

exist under, or by virtue, or in pursuance of the said acts or any of them; but that the same shall exist, be enforced and carried out as fully and effectually, to all intents and purposes, as if this act had not been passed. And all ordinances, resolutions, regulations, rules, by-laws, orders, assessments and proceedings of the common council of said city, shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by or under the authority of the common council of said city, or proper authority in pursuance of this act. And all assessments and proceedings of the common council of said city, or other officers of said city, and all suits and prosecutions pending or unfinished, made or had, under the act or acts of which this act is amendatory, or under any other law, shall not abate, but shall continue, and conform to, and be completed, and be enforced as nearly as may be, under the provisions of the said acts hereby amended, and of this act.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 9, 1875.

CHAPTER VII.

AN ACT TO AMEND AN ACT INCORPORATING THE CITY OF OWATONNA, AND THE SEVERAL ACTS AMENDATORY THEREOF.

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

That chapter three of the special laws of one thousand eight hundred and sixty-eight, and the several acts amendatory thereof, be amended so as to read as follows :

ARTICLE I.

CITY AND WARD BOUNDARIES.

SECTION 1. That all that district of country situate in the county of Steele and state of Minnesota, known and described as sections three, four, nine, ten, fifteen and sixteen, and the west one-half of sections number two, eleven and fourteen, and the east one-half of sections number five, eight and seventeen, in township one hundred and seven north, range number twenty west, shall be a city by the name of Owatonna.

SEC. 2. That the people who now do or hereafter may reside within the said city shall be a corporation for municipal purposes, with perpetual succession, under the name and style of the city of

Owatonna, and as such corporation shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter especially granted; shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure, and may take, hold, and purchase, lease and convey such real, personal and mixed estate as the purposes of the corporation may require, within or without the city, together with all the powers, rights and privileges which can now or hereafter be possessed and enjoyed by corporations for municipal purposes under the constitution and laws of the state of Minnesota.

SEC. 3. The said city is hereby divided into three wards. The first ward shall comprise all that portion which lies south of a line drawn from the east to the west boundaries of the city straight through the centre of Mill street. The second ward shall comprise all that part of the city which lies between a line drawn from the east to the west boundaries of the city straight through the centre of Pearl street and the first ward. The third ward shall comprise all that part of the city which lies north of the second ward.

ARTICLE II.

ELECTIONS.

SECTION 1. There shall be an annual election [held] in said city on the second Tuesday in March in each year, at such places in each ward as the common council shall designate, and the polls shall be kept open from ten o'clock in the forenoon until four o'clock in the afternoon. Ten days previous notice shall be given of the time and place of holding said election, and of the officers to be elected, by the posting by the recorder of notices thereof, in three of the most public places in the city, and by publishing the same in the official paper of said city.

SEC. 2. The elective officers of said city at large shall be a mayor, recorder, one assessor, a treasurer, a street commissioner, and a marshal, who shall hold their respective offices for one year, and until their successors are elected and qualified, and a city justice of the peace, who shall be styled city justice, and who shall hold his office for two years, and until his successor is elected and qualified. But no person shall be eligible to either of said offices who shall not have been a resident of the city for one year next preceding his election.

SEC. 3. The officers elected in each ward shall be two aldermen, one of which shall be elected each year, and one justice of the peace, who shall hold their offices for two years, and until their successors are elected and qualified, and one constable, who shall hold his office for one year, and until his successor is elected and qualified; all of which said officers shall be residents of the ward in which they are respectively elected, and shall have resided therein thirty days, and in the city six months, next preceding such election. All the officers of said city shall be qualified electors of this state.

SEC. 4. The common council, at its first regular meeting after the annual election, or as soon thereafter as may be, shall appoint a city attorney and a city surveyor, who shall each be appointed for one year, and who shall each possess the same qualifications for office as are required in the cases of aldermen, and shall designate one newspaper printed in the city, in which shall be published all ordinances and other proceedings and matters required by this act, or that may be required by the by-laws or ordinances of the common council to be published in a public newspaper, the publisher of which shall be styled the city printer.

SEC. 5. Every person appointed to any office by the council, or elected to any office by the people, may be removed from said office by a vote of two-thirds of 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 defense, by council or otherwise.

SEC. 6. Whenever a vacancy shall occur in the office of mayor, the council shall, by resolution entered upon their minutes, declare such office vacant. Such vacancy shall be filled by a new election, which shall be ordered by the council within ten days after said vacancy is declared, and held within twenty days after such declaration. Any vacancy happening in any other office shall be filled by the council, but in case of an elective office, the appointee shall hold only until the next annual election, at which time the balance of the unexpired term, if any remains, shall be filled by an election. The person elected or appointed to fill a vacancy shall possess the same rights, and be subject to the same liabilities, as the person whose office he may be elected or appointed to fill.

SEC. 7. All elections by the people shall be by ballot, and each ballot shall contain all the names of the persons voted for, with a proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

SEC. 8. All persons entitled to vote for state or county officers, and who shall have resided in the city four months next preceding the election, and twenty days in the ward where they offer their vote, shall be entitled to vote for any officer to be elected under this law, and the different wards established by law shall constitute the election precinct for state and county as well as for city elections; and the mode of conducting all state and county elections in said city shall be the same as prescribed in reference to city elections, except that the returns thereof shall be made by the judges of election to the county auditor of the county of Steele within the time prescribed by law.

SEC. 9. The elections in said city shall be held and conducted by the aldermen of each ward, and one qualified voter and resident of each ward, to be designated by the common council, who shall be judges of election in all elections of state, county or city officers,

and shall take the usual oaths or affirmations, as prescribed by the general laws of the state to be taken by the judges of election, and shall have power to appoint clerks of such elections, and administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies among the judges thereof filled as required by the laws of the state regarding elections; *Provided*, That no candidate for office shall act as judge or clerk of any election at which he is a candidate for any office.

SEC. 10. 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 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 days after the election, and the council shall meet and canvass said returns, and declare the result as it appears from the same, within three days thereafter. The city recorder 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. 11. Special elections to fill vacancies, or for any other purpose, shall be held and conducted 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.

SEC. 12. Any officer removing from the city or ward for which he was elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy.

SEC. 13. The term of every officer elected under this law, shall commence at the time when he is elected and qualified, and unless otherwise herein provided, continue until his successor is elected and qualified.

SEC. 14. Should there be a failure by the people or common council, for any cause, to hold any election at the time or in the manner herein prescribed, or to elect any officer herein required to be elected, on the day designated, it shall not be reason for arresting, suspending or abolishing said corporation, but the common council shall order a new election to be held, ten days' notice of the time and place of holding such election being first given.

ARTICLE III.

POWERS AND DUTIES OF OFFICERS.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same with the recorder, to support the constitution of the United States, and the constitution of the state of Minnesota, and to faithfully discharge the duties

of his office. And the treasurer, marshal, recorder and street commissioner, and such other officer as the common council may direct, shall severally, before entering upon the duties of their respective offices, execute to the city of Owatonna an official bond, with at least two sureties, to be approved by the common council, which sureties shall make affidavit that they are each worth the penalty specified in said bond, over and above all debts, exemptions and liabilities which said bond shall contain, such penal sum and such conditions as the common council may deem proper, and the council may from time to time require new bonds, and remove from office any officer neglecting or refusing to give the same.

SEC. 2. The mayor shall, when present, preside over the meetings of the common council, and may vote in all cases. He shall take care that the laws of the state and ordinances of the city be strictly enforced, and duly observed, and that all other executive officers of the city discharge their respective duties. He shall inspect the conduct of all subordinate officers, and cause negligent and persistent violation of duty to be prosecuted and punished, and may require of any officer of the city, whenever he may deem it necessary, an exhibit of his books and papers. He shall from time to time communicate to the common council, and recommend such measures as he may deem advantageous to the city. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act, and he is hereby authorized, and it shall be his duty, to call out and use in such manner as to him may seem most proper, all the constabulary and police force, and any organized or unorganized force of armed citizens, and any military company, and any male inhabitant over the age of eighteen years, of said city, or any part thereof, whenever he may deem the same necessary, to aid in enforcing or carrying into effect any law, ordinance, or in quieting or preventing any riot; but he shall forthwith report to the council the fact of such call or use, with the reasons therefor, and the circumstances connected therewith, and upon the action of the council on such report shall depend the length of time said force or forces, or any part thereof, shall continue on such duty.

SEC. 3. The common council shall, at their first meeting in each year, elect one of their number president of the common council, who shall hold his office for one year and until his successor is elected, who, in case of the absence of the mayor from the city, or of his inability from any cause to discharge the duties of his office, shall preside at the meetings of the council and perform all the duties of mayor, and all acts performed by him shall have the same force and validity as if performed by the mayor.

SEC. 4. The recorder shall keep the corporate seal and records of the city, and all papers belonging to the city, including all surveys, plans, and estimates and profiles of the grade of all streets, avenues, lanes, commons, parks, public grounds, sidewalks and alleys made by the city surveyor for the city, and all other papers required by this act to be filed with the recorder. He shall keep a record of all the proceedings taken under article VI of this act, and after the confirmation of any report mentioned in sections two and

four of said article VI. He shall carefully record and transcribe in such record all the proceedings taken in relation to the matter in said report, including all petitions, orders and appointments of commissioners, returns and reports of commissioners, and proofs of publication thereof, and orders or resolutions of the council in relation thereto. He shall keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and shall keep a record of the ayes and nays when demanded by any member present. 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. He shall have power to administer oaths or affirmations, and take the acknowledgment of deeds and other writings. He shall report annually, on or about the first day of June, to the common council, an estimate of the expenses of the city for the current fiscal year, and the revenue necessary to be raised therefor, which fiscal year shall commence on the first day of July in each year. He shall make or cause to be made estimates of the expenses of any work to be done by the city, and countersign all contracts made in behalf of the city, and all certificates of work by any officer of the city, or by any committee of the common council. He shall negotiate such temporary loans for the city as the city council may direct, anticipating the revenues for the current year, but such loan shall be subject to the approval of the common council. He shall keep a record of all his official acts and doings.

Sec. 5. The attorney for the city shall perform all professional duties incident to his office, and when required shall furnish written opinions upon any subject submitted to him by the common council or its committees.

Sec. 6. The treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof in such manner as the common council shall from time to time direct. He shall exhibit to the common council within at least twenty days after the annual election, or sooner if required by them, a full and detailed account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which accounts shall be filed with the recorder. He shall, from the moneys in the treasury, pay all orders therefor drawn by the recorder; *Provided*, That no order shall be paid by him unless first endorsed in writing thereon with the name of the payee therein and of the party receiving the money thereon.

Sec. 7. The marshal shall execute such orders as are made and prescribed by the city council for the collection of tolls, license money, and fines for the good order, cleanliness and government of the city, and for all other purposes. He shall possess the powers of a constable at common law under the statutes of this state.

Sec. 8. The street commissioner shall, under the direction of the common council, superintend the grading and improving of streets and alleys, and the building and repairing of sidewalks, and the expenditure of taxes levied and collected for such purposes, and shall have the same supervision over the highways in the city, and dis-

charge the same duties as are by law imposed upon overseers of highways generally.

Sec. 9. The assessor shall have and possess all the authority, rights and powers of assessors under the general laws of this State.

Sec. 10. The city printer, immediately after the publication of any notice, or resolution or other matters which by this act is, or by city ordinance shall be, required to be published, shall file with the recorder a copy of such publication, with his affidavit or the affidavit of his foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter.

Sec. 11. The city justice shall possess all the authority, powers and rights of justices of the peace of this state, and shall have exclusive jurisdiction to hear all complainants, and conduct all examinations and trials, for offenses committed within the city, cognizable before a justice of the peace. But warrants returnable before the said city justice may be issued in criminal cases by any justice in the city, but no fee shall be received therefor by said justice. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace, in which the city is a party, and shall have cognizance, and exclusive jurisdiction, of all suits, prosecutions or proceedings, for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of said city or its charter, and in all cases of offenses committed against the same. In all prosecutions for assault, batteries and affrays, and for all other offenses not indictable, and in all civil suits or proceedings before said city justices, the same forms and proceedings shall be had and used, when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace; *Provided*, That in cases of prosecutions for a breach or violation of an ordinance, by-law or regulation of said city or its charter, or for any assault, battery or affray, or other offense cognizable by a justice of the peace or by the city justice, committed within the city limits, no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, does not exceed fifteen dollars. In all cases of conviction for assaults, batteries and affrays within said city, and in all cases of conviction under any ordinance of said city for breaches of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, and of keeping or maintaining disorderly and ill-governed houses, the said justice shall have power, in addition to the fine or penalty imposed, to compel such offenders to give security for good behavior and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in case of contempt as a court of record. In case of the absence, sickness or other inability of the city justice, or for any sufficient reason, the mayor, by warrant, may authorize any other justice of the peace within said city to perform the duties of said city justice, and it shall thereupon be the duty of the mayor to inform the city attorney and marshal of such substitution, and report the same to the common council, and they may confirm or set aside such appointment, or appoint some other justice of

the peace, and the justice of the peace so appointed shall, for the time being, possess all the authority, powers and rights of said justice of the peace for the city.

SEC. 12. The city justice shall make a quarterly report to the common council of all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected by him belonging to said city.

SEC. 13. The justices of the peace and constables elected in each ward shall have the same powers, authority and rights as are possessed by other justices and constables of the county of Steele under the laws of this state, except as to the exclusive jurisdiction herein conferred upon the city justice of all crimes committed within the city limits, cognizable before a justice of the peace.

SEC. 14. The duties of the city surveyor shall be prescribed by the common council. He shall file with the recorder all surveys, plans and estimates made by him for the city, and they shall be the property of the city, and shall be open for the inspection of all parties interested.

SEC. 15. The mayor, sheriff of Steele county, and each and every alderman, city justice, justices of the peace, marshal, recorder, constables of said city, and all police officers, shall be officers of the peace, and may command the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and to arrest in a summary manner, and without a warrant, any person in the act of violating any laws of the state, or any ordinance of the city, and for such purpose may command the assistance of all bystanders.

ARTICLE IV.

THE GENERAL POWERS AND DUTIES OF THE COMMON COUNCIL.

SECTION 1. The mayor and aldermen shall constitute the common council of said city. The common council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections, and in such cases shall have power to send for persons and papers.

SEC. 2. The common council shall hold one regular meeting in each month, at such time and place as they shall by ordinance prescribe, and the mayor or any two aldermen may call special meetings of the common council, by causing notices thereof to be served personally upon each member of the council, or by leaving the same at their usual place of abode. A majority of the common council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

SEC. 3. To the common council shall belong the exclusive right to exercise all the legislative powers granted by this act to said corporation, and any ordinances, regulations or by-laws of the common council, intended to have the force of law, shall be under the style of "The common council of the city of Owatonna do ordain," and

shall embrace no more than one subject, which shall be expressed in its title, shall be passed by an affirmative vote of the majority of the common council, shall be signed by the mayor, and shall be published in the official paper of the city, before the same shall be in force.

SEC. 4. The common council shall have the management and control of the finances and all the property of the city, and shall likewise have full power and authority to legislate for the government and good order of the city, and for the suppression of vice and intemperance. and for the prevention of crime, as they shall deem expedient, and declare and impose penalties, by fine and by imprisonment, or by both, and to enforce the same against any person or persons who may violate any of the provisions of the ordinances, rules or by-laws of said city, and all ordinances passed in conformity to the provisions of this act are hereby declared to have the full force of law; *Provided*, That they be not repugnant to the constitution and laws of the United States, or of this state.

SEC. 5. The common council shall have power:

First.—To license and regulate exhibitions of common showmen, and shows of all kinds, of circuses, concerts, theatrical performances, auction stores, billiard tables, pigeon-hole tables, nine or ten-pin alleys, bowling saloons, butcher shops, groceries, taverns, victualing houses, merchants, retailers, ordinaries, hawkers, pawn-brokers, money changers, porters, hacks, cabs, drays, carts, and fix the charges of porters, hackmen, coachmen, draymen, and cartmen of the city, and all persons vending or dealing in spirituous, vinous, fermented, mixed, malt, or intoxicating liquors; *Provided*, That the license for so dealing in spirituous, vinous, fermented, mixed, malt, or intoxicating liquors, shall be at least one hundred dollars a year, and as much higher as the council shall direct, and that no license shall be granted for a less term than one year.

Second.—To restrain and prohibit all gaming with cards, dice, or other games of chance, and all gaming tables and all descriptions of gaming, and fraudulent devices and practices, disorderly houses, or groceries, houses of ill fame, drunkenness, immoderate drinking of intoxicating beverages, brawling, obscenity and profanity in the streets and public places, and to prohibit all persons from vending, giving away, or trafficking, or dealing in, or otherwise disposing of spirituous, vinous, fermented, mixed, malt, adulterated, or intoxicating liquors of any kind, and to enforce such restrictions or prohibitions by fine or imprisonment, or by both fine and imprisonment, and to authorize the destruction of all instruments used for the purpose of gaming, and of all spirituous, vinous, fermented, mixed, malt, adulterated, or intoxicating liquors of any kind that may be kept for sale or dealt in contrary to any ordinance of said city.

Third.—To prevent and punish horse racing, immoderate riding or driving in the streets, the incumbering of streets, sidewalks, lanes, alleys and public grounds, with any vehicles, boxes, lumber, firewood, posts, awnings, or any other material or substances whatever, the riding or driving any horse, ox, mule, cattle, or other animals, in any vehicle, on the sidewalks in said city, or in any way doing damage to said sidewalks, the riding or driving on bridges in

the city faster than a walk, the injury of any shade or ornamental trees, or any property of the city, and the bringing, depositing or having within the city, any putrid carcass, or any other unwholesome substance, and to require the removal of the same by any person who shall have the same upon his premises, or upon any street, lane, alley, or public ground, or other place in said city, and in default, to authorize the removal thereof by the city marshall, or other competent officer, at the expense of the person or persons having the same.

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

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

Sixth.—To restrain the running at large of cattle, horses, mules, swine, poultry and geese, and to authorize the impounding, distraining and sale of the same, and to impose penalties on the owners of such animals for the violations of the ordinances.

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

Eighth.—To restrain and regulate runners and solicitors for stages, public houses, railways and other establishments.

Ninth.—To regulate the time, place and manner of holding public auctions or vendues.

Tenth.—To regulate the place and manner of selling, and provide for the inspection and manner of weighing and measuring wheat and other grain, hay and straw, stone coal, charcoal, firewood and other fuel, and every other article or thing subject to sale in said city; regulate the inspection of tobacco, liquors, beef, pork, lard, butter, flour, meal, and other provisions; to regulate the assize and weight of bread, and provide for the seizure and forfeiture of bread baked contrary thereto; to provide for a standard of weights and measures; for the appointment of a city sealer, and to provide for the punishment of false weights and measures.

Eleventh.—To establish, lay out, alter, open, widen, extend and repair streets, avenues, lanes, alleys, commons, parks, public grounds, sidewalks, culverts, and establish and record with the recorder, grades of streets and walks to which buildings and erections shall conform; to make and establish pounds, pumps, wells, cisterns, reservoirs; erect water works for the supply of water to the inhabitants; and to provide for the erection of gas works, lamps, or other means whereby to light the city; and to provide for the enclosing, improving, adorning and regulating of all public grounds belonging to the city, and for the adorning the streets thereof with shade trees.

Twelfth.—To establish and regulate public markets, and to direct the location and management of markets and slaughter houses; and to regulate the sale, storage, keeping and conveyance of gunpowder or other combustible materials; to compel the owner or occupant of any slaughter house, market, grocery, cellar, tallow chandler's shop,

soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous 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 the city, and to compel the owners or occupants of buildings or grounds to remove snow, dirt, or rubbish from the sidewalks, streets or alleys opposite thereto, and in default of the person required to do any act required under the provisions of this section, to authorize the marshal or other officer of the city to remove or destroy the same at the expense of such owner or occupant.

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

Fourteenth.—To prevent the dangerous construction, placing and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and appurtenances used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous; to prevent the deposit of ashes in unsafe places; and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the city limits, and generally to establish such measures for the prevention or extinguishment of fires, as prudence may dictate.

Fifteenth.—To appoint one or more fire wardens, and to prescribe their duties.

Sixteenth.—To purchase fire engines and other apparatus, and to authorize the formation of fire companies, hook and ladder and hose companies, and to provide for the due support and regulation of the same; and to order such companies to be disbanded and their apparatus to be delivered up. Each company shall have not to exceed seventy-five members, and shall be formed by voluntary enlistment, and each member of every such company shall be exempt from all poll tax, from serving on juries, and from military duty during the continuance of such membership.

Seventeenth.—To establish and to regulate hospitals, cemetery grounds, and exempt them from taxation, and to remove the same when necessary for the public good; to regulate the burial of the dead and the return of the bills of mortality; to establish and regulate boards of health, and do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease; and to make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws and enforce the same within three miles of the city.

Eighteenth.—To establish, regulate and support night watches, when necessary, prescribe their duties, and to regulate the police force of the city.

Nineteenth.—To regulate and order parapet walls and partition

fences, and to provide for the erection of all needful buildings for the use of the city.

Twentieth.—To levy and collect taxes, appropriate money, and provide for the payment of the expenses of the city.

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

Sec. 6. All funds in the city treasury shall be under the control of the common council, and shall be drawn out upon the order of the mayor and recorder, duly authorized by vote of the common council, and all orders shall specify the purposes for which they were drawn. No appropriation shall be made without a majority of a full council voting in favor of it, and the vote shall be taken by calling the roll, and the vote of each member of the council shall be entered upon the journal of the council, and no moneys shall be appropriated except such as are expressly authorized by this act.

Sec. 7. The common council shall examine and adjust the accounts of the treasurer, marshal and recorder, and all other officers and agents of the city, at such times as they may deem proper, and at the end of each year, and before the time for which such officers were appointed or elected shall have expired, and the council shall require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such public officer or agent shall refuse to comply with the order of said council in discharge of their duties, in pursuance of this section, the council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent, defaulting in his accounts, or in the discharge of his official duties. The council shall make full record of such settlements and adjustments.

Sec. 8. The common council may, from time to time, require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act.

ARTICLE V.

TAXES.

SECTION 1. All the taxable property of said city shall be subject to taxation for the support of the city government and police for the opening, maintaining and improvement of public grounds, and for the construction of buildings and improvements of a general character; *Provided*, that such taxes shall in no year exceed ten mills upon a dollar of the assessed valuation.

Sec. 2. All the taxable property in said city shall be subject to special taxation, for the purpose of constructing and maintaining bridges, culverts, and opening, constructing, maintaining and repairing roads, highways, streets and alleys, for the construction of reservoirs, cisterns, sewers, drains and street gutters, and grading of streets, and for other purposes conducive to good order and cleanliness, and the protection against crime, disease and fire; *Provided*, That such taxes shall in no year exceed five mills upon the

dollar of the assessed valuation; *And provided further*, That for the improvements in this section mentioned, the council shall have power to assess the tax to pay the same upon the property benefited by such improvements, in such manner and to such extent as the council may think just and equitable. In such case the tax shall be apportioned upon a cash valuation of the property which it shall be determined is liable to assessment for such improvements.

SEC. 3. The common council shall have power to issue bonds and levy taxes exceeding the amount authorized by other sections in this act; *Provided*, The same be authorized by a majority of the taxable inhabitants present and voting, at an election to be held for that purpose, the time, place and manner of holding such election to be prescribed by the council, and the same notice to be given as at other elections. No bonds shall be issued by the council for any purpose unless so authorized.

SEC. 4. Taxes may be levied by resolution of the common council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose, for which the same is levied, but in such case the surplus shall, if the tax be a general tax, go into the general fund of the city. If it be a bond 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 the county, on or before the first day of October in each year, a certified statement of all general taxes levied on the city, and of all special taxes levied upon any of the lots or portions of the city certifying to him the lots or portions of the property upon which such special taxes are levied, and it shall be the duty of the auditor to insert such taxes in the assessment roll of the city of Owatonna, and the same shall be collected by the county treasurer, or returned by him delinquent, and all proceedings in relation thereto, including the selling, conveying and redeeming property, shall be the same as in proceedings on account of other taxes, and the county treasurer shall pay such city taxes over to the treasurer of the city of Owatonna on demand after collection thereof, and said treasurer of the city of Owatonna shall execute his receipt therefor.

SEC. 6. It shall be lawful for the common council of said city to levy a corporation poll tax upon every male inhabitant of said city, being over the age of twenty-one years and under the age of fifty years, excepting paupers, idiots, lunatics, and such other persons as are exempt by law, of two days' work in each year, in lieu of which work the party so taxed, may pay to the street commissioner one dollar and fifty cents per day, and the street commissioner shall expend all moneys so received on the streets, highways, alleys and bridges, under the direction of the common council.

ARTICLE VI.

STREETS, ALLEYS, SIDEWALKS, PUBLIC GROUNDS, PARKS, &C.

SECTION 1. The common council shall cause all streets which may have been opened and graded, to be kept open and in repair, and free from nuisances.

SEC. 2. Whenever it shall be required to take private property for the purpose stated in the twelfth subdivision of section five of article four of this act, the common council shall proceed in the manner hereinafter provided.

First.—The common council, upon ordering an improvement above mentioned to be made, shall appoint as many commissioners as there may be wards of said city, selecting one from each ward, who shall be a disinterested freeholder and a qualified voter of said city, to view the premises, and assess the damages which may be occasioned by the taking of private property, or otherwise, in making said improvement. Said commissioners shall be notified as soon as practicable, by the city recorder of said city, to attend at his office, at a time to be fixed by him, for the purpose of qualifying and entering upon their duties, and if any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, the commissioners in attendance shall be authorized to appoint another commissioner or commissioners, in place of any absentee or absentees aforesaid, selected from the ward in each case not represented, and possessing the qualifications aforesaid. In all other cases of vacancy, the common council shall fill such vacancy.

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

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

Fourth.—At the time and place appointed according to said notice, the said commissioners shall view the premises, and may hear any evidence or proof offered by the parties interested, and adjourn from day to day, if necessary, for the purpose aforesaid. When their view and hearing aforesaid shall be concluded, they shall determine and assess the amount of damages to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by said improvement, and in so doing, shall take into consideration the value of the property proposed to be taken, with such other damages as may be incident thereto, and also the advantages

which will accrue to such owner or owners in making such improvement.

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

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

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

Eighth.—Upon such report being filed in the office of the city recorder, said city recorder shall give at least ten days' notice, by publication in the official newspaper of said city, to the effect that such assessment has been returned, and that the same will be confirmed by the common council, at a meeting thereof to be named in said notice, unless objections are made in writing by persons interested in any land required to be taken; any person interested in buildings standing in whole or in part upon any land required to be taken by such improvement, shall, on or before the time specified in such notice, notify the common council in writing [of their election] to remove such buildings according to the award of the commissioners. The common council upon the day fixed for the consideration of such report, or at such subsequent meeting, to which the same may stand over or be referred, shall have power, in their discretion, to confirm, revise or amend the assessment, giving due consideration to any objections interposed by parties interested.

Ninth.—The damages assessed shall be paid out of the general funds of said city, and shall be paid or tendered, or deposited and set apart in the treasury of said city, to and for the use of the parties entitled thereto within six months from the confirmation of such assessment and report, and the land or property required to be taken for the purposes aforesaid, shall not be appropriated until the damages awarded therefor to the owners thereof, shall be paid or tendered to the owner or his agent, or deposited and set apart for his use aforesaid, and in case the said city should be unable to determine to whom the damages in any particular case so awarded should be paid, or in case of disputed claims in relation thereto, the dam-

ages in such case may be deposited by order of the common council, in the district court of the county until the parties thereto shall substantiate their claim to the same.

Tenth.—In case any owner or owners of buildings as aforesaid shall have elected in manner aforesaid, to remove his or their buildings, he or they shall so remove them within thirty days from the confirmation of said report, or within such further time as the common council may allow for the purpose, and shall, thereupon, be entitled to payment from said city to the amount of damages awarded in such case. In case of removal, when such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected to remove) to remove the same within the time prescribed, such buildings or so much thereof as may be necessary, upon payment or depositing the damages awarded for such taking in manner aforesaid, may be then appropriated, sold or disposed of as the common council shall direct, and the same or the proceeds thereof, shall belong to the city.

Eleventh.—When any known owner of lands or tenements affected by any proceeding under this act, shall be an infant or labor under [legal] disability, the judge of the district court of the county, or in his absence, the judge of any court of record may, upon application of said commissioners, or of said city or such party, or his next friend, appoint a suitable guardian for such party; and all notices required by this act shall be served upon such guardian.

Twelfth.—Any person feeling himself aggrieved by such assessment may, by notice in writing served on the mayor of said city, a copy whereof with proof of service, shall be filed in the office of the clerk of the district court of the county, within twenty days from the time of confirmation of said report or assessment, appeal from such assessment to the district court aforesaid, when such appeal shall be tried by the court and jury, as in ordinary cases; but no pleadings shall be required, and the party appealing shall specify in the notice of appeal the grounds of objection to such assessment, and shall not be entitled to have any other objections than those specified considered, and a transcript of such report certified by the city recorder, or the original thereof, shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just, and made in conformity to law. The judgment of such court therein shall be final; such appeal shall be entered and brought on for trial, and be governed by the same rules in all other respects as appeals from justices of the peace in civil suits.

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

SEC. 4. No public grounds, streets, alleys or highways within said city, shall be vacated or discontinued by the common council, except upon the petition of a majority of the owners of property on the line of such public grounds, streets, alleys or highways, residents within said city. Such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets,

alleys or highways proposed to be vacated, and shall be verified by the oath of at least two of the petitioners. The common council shall thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the city recorder, who shall give notice by publication in the official paper of said city for four weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the common council, or a committee appointed by them on a certain day and place therein specified, not less than ten days from the expiration of such publication. The common council, or such committee as may be appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of parties interested. The common council thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may by resolution passed by a two-thirds vote of all the members elect, declare such public grounds, streets, alleys or highways vacated, which said resolution, after the same shall go into effect, shall be published as in the case of ordinances, and thereupon a transcript of such resolution, duly certified by the city recorder, shall be filed for record and duly recorded in the office of the register of deeds of the county.

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

SEC. 6. The common council may cause to be established from time to time, and as rapidly as the convenience of the inhabitants may require, under the direction of the city surveyor, the grade of all streets, sidewalks and alleys in said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city recorder.

SEC. 7. Whenever the common council shall deem it necessary to construct or repair any sidewalk in said city, they shall require the street commissioner to notify all owners and occupants of any lot or lots, or parcels of land adjoining such sidewalk, to construct or repair the same at his or their own proper expense and charge, within a time designated by the publication in the official paper of said city, for not less than two weeks, of a notice to said owners or occupants, setting forth what work is to be done, the character of the same, by such owners or occupants, and the time within which they are required to do the same.

SEC. 8. If such work is not done, and the said sidewalks not built or repaired, in the manner and within the time prescribed, the common council may order the same to be done by the street commissioner, at the expense of the lots and parcels of land adjoining said sidewalks, and said expense shall be assessed upon such lots and parcels of land so chargeable, by the street commissioner, and returned by him to the common council. And said assessment so made and returned, if approved by the common council, shall become a lien upon said lots and parcels of land, as in case of city, county and state taxes.

SEC. 9. If said assessment be not paid to the street commis-

sioner or the city treasurer, on or before the first day of September in any year, the common council shall cause a statement of the same to be transmitted with the city taxes levied for that year, to the auditor of the county, on or before the first day of October in each year, and the said auditor shall insert the same with the other taxes, in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and payment thereof enforced with and in like manner as city, county and state taxes are collected, and payment thereof enforced.

ARTICLE VII.

FIRE DEPARTMENT.

SECTION 1. The common council shall have power to appoint a chief engineer to take charge of the fire department, and other officers of the fire, hook and ladder and hose companies of said city, whose respective duties shall be prescribed by by-laws adopted by the several companies, and approved by the common council.

SEC. 2. The engineer or fire wardens shall direct the firemen at fires, and shall have power to compel citizens to work at fires.

ARTICLE VIII.

PENALTIES, FINES, &C.

SECTION 1. In case the mayor shall be guilty of any willful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction thereof, shall pay a fine of not more than five hundred dollars, and the court shall have power (upon the recommendation of the jury in the case,) to add to the judgment for the fine, that he be removed from office.

SEC. 2. Any person having been an officer of said city, shall within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description, in his possession belonging to said city, or pertaining to the office he may have held. If he fail to do so, after such notification and request, he shall forfeit and pay to the use of the city one hundred dollars besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such property, books, papers and effects in the manner prescribed by the laws of this state, in case of unlawful detention of property.

SEC. 3. When any person shall refuse to obey any lawful order of the mayor, engineer or fire warden at any fire, it shall be lawful for the officer giving such order to arrest or direct orally any constable, police officer or citizen, to arrest such person and to confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officer or either of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to obey such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing to obey, shall be liable to such penal-

ty as the common council shall prescribe, not exceeding a fine of one hundred dollars, or imprisonment not exceeding ninety days.

SEC. 4. The penalties for illegal voting at any election shall be the same as are prescribed by the general laws of this state.

SEC. 5. Any person who shall refuse to obey any lawful order of any officer of said city, requiring the aid of such person in carrying into effect any law or ordinance, or in quieting or preventing any riot or breach of the peace, shall forfeit to the city a fine not exceeding twenty-five dollars nor less than five dollars.

SEC. 6. Any person appointed as a commissioner under subdivision first of section two of article six of this act, who, upon being notified, shall neglect or refuse to attend as therein required, shall forfeit and pay to said city a fine of not more than fifty dollars.

SEC. 7. All fines and penalties imposed by the city justice for offenses committed within the city limits, or for violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city.

ARTICLE IX.

COMPENSATION OF OFFICERS.

SECTION 1. The officers of said city shall not be entitled to receive any compensation for their services, except as in this act provided.

SEC. 2. The common council shall receive for their services one dollar each for any meeting of said council at which they are present. The aldermen shall also be entitled to the same compensation as is now allowed by law to inspectors of elections, for services as such inspectors, to be paid by said city, for any special or general election held by authority of the state or county.

SEC. 3. The recorder shall receive for his services such sum as the common council shall deem proper, not to exceed two hundred dollars per annum.

SEC. 4. The attorney shall receive for his compensation not to exceed one hundred dollars per annum.

SEC. 5. The treasurer shall receive as compensation for his services, a percentage on all moneys by him received and disbursed, to be fixed by the common council.

SEC. 6. The marshal shall receive for his services the fees allowed to constables by the laws of this state for like services, and a percentage on all moneys collected by him, to be fixed by the common council.

SEC. 7. The street commissioner shall receive two dollars and fifty cents per day for all services required by this act, but he shall be paid from moneys arising from assessments for improvements, and his compensation shall be included in such assessment.

SEC. 8. The city assessor shall receive such compensation as the common council shall prescribe. Until they shall fix such compensation, he shall receive the same compensation as township assessors.

SEC. 9. The city justice and justices of the peace of said city, shall

receive the same compensation as justices of the peace under the laws of this state.

SEC. 10. The compensation of the city surveyor and of all other officers which it shall be necessary for the common council to appoint to carry into effect the provisions of this act, shall be fixed by the common council.

SEC. 11. The compensation of all officers which is to be fixed by the common council, shall be fixed at the time such officer is appointed, or at the commencement of the year; *Provided*, That the common council may at any time fix the compensation of any officer or committee for any extraordinary services by them performed.

ARTICLE 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 councilors as were present when the vote was taken.

SEC. 2. No member of the council or other city or ward officer shall be a party to, or interested in any contract or job wherein the city may be one of the contracting parties.

SEC. 3. No penalty or judgment recorded in favor of the city shall be remitted or discharged except by a vote of two-thirds of the common council.

SEC. 4. In all prosecutions for any violation of this act, the first process shall be by warrant on 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, 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 for the violation of any ordinance or by-law of said city, shall be directed to the marshal or any constable of said city, or to the sheriff of Steele county.

SEC. 5. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by the city justice pursuant to any statute of the state, or pursuant to this act or any ordinance or by-law of said city, as punishment for any offense in violation thereof, the offender shall be forthwith committed to prison in the city jail [or jail] of Steele county; and in case there are no such jails, or in case they are insufficient, to such other jail as shall be proper under the provisions in force in such case under the laws of this state and imprisoned for a term not exceeding three months, in the discretion of the city justice, unless the fine or penalty be sooner paid or satisfied; *Provided*, That the common council may in all such cases provide that such offender may be kept at hard labor upon the streets and improvements of said city or elsewhere, during the term of such imprisonment, or until the fine or penalty is paid or commuted, at such rate of compensation for such labor as the common council may fix; and said common council may establish all needful rules and

regulations for the security of such offenders so employed, and from the time of the arrest of any person for any offense until the time of the trial he may be imprisoned in any such jail aforesaid.

SEC. 6. No person shall be an incompetent justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

SEC. 7. When any suit or action shall be commenced against said city, service of the process shall be made by the proper officer, by leaving a certified copy of such process with the mayor or president of the council and with the city attorney.

SEC. 8. All real, personal and mixed estate which said city shall hold for public purposes, sufficient for the purposes of the corporation shall be exempt from taxation, and from attachment or sale on any final process issued from any court in the state. *Provided*, That said property shall not be exempt from any attachment issued in any action for the purchase money of the same property, or for labor performed or services rendered the said city, or from an execution issued upon any judgment rendered therein.

SEC. 9. Real estate exempt from taxation by the laws of the state shall be subject to special taxes or assessments, as other real estate under this act.

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

SEC. 11. The city of Owatonna shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the city, or any magistrate, to the jail of Steele county, for any offense punishable under the state laws.

SEC. 12. The files, papers and records in the office of the city recorder, or copies thereof, duly certified by him, proofs of publications of all ordinances, notices, resolutions, orders or proceedings of the common council required to be published, on file in the office of the recorder, or copies thereof duly certified by him, and the charter and ordinances of said city and proceedings of the common council, shall be received and read in evidence in all courts and places in this state without further proof.

SEC. 13. The power conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind within the limits of the city, wherein more than twenty-five pounds of gunpowder or more than five barrels of thirty-six gallons each, (or such greater or less quantity, as the common council may direct by ordinance,) of petroleum, kerosene, naphtha or other inflammable or explosive oils or substances are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses and places where spirituous, vinous, fermented, mixed, adulterated or intoxicating liquors are sold, given away, or dealt in, or kept for sale without the license required therefor within the limits of said city, are hereby declared and deemed public or common nuisances.

SEC. 14. All acts heretofore passed for the incorporation of the city of Owatonna, or amendatory thereof, inconsistent with the pro-

visions of this act, are hereby repealed. But no vested rights shall be lost by such repeal, but in all cases affecting past taxes not yet collected, liens for the same, rules of evidence and rights of every kind inchoate and perfected, the provisions of such acts as are hereby suspended or repealed, and of ordinances, regulations, rules, by-laws and orders passed by the common council, shall be deemed to continue in force; and all officers elected under the provisions of the former charter, shall hold their respective offices for the terms for which they were severally elected; *Provided*, That such terms of office shall be deemed to expire after the election on the second Tuesday in March in any year, instead of the first Tuesday in April, so soon as their successors then elected shall qualify.

SEC. 15. The common council may ordain and publish such ordinances as may be necessary to carry into effect the provisions of this act, not inconsistent with the constitution and laws of this state.

SEC. 16. This act is a public act, and need not be pleaded or proven in any court in this state.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved March 2, 1875.

CHAPTER VIII.

AN ACT RELATING TO THE CITY OF FARIBAULT.

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

SECTION 1. At the general election of the city officers of said city in eighteen hundred and seventy-five, there shall be elected two justices of the peace, to be styled city justices, who shall hold their offices two years, and until their successors are elected and qualified. Such justices shall supersede and be the successors of the present city justices of said city, and as soon as either of them shall qualify, the offices of the present justices shall cease to exist. All the provisions of the charter of the said city relative to the qualifications, duties, powers and jurisdiction of the city justices shall apply to said two justices and their successors.

SEC. 2. That section ten of chapter one of the charter of said city, be amended by striking out the words, "in the city for four months," from the second line of the section, and the word "and," from the third line of the section.

SEC. 3. Such portions of the charter of said city as are inconsistent with the provisions of this act, are hereby repealed.

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

Approved March 3, 1875.