

## CHAPTER XIX.

*An Act to incorporate the City of Saint Charles, Winona County.* Feb'y 28, 1870.

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

SECTION 1. All that part of the county of Winona and state of Minnesota, contained within the limits and boundaries hereinafter described, shall be a city by the name of Saint Charles, and the people 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 Charles, who shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter especially granted, and the authorities

Corporate rights.

thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in all courts of law and equity, and may have the common seal, and may change and alter the same at pleasure, and may take, hold and purchase, lease and convey such real, personal and mixed estate as the purpose of the corporation may require within or without the city.

**Boundary lines.** SEC. 2. The territory included within the following boundaries and limits shall constitute the city of Saint-Charles, viz: Section nineteen, the north half of section thirty, the north-west quarter of section twenty-nine, the west half of section twenty, the south-west quarter of section seventeen, and the south half of section eighteen, in township one hundred and six, range ten.

**To constitute an election district elective officers—term of office.** SEC. 3. The said city shall constitute an election district, and the elective officers thereof shall be a mayor, recorder, one assessor, two city justices, two city constables and four aldermen. The mayor, aldermen, recorder, assessors and constables, shall hold their respective offices for one year, the city justices two years, and until their successors are elected and qualified.

**Eligibility to office.** SEC. 4. No person shall be eligible to the office of mayor, recorder, assessor, constable, alderman or city justice, who shall not have been a resident of the city one year preceding his election. All city officers shall be qualified electors of the state.

**Of whom council to consist.** SEC. 5. There shall be a council to consist of a mayor and the aldermen, which shall be styled the city council of the city of Saint Charles.

**Council to judge of qualifications of its own members—to determine all contested elections.** SEC. 6. The city council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections, and in such cases shall have power to send for persons and papers.

**What to constitute a quorum.** SEC. 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

**Council to determine the rule of its proceedings.** SEC. 8. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected expel a member, after due notice given and an opportunity extended to the accused, to be heard by council or otherwise.

SEC. 9. The city council shall keep a journal of its proceedings, and ayes and nays when demanded by any member present, shall be entered on the journal.

To keep a journal of its proceedings

SEC. 10. The city council shall, at its first regular meeting after the annual election or as soon thereafter as may be, appoint a treasurer, a city marshal, one or more street commissioners, an attorney, and a city surveyor, who shall each possess the same qualifications for office as are required in the cases of aldermen.

Council to appoint a treasurer, marshal, street commissioner, attorney and surveyor.—when—term of office.

SEC. 11. No alderman shall be appointed to any office under the authority of the city which shall have been created or the emoluments of which shall have been increased during the time for which he shall have been elected.

No alderman to hold any office created during the time for which he was elected.

SEC. 12. There shall be one regular meeting of the city council in each month, at such time and place as shall be prescribed by ordinance.

Regular meetings of the council.

SEC. 13. The annual election of city officers shall be held on the first Tuesday in March in each year, at such places within the city as the city council shall designate, and the polls shall be kept open from ten o'clock A. M. until four P. M., and ten days previous notice shall be given by the city council of the time and place of holding such election and the officers to be elected, by posting notices thereof in three of the most public places in the city, and by publishing the same in some newspaper published in said city.

Annual election when held—notice to be given—how conducted.

SEC. 14. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered and held within twenty days after such vacancy shall occur, and ten days' notice of such election shall be given. Any vacancy occurring in any other office shall be filled by the city 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 have been elected or appointed to fill.

Vacancies, how filled.

SEC. 15. 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

All elections by the people shall be by ballot—what to constitute an election in case of tie vote, how decided.

the casting of lots in the presence of the city council, at such time and in such manner as they shall direct.

Who entitled to vote.

SEC. 16. All persons entitled to vote for state and county officers, and who shall have resided in the city for thirty days next preceding the election, shall be entitled to vote for any officer to be elected under this law, and the city established by law shall constitute the election precinct for state and county as well as city elections, and the mode of conducting all state and county elections in said city, shall be in the manner herein provided in reference to city elections, except that the returns thereof shall be made by the judges of election to the register of deeds of the county of Winona, within the time and in the manner prescribed by law.

How elections to be conducted.

SEC. 17. The elections in said city shall be held and conducted by three judges chosen by the city council, who shall be inspectors of election, and shall take the usual oath or affirmation as prescribed by the general laws of the state to be taken by the judges and inspectors of elections, and who shall have power to appoint clerks of such elections, and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the laws of this state regarding elections. *Provided*, That no candidate for office shall act as inspector or clerk at such election.

Right to challenge—to take oath—penalty for illegal voting.

SEC. 18. If either of the inspectors of election shall suspect that any person offering to vote does not possess the qualifications of an elector, or if the vote of such person be challenged by a qualified elector of the city inspector before receiving the vote of any such person shall require of him to take the following oath: "You do solemnly swear (or affirm as the case may be) that you are a citizen of the United States (or have declared your intentions to become a citizen conformably to the laws of the United States on the subject of naturalization) that you have resided in this state four months, and within this city thirty days next preceding the election, that you have not voted at this election, and that you have made no bet or wager depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received, and if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury.

If any person who is not a qualified voter shall vote at any election, or shall vote more than once at any election, he shall be liable to indictment, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars, and not less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall make the oath aforesaid, and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every such inspector and clerk shall be liable to indictment, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the district court of the county of Winona.

SEC. 19. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered, such returns to the recorder, who shall forthwith give notice to each of the officers elect of their respective elections. Within one week after any election, the city council shall meet and canvass said returns, and declare the result as it appears from the same to city officers.

Duties of inspectors of election—when votes to be canvassed.

SEC. 20. Special elections to fill vacancies or for any other purpose, shall be held and conducted in the same manner and the returns thereof shall be made in the same form and manner as in general or annual elections, and within such time as may be prescribed by resolution.

Special elections, how conducted.

SEC. 21. Any officer removing from the city, 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 city council shall proceed to fill the vacancy as herein prescribed.

When office deemed vacant.

SEC. 22. The term of every officer elected under this law shall commence at the time when he is elected and qualified, and unless otherwise herein provided continue until his successor is elected and qualified.

When term of office to begin.

When council may order new election.

SEC. 23. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the city council shall order a new election to be held, ten days' notice of the time and place of holding such election being first given.

Officers to take oath and give bonds.

SEC. 24. 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 he same duly certified by the officer taking the same, with the recorder of the city, and the treasurer and marshal and such other officer as the city council may direct, shall severally before entering upon the duties of their respective offices, execute to the city of Saint Charles, a bond with at least two sureties (to be approved by the city council) who shall make affidavit that they are each worth the penalty specified in said bond over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum and such conditions as the city 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.

Who to preside over council—who may call special meetings.

SEC. 25. The mayor shall, when present, preside over the meetings of the city council, and take care that the laws of the state and the ordinances of the city be strictly enforced and duly observed, and that all other executive officers of the city discharge their respective duties. The mayor and two aldermen may call special elections of the city council. He shall inspect the conduct of all subordinate officers, and cause negligent and persistent violation of duty to be prosecuted and punished, and may require of any officer of the city, whenever he may deem it necessary, an exhibit of his books and papers. He shall from time to time, communicate to the city council, and recommend such measures as he may deem advantageous to the city. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act, and is hereby authorized to call upon every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, to call out the military companies of the city to aid him in suppressing the same, or carrying into effect any law or ordinance. Any person who shall not obey such call shall forfeit to the city a fine not exceeding twenty-five dollars and not less than five dollars.

SEC. 26. In case the mayor shall be guilty of any wil-



ful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction thereof, shall pay a fine of not more than five hundred dollars, and the court shall have power (upon the recommendation of the jury in the case) to add to the judgment for the fine, that he be removed from office.

When mayor liable to indictment.

SEC. 27. In case the mayor shall be absent from any meeting of the city council, the city council shall proceed to elect one of their own number a temporary presiding officer, who, for the time being, shall discharge all the duties of mayor. In case of the absence of the mayor from the city, or his inability from any reason other than removal from the city, to discharge the duties of his office, the council shall elect by ballot from their own number an officer who shall be styled acting mayor, and all acts performed by him shall have the same force and validity as if performed by the mayor.

Temporary presiding officer—how chosen.

SEC. 28. The recorder shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the city council at whose meeting it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the city council certified by him under the corporate seal shall be evidence in all courts as if the originals were produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose. The recorder shall have power to administer oaths or affirmations, and take acknowledgments of deeds and other writings. He shall report annually on or about the first day of June, to the city council, an estimate of the expenses of the city for the current year, and the revenue necessary to be raised therefor, and the fiscal year of the city shall commence on the first day of July in each year. 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 all certificates of work by any officer of the city, or any committee of the city council. He shall negotiate such temporary loans for the city as the city council may direct, anticipating the revenues for the current year, but such loan shall be subject to the approval of the city council. The recorder shall keep a record of all his acts and doings, which record shall be at all times open to the inspection of all parties

Duties of recorder.

interested. He shall not directly or indirectly be interested in any contract or job to which the city is a party, or in any loan to be negotiated by the city. He shall receive for his services such sum as the city council shall deem proper.

Duties of attorney.

SEC. 29. The attorney for the city shall perform all professional duties incident to his office, and when required shall furnish written opinions upon any subject submitted to him by the council or its committees.

Duties of treasurer.

SEC. 30. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof in such manner as the city council shall from time to time direct. The treasurer shall exhibit to the city council within at least twenty days after the annual election or sooner if required by them, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also the state of the treasury, which accounts shall be filed with the record. He shall not be entitled to any pay for his services except as hereinafter provided.

Duty of marshal.

SEC. 31. The marshal shall execute such orders as are made, and perform such other duties as are prescribed by the city council for the collection of tolls, license money and fines, for the preservation of the public peace, for the good order, cleanliness and government of the city, and for all other purposes. He shall possess the powers of a constable at common law and under the statutes of this state, and receive like fees. He shall receive no other compensation for his services than constables fees and a per cent. on all moneys collected to be allowed by the city council, except as may be hereinafter provided.

Duties of street commissioner.

SEC. 32. The street commissioner shall, under the direction of the city council, superintend the grading and improving the streets, alleys, and the building and repairing of sidewalks, and the expenditure of taxes levied and collected for such purposes, and shall have the same supervision over the highways in the city and discharge the same duties as are by law required of overseers of highways generally.

Further powers of council.

SEC. 33. The city council shall have power to require from time to time other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and compensation. Such compensation shall be

fixed at the time such office is created, or at the commencement of the year, and shall not be increased or diminished during the time such officer shall remain in office. The city council may at any time fix the compensation of any officer created by this act, or committee appointed by them for any services performed by them.

SEC. 34. The city council at their first meeting in each year, or as soon thereafter as may be, shall designate one newspaper printed in the city or county of Winona, in which shall be published all ordinances and other proceedings and matters required by this act, or that may be required by the by-laws or ordinances of the city council, to be published in a public newspaper.

Council to elect city printer.

SEC. 35. The city printer immediately after the publication of any notice or resolution or other matters which by this act is, or by city ordinance shall be required to be published, shall file with the recorder a copy of such publication with his affidavit or the affidavit of his 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, resolution or other matter. Any person having been an officer in said city shall, 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. If he fail to do so, after such notification and request, he shall forfeit and pay to the city one hundred dollars, besides all damages caused by his neglect or refusal to deliver, and such successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this state in cases of unlawful detention of property.

Duty of printer—what shall be evidence of publication, &c.—penalty for refusing to deliver property, &c., to successor.

SEC. 36. No member of the city council shall be a party to, or interested in any job or contract with the city, and any contract in which any member of the city council may be so interested shall be null and void.

Who may not be interested in contracts.

SEC. 37. The mayor, sheriff of Winona county, and each and every alderman, justice of the peace, marshal, recorder and constables of the town of which said city is a part, shall be officers of the peace, and may command the peace and 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 any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay

Who to be officers of the peace—jurisdiction of justices.

a fine of not more than twenty-five dollars nor less than five dollars. The city justices shall possess all the authority, power and rights of justices of the peace of this state, and shall have exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city cognizable before a justice of the peace, but warrants returnable before the said city justice, may be issued in criminal cases by any justice in the city, but no fee shall be received therefor by said justice. The said justices shall have exclusive jurisdiction in all cases cognizable before a justice 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, and in all cases of offence committed against the same. All prosecutions for assault, 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 Saint Charles, and the same proceedings shall be had in 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 prosecutions for a breach or violation of an ordinance, by-law or regulation of said city or its charter, or for any assault, battery or affray not indictable, committed within the city limits, no appeal shall be allowed when the judgment, exclusive of costs, is less than twenty-five dollars. In all cases of conviction for assaults, batteries and affrays, within said city, in all cases of conviction under any ordinance of said city for breaches of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, and of keeping and 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 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 justices 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 peace, nor to affect in any manner the jurisdiction or powers of the district courts or supreme court of the state. In case of the absence, sickness or other

Jurisdiction of  
justices of the  
peace.

inability of said justices or for any sufficient reason, the mayor, by warrant, may authorize any other justice of the peace within the city, to perform the duties of said justices of the peace for the city, and it shall thereupon be the duty of the mayor to inform the city attorney and marshal of such substitution, and make report thereof to the city 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 justices of peace for the city. All fines and penalties imposed by the city justices for offenses committed within the city limits, or for violation of any ordinance, by-law or regulation of said city, shall belong to, and be a part of the finances of said city.

SEC. 38. The city justices shall monthly report to the city council all the proceedings instituted before them 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 them belonging to said city, and said justices shall be entitled to receive from the county of Winona such fees in criminal cases occurring without the city, as are allowed to other justices in the county for similar services.

When city justices to report to council—what to contain—fees of justices.

SEC. 39. The justices of the peace and constables for said city, shall have the same powers, authority and rights as are possessed by other justices and constables of the county of Winona, under the laws of the state.

Powers of justices of the peace and constables.

SEC. 40. The city council shall prescribe the duties of the city surveyor, and fix the fees of compensation for any services performed by him. All surveys, plans or estimates made by him for the city, shall be the property of the city, and be carefully preserved in the office of the recorder, open for the inspection of the parties interested.

Duties of surveyor—by whom prescribed—all surveys, &c., to be property of the city.

SEC. 41. The mayor and aldermen shall constitute the city council, and the style of all ordinances shall be—The city council of the City of Saint Charles do ordain. The city council shall have the control and management of the finances, and of all the property of the city, and shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all such ordinances, rules and by-laws for the government and good order of the city, and for the suppression of vice and intemperance, and the prevention of crime, as they shall deem expedient, and declare and im-

Who to compose the council—style of all ordinances—Council to control finances—further powers.

pose penalties, by fine and imprisonment, or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws. And all such ordinances, rules and by-laws are hereby declared to be and have the full force of law, and for these purposes, shall have authority by ordinances, resolutions or by-laws. *Provided*, They be not repugnant to the constitution and laws of the United States or of this state.

Powers of coun-  
cil.

First.—To license and regulate the exhibition of common showmen or shows of any kind, or the exhibitions of caravans, circuses or theatrical performances, billiard tables or bowling saloons or alleys, and to fix the rate of license thereof, and to provide for the abatement and removal of all nuisances under the ordinances, or at common law, or under this act, and to grant licenses to regulate groceries, taverns, victualing houses. *Provided*, The city council shall have the exclusive right to license persons vending, dealing in, or disposing of spirituous, vinous, malt or fermented liquors within the limits of said city, and persons so licensed shall not be required to obtain a license from the board of county commissioners, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous or fermented liquors without first having obtained license therefor, agreeably to the provisions of chapter sixteen of the general statutes. No license shall be granted for less than fifty dollars, and that previous to the granting of any such license, a bond shall be filed with the clerk with the same conditions and with the same penal sum as required by the general act. *Provided*, That apothecaries selling wines and liquors for purely mechanical or medicinal purposes only, may be licensed in the discretion of the council for the sum not less than twenty-five dollars.

Second.—To restrain and prohibit all gaming with cards, and all gaming tables, and to prohibit all gambling devices whatever from being set up or used for gambling purposes, and to restrain and prohibit all descriptions of gaming and fraudulent devices and practices, including gift enterprises, and playing of cards, dice or other games of chance for the purpose of gaming in said city, and to restrain and prohibit any person from vending, giving or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors of any kind, and impose such restriction or prohibitions by fine or imprisonment, or by both fine and imprisonment.

Third.—To prevent any riots, noises, disturbance and disorderly assemblages, to suppress and restrain any disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming, and of all spirituous, vinous, fermented, mixed or intoxicating liquors of any kind that may be kept for sale or dealt in contrary to any ordinance of the city.

Fourth.—To authorize the arrest, fine and imprisonment in the city prison, or in the jail of Winona county, as vagrants, all persons who, not having any visible means to maintain themselves, are without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, house of ill-fame, or houses of bad repute, gambling houses, taverns, or railroad depots, or who shall be found trespassing in the night time upon the private premises of others, or placing themselves in the streets, or other public places, to beg or receive alms. Also, keepers, exhibitors or visitors at any gaming table, gambling house, or other place of device, and all persons who go about for the purpose of gaming or watch-stuffing, or who shall have in their possession any article or thing used for gaming or obtaining money under false pretenses.

Powers of council.

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

Sixth.—To direct the location and management of slaughter houses and markets in said city, and to regulate the sale, storage, keeping and conveying of gunpowder or other combustible materials.

Seventh.—To prevent the encumbering of streets, sidewalks, lanes and alleys with carriages, carts, wagons, sleighs, boxes, firewood, lumber, or any other material or substance whatever.

Eighth.—To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the water within the limits of the city.

Ninth.—To restrain from running at large horses, cattle, mules, swine, sheep, poultry and geese, and to authorize the impounding, distraining and sale of the same, and to

impose penalties on the owners of such animals for violation of the ordinance.

Tenth.—To prohibit the running at large of dogs, to impose fines upon the owners, and to authorize the destruction of dogs when at large contrary to the ordinance.

Eleventh.—To prevent any person from bringing, depositing or having within the city any putrid carcass, or any unwholesome substance, and to require the removal of the same, by any person who shall have the same [upon] his premises, or from any street, lane or alley, and in default to authorize the removal thereof by any competent officer, at the expense of the person or persons.

Twelfth.—To make and establish public grounds, pumps, wells, cisterns, reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants, to erect lamps or other means whereby to light the city; to regulate and license hacks, cabs, drays, carts, and charges of hackmen, coachmen, draymen and cartmen of the city.

Powers of council.

Thirteenth.—To establish and regulate boards of health, provide hospitals and cemetery grounds, and to remove the same when necessary for the public good, to regulate the burial of the dead, and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.

Fourteenth.—To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Fifteenth.—To prevent any persons riding or driving any ox, cow, horse, mule, or other animals on the sidewalks of the city or in any way doing damage to such sidewalks.

Sixteenth.—To prevent the shooting of fire-arms, crackers, rockets or other projectiles, and to prevent the exhibition of any fireworks in any situation which may be deemed by the council dangerous to the city or any property therein or annoying to any citizen thereof.

Seventeenth.—To restrain drunkards, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places, and to provide for arresting, removing and punishing any person who may be guilty of the same.

Eighteenth.—To restrain and regulate runners and solicitors for stages, public houses, railways and other establishments, and to regulate the police of the city.



Nineteenth.—To establish public markets and enforce rules and regulations for the government of the same.

Twentieth.—To regulate the place and manner of selling and to provide for the inspection and weight of hay and stone coal, and measuring of charcoal, firewood and other fuel, and to appoint suitable persons to inspect, superintend and conduct the same.

Twenty-first.—To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, streets or alleys opposite thereto, and in his default by some officer of the city at the expense of such owner or occupant.

Twenty-second.—To regulate and license public auctions or vendues, hawkers and auctioneers.

Twenty-third.—To provide by ordinance for a standard of weights and measures, for the appointment of a city sealer, and to provide for the punishment for the use of unsealed weights and measures. Powers of council.

Twenty-fourth.—To appropriate money and provide for the payment of the expenses of the city.

Twenty-fifth.—To establish, regulate and support night watches when necessary.

Twenty-sixth.—To provide for the erection of all needful buildings for the use of the city.

Twenty-seventh.—To provide for the enclosing, improving and regulating of all public grounds belonging to the city, and for the adorning of the streets thereof with shade trees.

Twenty-eighth.—To license and regulate porters and fix the price of portorage.

Twenty-ninth.—To provide for and regulate the inspection of tobacco, beef, pork, flour, meal, lard, butter and other provisions.

Thirtieth.—To regulate and order parapet walls and partition fences.

Thirty-first.—To provide for taking from time to time the enumeration of the inhabitants of the city.

Thirty-second.—To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws and enforce the same within three miles of the city.

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

Thirty-fourth.—To prescribe the limits within which wooden buildings or buildings of other materials, that shall not be deemed fire-proof shall not be erected, placed and repaired, and to direct that all and any buildings within such limits prescribed, shall be made and constructed of fire-proof material, and to prohibit the repairing and rebuilding of wooden buildings within such limits when the same shall be damaged to the extent of fifty per cent. on the value thereof, and to prescribe the manner of ascertaining such value and damages.

Powers of council.

Thirty-fifth.—To prevent the dangerous construction, placing and condition of chimneys, fire-places, hearths, stoves, stovepipes, ovens, boilers and appurtenances 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, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the city limits, and generally to establish such measures for the prevention or extinguishment of fires as prudence may dictate.

Thirty-sixth.—To appoint one or more fire wardens and to prescribe their duties.

Thirty-seventh.—The city council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire companies, hook and ladder and hose companies, and to provide for the due support and regulation of the same, and to order such companies to be disbanded and their apparatus to be delivered up. Each company shall have to exceed seventy-five members, and shall be formed by voluntary enlistment, and each member of every company shall be exempt from poll tax, from serving on juries, and from military duty, during the continuance of such membership.

SEC. 42. All laws, ordinances, regulations and by-laws, shall be passed by the affirmative vote of the majority of the city council, and be signed by the mayor, and shall be published in the official paper of the city before the same shall be in force, and within twenty days thereafter, they shall be recorded by the recorder in books provided for that purpose, but before any of said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof as aforesaid, shall be proved by the affidavit of foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all

Ordinances how passed—when used as evidence.

times shall be deemed and taken as sufficient evidence of such publication.

SEC. 43. All funds in the city treasury shall be under the control of the city council, and shall be drawn out upon the order of the mayor and recorder, duly authorized by vote of the city council, and all orders shall specify the purpose for which they were drawn. No appropriation shall be made without a majority of a full council voting in favor of it, and the vote shall be taken by calling the roll, and the vote of each member of the council shall be entered upon the journal of the council, and no moneys shall be appropriated except such as are authorized by this act.

Council to control all funds.

SEC. 44. The power conferred upon the city 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. Houses or buildings of any kind wherein more than twenty pounds of gunpowder are deposited, stored or kept at any time, gambling houses, houses of ill-fame, disorderly taverns or bar shops, or places where spirituous, vinous, fermented, mixed or intoxicating liquors are sold, given away or dealt in, without license required therefor within the limits of said city, are hereby declared and deemed public or common nuisances.

What deemed to be common nuisances.

SEC. 45. The city council shall examine and adjust the accounts of the treasurer, marshal, recorder and all other officers and agents of the city at such times as they may deem proper, and at the end of each year, and before the time for which such officers were appointed or elected shall have expired; and the council shall require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such public officer or agent shall refuse to comply with the order of said council in discharge of their duties, in pursuance of this section, the council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent, as defaulting in his accounts or in the discharge of his official duties. The council shall make full record of all such settlements and adjustments.

Council to adjust accounts of city officers.

SEC. 46. All funds in the treasury except state and county funds, shall be under the control of the city council, and be drawn out upon the order of the mayor and countersigned by the recorder, duly authorized by a vote

What funds to be under control of council.

of the city council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and may be payable generally out of any funds in the treasury belonging to the city or payable only out of funds raised for that specific purpose as the council may direct. And all such orders shall be received in payment only of the tax or assessment levied for that specific purpose by authority of the city or its council. All orders shall be payable to the order of the person in whose favor they may be drawn, and may be transferred by endorsement.

Authorized to  
levy annual tax—  
for what purpose.

SEC. 47. The said council shall have power to annually levy a tax upon all the property in said city subject to taxation, not exceeding in the aggregate three hundred dollars per annum; *Provided*, That said council shall not for two years next succeeding the passage of this act, levy a tax to an amount exceeding one hundred dollars, to defray the current expenses of the city. Every male inhabitant between the ages of twenty-one and fifty in said city shall annually pay a capitation tax of two days' work upon the highways, streets, alleys or bridges within the city, under the direction of the street commissioner. All persons liable to pay such capitation or poll tax may in lieu of work, pay to the street commissioner one dollar and a half per day, and the street commissioner shall expend all money so received on the streets, highways, alleys or bridges, under the direction of the city council.

Council to control  
highways.

SEC. 48. The city council shall have the exclusive care, supervision and control of all public highways, bridges, the building and repairing of the same on all roads leading to and within the city, and shall have the control and cause to be kept open and in repair, and free from nuisances, all alleys, streets or highways within the city. No street or alley which shall hereafter be dedicated to public use by the proprietor or proprietors of grounds within said city, shall be recognized as a public street or alley of said city, unless the city council shall first approve the plat thereof, or accept such dedication, or afterwards confirm the same by an ordinance especially passed for such purpose.

Tax authorized  
to be imposed  
for what purpose.

SEC. 49. Said council shall have power to levy a tax on the real estate of the city for road and street purposes, to an amount not exceeding fifty cents on one hundred dollars of the assessed value of such property to be expended for road and street purposes.

SEC. 50. Said council shall have power to lay out,

open and discontinue highways in the manner prescribed by law for township supervisors.

Council may open and discontinue highways.

SEC. 51. The city council of said city shall have power to ordain and contract for making, grading, repairing, cleansing, improving and adorning of the streets, alleys, highways, public grounds, reservoirs, gutters and sewers within said city, and to direct and control the persons employed therein, and all such improvements shall be superintended by a street commissioner.

To contract for grading and cleansing streets, alleys, &c.

SEC. 52. Whenever the city council may deem it necessary to construct or repair any sidewalk within the city, they shall require the street commissioner to notify in writing the owner or occupant of any lot adjoining such sidewalk to make or repair the same at his own proper cost and charge, and in such manner and within such time as may be specified in the notification. If such work is not done in the manner and within the time prescribed, the city council shall order the same to be done at the expense of the lots adjoining such sidewalks, and the expenses thereof shall be assessed upon such lots so chargeable by the street commissioner, and returned to the city council and collected in the same manner and under the same regulations as assessments for street improvements, and shall bear a like rate of interest after confirmation. All street crossings shall be graded and all cross walks built at the expense of said city.

Expense of repairing sidewalks and grading cross walks, how paid.

SEC. 53. The cost and expense of surveying streets, alleys, sidewalks, sewers, and estimating work thereon, and of repairing and cleansing streets and alleys, and of constructing and of repairing reservoirs, shall be chargeable to and payable out of the funds of the city. Grading, gravelling, planking, macadamizing or paving streets and alleys to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley within the line of improvements, and the whole expense thereof shall be assessed upon such lots in proportion to their assessed value, less the valuation of the building improvements thereon. Sewers and drains communicating with main sewers may be built by order of the city council through any street or alley for the purpose of draining the lots in the blocks fronting such street or alley, and in such case the expense thereof shall be assessed upon the lots so drained and benefited. *Provided*, That in all cases where improvements or work of any sewers are chargeable by virtue of this section upon lots benefited, all such improve-

Expense of surveying and paving streets, &c., how paid.

ments across streets, alleys and public grounds, shall be made and paid for out of the funds of the city, in proportion to the streets, alley or public grounds.

Expense of grading streets, &c., by whom borne.

SEC. 54. All grading of streets or alleys to be done at the expense of the lots fronting such street, alley or sewer, the expense of which is to be charged to the lots drained or benefited as before provided, shall be ordered by the city council on the passage of a resolution to that effect, and shall require the street commissioner of the city with the assistance of the city surveyor, to examine the premises and report a grade in case of a street or alley and an estimate of the whole expense thereof, and the lots chargeable, with the expense and the owners names if known, and the proportion of expense to be assessed upon each, which report the city council may adopt, revise or remand with instructions. Upon such report being adopted, the council shall require the street commissioner to notify in writing the owners of any lots fronting such streets and embrace in such notice the whole expense thereof and the [lots] chargeable with the same, and the proportion of the expense to be assessed upon each, and the manner and time within which the same shall be done. Such notice shall require the said owner to make improvements in such manner and within such time as is specified in the notification. If such work is not done in the manner and in the time prescribed the city council shall thereupon order the said work to be placed under contract upon such terms and under such regulations as they may deem advisable.

Duties of street commissioner when work placed under contract—how taxes levied and collected.

SEC. 55. When the work provided for in the preceding section shall be placed under contract, the street commissioner shall give notice by publication in the official newspaper of said city for ten days, that the expense thereof, in case of streets and alleys, will be assessed upon the lots fronting such streets or alleys within the line of such improvements according to their assessed value; and in case of sewers chargeable to the lots as hereinbefore provided, that the lots in the blocks fronting such improvements, drained or benefited thereby, which lots shall be designated in the notice, will be assessed according to their value. Such assessments when completed, shall be returned to the city council, and the said city council shall thereon fix a time for confirming the same, of which notice shall be given in the official newspaper of the city. Upon the confirmation thereof a warrant for the collection thereof shall issue to the treas-

urer, and the same shall be levied and collected as other taxes and assessments.

SEC. 56. No error or informality in the proceedings shall vitiate the assessment made by virtue of this chapter, when the notices hereinbefore provided shall have been given, and all assessments for work or expenses chargeable to lots as hereinbefore provided, shall be payable from the time of the confirmation thereof by the city council, and shall bear interest ten days thereafter, at the rate of twenty-five per cent. per annum. The city council may at any time for the purpose of anticipating the collection of such assessments, and of meeting the demands against the city for such improvements, by vote of two-thirds of all legal voters present and voting, issue the bonds of said city, in such form, amounts, and under such regulations as they may prescribe, for a time not exceeding two years, and bearing interest not exceeding ten per cent. per annum, and the proceeds thereof, shall be applied to the purposes aforesaid, and the collections from such assessments in anticipation whereof they were issued, shall stand appropriated and pledged for the payment of the principal and interest of the same. *Provided*, That the amounts shall not at any time exceed one per cent. of the assessed value of the property in the city, according to the last assessment; such bonds not to be negotiated less than par.

No error to vitiate the assessment—may issue bonds—for what purpose.

SEC. 57. 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 for the payment of its debts and liabilities, and shall be assessed in the manner provided by the laws of this state. The assessor elected under this act shall have and possess the same powers that are or may be conferred upon, and receive the same compensation as township assessors in said county, and be subject to the same penalties and obligations, and make his returns to the county auditor in like manner.

What property liable to taxation—power of assessor.

SEC. 58. All taxes and assessments, general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time the levy is made, and upon all personal property of any person or body politic, for personal taxes until such taxes shall be paid, and no sale or transfer of such real or personal estate shall effect the lien. Any personal property belonging to the person assessed and taxed, may

What to be a lien upon property.

be taken and sold for the payment of taxes on personal property.

When recorder to report amount of taxes levied—duty of auditor.

SEC. 59. It shall be the duty of the city council of the city of Saint Charles to determine on or about the first day of August, in each year, the amount of taxes and assessments both general and special to be raised for city purposes for the ensuing fiscal year. And it shall be the duty of the city recorder to transmit to the auditor of Winona county, on or before the first day of September, in each year a certified statement of the amount of taxes, general and special, so determined to be raised for the city purposes, and the same shall by said auditor be levied and entered upon the tax duplicate for the ensuing year, against all property real and personal, within said city of Saint Charles, subject to such taxation in the same manner that township taxes are now assessed and levied.

Taxes how collected.

SEC. 60. Such taxes for city purposes shall be assessed, levied and collected by the same officer and in the same manner as county, state or township taxes are now or may hereafter be assessed, levied and collected, and when so collected shall be accounted for and paid over to the city treasurer by the proper collecting officer in the same manner as township taxes are accounted for and paid over to township treasurers according to the general tax law of this state.

Duties of city assessor.

SEC. 61. The assessor of the city of Saint Charles shall qualify and shall perform the duties pertaining to his office in accordance with the general statutes of this state in regard to township assessors. He shall be subject to all the liabilities and perform all the duties of a township assessor, and receive such compensation as the council may direct. No assessment of property within the city of Saint Charles shall be made by any other than the city assessor, except as herein specially provided.

Duty of county treasurer.

SEC. 62. The treasurer of the county of Winona shall execute to the city of Saint Charles a bond, to be approved by the city council, with such sureties and in such reasonable sum as the city council may direct, for all moneys belonging to said city, to be collected by him. Said treasurer shall report quarterly to said council a statement of the amounts received by [him] for said city and transferred to the city treasurer, which transfer he shall make at the end of every month regularly, and take the city treasurer's receipt therefor, to be his voucher upon settlement with any committee of said city council for that purpose



appointed; and for any failure or refusal to comply with any provision of this section, such county treasurer shall forfeit a penalty of fifty dollars, to be recovered by said city in a civil action in any court of competent jurisdiction.

SEC. 63. The general laws of this state in regard to the assessment and collection of taxes shall apply to the assessment and collection of city taxes in all cases not otherwise provided for in this act.

Law governing the collection of taxes.

SEC. 64. All work for the city exceeding fifty dollars shall be let by contract to the lowest responsible bidder; due notice shall be given of the time and place of letting such contract, and every contract so made shall be commenced within one week of the acceptance of the proposal, unless the city council shall determine otherwise. *Provided*, They shall have power to reject all unreasonable bids.

When work shall be given to the lowest bidder.

SEC. 65. No moneys shall be appropriated to any purpose whatever except such as are expressly authorized by this act, and no vote of the city 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.

No money appropriated except expressly authorized by this act.

SEC. 66. 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 in favor of city may be remitted.

SEC. 67. 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.

How actions to be brought.

SEC. 68. In all prosecutions for any violations of this act, or of any by-law or ordinance of the city of Saint Charles, the first process shall be by a warrant. *Provided*, That no warrant shall be necessary in any case of 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 Charles, 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 issued by the city justice for violation of any ordinance or by-law of said city, shall run in the name of the city of Saint Charles, and shall be directed to the marshal or any police officer of said city.

In what cases warrant to be issued—what cases not issued.

SEC. 69. In all cases of the imposition of fine or penalty or of the rendering of a judgment by the city justices

Non-payment of  
fines, how pun-  
ished.

of said city, pursuant to any statute of the state of Minnesota or pursuant to any ordinance or by-law of the city of Saint Charles, as a punishment for any offense or for the violation of any ordinance or by-law as aforesaid, the offender shall be forthwith committed to the common jail of Winona county, and be there imprisoned for a term not exceeding six months, in the discretion of the city justices, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any offense whatever, until the time of the trial, the person or persons so arrested may be imprisoned in the common jail of Winona county.

Qualifications of  
Judge, &c.

SEC. 70. No person shall be an incompetent judge, justice, juror or witness, 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.

What not consid-  
ered a reason for  
suspending said  
corporation.

SEC. 71. If any election by the people or city council shall, for any cause not be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the city council, and if any of the duties enjoined by this act or the ordinances or by laws of the city to be done by any officer at any specified time, and the same are not so done or performed, the city council may appoint another time at which the said acts may be done and performed.

How suits may  
be brought.

SEC. 72. When any suit or action shall be commenced against said city, the services thereof may be made by leaving a copy of the process by the proper officer with the mayor, and it shall be the duty of the mayor forthwith to inform the city council thereof or to take such other proceedings as by the ordinances or resolutions of said council may be in such case provided.

What property  
subject to taxa-  
tion.

SEC. 73. The following property now or at any time hereafter belonging to said city thereof, shall be exempt from levy and sale under or by virtue of any execution: Engine-houses, hook and ladder houses, together with the grounds and lots upon 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 city council of said city, market houses and the furniture thereof, city hall and furniture of city council and office room. *Provided*, That nothing herein contained shall exempt any of the aforesaid real or per-

sonal property from levy and sale by virtue of any execution issued on judgments rendered in favor of any person or persons who may have furnished or sold any of such fire apparatus to or on the credit of 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.

SEC. 74. The city council, as fast as they deem necessary, 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 register of deeds of Winona 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.

Council to establish all street grades.

SEC. 55. [75.] 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.

May purchase and hold real estate.

SEC. 76. No law of this state contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

No law considered repealing or modifying the same unless expressly set forth.

SEC. 77. The city of Saint Charles 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 Winona county for any offense punishable under the state laws.

When not liable for jail fees, &c.

SEC. 78. Said city shall be allowed the use of the jail of Winona county for the imprisonment of any person or persons who may be liable to imprisonment under the ordinances or by-laws of said city, and such person shall be under the charge of the sheriff of said county as in other cases.

Allowed use of county jail.

SEC. 78. [79.] The city council may constitute road districts, and require the street commissioner thereof to collect the capitation or poll tax, such street commissioner shall have all the powers of road supervisors or overseers as provided in the revised statutes of this state, and shall report to the city council when required. *Provided*, That the street commissioner shall receive his compensation as such su-

May constitute one or more road districts—duty of street commissioner.

pervisor or overseer out of the moneys collected on such poll tax; in no case shall any money be drawn from the city funds for the compensation of road masters or for any work performed by them or under their supervision.

No sale to affect the lien of any assessment for any tax.

SEC. 80. No sale under execution or other proceedings upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment for any tax or for any improvements, work or benefits chargeable to or assessed against property under this act, although the compensation of such assessment may be subsequent to the lien of such judgment, decree or other lien, or to such transfer or mortgage.

Non-payment of taxes, how collected.

SEC. 81. In addition to the remedies herein provided for the collection of taxes and assessments, suit may be instituted by said city in the district court in and for Winona county, or before any justice of the peace residing in said city, to recover any tax or assessment for work or improvements or benefits chargeable to lots under this act, against the parties liable therefor or owners of such property so taxed or assessed, in the same manner as other suits are instituted under the laws of this state, and in case the parties defendant cannot be found within the county of Winona, publication in the official newspaper of said city for six weeks once in each week, shall be deemed and be equivalent to actual service, and it shall be sufficient to state as the cause of action in the complaint that the city of Saint Charles by virtue of its corporate powers on a certain day, made and confirmed a certain assessment on certain property of the defendant or defendants, specifying the amount, the property assessed, and the nature and purpose of the assessment, and a transcript of such assessment for taxes, improvements or benefits duly certified to by the city clerk, shall be prima facie evidence of the facts therein set forth, and that such assessment was regular and legally and duly made, and a judgment thereon entered, shall bear interest at the rate of twenty per cent. per annum.

What officers entitled to compensation.

SEC. 82. The officers of said city shall not be entitled to or receive any compensation for their services, except as in this act provided. The judges of election shall be entitled to the same compensation as is now allowed by law to inspectors of elections for services as such inspectors, to be paid by said city for any special or general election held by authority of the state or county. The street commissioner shall be entitled to two dollars per

day for all services required by this act, but shall be paid from moneys arising from assessments for improvements, and their compensation shall be included in such assessment.

SEC. 83. The city council may levy a tax for the purchase of a fire engine and other necessary fire apparatus, and the erection of necessary buildings therefor, and the construction of reservoirs, the building of bridges, or for the purchase of real estate necessary for the city, to an amount not exceeding one-half of one per cent. on the valuation, including the amount hereinbefore authorized in any one year. But such levy shall not be made until the question of making the same shall have been submitted to a vote of the tax paying voters, not including capitation or poll tax in said city. On such submission at a special election ordered therefor by the city council, of which ten days' notice shall be given, if two-thirds of the voters voting at such election shall vote for such levy, it shall be made. But if less than two-thirds vote therefor, it shall not be made, nor the same question be again submitted to the voters of the city, till after the expiration of six months. Whenever any such tax may be levied it shall be included in the list for the year and collected at the time and in the manner of collecting other taxes.

To levy a tax for fire engine, &c.—to be submitted to legal voters.

SEC. 84. The first election for officers under this act shall be held on the second Tuesday of March, A. D. eighteen hundred and seventy, and the polls shall be held as follows: In Crook's Hall in said city. Polls open at nine o'clock A. M. and close at five o'clock P. M. The qualified voters present at the time and place of election, upon the opening of the polls, shall choose by ballot two judges of election, who shall have all the powers of inspectors under this act.

When first election held.

SEC. 85. No section or provision herein contained shall affect the boundaries or operations of an act entitled an act for the establishment and regulation of the Saint Charles school district, in the village of Saint Charles, Winona county, approved February sixth, one thousand eight hundred and sixty-seven.

Not to affect the rules of the St. Charles school district.

SEC. 86. The voters authorized by the provisions of this act to vote for officers at any election herein provided for, shall, on the first Tuesday in March, A. D. one thousand eight hundred and seventy, hold an election and vote for the approval of this act of incorporation with written or printed or partly written and partly written or printed ballots, as

To be submitted to voters—ballots how prepared.

follows: For incorporation. Against incorporation. The votes cast at said election shall be received and canvassed in the manner herein provided for the canvass of the votes for officers at annual elections, and if a majority of the ballots so cast are for incorporation the said corporation shall exist and continue under the provisions of this act, otherwise it shall not be lawful to organize under the provisions of this act, and the same shall be of no force and effect. Said election to be in Crook's Hall and held and conducted in the same manner as the first election for city officers under this act in section eighty four.

Deemed a public act.

SEC. 87. This act is hereby declared to be a public act, and may be read in evidence in all courts of law without proof.

When act to take effect.

SEC. 88. This act shall take effect and be in force from and after its passage.

Approved February 28, 1870.

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## CHAPTER XX.

March 4, 1870.

### *An Act to amend the Charter of the City of St. Paul.*

- SECTION 1. Amendment to Section Five (5) of the Charter of the City of St. Paul, Special Laws of 1868. When Council committee to meet Boards of Equalization and County Commissioners—for what purpose—committee to report to Council—duty of Council—compensation of said committee.
2. Repeal of Section Three (3) and amendment to Section Two (2) of Chapter Five (5) of said act. What funds to be under the control of the Council—what orders upon the Treasurer to specify—not applicable to orders to pay police force and city officers.
3. Council delegated power to change the names of the streets—Clerk to file certified copy in the office of Register of Deeds.
4. Amendment to Section Four (4) of Chapter Eleven (11) of said act. Repealing punishment in certain cases.
5. Amendment to Section Eleven (11) of Chapter Three (3) of said act. Jurisdiction of City Justice—disposition of funds arising from fines imposed and collected.