

saved, and all matters and things whatsoever commenced or pending under said chapters, or either of them, are hereby saved and continued to be had, done and completed under this act. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 1st, 1887.

CHAPTER 8.

[S. F. 450.]

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF MANKATO. STATE OF MINNESOTA.

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

The act entitled "An Act to Incorporate the City of Mankato," approved March six (6), eighteen hundred and sixty-eight (1868), and all acts amendatory thereof and of all other acts affecting the charter of the said city of Mankato at any time passed by the legislature of this state are hereby amended and consolidated into this act, which shall constitute and be the charter of the city of Mankato, and which shall read as follows, to-wit:

CHAPTER I.

CITY AND WARD BOUNDARIES.

SECTION 1. All the district of country in the county of Blue Earth, Minnesota, contained within the sub-divisions and boundaries hereinafter described, shall be a city of the name of Mankato, and the people now inhabiting the same and those who shall hereinafter live within or inhabit the territory or district of country hereinafter designated and described shall be a municipal corporation by the name of the city of Mankato, and by that name shall be sued and be impleaded in any court, make and use a common seal and order it at pleasure, and take, hold and purchase, lease and convey, and own any and all such real, personal, or mixed estate, as the purposes of the corporation may require, within or without the limits aforesaid. Said city 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. 2. The sub-divisions of land included in and constituting the city of Mankato, shall be as follows, to-wit: Lot one (1) and the south one-half ($\frac{1}{2}$) of the southeast quarter ($\frac{1}{4}$) of section six (6), lots one, two, three and four (1, 2, 3 and 4) and the southwest quarter ($\frac{1}{4}$) of the southeast quarter, ($\frac{1}{4}$) and the east one-half ($\frac{1}{2}$) of the east one-half ($\frac{1}{2}$) of the southeast quarter, ($\frac{1}{4}$) and the east one-half ($\frac{1}{2}$) of the northeast quarter ($\frac{1}{4}$) of section seven (7) and the southwest quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$), and the west one-half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of section eight (8), and the west one-half ($\frac{1}{2}$) of the northwest quarter ($\frac{1}{4}$) of section seventeen (17), and the northeast quarter ($\frac{1}{4}$), and the northwest quarter ($\frac{1}{4}$) and the west one-half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$), and the northeast quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$), and the north one-half ($\frac{1}{2}$) of the southeast quarter ($\frac{1}{4}$) of section eighteen (18), and the west one-fourth ($\frac{1}{4}$) of the west one-half ($\frac{1}{2}$) of the east one-half of section seventeen (17), and also the west one-fourth ($\frac{1}{4}$) of the west one-half ($\frac{1}{2}$) of the southeast quarter ($\frac{1}{4}$) of section eight (8), all in township one hundred and eight (108), in range twenty-six (26) west of the principal meridian.

Also lot two (2) in section thirteen (13), and lot fourteen (14) in section fourteen (14), in township one hundred and eight (108), range twenty-seven (27) west. Also all of the territory and land in the county of Blue Earth and the state of Minnesota, embraced within the following boundaries, to-wit: Commencing at a point on the town line in the center of the Minnesota river where the north line of town one hundred and eight (108), range twenty-seven (27), crosses said river, opposite the northwest corner of government lot five (5), in section one (1), town one hundred and eight (108), range twenty-seven (27); thence east along town line between towns one hundred and eight (108) and one hundred and nine (109), to the northeast corner of section six (6), town one hundred and eight (108), range twenty-six (26); thence south along the east line of said section six (6) to the northwest corner of the southwest quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of section five (5), town one hundred and eight (108), range twenty-six (26); thence east to the northeast corner of the southeast quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of said section five (5); thence south along the quarter ($\frac{1}{4}$) line through sections five (5), eight (8) and seventeen (17), to the southeast corner of the southwest quarter ($\frac{1}{4}$) of section seventeen (17); thence west along the south line of section seventeen (17) in town one hundred and eight (108), range twenty-six (26); to the southeast corner of the southwest quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of section seventeen (17); thence north to the northeast corner of the same; thence west to the northwest corner of the southeast quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of section eighteen (18), town one hundred and eight (108), range twenty-six (26); thence south to the southwest corner of the same; thence west along the south line of section eighteen (18) to the northeast corner of the northwest quarter ($\frac{1}{4}$) of the northwest quarter of section nineteen (19), town one hundred and eight (108), range twenty-six (26); thence south to the northeast corner of the southwest quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of said section nineteen (19); thence west to the northwest corner of the southwest

quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of section nineteen (19); thence north along section line between section nineteen (19), town one hundred and eight (108), range twenty-six (26), and section twenty-four (24), town one hundred and eight (108), range twenty-seven (27), to the southeast corner of the northeast quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$) of section twenty-four (24), town one hundred and eight (108), range twenty-seven (27); thence west to the center of the Blue Earth river, opposite the southwest corner of government lot eight (8), in section twenty-three (23), town one hundred and eight (108), range twenty-seven (27); thence in a general northerly direction along the center of the Blue Earth river to its junction with the Minnesota river; thence along the center of the Minnesota river in a general northeasterly direction to place of beginning. Also the west one-fourth ($\frac{1}{4}$) of the west one-half ($\frac{1}{2}$) of the east one-half ($\frac{1}{2}$) of section seventeen (17), and also the west one-fourth ($\frac{1}{4}$) of the west one-half ($\frac{1}{2}$) of the southeast quarter of section eight (8), in township one hundred and eight (108), north of the base line and in range twenty-six (26), west of the principal meridian. Also lots three (3), four (4) and five (5), and the south one-half ($\frac{1}{2}$) of the northwest quarter ($\frac{1}{4}$), and the south one-half ($\frac{1}{2}$) of the northeast quarter ($\frac{1}{4}$), and the southwest quarter ($\frac{1}{4}$), and the southeast quarter ($\frac{1}{4}$) of section thirteen (13), and lots eleven (11), twelve (12) and thirteen (13), of section fourteen (14), in township one hundred and eight (108) north of range twenty-seven (27) west, all in said Blue Earth county.

SEC. 3. The said city of Mankato shall be divided into four (4) wards, to be called the first, second, third and fourth (1st, 2d, 3d, 4th) wards, and shall be limited, bounded and described as follows, to-wit: All that portion of the city of Mankato lying northerly of a line commencing on the east bank of the Minnesota river, in the center of Plum street, thence along the center of Plum street to the center of Sixth street; thence down the center of Sixth street to the center of Marsh street; thence along the center of Marsh street to the city limits, shall constitute the First (1st) ward of the city of Mankato.

All that portion of the city of Mankato lying southerly of the above described line, and between said line and one commencing at a point on the bank of the Minnesota river, opposite the end of Hickory street; thence eastwardly along the center of Hickory street to the center of Hanover street; thence along the center of Hanover street to the center of Pearl street; thence along the center of Pearl street to the center of Hannah street; thence along the center of Hannah street to the center of Main street; thence eastwardly along the center of Main street to the city limits, shall constitute the second (2d) ward of the city of Mankato.

All that portion of the city of Mankato lying southerly of the last described line, and between said line and one commencing at a point on the bank of the Minnesota river on the section line between section eighteen (18), town one hundred and eight (108), range twenty-six (26) and section thirteen (13), town one hundred and eight (108), range twenty-seven (27); thence south along said section line to the

center of Front street; thence down the center of Front street to the center of Liberty street; thence along the center of Liberty street to the center of Fourth street; thence along the center of Fourth street to the center of Warren street; thence along the center of Warren street to Fifth street; thence along the center of Bunker Hill road to the city limits; shall constitute the third (3d) ward of the city of Mankato.

All that portion of the city of Mankato lying southerly of the last described line shall constitute the fourth (4th) ward of the city of Mankato.

CHAPTER II.

ELECTIVE OFFICERS AND ELECTIONS.

SECTION 1. There shall be an annual election for electing such officers as are herein or otherwise by law made elective. Which election shall be held on the first (1st) Tuesday of April each year at such place or places in each ward, or election precinct, as the common council of said city shall designate, and the polls in this city shall be kept open upon each and all elections from nine (9) o'clock in the forenoon, until five (5) o'clock in the afternoon. Ten (10) days previous, notice shall be given by the city recorder of said city of the time and places of holding each election in each ward, or election precinct, of said city, also of the officers to be elected, by causing a notice of the same to be posted in at least one (1) public place in each ward or election precinct of said city, if such precincts shall be established as hereinafter provided, and by publishing such notice in the official paper of said city for at least one (1) week before the day of said election.

SEC. 2. The elective officers of said city shall be a mayor, a municipal judge, treasurer, and city recorder, all of which officers shall be residents and qualified voters of said city. Each ward shall elect three (3) aldermen, only one (1) of which shall be elected each year, who shall be residents within and qualified voters of the ward for which they may be elected, and shall hold their office for three (3) years. All other officers necessary for the proper management of the affairs of this city, unless otherwise provided, shall be chosen by the common council.

The city recorder and treasurer shall be elected for two (2) years or until their successors are elected and qualified.

All other elective officers excepting aldermen as herein provided shall hold their offices for one (1) year or until their successors are elected and qualified.

All persons now holding office in this city under its present charter shall continue in their respective offices to the expiration of the term for which they were elected or appointed, or until their successors shall be elected or appointed and qualified.

SEC. 3. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from

said office by a vote of two-thirds ($\frac{2}{3}$) of all the aldermen authorized to be elected.

But no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defence. The common council shall fix a time and place for the trial of such officer, of which not less than ten (10) days' notice shall be given, and have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the case; and if said officer shall neglect to appear and answer the charges against him, the common council may declare the office vacant.

SEC. 4. Whenever a vacancy shall occur in the office of Mayor or any other office of said city by death, removal, or resignation, or otherwise, the common council shall have power and it shall be their duty to declare the office vacant by resolution entered upon their minutes. All such vacancies shall be filled by appointment by the common council, excepting in case of a vacancy occurring in the office of alderman such vacancy shall be filled by the aldermen of the ward in which such vacancy occurs. *Provided*, if there be two (2) vacancies in the office of alderman in any one (1) ward, or if there be one (1) vacancy in the office of alderman of any ward and the remaining aldermen of such ward either refuse or are unable on account of a tie vote to appoint a person to fill such vacancy then shall all vacancies in the office of alderman in such cases be filled by appointment by the common council.

The person appointed to fill a vacancy shall hold his office and discharge the duties thereof till the next regular election for electing city officers and until his successor is elected and qualified.

SEC. 5. All elections by the people shall be by ballot, and each ballot shall contain the names of the person voted for, with proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election.

When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council at such time and in such manner as they shall direct.

SEC. 6. All persons entitled to vote for state or county officers and who reside in the ward or election precinct where they offer to vote, shall be entitled to vote for any officer to be elected under this law and to hold any office hereby created, *provided* their names shall have been duly inserted in the list of qualified electors of the ward or election precinct in which they reside, as in the election of state and county officers; and the different wards established by law or such election precincts as may hereafter be established by the common council shall constitute election districts 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 the city elections, except that the returns thereof shall be made by the

judges of election to the auditor of the county of Blue Earth within the time provided by law.

SEC. 7. Until election precincts shall be established in said city as hereinafter provided, the elections in said city shall be held and conducted by the aldermen in each ward, who shall be the judges of election in their respective wards in all elections of state, county or city officers, and at all special elections, and shall take the usual oaths or affirmation as prescribed by the general laws of the state to be taken by judges of elections, and shall have power to appoint clerks of such elections and to administer the necessary oaths.

Said elections shall be held and conducted in the manner and under the same penalties as provided for state and county elections and vacancies among the judges thereof filled as required by the laws of this state regarding elections. *Provided*, That no person shall be a judge of any election at which he is a candidate for any office, and provided that in all city elections the aldermen of their respective wards or the judges of election in each election precinct shall meet on the day preceding such election to correct the poll list and shall be entitled to but one (1) day's pay for such extra services.

SEC. 8. When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, the said judges, unless their duties are modified by the appointment of auditing boards, shall make returns thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns to the city recorder within three (3) days after any election, and the common council shall meet and canvass said returns and declare the result, as it appears from the same, within three (3) days thereafter. The recorder of the common council shall forthwith notify the officer or officers elected, of their election by written notice served upon such officers in person, or left at their usual place of abode, with some person of suitable age and discretion.

SEC. 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward or the judges of such election precincts in the same manner, and the returns thereof made in the same form and manner as in general and annual elections, and within such time as may be prescribed by resolution, excepting as the duties of judges of election may be modified or changed by the appointment of auditing boards as hereinafter provided.

SEC. 10. An officer removing from the city or ward for which he is elected, or any officer who shall refuse or neglect for ten (10) 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.

SEC. 11. The term of every officer elected under this law shall commence on the second (2d) Tuesday of April of the year for which he was elected, and shall, unless otherwise provided, continue for one (1) year and until his successor is elected and qualified.

SEC. 12. Should there be a failure by the people to elect any

officer herein required to be elected on the day designated, the common council may order a new election to be held, ten (10) days notice of the time and place being given, in the same way as provided herein for general elections.

SEC. 13. The city council may at any time at least twenty (20) days previous to any general election for city officers or general election for state and county officers each year, as they see fit, divide the city into as many election precincts as they deem it necessary, and shall designate the boundaries of each election precinct of said city, and for that purpose may divide the several wards into such number of precincts as they may think best, but no election precinct shall extend over or out of the territory of more than one (1) ward. The common council may provide by ordinance for judges of election in the several election precincts and prescribe their duties, and for each and every other requirement necessary to carry this section into effect. The city once having been divided into election precincts it shall so remain until the boundaries of such precincts are changed by the common council as herein provided.

SEC. 14. The common council may at their discretion by ordinance passed by said council, require and provide for an auditing board to act in connection with the judges of election in any one (1) or more ward or election precinct of this city at any general or special election to be held therein. The number of such board, the manner of their appointment and all their duties, and all the qualifications of such board, and all other matters and things necessary to fully equip, authorize and empower such auditing board to enter upon and perform all the duties that may be assigned them shall be provided for in such ordinance, and in order to render such appointment and service effective the common council may by such ordinance modify or change or add to the duties of judges of election as fixed by this act in such wards or election precincts as such auditing boards are by ordinance provided for by virtue hereof. *Provided*, that all members of such auditing board shall be qualified electors of the ward in which they are called upon to act, whether it be in connection with the judges of election at an election precinct in such ward or not. The common council may by resolution or otherwise provide for such compensation to be paid the members of such auditing board as said council may see fit.

CHAPTER III.

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 administering the same, with the city recorder, and the treasurer, street commissioner, recorder 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 Mankato a bond with

at least two (2) sureties satisfactory to the common council; and such 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.

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 such police officers and watchmen, except when otherwise provided for; and in case of a riot or other disturbances, he may provide 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 renders it necessary. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof, he shall sign the same, and such as he shall not sign he shall return to the common council with his objections thereto, by depositing the same with the recorder to be presented to the common council at their next meeting thereafter; and upon the return of any resolution or ordinance by the mayor, the same vote by which the same was passed shall be reconsidered, and if after such reconsideration the common council shall pass the same by a vote of two-thirds ($\frac{2}{3}$) of those present and voting, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and noes, which shall be entered in the record by the recorder. If any ordinance or resolution shall not be returned by the mayor within five (5) days (Sundays excepted) exclusive of the first (1st) after it shall have been presented to him, the same shall have the same effect as if approved by him.

SEC. 3. The mayor shall have a salary of two hundred (200) dollars per year and he shall be president of the common council but shall not hold any other office under the authority of the city. The mayor shall have no vote at any meeting of the common council, excepting in case of a tie, at which time it shall be his duty to vote upon the question before the council upon which a tie vote is had. His duties as presiding officer shall be confined during all meetings of the common council to the enforcement of such parliamentary usages as the common council may adopt. While acting as such presiding officer he shall not be allowed to participate in any general debate at any meeting of said common council upon questions belonging exclusively to such common council to act upon and determine, unless by consent of said common council expressed by a majority vote of those present. All contracts and appropriations 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 and the same pro-

ceedings shall be had thereon as provided in section two (2) of this chapter, in relation to ordinances and resolutions. The mayor shall sign all orders drawn upon the treasurer. At the first meeting of the common council in each year they shall proceed to select by ballot from their members a vice president, and in the absence of the mayor from the city or his inability from any cause to discharge the duties of his office, the said vice president shall exercise all the powers and discharge all the duties of mayor. The vice president of the common council while performing the duties of mayor shall be styled the acting mayor and acts performed by him while acting as mayor as aforesaid, shall have the same force and validity as if performed by the mayor. In case the mayor shall be absent from any meeting of the common council the vice president shall act as presiding officer for the time being, and discharge the duties of said mayor.

In case of the absence of the mayor and vice president from any meeting of the common council or the inability of both of them to act, the members thereof may elect one of their members present to preside at such meeting and the acts of such member so presiding shall have the same force and effect as the acts of the mayor at all times during the inability of the mayor or vice president to act.

The mayor shall have authority to revoke and cancel for cause, any license issued by the common council by serving a written notice upon the person holding the same, that such license is revoked and cancelled and the same shall thereafter be null and void, and he shall notify the common council at their next regular meeting thereafter of the cause of revoking and cancelling said license.

The common council may, at any regular meeting reinstate such license so revoked by a two-thirds ($\frac{2}{3}$) vote of the members present and thereafter the same shall be valid until revoked and cancelled again, provided said common council shall hear any person whose license has been thus revoked at such time and place as they shall see fit, upon an application to said common council for reinstatement of such license by the party deprived of the same as aforesaid, which application shall be in writing and filed with the city recorder within five (5) days exclusive of the first, (1st) after the time of the revoking of such license.

CITY RECORDER.

SEC. 4. There shall be a recorder of said city, styled the city recorder, who shall keep his office at the place of meeting of the common council, or such other place convenient thereto as the common council may determine. He shall keep the corporate seal and all the papers and records of the city and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office and transcripts from all 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 city recorder shall have power to administer oaths and affirmations and acknowledge all papers. It shall be the duty of the city recorder to report to the common council the financial condition of the city, whenever the common council shall require. He shall make and keep a list of outstanding city bonds, to whom issued, for what purposes, when and where payable, and the rate of interest they respectively bear, and recommend such action to the common council as will secure the punctual payment of the principal and interest of such bonds. He shall report annually on or about the first (1st) day of April 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 first (1st) day of April. 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 authorized by any committee of the common council or by any city officer.

And every contract made in behalf of the city or to which the city is a party shall be signed by the recorder. The city recorder shall keep regular books of accounts in which he shall enter all the indebtedness of the city, and which shall at all times show the precise financial condition of the city, including the amount of bonds, orders, certificates, or other evidences of indebtedness which have been redeemed, and the amount of the same outstanding.

He shall countersign all bonds, bonds or other evidences of indebtedness of the city and keep accurate accounts thereof, stating to whom and for what purpose issued and the amount thereof. He shall keep accounts with all receiving and disbursing officers, showing the amounts they have received from different sources of revenue and the amount they have disbursed under the directions of the common council.

If before the first (1st) day of January in each year the amount expended or to be expended, chargeable to any city fund, (adding thereto the current expenses estimated for the remainder of the fiscal year, and chargeable to such fund), shall be equal to three-fourths ($\frac{3}{4}$) of the tax authorized to be raised or revenue estimated from such fund, he shall report at once the same to the common council, and he shall not sign any contract chargeable to such fund until the amount of taxes actually collected be ascertained; and during the remainder of the fiscal year, he shall not sign any contract the expenses of which shall exceed the revenue actually collected for the fund to which such expenses are properly chargeable. *Provided* nothing herein stated shall prevent the common council from borrowing from one fund to aid and help out another fund at such times as in their judgment the public necessities shall require.

The recorder shall examine all the reports, books, papers, vouchers, and accounts of the city treasurer, and from time to time shall perform such other duties as the common council may direct.

All claims and demands against the city, before they are allowed by the common council shall be audited and adjusted by the recorder. And he 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 record shall be open to the inspection of all parties interested. He shall make a full and complete report of the finances and condition of the city, which shall be kept on file and a copy thereof he shall cause to be published in the city newspaper at least fifteen (15) days prior to the annual election.

The city recorder shall perform all other services by law required of clerks of cities or townships within said city, but when such services are required of him by public law for which compensation is made from the state or county treasury or individuals, such services shall not be regarded as services for said city and he may retain such compensations in addition to his regular salary and shall keep an accurate account of fees so received and report the amount of the same to the common council at the close of each official year.

CITY ATTORNEY.

SEC. 5. The city attorney shall perform all professional services incident to his office, and when required shall furnish opinions upon any subject submitted to him by the common council or its committees. He shall also advise with and counsel all city officers in respect to their official duties and attend the meetings of the common council, and of such committees as shall request his assistance, and his salary shall be fixed by the common council.

CITY TREASURER.

SEC. 6. The treasurer shall receive all moneys belonging to the city, including license money and fines, and keep accurate and detailed account thereof, in such manner as the common council shall from time to time direct. The treasurer shall exhibit to the common council at least twenty (20) days before the annual election, or sooner if required by them, a full and detailed account of the receipts and expenditures after the date of the last annual report and also of the state of the treasury which account shall be filed with the city recorder.

He shall also report to the common council at such times and in such manner as they may require and he shall give such bonds for the safe keeping of the funds of the city as the common council may require.

CHIEF OF POLICE.

SEC. 7. There shall be a chief of police of said city, who shall be appointed by the mayor by and with the consent of the common council, and who shall perform such duties as shall be prescribed by the common council for the preservation of the public peace. All police of said city shall possess the powers of constables at common law, or by the laws of this state; and it shall be their duty to execute and serve all warrants, processes, commitments, and all writs and warrants whatsoever, issued by the municipal court of said city, for any violation of the laws of the state of Minnesota or of the ordinances or by-laws of said city; and also all writs and processes whatsoever

issued by the municipal court of said city in civil actions; and they shall have authority to pursue and arrest any person fleeing from justice in any part of this state; and when performing the duties of constables aforesaid, shall be entitled to like fees. Watchmen shall have authority to arrest and detain any person guilty of any breach of the peace or of any violation of the laws of this state, or of the ordinances or by-laws of the city; and for these purposes shall possess the powers of constables at common law, while on duty.

Provided, That each policeman before he enters upon the duties of his office shall take and subscribe the oath of office prescribed by law for constables in this State and in addition thereto shall execute a bond to the mayor of said city in such penal sum as the common council shall direct, with one or more sureties to be approved by the mayor, condition for the faithful discharge of his duties as such constable and further condition to pay over to the party entitled thereto any money that shall come into his hands by virtue of his power and authority as such constable, which bond shall be filed with the recorder. The duties of all policemen may be determined by the common council, also the manner in which they shall be paid, and no policeman shall be authorized to perform the duties of constable at common law when forbid by the common council, anything herein to the contrary notwithstanding.

STREET COMMISSIONER.

SEC. 8. The common council shall at its first meeting after each annual election appoint one (1) or more street commissioners for this city. It shall be the duty of such street commissioner to see that all the streets and sidewalks under his charge are kept clear and free from obstructions and in such repair as to be safe and passable, and to superintend subject to the direction of the city engineer the grading of streets and laying out of sidewalks, and to carry into effect all the orders of the common council regarding the streets and highways or public parks of said city to him made. But no street commissioner shall do or cause to be done any work upon the streets or highways of said city excepting such as is necessary to keep traveled streets and improved sidewalks in repair, unless such work is especially ordered by the common council or otherwise herein provided.

The street commissioner shall keep accurate accounts of all his work and expenditures and make detailed and accurate reports thereof to the common council at least once in every two (2) months and oftener if ordered by the common council.

And no bill for compensation to such street commissioner shall be allowed unless the same shall be accompanied or preceded with a full and itemized report of expenditures up to the time of the rendition of his bill

ASSESSOR.

SEC. 9. The common council shall in the month of February each year elect an assessor who shall perform all the duties in relation to the assessing of property for the purpose of levying all city, county

and state taxes and upon the completion of the assessment roll he shall return the same to the city recorder. In all respects not herein expressly provided for, said assessor shall, in making such assessment, be governed by the rules both in respect to the property to be listed and assessed and the manner of listing and assessing the same which are or may be prescribed by the general laws of the state for the government of assessors.

Immediately after the assessment roll has been returned to the city recorder, as aforesaid, it shall be the duty of the common council to meet as a board of review in said city, all of whom shall qualify as such board of review and designate a time and place when they will meet as such board of review for the purpose of performing the duties hereinafter assigned them, not later than the fourth (4th) monday in June each year they as such board shall proceed to examine and see that all taxable property in the city of Mankato has been properly placed on the list and duly valued by the assessor.

A majority of such board present shall constitute a quorum for doing business. The same notice of such meeting of such board shall be given by the recorder and the board of review shall be governed by the same rules and regulations in the performance of their duties as is, or shall be prescribed in the general statutes and laws of this state for town boards of review.

The assessor shall, after such review of said assessment, and not later than upon the second (2d) Monday of July in each year, make out a tabular statement of all of the assessments of property in said city made by him as directed by said board and return the same to the county auditor of Blue Earth county, the same having been verified by said assessor as provided in the general laws of the state for town assessors. The assessor shall hold his office for one (1) year or until his successor is elected and qualified. The assessor may also whenever he shall deem it necessary, appoint a deputy assessor to aid in making the city assessment. Which deputy shall act under direction of the assessor and shall report to him all his doings as such deputy, and be responsible to such assessor for all his acts. The compensation of such deputy shall be fixed by the common council.

CITY SURVEYOR.

SEC. 10. The common council at their first meeting after each annual election or as soon thereafter as may be, shall elect a city surveyor who shall be a practical surveyor and engineer. He shall keep his office in some convenient place in said city, and the common council shall prescribe his duties and fix the fees and compensation for all services performed by him. All surveys, profiles, plans, or estimates made by him for the city shall be the property of said city, and shall be preserved in the office of the surveyor and open to the inspection of all persons interested, and the same together with all books and papers shall be delivered over by the surveyor at the time of the expiration of his term of office to his successor or the common council.

CITY PRINTING.

SEC. 11. The common council, at their first meeting after each annual election, or as soon thereafter as may be, shall advertise for proposals to do the city printing, giving public notice of not less than one (1) week, in such manner as the council may direct, that sealed bids shall be received by the recorder of the common council for doing said printing. The bid or bids received by the clerk to do said printing shall be publicly opened and read by the recorder at such time and place as the common council shall appoint, and the person or persons offering to do said printing for the lowest sum or price in any newspaper of common circulation published in said city, and shall give satisfactory security for the performance of the work shall be declared the city printer for the ensuing year and in the newspaper designated in said accepted bid or proposal, shall be published all ordinances, by-laws, and other proceedings and matters required by this act or by the by-laws or ordinances of the said city to be published in a public newspaper. The city printer or printers, immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the city recorder a copy of such publication, with his affidavit, or the affidavit of his or their foreman, of the length of time and the date or dates at which the same has been published, and such affidavit shall be prima facie evidence of the publication of such notice, ordinance or resolution. *Provided*, That if no person will publish, or offer to publish in any newspaper published in said city, such ordinances or other matters as the common council may require to be published, at a rate not exceeding that now prescribed by statute for legal advertisements or notices, the common council may make such other provisions for publishing its ordinances, by-laws, and matters requiring publication as it may think fit, anything herein contained to the contrary notwithstanding.

SEC. 12. If any person, having been an officer of said city, shall not, within one (1) week 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 (\$1,000) besides all damages caused by his neglect or his refusal so to deliver and said successor may receive possession of such books, papers and effects, in the manner prescribed by the laws of this state.

SEC. 13. 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 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 (1) year and until his successor is elected or appointed and duly qualified. The common coun-

cil shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution, except the city recorder, who shall receive the sum of six hundred dollars (\$600) per annum, which shall be in full for all his services, including that of clerk of the common council and all duties imposed upon him in behalf of said city and shall be paid monthly at the termination of each month. The compensation of officers shall be fixed for the fiscal year in the month of April of each year, except for such offices as may hereafter be created in regard to which the compensation shall be fixed at the time of the creation of such office, nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer elected or appointed to office under the provisions of this charter shall be a party to or interested in any contract in which the city is interested, made while such officer is holding office. *Provided*, That each alderman shall receive compensation for his services as such officer the sum of two dollars (\$2.00) for each meeting of said common council during his term of office, whether such meeting be regular or special at which such alderman is in actual attendance thereon.

PEACE OFFICERS.

SEC. 14. The mayor or acting mayor and sheriff of the county of Blue Earth or his deputy or deputies, coroner and each alderman, judge of the municipal court, police officers and watchmen shall be peace officers and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of the bystanders and if need be of all the citizens and military companies in said city, and if any by-stander, military officer, or private, shall refuse so aid in maintaining the peace when so required, each person so refusing shall forfeit and pay a fine of fifty dollars (\$50) in case of prosecution for such offense, and in default of such payment he shall be committed to the common jail not to exceed sixty (60) days. In case 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 proceedings.

HEALTH OFFICER.

SEC. 15. The mayor shall by and with the consent of the common council appoint a health officer who shall be a physician of regular practice in said city in good standing in his profession and a graduate of some college of medicine.

It shall be the duty of the health officer to make regular inspections of the city as to matters affecting the health of the citizens. He shall make reports to the state board of health of such facts as may be required by said board.

He shall be *ex-officio* president and executive officer of the board of health established by said city and perform all duties required of him by any ordinance of this city.

HEALTH INSPECTORS.

SEC. 16. The mayor shall by and with the consent of the common council appoint three (3) health inspectors for said city, who shall have the same authority as police officers in enforcing the ordinances of said city designed to protect the public health, and they, together with the health officer, shall constitute the board of health of said city.

DEPUTY RECORDER.

SEC. 17. The common council shall, whenever it is deemed necessary, have the power to appoint a deputy recorder upon the nomination of the recorder at such time and for such period as it may see fit. He shall have authority in the absence of the recorder to transact all business that the recorder is authorized to transact and may administer oaths and take acknowledgements and affix the corporate seal to all papers and documents which, under the law, shall require said seal and all acts of said deputy shall have the same validity as those of the recorder.

CHAPTER IV.

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION. 1. The aldermen shall constitute the common council of the city, and the style of all ordinances shall be, "the common council of the city of Mankato do ordain," &c.

The common council shall meet at such time and place as they, by resolution, may direct. A majority of the aldermen chosen shall constitute a quorum for doing business.

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 judges of the election and qualifications of its own members, and in such cases 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 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, by-laws, rules and regulations for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient; they shall have power to establish and maintain a city prison; *Provided*, that until otherwise ordered by the common council, the county jail of Blue Earth county shall be used as a city prison, and it shall be the duty of the sheriff or jailer of Blue Earth county to take into custody and safely keep in said jail all persons committed thereto until discharged according to law.

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 or by-law passed or ordained by them, and all such ordinances, rules and by-laws are hereby declared to 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 ordinance, resolution or by-laws, the exclusive right to license and regulate hawkers and peddlers, and also public halls and all other buildings and enclosures used for places of public resort and amusement, and also all that class of stores known as "dollar stores," and all stores of similar character and purposes, and to license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibitions of caravans, circuses, concerts, or theatrical performances, billiard, pool tables, nine or ten pin alleys, bowling saloons, to grant licenses to and regulate auctions and auctioneers, to license tavern keepers and victualing house keepers and all persons dealing in spirituous, vinous, or fermented liquors; and to designate the places and conditions upon which all such liquors may be sold. *Provided*, That all license for so dealing in spirituous, vinous, or fermented liquors shall not be less than the minimum sum allowed by the laws of the state and no license shall be granted for a less term than one (1) year, and all licenses shall commence and terminate on the first day of May of each year.

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

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

Fourth—To compel the owner or owners of any cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome structure 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 regulate or prohibit the slaughtering of animals within said city, or the location or operating of soap or candle factories therein, to direct the location and management of markets, breweries and distilleries, and to establish rates for and license venders of gun-powder, and regulate the storage, keeping and transportation or removal of gun-powder or other combustible materials.

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

Seventh—To prevent and punish dangerous and immoderate driving or riding in the streets, to regulate the speed of cars and locomotives in said city, and to prevent their obstructing the streets of said city, 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 the city.

Eighth—To restrain the running at large of cattle, horses, mules, swine, sheep, poultry and geese and to authorize the distraining and sale of the same and to impose penalties upon the owners of such animals for violation of the ordinance.

Ninth—To tax and license dogs, to regulate or prohibit dogs running at large, to impose a penalty upon the owners or keepers of dogs who allow them to be at large in violation of ordinance and to authorize the impounding or summary killing of dogs found running at large, whether such dogs have been taxed or not.

Tenth—To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unsound meat, flesh or fish or hides or skins of any kind, and to authorize the removal of the same at the expense of the owners.

Eleventh—To establish and construct public pounds, pumps, wells, cisterns, reservoirs, and hydrants; to erect lamps and provide for the lighting of the city, and to control the erection of gas works or other works for lighting the streets, public grounds and public buildings, and to create, alter and extend lamp districts; to regulate and license hacks, carts, omnibuses, and the charges of hackmen, draymen, cabmen and omnibus drivers in the city.

Twelfth—To establish and regulate boards of health, provide hospitals and hospital grounds, and the registration of births and deaths and the returns of bills of mortality and to regulate or prevent if deemed expedient the burial of the dead within the city limits and to purchase and hold grounds for a public cemetery for said city, to improve and ornament the same and make all regulations necessary for the government thereof.

Thirteenth—To regulate the size 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 horse, mule, or ox, or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

Fifteenth—To prevent the discharging of fire arms or crackers and to prevent the exhibition of any fireworks in any locality which may be considered by the common council dangerous to the city or any property therein, or annoying to any of the citizens thereof.

Sixteenth—To prevent open and notorious drunkenness, brawling and obscenity in the streets or public places of the city and to provide for the arrest and punishment of all persons who shall be guilty of the same. *Provided*, All theatres, saloons, public halls, and all other places to which the public are invited for purposes of business,

pleasure, or any other purposes are, in addition to all other public places, to be considered public places within the meaning of this act.

Seventeenth—To restrain and regulate runners, agents and solicitors for boats; vessels, stages, cars, and 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 license and regulate butcher shops and stands for the sale of game, poultry, butchers' meats, butter, fish, and other provisions.

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

Twenty-first—To regulate, control, and prevent the landing of persons from boats, vessels, or other conveyances, whereon are contagious or infectious diseases or disorders and to make such disposition of such persons as to preserve the health of the city.

Twenty-second—To regulate the time, manner, and place of holding public auctions and vendue.

Twenty-third—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-fourth—To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys, opposite or adjacent thereto, and to compel such owners or occupants to remove from the lots owned or occupied by them, all such substances as the board of health shall direct; and in case of default of such owners or occupants, to punish them for such default and to authorize the removal or destruction of such substances by some officer at the expense of such owners or occupants.

Twenty-fifth—To regulate the inspection of flour, pork, beef, fish, salt, whisky, and other liquors and provisions; and to appoint inspectors, measurers, weighers and gaugers; to regulate their duties and prescribe their compensation.

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

Twenty-seventh—To remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

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

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

Thirtieth—To restrain and punish tramps, vagrants, mendicants, street beggars, and provide for the punishment of the same.

Thirty-first—Fines, penalties and punishments, imposed by the municipal court for the breach of any ordinance, bylaw or regulation of said city, may extend to a fine not exceeding one hundred (100) dollars and costs of prosecution, and imprisonment in the city prison or county jail not exceeding ninety (90) days, or both, and to be fed on bread and water, at the discretion of the judge of the municipal court; 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 (500) dollars.

Thirty-second—To license and regulate all peddlars doing business within said city.

Thirty-third—To compel the owners of low grounds when water collects or is liable to collect and become stagnant thereon to fill or drain such low places, and in their default to authorize such filling or draining at the expense of such owner or owners.

Thirty-fourth—To license and regulate hackmen, draymen, expressmen and all other persons engaged in carrying passengers, baggage or freight; to prescribe standing places or stations within the streets, where such hacks, drays or other vehicles, used for such carriage may stand or remain while waiting for business or orders, and to regulate and prescribe standing places for all vehicles going to or waiting at any railroad depot or station in said city, and to authorize the mayor or chief of police of said city to regulate and direct the location of vehicles at such railroad depots or stations or other places within said city.

Thirty-fifth—To regulate the movement and speed of railroad locomotives and cars, to require the maintenance of flagmen, or the construction and maintenance of gates, and to maintain lights at the crossings of railway tracks over such streets or avenues, as said city council deem necessary to require such precautions.

Thirty-sixth—To provide for and regulate the erection of hitching posts or rings for fastening horses, or to prohibit them in any portion of the city, in its discretion.

Thirty-seventh—To regulate the opening of hatchways and compel proper guards about the same, and to provide for the method and manner of constructing balconies and awnings.

Thirty-eighth—To regulate the numbering of houses and lots, and compel the owners of houses and other buildings to have the numbers of such houses or buildings designated thereon.

Thirty-ninth—The common council of the city of Mankato shall have power in its discretion, within the limits of said city, to alter the name of any street, or to designate the name of any street hereto-

fore or hereafter opened which is not named, and to number lots and blocks which have no number.

Fortieth—That the common council shall have power to expend the highway labor and highways money's beyond the city limits and direct the street commissioner or overseer of highways, when and in what particular manner to lay out and expend the same.

Forty-first—The common council is authorized to permit the construction and operating of street railways within the said city and may prescribe the street or streets on which the same may be constructed, and may impose such restrictions and limitations on the same as to the common council may seem proper; but no such privilege shall be granted to any individual, individuals, or corporation for a longer period of time than twent (20) years; and the said common council may also provide for the introduction and use of electric lights within said city, or any other method of lighting the streets of said city under such regulations as the common council may prescribe.

Forty-second—The common council shall have the care, supervision and control of all the highways, avenues, streets, alleys, levees, public parks, public squares, and public grounds, within the limits of the city, and shall have power to build and keep in repair, bridge, to lay out, open, alter, vacate and reduce public squares, levees and grounds, highways, streets, lanes and alleys, and to extend, narrow, widen or straighten all streets, lanes and alleys, within said city, and to take grounds from the site of public buildings and public parks, subject to the assessment of damages as hereinafter provided.

Forty-third—To pass ordinances for the prevention of cruelty to animals.

SEC. 4. All ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the members of the common council, by ayes and noes; and such ordinances, resolutions, and by-laws, shall be signed by the mayor and countersigned by the recorder and published in the official paper of the city before the same shall be in force.

They shall be recorded by the city recorder in books furnished for that purpose. No appropriation shall be made without a majority vote of all the members of the common council in its favor, which vote shall be taken by ayes and noes, and entered upon the records among the proceedings of the common council.

SEC. 5. The powers conferred upon the common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecution, or proceedings in the courts according to law.

SEC. 6. The common council shall examine, audit, and adjust the accounts of the treasurer, recorder, street commissioners, municipal court, and all other officers and agents of the city, at such times as they deem proper, and also at the end of each year before the terms for which the officers of said city were elected or appointed shall expire.

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 his said duties in pursuance to their provisions 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 said council to declare the office of such person vacant.

And the common council may institute suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties.

The common council shall cause to be made a full record of all such settlement and adjustment.

SEC. 7. The common council may, during the fiscal year, by a vote of two-thirds ($\frac{2}{3}$) of those present and voting, issue the bonds of said city bearing interest at not exceeding eight (8) per cent. per annum and for a term not exceeding one (1) year in such amounts, and in such amounts and under such regulations as the common council may prescribe in anticipation of the taxes and revenues of such fiscal year. *Provided*, that the amount of such bonds outstanding shall not at any one time exceed one-third of such taxes and revenues, and *Provided*, further, that said bonds or the proceeds shall be applied to the same purposes as the taxes and revenues in anticipation thereof such bonds may have been issued.

SEC. 8. The fiscal year of said city shall commence on the second (2d) Tuesday of April each year.

SEC. 9. The common council may provide by ordinance that any one convicted of an offense before the municipal court of said city, thereby subjecting such offender to punishment by imprisonment under the charter and ordinances of said city may be kept at hard labor during his term of punishment in such workhouse or upon the public improvements of said city, or both, and may also provide by ordinance that any one convicted of an offense before said municipal court and committed upon non-payment of fine imposed may be kept at hard labor in any workhouse of said city aforesaid, or in case of a male offender, may be kept at hard labor either in such workhouse or upon the public improvements of the city, or both, until such person shall work out the amount of such fine at such rate of compensation as said council may prescribe for a time not exceeding the time mentioned in such commitment, and the common council shall have full power to establish by ordinance all needful regulations for the security of such persons thus employed, and to prevent escapes and secure proper discipline and shall have power to establish a proper workhouse in said city for the purposes aforesaid and under such regulations as said common council may prescribe. *Provided*, That the common council aforesaid is hereby authorized to use the Blue Earth County jail as the workhouse of the city of Mankato, provided for in this act; the prisoners of the city to be, as at present, in the custody of the sheriff of Blue Earth County, except while working on the improvements of said city, when they shall be under the control of the police force of said city; and *Provided further*, That the city justice, or the judge of any court of said city, shall have power for

vagrancy to commit any person to the city prison or workhouse or county jail, or to order any such person to work on the public improvements of said city for a term not exceeding ninety (90) days.

SEC. 10. A copy of the record of any ordinance or resolution heretofore passed and recorded, or that may be hereafter passed, certified by the recorder and verified by the seal of the city; any copy thereof published in the official paper of the city; or printed in the books containing the official proceedings of the common council, or published in any compilation of ordinances made under the direction of the common council, shall be *prima facie* evidence of the contents of such ordinances and the regularity of all proceedings relating to the adoption or approval thereof, and shall be admitted as evidence in any court in this state without further proof. The common council shall have power and authority to cause any ordinance, notice, or other proceeding authorized to be published in the official paper of said city; to be published in the German newspaper published in said city of Mankato at an expense not exceeding the sum paid for publishing such ordinances, notices, or proceedings in the official paper of said city.

In all actions, prosecutions, and proceedings of every kind before the municipal court of said city, such court shall take judicial notice of all ordinances of the said city, and it shall not be necessary to plead or prove such ordinances in said courts.

CHAPTER V.

LEVYING OF TAXES.

SECTION 1. The common council shall have power to levy upon all the real and personal property in said city except such as is by the laws of this state exempt from taxation, taxes to provide for the the current expenses of the city government for the purchase, opening and maintaining of public grounds and the construction of buildings and for improvements of a general character and for all other expenses which may be incurred and other improvements that may be made and which are authorized by law. *Provided*, That such taxes shall in no year exceed three (3) mills upon the dollar of the assessed valuation.

SEC. 2. The common council shall have power to levy a tax upon the taxable property of the city for the purpose of constructing and maintaining bridges and culverts, and opening, constructing, maintaining, and repairing roads, highways, streets, and alleys.

No debt in behalf of said city shall be incurred or any money expended for any purpose or in any manner excepting by express authority of this act either by the city at large, the common council or any officer or officers of the same, and no order or orders shall be issued upon the treasury exceeding the amount of tax collected or assessed or in process of collection.

SEC. 3. The common council shall have power, and it shall be the duty of the common council to levy annually upon the taxable property of said city, taxes sufficient to pay all bonds or other indebted-

ness due and payable in any year, and the interest on bonds or other indebtedness due or payable in any year, unless that previously to the first (1st) day of September in each year, some other adequate provision has been made for the payment of the same. The common council shall have the power to issue bonds and levy taxes exceeding the amount authorized by other sections of this act for the purchase of public parks or other purposes. *Provided*, The same be authorized by a majority of the voters present and voting at an election to be held for that purpose. The amount of said bonds, rate of interest and time they shall run, also the time, place and manner of holding such election, to be prescribed by the common council, the same notices to be given as at other elections. And no bonds for any purpose shall be issued by the common council unless so authorized, except as provided in section seven (7) of chapter four (4) of this act. *Provided*, The common council of said city may issue and negotiate the bonds of said city for the purpose of redeeming and paying the bonds heretofore issued by said city. Such bonds and the interest thereon to be payable at such times and places as the common council may determine, but said bonds in this proviso mentioned shall not be made payable more than twenty (20) years from the date thereof, nor shall they draw a greater rate of interest than six (6) per cent per annum, interest to be payable at such times as the common council shall direct; nor shall said bonds be negotiated for less than par; said bonds to have interest coupons attached and shall be signed by the mayor and countersigned by the recorder; and it shall be the duty of the common council to levy taxes on the taxable property of said city to pay said bonds, and the interest thereon. *Provided, further*, said bonds or the proceeds thereof, shall not be used for any other purpose than is herein specified.

SEC. 4. Taxes may be levied by resolution of the common council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied; but in such case the surplus shall; if the tax be general tax, go into the general fund of the city; if it be a bond or interest tax, it shall be kept and used for the future payment of principal or interest of the same class of bonds, or the purchase thereof before due; if it be for improvements it shall be kept and used for future improvements of the same character.

SEC. 5. The common council shall cause to be transmitted to the county auditor of Blue Earth county on or before the first (1st) day of October of each year, a statement of all taxes by them levied, and such taxes shall be collected and the payment thereof enforced, without in like manner as state and county taxes are paid and the payment thereof enforced, and the county treasurer of said Blue Earth county shall pay such taxes over as fast as collected to the treasurer of said city.

SEC. 6. No moneys shall be paid out of the city treasury unless such payment be authorized by a vote of the common council, and these shall be drawn out only upon orders signed by the mayor and

countersigned by the recorder, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor the same are drawn, and may be made payable to the order of such person or to the bearer, as the common council may determine.

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

SEC. 8. It shall be lawful for the common council of said city, at any time, to levy a corporation poll tax upon every qualified voter in said city between the ages of twenty-one (21) and fifty (50) respectively; *Provided*, That said tax shall not, in any one (1) year, exceed the sum of two (2) dollars on each person. The street commissioner shall collect the corporation or poll tax, which may be levied by the common council, and said street commissioner shall have all the power as possessed by highway supervisors, as provided by the laws of the state, and shall report to the common council when required.

SEC. 9. The common council shall have the power, for the purpose of aiding in the construction or equipment of any railroads, to issue or cause to be issued, the bonds of said city, with interest coupons attached, in such amounts, of such denominations, payable at such time and in such place, and bearing such rate of interest not exceeding five (5) per cent. per annum and payable annually or semi-annually, as the common council may by resolution determine; *Provided, also*, That no such bonds shall be issued until the issuing of the same shall have been approved by the vote in favor thereof of the majority of those electors of said city who shall vote upon the question of the issuing of such bonds, at an election at which such question shall be submitted, as hereinafter provided.

SEC. 10. Whenever it shall be desired to submit to the vote of the electors of said city the question of the issuing of any bonds authorized by the preceding section, the same may be done in such form and manner, upon such conditions, and at such time and place as the common council may by resolution prescribe; *Provided*, That previous notice of such election shall be given in the same manner as notices of general or special elections are by law required to be given, which notice shall state that the question of the issuing of such bonds will then be submitted.

SEC. 11. All bonds issued in pursuance of section nine (9) of this chapter, shall be under the seal of said city, and shall be signed by the mayor and countersigned by the city recorder, and shall upon their face express the object for which they were given, *Provided*, That nothing herein contained shall be construed to authorize the issue to one (1) railroad company bonds exceeding fifty thousand dollars (\$50,000).

CHAPTER VI.

STREETS, SIDEWALKS, AND PUBLIC GROUNDS.

SECTION 1. The common council shall have the care, supervision, and control of all the highways, bridges, streets, sidewalks, alleys, levees, public squares and grounds, within the limits of the city, and shall have power to build and keep in repair all bridges, streets, levees, public squares and highways within said city, and to lay out, open, or alter, widen, straighten, or extend the same, and to take grounds for the site of public buildings, or for public parks, subject to the assessment of damages as hereinafter provided.

SEC. 2. The common council shall have power to order and contract for the opening, grading, and repairing of all streets and public grounds within the city, and for cleansing reservoirs, cisterns, and filters, and to direct and control the persons employed thereon.

SEC. 3: The common council may order sidewalks to be constructed on any street in front of and along any one or more lots or parcels of land in said city at the expense of such lot or parcel of land, upon the petition to the common council of said city, signed by the owners of the lots or land adjoining such sidewalk, and which signers shall also own more than one-half ($\frac{1}{2}$) in area of the real estate adjoining said improvement which may by the common council be deemed to be especially benefited by such improvements, which petition shall be in writing and shall describe the lots or parcels of land to be affected thereby. Whenever any such petition shall be received by the common council, they shall fix and caused to be entered upon the records a time and place when and where such petition will be acted upon, which time shall not be less than ten (10) days nor more than twenty (20) days from the date of the reception of such petition by said council, and shall give notice to all persons owning or claiming an interest in, or lien upon such lot or parcel of land, and to all persons interested in ordering said sidewalks, of the reception of such petition and of the time and place when and where such petition will be acted upon, by publishing a notice thereof in the official paper of the city two (2) weeks, the last of which publication shall be at least two (2) days before the day of hearing on said petition; and in such notice the several lots or parcels of land adjoining such sidewalk so petitioned to be built shall be described with reasonable certainty. Upon such notice being given, the common council shall have jurisdiction to enquire into the advisability of building such sidewalk, and to order such sidewalk adjoining each lot or parcel of land built at the expense of such lot or parcel of land along which such sidewalk is ordered, and to enforce the construction thereof as hereinafter provided.

The common council shall meet at the time and place so fixed in said notice and shall hear all statements and reasons for or against the ordering of the construction of said sidewalk, and may adjourn from time to time, and after such hearing, if the common council shall determine that the public convenience will be promoted by the build-

ing of such sidewalk and that the expense is not disproportionate to the benefits conferred, the common council shall order such sidewalk to be constructed at the expense of the owners of each lot or parcel of land adjoining such lot and that such expense and cost of building such sidewalk if it shall finally be built by the city as hereinafter provided, shall be a charge and lien upon said lot or lots and parcels of land adjoining which it is built as aforesaid and in said order the common council shall determine the materials out of which said sidewalk shall be constructed, giving dimensions and quantity of such material, the width of said sidewalk and any other qualifications which said sidewalk shall have and also the time within which said sidewalk shall be built by the owners of said lots or parcels of land adjoining the same which time shall not be less than twenty (20) days from the time of the date of said order. Such order shall be published one (1) time in the official paper of said city and at least ten (10) days before the time expires within which such sidewalk may be constructed by the lot owner as aforesaid. If such sidewalk so ordered in any portion of the same be not constructed by each lot owner within the time specified in such order, or if said sidewalk be built by such lot-owner in an imperfect, negligent, and unsubstantial manner, and without regard to the order of the common council made with reference thereto, the common council may cause the same to be built in obedience to said order and as therein directed in said order by and under the direction of the street commissioner of said city. The street commissioner shall keep an accurate and detailed statement of account of each item of material and labor that were necessarily and actively employed in building said sidewalk and the actual cost and expense of such item as aforesaid, as applied to each separate lot or parcel of land adjoining said sidewalk, keeping all such items and expenses of said sidewalks adjoining each lot separately by itself, taking due pains to obtain the exact measurement of each lot in linear dimensions along side of said sidewalk, and after said sidewalk is completed, said street commissioner shall make up a detailed statement and report of the building of said sidewalk which report shall contain a full and itemized account of all materials and labor and cost of the same, each lot or parcel of land by itself as aforesaid, and shall forthwith file said report with the city recorder who shall present said report to the common council at their next regular meeting hereafter. It shall be the duty of the common council to examine said report with reference to all the requirements of such report herein specified and if found to be made as herein directed they shall accept of the same, if not made as herein directed, they shall order it returned to said street commissioner for amendment or revision in such respects and within such time as said common council may require.

Upon the final acceptance of said report the common council shall assess the cost of constructing such sidewalk alongside of each separate lot or parcel of land to that lot or parcel of land adjoining and alongside of which said sidewalk is built, and which amount so assessed to each lot or parcel of land adjoining said sidewalk as aforesaid shall become an immediate lien upon such lot or parcel of land

upon which such amount is assessed as aforesaid and at or before the time required by law for reporting to the auditor of Blue Earth county the taxes levied for that year and after the giving of the notice that said taxes upon said lots and parcels of land assessed as aforesaid will be returned to said county auditor as in this act hereinafter provided, said tax or assessment upon said lots or parcels of land as aforesaid being unpaid, the City Recorder shall certify the amount of such special assessments and the description of the lot or parcel of land upon which each assessment is a lien, respectively as aforesaid, to the county auditor of Blue Earth county and thereupon it shall be the duty of the county auditor to extend such special assessment against such lot or parcel of land in the annual tax duplicate and the same shall be collected and paid over in the same manner as other taxes on real property.

SEC. 4. It shall be the duty of the street commissioner or some one under his direction to travel over and examine all the sidewalks constructed upon all the streets of said city on which a grade has been established under the directions of the common council of the city of Mankato, once in each month during his term of office, excepting at such times when such examination would be impracticable on account of the depth of snow upon said sidewalks.

SEC. 5. When any sidewalk in said city heretofore or hereafter constructed shall have become defective and out of repair whether such sidewalk shall have been constructed under the direction of the common council or not, it shall be the duty of the street commissioner immediately upon discovering such defects to notify the owner of the lot or parcel of land adjoining such defective sidewalk personally to repair the same forthwith in a good and substantial manner. If such land owner refuses or neglects so to do, it shall be the duty of the street commissioner to take immediate and all necessary steps for the repair of said sidewalk and to supervise and direct such repairs and to make such repairs or cause them to be made in a thorough and workmanlike manner, and to keep an accurate and itemized statement of the descriptions of the lot or parcel of land adjoining or abutting upon the said sidewalk so repaired and of all costs of labor and material incurred or used in making such repairs and immediately to make a report in writing of such items, costs, and descriptions of the lot or parcel of land adjoining the same to the common council which report shall be filed with the city recorder and at the next regular meeting of the common council such report shall be presented to them for their action to be accepted or rejected by said common council in the same manner as prescribed in section three (3) of this chapter in cases of the building of sidewalks, after which a special assessment of all costs of repairs upon the lots adjoining the sidewalk shall be made by the common council which assessment shall be a lien upon such lots. After notice given as hereinafter provided, for special assessments in said city the city recorder shall return such assessment to the auditor of Blue Earth county, in the same way and with like effect, as provided in section three (3) of this chapter, *Provided*, In case the land owner of the adjoining lot or

parcel of land is a non-resident of said city the street commissioner may notify the occupant of said adjoining lot or parcel of land as provided in this section.

If there be no occupant, or if such non-resident have no agent resident of said city known to the street commissioner, no notice need be given under the provisions of this section.

SEC. 6. It shall be the express duty of the street commissioner of said city to do and perform all the acts required of him in this chapter, and he and his bondsmen shall be liable to said city for any damages which the said city shall be compelled to pay because of the refusal or negligence of the said street commissioner in not doing or causing to be done his duties as prescribed in this chapter.

SEC. 7. The common council shall order and cause to be built, without petition, any sidewalks adjoining any lots or parcels of land owned by himself, or adjoining any property exempt by law from taxation, and all cross-walks in said city.

The expense of building and keeping in repair all such sidewalks shall be paid out of the general fund.

SEC. 8. The common council may, in cases where in the judgment of said council, the public necessities require it, order the construction of sidewalks in any part of said city, without petition. After the common council have determined that the public necessity and convenience require the construction of any sidewalks in said city, no petition for building which having been made, or such petition if made having been rejected by the common council, they shall publish a notice in the official paper of said city of their determination in this respect, and of a time and place when and where they will meet to act upon such proposition to build such sidewalk; which notice shall be published in the same way and for the same time as is provided for a like notice in section three (3) of this chapter. At the time of said hearing the same action shall be taken, and all subsequent proceedings shall be the same, with the like results and effects as are stated in section three (3) of this chapter for building sidewalks upon petition.

SEC. 9. No action shall be maintained against the said city on account of any injuries received because of any defects existing in the condition of any highway, bridge, street, sidewalk or thoroughfare in said city, unless the grade of such street or highway upon which such injury happened, has been established, or shall hereafter be established by the common council of said city, or under its direction, and not unless such action shall be commenced within one (1) year from the happening of the injury complained of, nor unless a notice shall have first been made in writing and served upon the mayor of said city, within thirty (30) days after the happening of such injury exclusive of the day of such service, stating therein the place where and when such injuries are claimed to have been received, and that the person so injured will claim damages for such injury of said city. But the notice shall not be required when the person so injured shall, in consequence or for other cause, be bereft of reason during all the time within which such notice is herein required to be made.

SEC. 10. In the prosecutions of said actions against said city for personal injuries, growing out of defective or poorly constructed sidewalks, it shall be necessary, in order to maintain said action, for the plaintiff to allege and prove that the defect or want of repair complained of existed for more than thirty-five (35) days immediately prior to the time of the happening of the injury or that the said city had actual notice and knowledge of such defects or want of repair at the time that such injury happened.

SEC. 11. In all cases in which any person, company or corporation who shall negligently or carelessly or without regard for the rights of the public do, or cause to be done, or omit to do, any act or thing, whether in his or its own behalf or not, including contractors with said city, by means or because of which negligent acts or omission of any such person, company, or corporation, injuries have resulted, and for which injuries, so caused, the said city would be liable in damage to the party so injured, such person, company, or corporation, and in case of contractors with said city they alone or they and their bondsmen shall be liable to any person, company or corporation, so injured for all damages not caused by or contributed to by the negligence of the party injured of whatever kind such injuries be or to whomsoever resulting. And no action shall be maintained against said city for such damages unless such person, company or corporation and in case of contractors with said city, giving bonds, themselves and their bondsmen be joined as defendants in said action, and in case of judgment against the defendants in such action execution shall first (1st) be issued against the defendant whose negligence first (1st) caused such injury, or against such defendant and his bondsmen alone, and the city shall not be required to take any steps to pay such judgment until such execution shall be returned unsatisfied. If the said city shall pay such judgment, it shall become the owner of the same and may enforce payment of the same from the other defendants, and shall be entitled to execution thereon against such defendants and to take such other proceedings as judgment creditors are entitled to take in such actions.

SEC. 12. The common council shall have exclusive power to vacate or discontinue public streets, lanes, alleys and highways or any portion thereof in said city, but no such vacation or discontinuance shall be granted or ordered by the common council except upon the verified petition in writing of one or more of the owners of real property on the line of the street, lane, alley or highway. Such petition shall state the reasons for such vacation and briefly describe the street, lane, alley or portions thereof desired to be vacated.

The common council upon presentation of such petition, at any regular or special meeting, of the same, and if it is deemed expedient that the matter shall be proceeded with, shall order such petition to be filed with the city recorder, who shall immediately make and publish in the official paper of the city a notice for the period of four (4) successive weeks, at least once in each week stating that such petition has been filed with the city recorder, and its object in brief, and that such petition will be heard and considered by the common council at

a certain time and place specified therein, which time and place shall be fixed by the common council at the time of the acceptance of such petition, and the time of hearing such petition shall be fixed within fifteen (15) days after the expiration of the time of publishing the same.

The common council at the time and place appointed, shall investigate and consider the subject involved in said petition and, if they desire, shall view the premises and shall hear testimony on either or both sides, if offered.

The common council after hearing such petition may, by resolution, passed by two-thirds ($\frac{2}{3}$) vote of its members, grant the prayer of the petition and order and declare such street, alley, lane or highway vacated and discontinued.

Upon the passage of such resolution, and the approval thereof by the mayor, as in other cases, and upon the same being countersigned by the recorder, it shall be published once in the official paper of said city.

A copy of such resolution duly certified by the recorder shall immediately after such publication be filed with the register of deeds of Blue Earth county, and duly recorded in his office.

SEC. 13. The common council whenever in their judgment as expressed by a majority vote thereof the public necessities require it may order any sidewalk in said city to be built of cement, brick, or stone, and they may, in their discretion, reject any petition for building a wood sidewalk and demand that one be presented for the building of a stone, brick, or cement sidewalk.

On the refusal of those interested in said sidewalk to so petition, the common council may, in their discretion, if in their judgment the public good will be best subserved thereby, require such sidewalk to be built of stone, brick, or cement, without petition in the manner herein provided in section eight (8) of this chapter, or may order repairs of sidewalks in said city by displacing and removing wooden sidewalks which are defective and out of repair, and placing cement or stone sidewalks in the place thereof. It shall be the duty of the common council having determined upon repairing any defective sidewalk, by displacing such sidewalk and substituting in the place thereof a cement, brick, or stone sidewalk, to cause a written notice of how and within what time such repairs are to be made, to be served upon the owner of the lot or parcel of land adjoining such sidewalk, if such owner can be found. If he can not be found, or being found, neglects or refuses to repair said sidewalk, by building the same of stone or cement, or in the manner and within the time ordered by the common council, it shall be then the duty of the common council to order the street commissioner to build such sidewalk or repair the same, in such manner and with such material as they may order, and which the street commissioner shall then immediately proceed to do, keeping itemized accounts and proceeding in the same way, as provided in section five (5) of this chapter, the assessment therefor to be made and returned to the county auditor of Blue Earth county in the same way and with the same results and affects, as provided in section three (3) of this chapter.

CHAPTER VII.

FIRE DEPARTMENT.

SECTION. 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or other buildings, the material or construction of which shall be regarded as dangerous to surrounding property, shall not hereafter be erected, placed or repaired, and to direct that any and all buildings within the limits prescribed, shall hereafter be built and constructed in such manner and of such material as, in the judgment of the council, shall not be dangerous to surrounding property, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged by fire or otherwise, to the extent of fifty (50) per cent. of the value thereof, and to prescribe the manner of ascertaining such damages. The common council shall have power by resolution to order any building, structure or materials therefore, hereafter erected, of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the city, and shall have power to prescribe the notice to be given to the owner or agent to remove such building, and in case the same is not removed in pursuance of the notice given, to order the same taken down, removed by the police, or in such manner as the common council may see fit. And the common council may prescribe penalties for the violation of any of the provisions of this section of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred (100) dollars, which may be imposed by a city justice, upon the complaint of any citizen prosecuting such offender in the manner provided by law.

SEC. 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and fire apparatus used in or about any building, and to cause the same to be removed or placed in a safe or secure condition, when considered dangerous.

To prevent the deposit of ashes in unsafe places, and the throwing of ashes into streets and alleys.

To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire.

To regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires.

To regulate and prevent the use of fire-arms and fire-works.

To compel 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 extinguishing of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishing of fires as the common council may deem expedient.

SEC. 3. The common council shall have power to purchase fire engines and all other apparatus which may be required for the extinguishing of fires, and to authorize the formation of fire engine, hook and ladder, and hose companies, and to provide for the proper support and regulation of the same, and to order such companies to be disbanded, their public meetings prohibited, and their apparatus to be given up. Every member of each company which may be authorized to be formed, shall be exempt from highway work, and poll-tax, from serving on juries, and from military duty, during the continuance of such membership. The common council may make such provisions for compensation to firemen, or for the purpose of supporting and keeping up organizations of firemen, as they may see fit.

SEC. 4. The common council shall annually appoint a chief engineer of the fire department of said city, and provide by ordinance for such other officers and men as may be deemed necessary for such department, and define the respective works and duties of such chief engineer and other officers and men, and their compensations. The chief engineer shall nominate, for the approval of the common council, all other officers and men connected with such department, and may, at any time, by and with the consent of the standing committee on fire department of the common council, remove or discharge such officers or men as he may deem it for the interests of the city to discharge.

SEC. 5. 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 officer giving such order to arrest, or to direct 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 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 arrest, or aid in arresting any person so refusing to obey, shall be liable to such punishment as the common council may prescribe, not exceeding a fine of fifty (50) dollars.

SEC. 6. The common council shall appoint a fire marshall of said city to see that the ordinances of the city relating to the building and care of chimneys and restricting all other precautions against dangers from fire are not violated, and who shall have power and be fully authorized to enter any dwelling house or other building at all hours between seven (7) o'clock in the morning and six (6) o'clock in the evening, and examine all chimneys, stoves, furnaces, pipes and other parts of such building, and see that the ordinances of the city respecting the same are enforced. The common council may require such fire marshall to examine particularly into the cause of every fire which shall happen within the city, and to make and keep a brief record of the same and make report thereof to the common council, when required.

CHAPTER VIII.

LIGHTING OF STREETS.

SECTION 1. The common council shall have authority to contract with any persons or corporations for the lighting of such streets or parts of streets and public places as they shall deem proper for the convenience and safety of the inhabitants.

SEC. 2. The common council may permit the laying of such gas pipes in any and all the streets, alleys, highways and public grounds of the city; but in all cases the common council shall regulate the laying of the same, so that said gas pipes may not at any time interfere with the construction of common sewers or the lateral branches thereof, or with the proper and convenient location of water mains and pipes, and may at any time require the location of any gas pipe to be changed, if the same shall be found to interfere with the proper and convenient location of common sewers or water mains and pipes.

CHAPTER IX.

WATER WORKS AND SEWERS AND CONTRACTS THEREFOR.

SECTION 1. The city council shall have power to maintain the water works and sewers now established in said city and to enlarge, extend and improve the same, or to contract for a new system of water works and sewers at any time when the said common council shall see fit so to do.

SEC. 2. Whenever in doing any act under section one (1) of this chapter authorized therein to be done, it shall in the judgment of the common council be necessary to take any private property consisting either of land, buildings, water power or other private property, the common council shall have power to acquire the same by purchase or by condemnation in the manner in this act provided and in such case of condemnation, as well as purchase, a full title in fee simple for the property acquired shall rest in said city.

SEC. 3. Whenever water mains shall be laid, relaid or extended, through any street or alley of said city or any portion thereof; the city council shall have power and it shall be its duty to levy and collect by special assessment such portions of the cost and expense thereof as shall not exceed the estimated cost of laying a six (6) inch main (including pipe) by a special assessment upon the lots or parcels of land upon both sides of said street or alley, fronting on such improvement, of an equal sum per foot without regard to cost valuation.

The cost not provided for by such assessment, including the nominal cost of larger mains and the cost of laying mains upon street crossings, as well as the proportion which would otherwise be assessed against any property which is by law exempt from taxation or against real estate owned by the said city shall be paid out of the water works fund if such fund there be; if not, out of the general fund.

SEC. 4. The city council may in like manner, whenever it shall deem it necessary, lay, relay, or extend any sewer through any street in said city, and levy, and assess, and collect the expense and cost thereof not exceeding the estimated cost of a sewer two feet in diameter, by a special assessment upon the property on both sides of such street and abutting upon such improvement, of an equal sum per front foot without regard to cost valuation of such property. The cost not provided for by such assessment, including the incurred cost of larger sewers, and constructing the same across streets or against property owned by the city or exempt from assessment shall be paid out of the general fund of the city.

SEC. 5. In view of the foregoing provisions of this chapter the common council, at their option, shall have the power to construct water works, or to contract with any person, company or corporation for supplying water for the use of said city and may establish rates for which such water may be furnished to individuals and may make all necessary rates and regulations for the management and control of said water works, and for the purpose of furnishing a supply of water the common council, or those with whom it may have contracted to obtain water, are hereby authorized to draw water for said city from any lakes, rivers, or creeks within the said county of Blue Earth by means of pipes, ditches, drains, aqueducts or other means and construct dams, bulk heads, gates or other needful structures and means for controlling water and for obtaining it, and also may obtain water in any other way, by causing wells to be dug, or bored, and reservoirs to be made, or by any other feasible and reasonable method that the common council may see fit to adopt

And, for the purpose of constructing said water works, the right of way may be obtained over and across any land needed therefor, by proceeding in the way and manner provided for the condemnation of land or real estates for laying out, opening or altering any street, lane, alley or highway in said city, except that no petition shall be necessary in any proceeding under this act.

SEC. 6. Whenever the common council shall determine to construct water works, it shall have the right to lay water mains and pipes in any and all streets, alleys, highways and public grounds of the city or outside of said city. And said common council is hereby authorized and empowered, by ordinance or resolution, to establish, create and define, by metes and bounds, such portion of the lands, lots and territory included in said city to be especially benefited by such water works, and designate the same as the "Water District," in said city, and of the amount to be raised annually to pay the interest upon the cost and expense of the construction of said water works, fifty (50) per cent thereof shall be assessed and levied annually upon the said "Water District" and the property thereof; and the remaining amount, necessary to pay said interest upon the cost of such construction shall be levied annually on the city at large, and which said several assessments and levies shall be assessed, levied and collected in the same manner as the other general taxes are levied and collected in said city.

SEC. 7. In case the common council shall contract with any other person or company to supply the water for the city and shall by the terms of such contract agree to pay an annual stipulated sum or amount for such supply, the common council is hereby authorized, empowered and directed to levy fifty (50) per cent of said amount upon said "Water District" and the property thereof, and the balance of the amount on the city at large, which said assessments, liens and collections are to be made and conducted in the same manner as the general taxes in said city are levied and collected.

SEC. 8. In case the common council shall, at any time conclude to extend any water mains or pipes beyond the limits of said water district, it shall, by ordinance or resolution so change the lines and limits of said water district so as to include in said water district all such land, lots, territory and property which shall be especially benefited by reason of such change or extension of said water mains or pipes.

SEC. 9. The common council, in order to carry out a system of general sewerage or water works in said city if authorized so to do by a majority of the electors of said city who at any general or special election may have voted on the question of issuing such bonds, may issue the bonds of said city for any amount not exceeding thirty thousand dollars (30,000), for either water works or sewerage purposes or both, such bonds to run such length of time and to bear such rate of interest as the common council, may determine, not exceeding five (5) per cent per annum. Any such election for voting on said question may be called by the common council at any time when in their judgment the public necessities require it.

CHAPTER X.

MISCELLANEOUS PROVISIONS.

SECTION 1. No vote of the common council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there be present as large a number of aldermen as were present when the vote was taken.

SEC. 2. No penalty or judgment recovered in favor of the city shall be remitted or dischargee, except by the vote of two-thirds ($\frac{2}{3}$) of the aldermen elect.

SEC. 3. In all prosecutions for any violation of this act, the first process shall be by warrant or complaint being made. *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance or by-law of the city of Mankato, 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 made by warrant. All warrants, processes or writs by the municipal court for the violation of any ordinance and by-laws of said city shall be directed to the sheriff or any constable of Blue Earth county or chief of police or any police officer of said city.

All actions or proceedings for any violation of the provisions of this act or of the ordinances, by-laws, or police or health regulations made in pursuance thereof, or to recover any penalty or forfeiture thereunder, shall be brought in the corporate name of the city. *Provided*, That the style of all process shall be "The State of Minnesota."

SEC. 4. In all cases of the imposition of any fine or penalty, by the municipal court of said city, pursuant to any statutes of the state of Minnesota, or pursuant to any ordinance or by-law of the said city of Mankato, as punishment for any statutory offense, or for the violation of any ordinance or by-law as aforesaid, upon default of payment of such fine, the offender shall be forthwith committed to the city prison of said city or if there be no city prison, to the common jail of Blue Earth county, and be there imprisoned for a term not exceeding ninety (90) days, in the discretion of the municipal court, and from the time of the arrest of any person or persons for any offense whatever, until the time of trial, the person or persons so arrested not giving bail may be imprisoned in the city prison, or in case there be no city prison, in the common jail of the county of Blue Earth.

SEC. 5. No person shall be an incompetent judge, 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.

SEC. 6. All ordinances and regulations heretofore made by the common council of said city of Mankato, not inconsistent with the provisions of this act, shall be and remain in force until altered, modified or repealed by the common council of said city, after this act shall have gone into effect.

SEC. 7. Any and all moneys, fines and properties in the hands of any officer of the city of Mankato, or belonging to said city, shall continue the property of said city any thing herein to the contrary notwithstanding.

SEC. 8. When any suit or action shall be commenced against said city, service of the process may be made by the proper officer, by leaving a copy of such process with the mayor or acting mayor; and it shall be the duty of the mayor forthwith to inform the common council thereof, and take such other proceedings as by the ordinances or resolutions said council may have in such case provided.

SEC. 9. The said city may purchase and hold real and personal estate for public parks, city hall, engine houses and for all other public purposes, sufficient for the convenience of the citizens and inhabitants of said city, and may sell and convey the same and the same shall be free from taxation.

SEC. 10. No law of the state concerning the provisions of this act shall be considered as repealing, amendatory or modifying the same, unless said purpose be expressly set forth in such law.

SEC. 11. The city of Mankato shall be liable for the board and jail fees of any person who may be committed by any officer or magistrate of said city to the jail of Blue Earth county for the violation of any ordinance or by-law of said city. But such board and jail fees shall not be more than allowed by law for other prisoners confined in in said jail.

SEC. 12. The street commissioner shall collect the corporation or poll tax, which may be levied by the common council, and said street commissioner shall have all the power as possessed by road supervisors as provided by the laws of the state, and shall report to the common council when required.

SEC. 13. The mayor, by and with the advice of the common council, shall appoint a pound master, who shall have the same authority as police officers in enforcing the ordinance of said city against cattle or other animals running at large and for impounding the same.

SEC. 14. The common council may from time to time provide for the compilation and publication of the ordinances of the city and such resolutions as may be designated and for the distribution or sale of copies of such compilation in its discretion and may also provide for exchange of such printed compilations for similar publications of other cities.

SEC. 15. The common council of said city may employ such attorneys or counselors from time to time as they may see fit to assist the city attorney and to perform any professional business in behalf of said city that may be assigned them by the common council, and may provide for paying for all such services, so heretofore or hereafter rendered to said city.

SEC. 16. All bonds for the payment of money issued by said city shall be under the seal of said city and shall be signed by the mayor and countersigned by the city recorder and shall upon their face express the object for which they are issued.

SEC. 17. Whenever any party is joined with said city as co-defendant in any action for personal injury, or otherwise, brought against said city, and for which provision has been made in this act, and such a party is not a resident of and can not be found within the state, service of summons in such action may be made upon such defendant by publication upon like evidence and in the same manner as prescribed by general law for service by publication in other actions.

SEC. 18. No railway company, or street railway company shall have any right in clearing their tracks through any part of said city to pile up snow or other material and leave the same piled on any traveled portion of any street in said city. Any any such company shall be liable to any person who shall be injured because of any such obstruction so left by such company or its servants for all damages sustained. And in case of any damages shall be recovered against said city for injuries caused by such obstruction, the city shall have the right to recover such damages from the company by whom the obstruction was caused.

SEC. 19. The common council shall have power to prohibit the construction of wooden sidewalks within the fire limits of said city whenever it shall deem the safety of the city requires it.

SEC. 20. The common council shall have power to establish grades of streets, and by two-thirds vote of all its members, change the grade of any street now established. It shall keep accurate profiles of the grades of all streets so made in the office of the city engineer.

SEC. 21. The salaries of all officers of said city shall be payable monthly.

CHAPTER XI.

SINKING FUND.

SECTION 1. The mayor, recorder, treasurer of said city and chairman of the committee of ways and means of the common council of said city shall constitute a board of sinking fund commissioners, of which the mayor shall be president, the recorder secretary, and the treasurer shall be treasurer of said board.

SEC. 2. The common council of the said city is hereby authorized to create a sinking fund for said city, the proceeds of which shall be applied exclusively to the purchase of bonds issued by said city and the common council of said city may provide for such sinking fund as follows:

First, Of the surplus remaining in the treasury at the end of each fiscal year after the payments are made or appropriate amounts set aside for the payment of either principal or interest in bonds issued by said city of the moneys received for that purpose.

Second, The proceeds of all delinquent taxes levied for the same purpose and the common council may, from time to time, direct that said money so derived or any portion thereof be placed to the credit of the sinking fund.

Third, The common council are, hereby authorized and empowered to levy annually on all taxable property of said city not more than two (2) mills on the dollar of the assessed valuation, which money as fast as received shall be placed to the credit of the sinking fund.

SEC. 3. The board shall, from time to time, when money in suitable amounts is placed to the credit of the sinking fund, invest the same in the outstanding bonds of said city, provided the same can be purchased at not more than the market price not exceeding the par value thereof; and if at any time such investments cannot be made at par or less, then the said board shall be authorized to invest said moneys in bonds of the state of Minnesota or in United States bonds; and whenever the said board shall have invested any part of said fund in the purchase of bonds of the 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, within the restrictions above provided, they shall forthwith sell and dispose of the same and invest in the city bonds.

Provided, however, That no such purchase, investment or sale shall be made until the same shall have been first authorized by the common council of said city.

SEC. 4. Whenever the said board shall purchase any city bonds, they shall proceed to cancel the same in the presence of the common council at their next regular meeting, and such cancellation shall be entered on the records of the common council, noting the number, character and amount of each bond and the number and amount of coupons attached thereto.

SEC. 5. Any three of the board of whom the recorder shall be one shall be and are hereby authorized and required to discharge the trusts and duties vested in them by this act, and shall not be entitled to receive any additional compensation or salary for such services.

SEC. 6. Whenever any of the moneys constituting the sinking fund shall be required for any such purchase or investments, as are in this chapter mentioned, the amount of money required shall be paid by the treasurer of said city upon a warrant signed by the said board or any three of them, the recorder being one, who shall affix the seal of the city thereto.

SEC. 7. The said board shall meet at any time upon the call of the mayor or by two (2) members thereof: The mayor shall preside at such meetings. It shall be the duty of the recorder to keep a correct journal of the proceedings of said board and once a year or oftener, if required, they shall render to the common council a full and detailed report of the proceedings of said board.

SEC. 8. No money shall be borrowed or taken from this fund to aid any other fund of said city, nor shall this fund by vote of the common council or otherwise be used for any other purpose than for the one in this chapter designated anything to the contrary in this act notwithstanding.

CHAPTER XII.

CONDEMNATION OF PRIVATE PROPERTY AND ASSESSMENTS FOR LOCAL IMPROVEMENTS.

SECTION 1. Whenever the common council shall consider it necessary to take or procure land, real property or easement for any park, common or public grounds, engine house, markets, or public buildings, or for water works, or any steam or water power or water works, the mayor of said city shall make a written application to the judge of the district court of the judicial district in which said city is situated to appoint (3) three commissioners to perform the duties hereinafter assigned them in respect to such improvement.

Upon such application it shall be the duty of the judge of said court to appoint as such commissioners three persons of good business qualifications and as nearly disinterested as possible, who shall be freeholders of said city and qualified electors therein and who shall have been residents of said city for at least three (3) years immediately prior to said appointment and none of whom shall be an officer of said city or occupy any position of trust under the authority of said city either directly or indirectly or in any way whatsoever. Such appointment shall be made by said judge in writing as soon as may be after such application and transmitted to and filed by the city recorder of said city, in his office, together with the written application of said Mayor to said judge, which filing shall become prima facie proof of such appointment and of the regularity of the same.

It shall be then the duty of the city recorder to immediately notify each one (1) of such commissioners of such appointment personally if possible, otherwise through the mail, and request each of said commissioners to immediately qualify, and to attend to such duties as by this act are assigned them, designating in said notice a time and place when they shall so meet.

Two (2) or more of such commissioners shall constitute a quorum and be competent to do any act herein required of them. If any commissioner so appointed and duly notified shall refuse to qualify as such commissioner or neglect to attend to his duties as herein provided he shall forfeit and pay to the city of Mankato the sum of fifty (50) dollars to be recovered of him to the use of said city in a civil action brought for that purpose in the municipal court of said city.

And in case a quorum of such commissioners shall not so attend at the time and place designated by the city recorder in said notice the mayor or in case of his inability to act the acting mayor may appoint in writing one (1) or more commissioners to act in the place or instead of such absentee, observing the same rule as to qualification as is stated above.

The commissioners shall be sworn by the clerk or any officer authorized to administer oaths to discharge their duties as such commissioners in the matter required of them with fidelity and impartiality and make due returns of their actions to the city council. They shall give notice by two (2) publications in the official paper of said city that they will on a day designated in such notice, which shall be at least ten (10) days after the first publication of such notice meet at a place designated in such notice, which shall be on or near the premises proposed to be taken or appropriated and view the property proposed to be taken and appropriated and ascertain and award therefor compensation and damages to the owners thereof and that they will then and there hear all testimony, allegations and proofs with regard to the value of the same or any other matter appertaining to the taking and appropriating of said property which interested persons may see fit to offer. Such notice shall, if possible, also be served personally upon all parties interested in care of infants, upon their guardian or next friend, otherwise upon a person of suitable age and discretion at the last or usual place of abode of such interested party.

Such commissioners shall meet and view the premises at the time and place designated in said notice, and may adjourn from time to time, and having viewed the premises may, for the purpose of hearing of evidence and the preparation of their award adjourn or go to any other convenient place in said city proclaiming and giving such public notice of such time and place to which they may adjourn as it is possible for them to give at the time such adjournment is made. Always keeping a perfect record of all adjournments and proceedings. And such commissioners shall make a true, just and impartial appraisal and award of the compensation and damage to be paid to each person, company or corporation, whose property, interest or easement is to be so taken and appropriated, and shall report the same to the city council, and such award shall lie over until the next regular meeting of the council which shall occur at least one (1) week after the reception of such report at which or at any subsequent time the city council may act on such award and hear any objections made thereto, or may refer the matter to a committee to hear objections, and report to them. The common council may confirm such

award or annul the same, or send the same back to the said commissioners for further consideration. The common council shall give notice to be published once in the official paper of said city of a time and place when they will meet to hear evidence that may be adduced by interested persons with regard to the taking of said property, which time shall be at least two (2) days after the publication of such notice, and shall as far as possible, serve such notice upon all interested parties. Such meeting being had by the said common council according to said notice they may adjourn from time to time and for purpose of hearing evidence respecting the taking of such property, *provided*, that if any change or alteration is made in the amount, terms or conditions of said award, such change or alterations shall be made by the commissioners themselves, and not by the common council. After such award is finally made, by said commissioners, they shall report the same to the common council who may confirm or annul the same; *provided*, at least one (1) week shall elapse between the time of filing such award by the commissioners and final action thereon by the common council in order to give opportunity for appeal. When any such award shall be confirmed by the common council, the same shall be final and conclusive upon all parties interested excepting as hereinafter provided; *Provided*, That notices being given as in this section provided, shall be deemed and held to be a sufficient legal notice or notices to all persons interested to appear before such commissioners for the purpose of offering such objection or producing such evidence as they may see fit to do as hereinbefore provided.

SEC. 2. Whenever an award of compensation and damages shall be confirmed by the city council and not appealed from, and whenever the same when appealed from shall not be set aside by the court, the same shall constitute a lawful and sufficient condemnation and appropriation to public use of the land and property and rights in property for which compensation or damages are so awarded, and the city council shall thereupon cause to be paid to the owners of such property the amount awarded to each severally.

Upon the payment of said award or appropriation or the setting apart of the money in the city treasury there to remain to be paid unconditionally to the parties entitled to the same on demand, the city shall become vested with the title to the property taken and condemned absolutely for all purposes for which the city may ever have occasion to use the same and may forthwith enter upon and use the same.

This section shall apply as well to all cases of appropriation of private property for public use provided for in this act, excepting as to the appointment of commissioner.

SEC. 3. Whenever the common council shall so determine to take private property for public use, as provided in section one (1) of this chapter, they may, if they think best, prior to the time of the appointment of said commissioners appoint a committee of not less than three (3) of their own members who, together with the city engineer, may make examination and propose to the city council a location suitable for such engine house, market or other public building, or for water

works or public grounds, as the case may be, and if for water works the amount of power deemed necessary to be taken and appropriated, and may present to the city council a plat of the land proposed to be taken.

SEC. 4. Such committee shall file their report with the city recorder, who shall give notice by publication twice in the official paper of said city that such report is on file in his office for the inspection of all persons interested, and that the same will be presented to the city council for action thereon at a meeting of said council to be named in such notice. The council, under such rules as it may prescribe, may hear any person interested in the matter, at that time.

CHAPTER XIII.

LAYING OUT NEW STREETS.

SECTION 1. Whenever the common council shall vote as they are hereby authorized to do so, to lay out or open any new street or alley, or to straighten, widen, or extend any that now or hereafter may exist, which shall make it necessary to take, injure or interfere with private property, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of the proposed improvement and thereupon it shall be the duty of the city engineer to make and present to the council a plat and survey of such proposed improvement, showing the character, course and extent of the same and the property necessary to be taken or interfered with thereby, with the name of the owner of each parcel of such property so far as the engineer can readily ascertain the same and such statement as may in the opinion of the engineer be proper to explain such plat and survey and the character and extent of the proposed improvement, and his estimate of the cost of such improvement and the common council may cause such plat and survey to be modified, amended or changed as it may deem proper and shall estimate and fix upon the cost of making such improvement.

When such plat and survey shall be finally adopted by the common council it shall be filed with the city recorder, and it shall be held to show correctly the character and extent of the improvement actually agreed upon and ordered by the common council.

Said plat shall also show the amount of land taken from each owner so far as the owners may be known and the land contiguous to or affected by such improvement.

The common council shall then or afterwards appoint three (3) free holders of said city having the same qualifications as the commissioners appointed under chapter twelve (12) of this act, no two (2) of whom shall reside in the same ward as commissioners to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of property which is to be taken or injured by such improvement, and to assess the amount of such damages and compensation and the expense of the improvement upon

the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel and without regard to a cash valuation.

Two (2) or more of such commissioners shall constitute a quorum and be competent to perform any duty required of such commissioners; and they shall be notified of their appointment and vacancies in their number be filled in the same manner and they shall take the same oath and be subject to the same penalty for refusal or neglect to attend, to be collected in the same way as is provided in the case of commissioners appointed under chapter twelve (12) of this act. They shall give notice by two (2) publications in the official paper of said city that such survey and plat is on file in the office of the city recorder for the examination of all persons interested and that they will on a day designated in such notice which shall be at least ten (10) days after the first publication of such notice meet at the time and place designated in said notice on or near the proposed improvement and view the property proposed to be taken or interfered with for the purposes of such improvements and ascertain and award therefor compensation and damages and view the premises to be benefited by such improvements and assess thereon in proportion to the benefits the amount necessary to pay such compensation and damage and the cost of making the improvement, and that they will then and there hear such allegations and proof as interested persons may offer, which notice, at least five (5) days before such meeting, shall be served personally, if residents, of this state, upon such person interested in such property, if known, upon infants by serving upon their guardians. And such commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time and after having viewed the premises, may, for the hearing of evidence and preparation of their award and assessment, adjourn or go to any other convenient place in said city and may have the aid and advice of the city engineer and of any other officer of the city. After viewing the premises and hearing the evidence offered such commissioners shall prepare and make a true and impartial appraisement and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of such improvement; but if the remainder of the same property, a part of which only is to be taken or damaged by such improvement, shall be benefited by such improvement, then the commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner in respect to the remainder of the same property and award him only the excess of the compensation or damages over and above such benefits.

The said commissioners shall then assess the amount of such compensation and damages so awarded together with the expense and cost of making the improvements upon the land and property benefited by such proposed improvements, and in proportion to such benefits but in no case shall the amount of said assessment exceed the actual benefit to the lot or parcel of land so assessed, deducting

therefrom any damages or injuries to the same parcels which are less than such benefits and assessing only the excess, and prepare and report to the common council their appraisal and award, and if in the judgment of said commissioners the whole amount of such compensation and damages, together with the cost of making such improvement shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report and shall state the amount of such excess. Said commissioners shall also report to the city council an assessment list containing their assessment of such compensation, damages and costs, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of property assessed, the name or names of the owners thereof, if known, and the amount assessed of the excess of such compensation, damage and costs, as aforesaid which they shall return unassessed.

Such report shall lie over until the next regular meeting of the council, which shall occur at least one week after the reception thereof, at which time or at any meeting of the common council may act upon such report and hear any complaint touching such award or assessment or it may refer the matter to a committee of the council to hear such complaints and report thereon. Notice of such meeting shall be published once in the official paper of said city, and at least two (2) days before such meeting. The council may confirm such award and assessment or either, or annul the same or send the same back to the same commission for further consideration; and the commissioners may in such case again, upon giving notice published once in the official paper of said city, meet at a time and place, to be designated in said notice which time shall be at least two (2) weeks after the publication of such notice, meet and hear any further evidence that may be adduced by interested persons and may adjourn from time to time and may correct any mistakes in such award and assessment and alter and revise the same as they shall deem just and again report the same to the common council, who may thereupon confirm or annul the same. Whenever the common council shall confirm any such award and assessment, such confirmation shall make such award and assessment final and conclusive upon all parties interested except as is hereinafter provided, and the common council shall proceed at the same or any subsequent meeting, to levy such assessment upon the several parcels of land described in the assessment list reported by the commissioners in accordance with the assessment so confirmed and cause to be made and adopted an assessment roll of the same, which may be in the following form, or in any other form the council may adopt:

The common council of the city of Mankato doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set against each lot or parcel. This assessment is made to defray the compensation and damages awarded for the taking and injury to private property and estimated cost of improvement, in and about.....as shown on the plat and survey of the same on file in the office of the city re-

order of said city. This levy is made conformably to the report and assessment of commissioners duly appointed to make such assessment and in proportion to benefits from such improvements to accrue to the parcels and not exceeding the benefits to the parcels so assessed.

Name of owner, if known.	Description of land.	Lot.	Block.	Amount.	
				Dollars.	Cts.

Done at a meeting of the common council this.....day of
A. D. 18.....

Attest:
 Mayor.
 City Recorder.

SEC. 2. In addition to making special assessments for laying out new streets, as provided for in section one (1) of this chapter, the common council of said city hereby also have authority, and it shall be their duty to levy assessments upon the property fronting upon such improvements or the property benefited by the same, without regard for the cash valuation of such property, for filling, grading, leveling paving, curbing, walling, macadamizing, planking any street, constructing bridges upon, or otherwise improving any street in said city, or laying, relaying or extending any water mains or sewer pipes through any street, lane or alley, or any portion of the same in said city.

The same proceedings shall be had in all such cases as are provided in section one (1) of this chapter. And the common council of said city is hereby authorized, and it shall be their duty to proceed under said section one (1) to lay out new streets or to improve any street in said city, in the respects above mentioned, or lay, relay or extend any water main or sewer pipe, at any time when they shall determine that the public necessities or convenience and the general good of said city demand such improvements.

CHAPTER XIV.

APPEALS.

SECTION 1. Any person, whose property is proposed to be taken, under any of the provisions of this chapter, and who deems that there is any irregularity in the proceedings of the council or action of the commissioners which ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of his property any time before such award shall be confirmed by the common council, may file with the city recorder in writing, his objection to such confirmation, setting forth therein specifically the particular irregularities complained of the amount he claims to be entitled to,

and containing a description of the property affected by such proceedings, and if, notwithstanding such objections the common council shall confirm the award, such person so objecting shall have the right to appeal from such order of confirmation of the common council to the district court of the county of Blue Earth, at any term within ten (10) days after such order. Such appeal shall be made by serving a written notice of such appeal upon the City Recorder of said city, which shall specify the property of the appellant affected by such award, and refer to the objections filed as aforesaid, and by also delivering to said city recorder a bond to the city of Mankato, executed by the appellant, or by some one on his behalf with two (2) sureties, who shall justify in the penal sum of fifty (50) dollars, conditioned to pay all costs that may be awarded against the appellant. Thereupon the city recorder shall make out and transmit to the clerk of said district court a copy of the award of said commissioners as confirmed by the council and of the order of the council confirming the same, and of the objection filed by the appellant as aforesaid, all certified by said city recorder to be true copies, within ten (10) days after the taking of such appeal. But if no more than one (1) appeal to be taken from any award, it shall not be necessary that the clerk in appeal subsequent to the first (1st) shall send up anything except a certified copy of the appellants objections. There shall be no pleading on such appeal, but the court shall determine in the first (1st) instance whether there was in the proceedings any such irregularity or omission of duty prejudicial to the appellant and specified in his said written objections, that as to him the award of the commissioners and its confirmation by the common council ought not to stand; and whether said commissioners had jurisdiction to take action in the premises. The case may be brought on for hearing on eight (8) days notice at any general or special term of the court, and shall have precedence of other civil cases, and the judgment of the court shall be upon any of the foregoing questions or any other questions alike pertinent to such proceedings, to confirm or annul the proceedings only as the same affects the property of the appellant proposed to be taken, and described in said written objections. From such determination no appeal or writ of error shall lie to the supreme court.

In case the amount of damages awarded is complained of by such appellant, the court shall, if the proceedings shall be confirmed, in other respects, appoint three (3) other disinterested freeholders, residents of said city, commissioners to re-appraise such damages.

The parties to such appeal shall be heard by said court upon the appointment of such commissioners and the court shall fix the time and place of the meeting of said commissioners. They shall be sworn to the faithful discharge of their duties as such commissioners and shall proceed to view the premises and to hear the parties interested and all allegations and proofs pertinent to the question of the amount of such damages.

Such commissioners shall be governed by the same provisions in respect to the method of arriving at the amount of damages and in all

other material respects as are in this chapter made for the government of commissioners appointed by said common council for condemning land. They shall, after such hearing and view of the premises, make report to said court of their appraisal of damages as respects such appellant and which report shall be opened to further objections before said court by any party aggrieved. The award of such commissioners shall be final, unless set aside by the court for cause.

Judgment shall be entered by said court after final award therein, declaring that upon the payment of the amount of such final awards, and costs, if any, or depositing the same with the city treasurer as provided in chapter XII of this act the said city shall be entitled to the land, easement or estate with regard to which such condemnation was had, either in fee or for such uses as are provided for in this act. In case such report is set aside, the court may, in its discretion, commit the question of damages therein to the same commissioners or appoint a new board, as it shall deem best, but no appeal or writ of error shall be allowed from any order of the court in the premises.

Said court shall allow a reasonable compensation to such commissioners for their services and make such award of costs on such appeal including the compensation of such commissioners, as it shall deem just in the premises.

In case the court shall be of opinion that such appeal was frivolous, or vexatious, it may adjudge double costs against such appellant.

SEC. 2. The common council shall have the right at any time during the pendency of any proceedings for the improvements authorized in this chapter, or at any time within thirty (30) days after the final order of the court, on any appeal from such proceedings, to abandon all such proceedings whenever it shall deem it for the interest of the city to do so.

SEC. 3. Whenever any portion of any award made by commissioners and confirmed by the council, under the provisions of this act shall be annulled by the court upon appeal, as hereinbefore provided for, the common council may again appoint commissioners to view the property which was affected by such appeal, and appraise and amend the compensation and damages to be paid for the taking or appropriation of the same, and the like proceedings shall be had so far as is applicable as is prescribed in said section except that such commissioners shall make no new assessments of costs and expenses.

They shall in proper cases, however, in arriving at the compensation and damages to be awarded, take into consideration and offset any benefits which in their judgment the contemplated improvement will be to the remainder of the property, part of which may be taken or appropriated and report their award to the common council, whereupon the same proceedings may be had as far as applicable as upon an original award, and if such award shall again upon appeal be annulled by the court, still another commission may be appointed and award made in the same manner and so on until a valid award shall be made.

SEC. 4. If any special assessment heretofore made by the com-

mon council, or under its direction, to defray the expense of any local improvement has been or shall be, either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the common council shall be satisfied that any such assessment is so irregular or defective that the same cannot be enforced and collected, or if the common council shall have omitted to make such assessment at or before the making of such improvement when it might have done so, the common council shall anew or thereafter compute and determine upon the cost of making such improvement in a gross amount, upon such data as it shall seem sufficient, not exceeding in the case of water mains the cost of laying a six-inch pipe when a larger pipe was used; and the common council may then proceed to cause a new assessment of the cost of such local improvements to be made, either on the property fronting upon such improvements, or on the property benefited by such improvements according to the character of such improvements, following as near as may the provisions of this act in determining the property to be assessed and the form and manner of proceeding subsequent to the determination of the cost of the improvement, and in case such second assessment shall be annulled, the common council may proceed to make other assessments until a valid assessment shall be made, but nothing in this section shall authorize any new assessment in cases where such court shall determine that the lots or lands are not subject to assessment.

After such new assessment roll shall have been completed the city recorder shall note thereon against any piece of land upon which a former assessment for the same improvement has been paid the words "paid on former assessment," which shall cancel such assessment on that parcel.

SEC. 5. The city recorder shall record all assessment rolls of special assessments in books to be by him kept for that purpose and shall on or before the first (1st) day of October of every year, deliver to the county auditor of said county of Blue Earth, all such assessment rolls thereto delivered and the said county auditor shall extend the assessments in proper columns against the property assessed, and such assessment shall be collected and the payment thereof enforced with and in the like manner as state, county and other taxes are collected and the payment thereof enforced, and such assessments when collected shall be paid over by the county treasurer of said city, together with all costs, penalties and interest collected thereon, at the time of making payment of city taxes to city treasurer.

SEC. 6. No omission, informality or irregularity in proceedings in or preliminary to the making of any special assessment shall affect the validity of the same, where the assessment roll has been adopted by the common council.

And the assessment roll and the record kept by the city recorder shall be competent and sufficient evidence that the assessment was duly levied and the assessment roll duly made and adopted and that all other proceedings antecedent to the adoption of such assessment roll were duly had, taken and performed, as required by this charter.

And no failure of the city recorder to record the assessment roll, or to deliver the same to the county auditor on or before the time prescribed for such delivery or to do any other act or thing of him required shall in any way invalidate any assessment; and no variance from the directions herein contained as to the form or manner of any of the proceedings shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

SEC. 7. In case any special assessment shall in any suit where its validity shall be questioned, be adjudged invalid, the common council may, in its discretion notify the county auditor to cease the collection of the same, if it shall have been transmitted to him for collection, and may proceed anew by proceedings either as in case of an original special assessment for the same purpose or by taking up the previous proceedings at any point and may make and levy a new assessment in the place and stead of the assessment which shall have been adjudged invalid; and the city recorder before delivering such new assessment to the county auditor for collection shall ascertain and note thereon payments which have been made on such invalid assessment for the same purpose, which notation shall cancel the assessments as to the parcels and lots on which such payments were made to the extent of the payments.

Such new assessments shall be collected in the same manner as original special assessments.

SEC. 8. The cost of any improvements mentioned in chapters twelve (12) and thirteen (13) of this act, shall be defrayed save as herein otherwise provided, by special assessment in the manner therein set forth, *Provided*, That upon a vote of two-thirds ($\frac{2}{3}$) of the aldermen elect, any improvement mentioned in such chapters may be made by the city at large without special assessment, when the value of such improvement does not exceed two hundred dollars (\$200).

SEC. 9. The common council may at the time of ordering any improvement for which any assessment may be made, determine whether to proceed at once, or wait the collection of said assessment. If they determine to proceed with such improvement they are here authorized to borrow as much money as shall be necessary for present use in making such improvement and to pledge the credit of the city therefor.

SEC. 10. In case any assessment for improvement is collected before the making of such improvement, the money so collected shall be kept separate from other funds of the city and not devoted to any other purpose than such improvement. As soon as a majority of the assessments for such improvement are paid, the common council shall forthwith proceed with making such improvement.

SEC. 11. After any special assessment roll shall have been adopted by the common council and before the same shall have been delivered to the county auditor for collection; any assessment thereon may be paid direct to the city treasurer of the said city; and upon the production of the said city treasurer's receipt therefor to the city recorder, he shall enter upon such assessment roll opposite to the assessment so paid the words "paid to the city treasurer," which entry shall cancel the assessment so paid.

SEC. 12. Nothing herein shall interrupt or interfere with any assessments which have been heretofore made, but the collection thereof shall go on according to the provisions of the charter of said city or any law of this state in force at the time of making such assessments.

SEC. 13. The common council shall meet at ten (10) o'clock A. M. upon the third (3rd) Tuesday of September each year as a special board of review at the city council rooms or at the place where meetings of the common council are held in said city, to review and examine all special assessments levied upon private property in said city for any purpose under the provisions of this act, all of which common council acting as such board of review shall qualify as such board. They shall, at that time, hear any statements, objections or complaints with regard to said assessments by any person aggrieved, affecting the validity, equality or amount of said assessment or any other matter or thing affecting or pertinent to such levy.

The common council shall take such action with regard to such assessment, either on their own motion or on complaint of parties aggrieved, as in their judgment is equitable and just, and shall cancel or modify such assessment or defer the present collection of the same, or allow any one of them or all of them to be paid without return to the county auditor either in whole or in part, and shall do any other act with reference thereto which in their judgment, justice and equality require: They may adjourn from day to day and a majority of those present shall constitute a quorum for doing business.

The city recorder shall keep an accurate and detailed record of all the transactions and doings of such board, and shall make all such alterations in the special assessment roll as such board shall direct.

SEC. 14. The common council may make such provisions for the payment of all boards of review provided for in this act, and for all extra services of the aldermen of the said city for any purpose and for all commissioners appointed under this act excepting those appointed by the court for re-assessment of damages as the said common council may see fit.

CHAPTER XV.

CONTRACTS WITH THE CITY.

SECTION 1. When any commissioners appointed under the provisions of this act shall have reported to the common council in relation to any proposed improvement, involving the doing of any work, or the furnishing of any material, the common council may direct the city recorder to advertise for proposals for doing such work or furnishing such material, or both, before such advertisement is made, the council shall direct the city engineer to make a plan, profile or map of the work to be done accompanied with specifications for doing the same in all cases where such plan, profile and specifications may be necessary for a perfect description, which plan, profile and specifications shall be placed on file in the office of the city recorder and shall at all times be open for public inspection.

The common council may, if they see fit, divide the proposed work or improvement, into several divisions or sections and in such case, the plan profile and specification shall correspond with and indicate, as nearly as possible such division or section. Such advertisement for proposals shall be made in the official paper of said city for such time and in such manner as the common council shall direct, excepting that such notice shall refer intelligibly to the improvement proposed to be made, stating where the plan, profile and specifications, if any, may be examined, and within what time bids for doing such work or furnishing such material shall be received. Bids for doing any work or making any improvement as provided herein, shall name a gross sum for the work or improvement, as specified in said notice.

All such bids shall be directed to the common council of the city of Mankato, and shall be accompanied by an offer to furnish said city with such bond and sureties thereon as the common council of said city by ordinance or resolution shall require in such cases. Said bids shall be opened by the common council at their next meeting after the time for receiving bids shall expire, or at any other appointed regular or special meeting thereafter. Upon the opening of said bids or at any time thereafter, the common council may reject all such bids if it sees fit so to do, or may award the doing of the work or furnishing of the material for such work, or both, to the lowest reliable and responsible bidder or bidders who shall have complied with the above requirements and are able to furnish the necessary bonds. The common council may let such contract upon such conditions or provisions not inconsistent with the provisions of this act as they may deem proper. Such contract having been awarded to any person, company or corporation, a written contract shall be entered into between the said city and the party to whom such contract is awarded, wherein shall be stated all the terms, conditions and considerations of such contract. Such contract shall be signed in behalf of said city by the mayor, and countersigned by the city recorder. In case any person, company or corporation with whom such contract may have been made, shall fail or neglect to complete the same, within the time and in the manner prescribed, the common council of said city may, at any time after such default in its discretion and at its election instead of causing action to be brought upon such bond, for the recovery of the amount thereof on account of such default, by vote declare such contract forfeited and the city may then complete the work by contract or otherwise, and the cost of completing the same shall be considered as forfeited and liquidated damages between such contractor and said city for said breach of contract, and shall be deducted and withheld from the contract price which such contractor was to have received for doing the whole work; *Provided*, Nothing herein stated shall prevent the said city from recovering damages of such contractor or offsetting such damages as it may have suffered on account of the failure of such contractor to have performed his contract.

SEC. 2. The common council may, in their discretion, advertise for bids in the manner provided for in section one (1) of this chapter, for the doing of any work in behalf of said city, or furnishing any

material which said city may need to use at any one(1)time or during any one year or less, and may, in such cases, require such bond to be furnished as said common council by ordinance or resolution may direct.

CHAPTER XVI.

THIS CHAPTER TO BE PUBLIC LAW.

SECTION 1. This city charter shall be a public act, and need not be pleaded or proved in any case.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed, but nothing herein contained shall be construed as affecting any act of the city of Mankato, or the common council of said city, or any official act of any officer thereof, done prior to the passage of this act, or as modifying or affecting any resolution or ordinance of said city now in force.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 5, 1887.

CHAPTER 9.

S. F. NO. 587.

AN ACT TO AMEND THE CHARTER OF THE CITY OF MINNEAPOLIS IN RESPECT TO THE APPOINTMENT AND CONTROL OF THE POLICE.

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

SECTION 1. That the act entitled "An Act to Amend and Consolidate the Charter of the City of Minneapolis," approved March eighth (8th), eighteen hundred and eighty-one (1881), as heretofore amended, be and the same is hereby further amended by striking out the twenty-fifth (25th) sub-division of section five (5) of chapter four (4) of said act; and also the whole of chapter six (6) thereof, and by substituting in lieu of the provisions so stricken out the following sections, which shall be included in said act and be designated as chapter six (6) thereof.

SEC. 2. There is hereby created and established in and for said city an official board, which shall be styled "The Board of Police Commissioners of the City of Minneapolis," in which shall be vested, subject only to the limitations herein contained, all the powers of said city connected with and incident to the establishment, maintenance, appointment, discipline and control of its police. Said board