain specific sum may be transferred from the credit of the "general fund," or the "street improvement fund," or any fund specifically pledged by ordinance, to the credit of the interest fund or sinking fund aforesaid. *Provided*, That before the said resolution and recommendation shall become operative, the same shall be reported to the common council of said city, and shall be approved by resolution thereof upon the vote of two-thirds of all the members of such council, and the said resolution shall be certified by the city clerk to the comptroller, and shall by him be entered upon the records of said commissioners, and the same shall authorize the said commissioners to make such transfer of funds as shall have been mentioned in their recommendation, and approved by said common council in the manner provided by section six of this chapter, anything contained in chapter five of this act to the contrary notwithstanding. *Provided*, That this section shall not be so constructed as to permit the transfer of funds

from the interest or sinking funds to the credit of any other funds of said city. *And provided further*, That if at any time, by virtue hereof, any part of the sinking fund shall be transferred as aforesaid to the credit of the interest fund such amount so transferred shall be included as an additional item in the tax levy for sinking fund for the next annual levy, and shall be collected in like manner and as a part of, and in addition to the sinking fund for such levy.

SEC 12. Wherever the words "bills payable" occur in chapter five and six of this act, the same shall be construed to refer to the fifty thousand dollars "bills payable," mentioned in section four (4) of said chapter five, and the renewals and extensions thereof authorized in section one of said chapter five, but shall not be constructed to refer to any other floating indebtedness of said city, and whenever any of said "bills payable" shall be taken up and paid, or funded in bonds as provided in this act, the "collateral bonds," so called, by which said "bills payable" are now secured, shall be taken up, cancelled and burned by said commissioners, and no further issue or use of such, or any other "collateral bonds," shall be made.

CHAPTER VII.

OPENING AND VACATING STREETS, ALLEYS, &c.

SEC. 1. The common council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds within the limits of said city, and shall cause all streets which may have been opened and graded, to be kept open and in repair and free from nuisances.

SEC. 2. The common council of said city, by a vote of not less than two thirds of the members present, and constituting a quorum of any stated or special meeting, such vote to embrace a majority of all the members elect, shall have power to lay out, open, alter and vacate public squares, streets, grounds, highways and alleys, and to widen and straighten the same. *Provided*, That whenever it shall be required to take private property for the purposes above stated, they shall proceed in the manner hereinafter provided.

First—The common council, upon ordering an improvement above mentioned to be made, shall appoint as many

commissioners as there may be wards of said city, selecting one from each ward, who shall be a disinterested freeholder and qualified voter of said city, to view the premises, and assess the damages which may be occasioned by the taking of private property or otherwise, in making said improvement. Said commissioners shall be notified as soon as practicable by the city clerk of said city, to attend at his office, at a time to be 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 liable to be prosecuted therefor, before the city justice of said city, as in the case of fines imposed for a violation of an ordinance of said city; and the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of any absentee or absentees aforesaid, selected from the ward in each case not represented, and possessing the qualifications aforesaid. In all other cases of vacancy, the common council shall fill such vacancy.

How private property may be taken.

Second—The commissioners shall be sworn by the city clerk to discharge their duties as commissioners in the matter, with impartiality and fidelity, and to make due return of their actions and doings to the common council.

Third—The said commissioners shall, with all reasonable speed, with the assistance of the city surveyor of said city, cause a survey and plat of the proposed improvement, to be made and filed with the city clerk, exhibiting as far as practicable, the land or parcels of property required to be taken, or which may be damaged thereby, and shall thereupon give notice by publication in the official newspaper of said city, for at least ten days, to the effect that such plat has been filed, and that the said commissioners will meet at a place and time designated by them, and thence proceed to view the premises, and assess the damages for property to be taken, or which may be damaged by such improvement.

Fourth—At the time and place appointed according to said notice, the said commissioners shall view the premises, and may hear any evidence or proof offered by the parties interested, and adjourn from day to day if necessary, for the purpose aforesaid. When their view and hearing aforesaid shall be concluded, they shall determine and assess the amount of damages to be paid to the owner

or owners of each parcel of property proposed to be taken or which may be damaged by said improvement and in so doing, shall take into consideration the value of the property proposed to be taken, with such other damage as may be incident thereto, and also, the advantages which will accrue to such owner or owners in making such improvement.

Fifth—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 shall 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 aforesaid, shall be assessed separately from the damages in relation to the land upon which they are erected.

How private
property may
be taken.

Sixth—If the lands and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate in it less than an estate in fee, the injury 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.

Seventh—The said commissioners having ascertained and assessed the damage 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 name of the owners, if known to them, and also a statement of the costs of the proceeding.

Eighth—Upon such report being filed in the office of the city clerk, said city clerk shall give at least ten days notice, by publication in the official newspaper of said city, to the effect that such assessment has been returned, and that the same will be confirmed by the common council, at a meeting thereof, to be named in said 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 any land required to be taken by such improvement, shall, on or before the time specified in said notice, notify the common council in writing of their election to remove such buildings according to the award of the commissioners. The

common council, upon the day fixed for the consideration of such report, or at such 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.

Ninth—The damages assessed shall be paid out of the general funds of said city, and 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 six months from the confirmation of such assessment and report, and the land or property required to be taken for the purposes aforesaid, shall not be appropriated until the damages awarded therefor 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 should 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 of Ramsey county, in the same manner as moneys are paid into court until the parties entitled thereto shall substantiate their claim to the same.

How private
property may
be taken.

Tenth—In case any owner or owners of buildings as aforesaid, shall have elected in manner aforesaid to remove his or their buildings, he or they shall so remove them within thirty days from the confirmation of said report, or within such further time as the common council may allow for the purpose, and shall thereupon be entitled to payment from said 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 having elected to remove), 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 be then taken and appropriated, sold or disposed of, as the common council shall direct, and the same, or the proceeds thereof, shall belong to said city.

Eleventh—When any known owner of lands or tenements, affected by any proceeding under this act, shall be an infant, or labor under legal disability, the judge of the district court of Ramsey county, or, in his absence, the judge of any court of record may, upon application of said

commissioners, or of said city, or such party, or his next friend, appoint a suitable guardian for such party, and all notices required by this act, shall be served upon such guardian.

Twelfth—Any person feeling himself 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 of the county of Ramsey, within twenty days from the time of the confirmation of said report or assessment, appeal from such assessment to the district court aforesaid. When such appeal shall be tried by the court and jury, as in ordinary cases; but no pleadings shall be required, and the party appealing shall specify, in the notice of appeal, the grounds of objection to such assessment, and shall not be entitled to have any other objections than those 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. The judgment of such court therein shall be final. Such appeal shall be entered and brought on for trial, and be governed by the same rules in all other respects as appeals from justices of the peace in civil suits.

SEC. 3. Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor, and also filed in the office of the register of deeds of Ramsey county.

Survey and profile to be filed—
where.

SEC. 4. No public grounds, streets, alleys, or highways within said city shall be vacated or discontinued by the common council, except upon the petition of a majority of the owners of property on the line of such public grounds, streets, alleys, or highways, resident within the said city; such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds streets, alleys, or highways, proposed to be vacated, and shall be verified by the oath of at least two of the petitioners. The common council shall thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the city clerk who shall give notice by publication in the official paper of said city, for four weeks, at least once a week, to the effect that such petition has been filed

When streets,
&c., may be vacated.

as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the common council, or a committee appointed by them on a certain day and place therein specified, not less than ten days from the expiration of such publication. The common council, or such committee as may be appointed by them for the purpose at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of parties interested. The common council thereupon after hearing the same, or upon the report of such committee, in favor of granting such petition, may by resolution passed by a two-thirds vote of all the members elect, declare such public grounds, streets, alleys, or highways, vacated, which said resolution, after the same shall go into effect shall be published as in the case of ordinances, and thereupon a transcript of such resolution duly certified by the city clerk, shall be filed for record and duly recorded in the office of the register of deeds of the county of Ramsey.

Appeals may be made to District Court.

SEC. 5. Any person aggrieved thereby, may within twenty days after the publication thereof, appeal to the district court of Ramsey county, under the same regulations as in the case of opening streets and alleys, and the judgment of the court thereon shall be final.

Duties of City Clerk.

SEC. 6. It shall be the duty of the city clerk to keep in his office a record of all proceedings taken under this chapter, and after the confirmation of any report mentioned in sections two and four of this chapter, said clerk shall carefully record and transcribe in such record all the proceedings taken in relation to the matter in said report, including all petitions, orders, and appointments of commissioners, returns and reports of commissioners, notices and proofs of publication thereof, and orders or resolutions of the council, and the said record, or a certified transcript thereof or the original papers, petitions, proofs of publication, orders or resolutions, on file in his office shall be prima facie evidence of the facts therein contained, in any court in this state.

CHAPTER VIII.

CITY IMPROVEMENTS.

SEC. 1. The common council of said city shall have power to order and contract for the making, grading, re-

pairing and cleaning of streets, alleys, public grounds, reservoirs, gutters, sewers, and sidewalks within said city, and to direct and control the persons employed thereon, and all such improvements shall be superintended by the street commissioner of said city.

Council to contract for grading and cleaning streets.

SEC. 2. Separate ward funds for the above named, or any other improvements, are hereby abolished, and all such improvements throughout the city shall be made from the general fund during the present year, and up to the first day of January, eighteen hundred and sixty-nine; and thereafter the same shall be made out of the "street improvement fund," to be provided for under chapter five of this act, until the said city shall receive legislative authority to assess and collect the expenses of general street improvements upon the property benefited thereby. The common council in making such improvements shall order expenditures to be made where most demanded by the public convenience and interest; *Provided*, That the funds now standing to the credit of each ward, shall be expended in the wards to which they belong.

Improvements to be made from the general fund.

SEC. 3. No improvements of any kind shall be ordered by the common council, except by a vote of not less than two-thirds of the members present, and constituting a quorum of any stated or special meeting, such vote to embrace a majority of the members elect.

How improvements may be ordered.

SEC. 4. When the said common council shall have determined to make any improvement as provided in section three, the estimated cost of which shall exceed the sum of two hundred dollars, no work shall be commenced or done upon such improvement, until a contract shall be let therefor as hereinafter provided. The said common council shall cause a notice of not less than six days to be given of the time and place of letting such contract, by publication in the official paper of said city, which said notice shall substantially describe the work to be done, and such other particulars as the common council may order, and designating a time and place when and where sealed proposals shall be received therefor. The said proposals shall be opened and considered by said common council at any regular or stated meeting thereafter, or at a special meeting if designated in the notice; and the said contract for work shall be let to the lowest responsible bidder reserving to the common council the right to reject all unreasonable bids. The said common council shall then refer the said bid so accepted to an appropriate committee

Contracts to be let to lowest bidder.

or city officer, with power to draw a contract and have the same executed by such bidder, in accordance with the said notice and said accepted bid, and also a bond executed by such bidder, with two sureties, conditioned for the faithful performance of said contract. The said committee or officer having drafted said contract on behalf of said city, and the said contractor having signed the same, said contract, with the said bond, shall be reported to said common council for their acceptance, approval, modification or rejection. If the same shall be modified, they shall be recommitted to such or any other standing committee or officer, for amendment according to such modification, and shall be again reported for action. If the same shall be accepted the contract shall be forthwith signed by the president of the council and the city clerk, who shall affix the seal of the city thereto, and said bond shall be approved by the president of the council; and thereupon the said contract and bond shall be filed in the office of the city comptroller, who shall countersign the same; *Provided*, That if the amount of public improvements already made or under contract, at the time said comptroller shall receive the same, shall exceed in the cost thereof, the estimated funds to be collected and appropriated for that purpose, according to the estimate provided for in section three of chapter five of this act, up to the first day of January, eighteen hundred and sixty-nine, or if the the amount of such public improvements already made or under contract, after said first day of January, eighteen hundred and sixty-nine shall exceed the "street improvement fund" to be thereafter raised under said chapter five, the said comptroller shall thereupon keep the said contract on file in his office, but shall not countersign the same until there shall be sufficient money in the appropriate fund to meet the indebtedness to be created by said contract. When the said contract shall have been so countersigned by said comptroller, he shall immediately thereafter deliver a certified copy thereof to the party or parties named in said contract; and until the delivery of such certified copy, the same shall not be deemed the contract of said city, and no work shall be commenced or done thereunder until such contract is so delivered. Nor shall the same be accepted by said city or any accounts, claims or demands allowed, audited or paid therefor. No person who shall hereafter do, make, or cause to be made any improvements in said city, to an amount exceeding said sum of

two hundred dollars, shall have or acquire any legal or equitable claim or demand against said city, unless under and by virtue of a duly certified contract executed and delivered according to this chapter.

SEC. 5. All purchases of lumber, stone or other materials for street improvements, or for the improvement of public buildings or other city property, exceeding in amount the sum of one hundred dollars, shall be made from the lowest bidder, to be let in all respects in accordance with the foregoing section.

How material
for improve-
ments procured.

SEC. 6. The common council may, by resolution, authorize and empower the committee on streets, or the street commissioner, to do any necessary work, and purchase the necessary materials, in repairing, cleaning and keeping in repair, any of the streets, sidewalks, alleys, public grounds, reservoirs, gutters, or sewers of said city, provided the cost thereof in any locality, and at any one time, shall not exceed the sum of two hundred dollars. If such committee, or the street commissioner, shall at any time be authorized, by resolution, to do any such work, or purchase materials, and shall find that the cost of the same will exceed the said sum, he or they shall limit the amount of work done under said resolution, to the sum above named, or shall suspend such work and report the fact and an estimate of the cost, to the common council; and no proceedings shall thereafter be taken under said resolution, except according to the provisions of section four of this chapter. All such work shall be done under the direction and supervision of the street commissioner, and it shall be his duty to employ such labor, and purchase such materials as may be necessary to do the work required of him by such resolution, and at the end of each month, and whenever required by the common council, to certify and return to said common council a pay roll of such labor, and accounts of all materials purchased by him, which account and pay roll shall be examined, audited, allowed or amended, as other claims against the city, and when audited shall be paid out of the general fund of said city.

Power of com-
mittee on streets

SEC. 7. In the event of extraordinary and sudden damages, by fire, flood or freshet, to the Saint Paul bridge, or to any public street, public building, or public property of said city, whereby such property may be endangered, or adjoining property endangered or damaged, or the public safety or health may require the immediate repair thereof, the said common council may authorize the same, by

When streets,
&c., may be re-
paired.

resolution passed by a two-thirds vote of all the members elect. *Provided*, The cost and expense thereof shall not exceed the sum of five hundred dollars, and the same shall be paid out of the contingent fund, if there be no funds in the general fund or street improvement fund to pay the same.

Duty of Street
Commissioner.

SEC. 8. It shall be the duty of the street commissioner to guard against all accident in the repair of streets or other work done under his supervision, by suitable guards by day, and with lights by night, if necessary, and he shall be responsible for all loss or damage occasioned by any neglect or omission of such duty by those, under his employ.

When contract-
or to sustain loss

SEC. 9. Any contractor or person who accepts a contract under section four of this chapter, shall take the same with the condition that he shall be personally and directly responsible for any and all loss, damage or injury to person or property, by reason of the neglect or failure of himself or any one in his employ, to so perform such work as to guard against all loss, damage and injury to person or property, and shall guard the said work by suitable guards by day, and with lights at night, so as to prevent any such loss, damage or accident.

Council to main-
tain piers and
wharves.

SEC. 10. The common council shall have power to regulate and cause to be constructed, altered and maintained, wharves and piers, or grading and paving along the banks of the Mississippi river, and shall have and exercise the same power and control over the said river within the limits of said city, that they may possess over streets, highways and alleys, so far as such power and control may not be inconsistent with the laws of the United States or of this state. The expense of constructing, altering and maintaining such wharves, piers, grading and paving, shall be paid out of the general fund of said city.

Right of way
granted to horse
and steam rail-
way companies.

SEC. 11. The common council shall have power and authority to grant the right of way upon, over or through any of the public streets, highways, alleys, public levees or grounds of said city, to any steam railway or horse railway company or corporations, upon such limitations and conditions as they may prescribe by ordinance. *Provided*, The same shall not conflict or interfere with any rights or privileges heretofore granted or given by the said common council, and nothing herein contained shall be construed as giving authority to change or interfere with any rights or privileges heretofore given or granted by said common council.

SEC. 12. The common council shall cause to be established, under the direction of the city surveyor, the grade of all streets, sidewalks and alleys, in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of the register of deeds of Ramsey county; and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owner of any lot, or parcel of land, or tenement, which may be affected or injured in consequence of the alteration of such grade: *Provided*, That in case a change of an established grade shall be ordered by the common council, notice of such order shall be published in the official paper of the city, and any property holder feeling himself aggrieved by such order may, within twenty days after the publication of such order, appeal therefrom to the district court of Ramsey county, in the manner provided for appeals in section two of chapter seven of this act. On the trial of such appeal such court shall have full power to determine the necessity or expediency of such proposed change of grade, and all other questions involved in such appeal; and such order of the common council shall not take effect until twenty days from its publication as aforesaid, nor pending such appeal.

Council to establish grades.

SEC. 13. All plats of grades established, or of streets, alleys, or grounds opened, widened, altered, or vacated, under former charters of said city, and now on file in the office of the clerk of the district court of Ramsey county, shall be forthwith transferred and filed in the office of register of deeds of said county.

Transfer of record of grades of streets, &c.

CHAPTER IX.

THE FIRE DEPARTMENT.

SEC. 1. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same; and to order such companies to be disbanded, and their meetings to be prohibited, and their apparatus to be given up. Each company shall not exceed one hundred able-bodied men, between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistent with the laws

May purchase fire engines and apparatus—exemptions.

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 military duty during the continuance of such membership; and any person having served for the term of five years in either of said companies, shall be forever thereafter exempt from serving on juries, from poll tax and from military duty, except in cases of insurrection and invasion.

SEC. 2. There shall be a meeting of the members of said companies on the third Monday of November in each year, at such places as may be designated by the chief engineer, when they may nominate and recommend to the common council for appointment one chief engineer and two assistant engineers, and the common council shall thereupon confirm said nominations; and the persons so appointed shall perform such duties as the common council may prescribe.

Chief and Assistant Engineers—when elected.

Duty of Fire Wardens—when appointed.

SEC. 3. At the same time the members of said companies shall nominate and the common council shall appoint the same, one fire warden for each ward, who shall perform such duties as the common council may 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.

Penalty for disobeying orders.

SEC. 4. 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 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.

Power to prescribe fire limits.

SEC. 5. 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 di-

rect 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 the fire limits when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

SEC. 6. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous ;

To prevent the dangerous construction of chimneys, &c.

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

To require citizens to provide as many fire-buckets, and in such manner and times 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 and promoting fires ;

To regulate and prevent the use of fireworks and fire-arms ;

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

To authorize the mayor, aldermen, fire wardens, and other officers of the city, to keep away from the vicinity of any fire all idle and suspected persons ; and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to dangers thereat ; and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

SEC. 7. The common council may provide by ordinance for the organization of the fire department in said city, and the duties of the several officers and members thereof. They may make reasonable appropriations for the support of said fire department, or of the several companies thereof, which shall be paid out of the general fund of said city.

Appropriations may be made to support the Fire Department.

CHAPTER X.

THE BOARD OF HEALTH.—ITS POWERS AND DUTIES.

SECTION 1. On the second Tuesday of April of each

year, the common council of said city shall elect one health officer, who shall hold his office for one year, and until his successor is appointed and qualified. He shall be a competent physician of regular practice in said city, and shall perform all the duties heretofore performed by the city physician, and his duties as such may be prescribed by ordinance; and before entering upon the duties of his office he shall take the usual oath of office, and give such bond as shall be required by the common council, conditioned for the faithful performance of his duties, and shall receive such compensation as the common council shall determine. The said health officer, and the senior alderman from each ward, shall constitute the board of health for said city. The powers and duties of such board, and the several officers thereof, shall be in all respects (except as hereinafter provided,) as prescribed in sections two to twenty-eight, both inclusive, of "An act to define the powers and duties of the board of health, and to regulate the establishment of quarantine in the city of St. Paul," approved March ninth, eighteen hundred and sixty-seven, and in the official publication of this act, all of the said act above referred to, from sections two to twenty-eight, both inclusive, shall be published, included, designated and numbered as sections two to twenty-eight of this chapter, as fully as if said sections were fully re-enacted and included in this act. *Provided*, That section sixteen (16) of the said act above recited, be amended so as to read as follows:

When to elect
health officer—
his duties.

Sec. 16. That for the purpose of more fully carrying into effect the provisions of this act, the health officer of the city of St. Paul shall be ex-officio president of the said board of health, and the city clerk of the said city shall be the secretary of the said board, and the president of the said board shall be "sanitary superintendent," under the control and direction of the said board. And the said sanitary superintendent shall be entitled to have one assistant, (except upon special emergency the common council of said city may provide two more of such assistants,) who shall be appointed by the board of health upon the recommendation of the health officer, and such assistant or assistants shall hold their office for such time as the said board of health may require, but may be discharged at any time by a resolution of the common council. The said assistant or assistants and the secretary of said board shall be entitled to a salary for the duties assigned to and performed

by them, and the rules and regulations of the said board, which salary shall be fixed by the common council, at any time, by resolution.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

SECTION 1. No penalty for judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of the aldermen elect.

When penalty may be remitted.

SEC. 2. 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.

Actions shall be brought in name of the city.

SEC. 3. In all prosecutions of any violation of this act, or of any by-law or ordinance of the city of Saint Paul, the first process shall be a warrant: *Provided* That no warrant shall be necessary in case of the arrest of any person or persons while in the act of violating any law of the State of Minnesota, or ordinance of the city of Saint Paul, but the person or persons so arrested may be proceeded against, tried, convicted and punished, or discharged, in the same manner as if the arrest had been by warrant. All warrants, process or writs by the city justice, for violation of any ordinance or by-laws of said city, shall run in the name of the city of Saint Paul, and shall be directed to the chief of police, or any police officer of said city.

When warrants shall be issued—when not issued.

SEC. 4. In all cases of the imposition of any fine or penalty, or of the rendering of judgment by the city justice, pursuant to any ordinance or by-law of the said city of Saint Paul, or pursuant to any provision of the charter of said city, as a punishment for any offense, or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the common jail of Ramsey county, and be there imprisoned for a term not exceeding six months, in the discretion of the city justice, unless the fine or penalty aforesaid be sooner paid or satisfied, and in all cases where the punishment of such offenders shall be by imprisonment, such imprisonment shall be in the said common jail of Ramsey county; and from and after the time of arrest of any person or persons, for any offense whatsoever, until the time of the trial or hearing, the person or persons so arrested may be imprisoned in the said common jail of Ramsey county, or in the city

Punishment for non-payment of fine.

prison, and in all cases where the said city justice is or may be authorized to commit any person or persons for any other cause by virtue of the provisions of the charter of said city, he may commit such person or persons to the said common jail of Ramsey county or the city prison. The sheriff of Ramsey county, and jailors and prison keepers of said common jail of Ramsey county, and their and each of their deputies, are required to receive such persons in custody and confine them safely in said common jail of Ramsey county, until they may be discharged by due course of law; and such sheriff, jailors, prison keepers, and their deputies, offending in the premises, shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them or any of them, as if such prisoners had been committed to their custody by virtue of legal process issued under the authority of this state. The said city of Saint Paul shall be liable to pay for the support and keeping of said prisoners the same charges and allowances as are allowed for the support and keeping of prisoners committed under the authority of the state.

When liable for board or jail fees

SEC. 5. The city of Saint Paul shall not be liable, in any case, for the board or jail fees of any person who may be committed by any officer of the city, or any magistrate, to the jail of Ramsey county, for any offence punishable under the state laws.

Qualifications of judge, justices, &c.

SEC. 6. 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.

How suits may be brought against the city.

SEC. 7. When any suit or action shall be commenced against said city, the service thereof may be had 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 city attorney thereof, who shall take such other proceedings as by the ordinances or resolutions of said council may be in such case provided.

How to proceed in case of appeal

SEC. 8. The city may prosecute an appeal in all cases to the district court or court of common pleas for Ramsey county, or to the supreme court of the state. The mayor in case of such appeals, or in any action or proceeding to which the city is a party, and in which a bond may be necessary, shall execute a bond, signed by him and by the city clerk, who shall affix the corporate seal thereto, conditioned as may be necessary in such action, proceeding

or appeal, but no sureties or justification shall be required for said bond. Nor shall the city be required in any case to file a bond or give other security for costs.

SEC. 9. In case any judgment shall be rendered in any court of record against the said city for a sum exceeding five hundred dollars, and no appeal shall be taken therefrom within thirty days thereafter, it shall be the duty of the city attorney to file a certified transcript of such judgment with the city comptroller. And it shall be the duty of the said common council to include in the next annual levy of taxes to be thereafter assessed and collected, a sum sufficient to pay the said judgment, with legal interest accrued thereon. The amount so collected shall be credited to the general fund of said city, and such judgment shall thereafter be paid as other claims and demands against said city, but no execution shall issue upon such judgment for a period of three months after the first annual levy of taxes by said city after the date of filing the said transcript of said judgment as aforesaid with the city comptroller. *Provided*, That the said common council may order the payment of such judgment at any time after the rendition thereof, if there shall be sufficient moneys in the general fund of said city not otherwise appropriated.

Judgments
against the city
how paid.

SEC. 10. The following property now, or at any time hereafter, belonging to said city, shall be exempt from levy and sale under or by virtue of any execution: Eugene houses, hook-and-ladder houses, together with the grounds and lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose, or any other fire apparatus used by any company created or authorized by the common council of said city; market houses and the furniture thereof; city hall and furniture of common council and office rooms; the public levee, streets, or other real estate used for public purposes; the quarantine grounds, and buildings erected thereon, and fixtures and appurtenances thereof, and the present or future interest of the city in the Saint Paul bridge, or in or to the franchises, property and stock of the Saint Paul Bridge Company; or any other public property which said city shall own, hold or be interested in for the public use, or the rents, uses, profits or incomes whereof are due or payable to the city treasurer. *Provided*, That nothing herein contained shall exempt any of the aforesaid real or personal property from levy and sale by virtue of any execution issued on judgments rendered in favor of any person or

What property
exempt from
execution.

persons who may have furnished or sold any such fire apparatus to or on the credit of said city. Nor upon a judgment in favor of any person who has performed work, labor or services upon, or furnished materials for the erection, building, improvement or repair of the property so exempt, by virtue of a contract duly entered into with said city. Nor shall any real or personal property of any inhabitants of said city, or of any individual or corporation, be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Deeds, &c., how executed.

SEC. 11. All deeds, leases, or other instruments executed by said city, for the conveyance of real estate, or any interest therein, for a term exceeding one year, shall be authorized by a resolution of the common council, which shall be quoted or referred to in such instrument, and shall be signed by the mayor and city clerk, who shall affix the seal of the city thereto, and shall be countersigned by the comptroller.

Bonds signed by Mayor and Clerk

SEC. 12. All bonds hereafter to be issued by said city, all orders upon the city treasurer, and all "bills payable," which shall be hereafter issued in extension or renewal of the present "bills payable" mentioned in chapter five of this act, shall be signed by the mayor and by the city clerk, who shall affix the seal of the city thereto, and shall be countersigned by the comptroller. Warrants of the commissioners of the sinking fund shall be signed as provided in chapter six of this act, and the city clerk shall affix the seal of the city thereto.

May lease and hold property— for what purpose

SEC. 13. 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.

Work to be let to lowest bidder.

SEC. 14. All contracts for work to be done for said city, or for the purchase of materials or property of any kind, for the public use of said city, in which the value of such work, or the price or value of such property or materials, shall exceed the sum of one hundred dollars shall be let to the lowest bidder, and the contract therefor be executed, signed and delivered in all respects as provided in chapter eight of this act. Contracts for work, or for the purchase of property or materials, where the value of the work or the price of materials shall not exceed the sum of one hundred dollars, may be authorized by a resolution of the common council, to be made and entered in—

to by any committee or officer of said city designated in such resolution.

SEC. 15. No law of this state contravening the provisions of this act, shall be construed as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law. Nothing in this act shall be construed to supercede any officer or officers of said city, now acting by virtue of the act incorporating said city, or the several acts amendatory thereof heretofore passed, or under any ordinance of said city heretofore enacted; and such officer or officers shall continue in office as heretofore, until his or their term of office shall expire.

No law considered as repealing or modifying this act unless expressly set forth.

SEC. 16. Every ordinance of said city shall after its passage, be published in the official newspaper for said city, and shall not be in force until after such publication. The proof of such publication, by the affidavit of the foreman or of one of the publishers of such newspaper, with a printed copy of the ordinance annexed thereto, or any other competent proof of such publication, shall be conclusive evidence of the legal passage, enactment, publication and promulgation of such ordinance, in any court in this state.

Official paper to publish all ordinances.

SEC. 17. The files papers and records in the office of the city clerk, or copies thereof duly certified by him, proofs of publication of all notices, resolutions, orders or proceedings of the common council required to be published under this act, on file in the office of the clerk, or copies thereof certified by him, and the charter and ordinances of the city and proceedings of the common council, when printed and published by authority of the common council, shall be received, and read in evidence in all courts and places without further proof.

What may be considered evidence.

SEC. 18. All acts or parts of acts heretofore passed for the incorporation of the city of St. Paul, and amendatory thereto, not necessary to carry out any provisions of this act, nor contained in, or incorporated herein, and all acts inconsistent with this act, are hereby repealed; but the repeal of such acts, and parts of acts, shall not in any manner affect, injure or invalidate any bonds, contracts, suits, claims, or demands that may have been duly and lawfully issued entered into, performed, commenced, or that may exist under or by virtue, or in pursuance, of the said acts, or any of them, but the same shall exist and be enforced and carried out as fully and effectually to all intents and purposes, as if this act had not been passed.

Repeal of inconsistent acts.

And all ordinances, resolutions, regulations, rules, by-laws, and orders of the common council of said city, or of the board of health of said city, or parts thereof, not repealed, suspended, or made void by this act, shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended repealed or suspended by the common council or by said board of health, in pursuance of this act. And said common council may make, ordain, and publish such ordinances as may be necessary to carry out the provisions of this act, not inconsistent with the constitution and laws of this state.

When act to take effect.

SEC. 19. This act shall be deemed a public act, and shall take effect and be in force from and after its passage.

Approved March 6, 1868.

CHAPTER XXVII.

An Act to incorporate the City of Mankato.

CHAPTER I.

BOUNDARIES OF CITY AND WARDS.

- SECTION 1. Corporate rights of said City.
2. Boundary lines of the City of Mankato.
 3. Divided into three Wards—names of Wards—boundary lines of each Ward.

CHAPTER II.

ELECTIONS.

- SECTION 1. When annual election to be held—length of time the polls to be kept open—notice to be given.
2. Elective officers of said City—term of office.
 3. Persons appointed or elected to any office may be removed for cause—how.
 4. Vacancies how filled.
 5. All elections by the people shall be by ballot—in case of a tie vote how decided.
 6. When qualified as an elector.
 7. Who to be judges of election—how elections to be conducted.
 8. Judges of election to make return to Clerk of Common Council.