

CHAPTER 52.

An Act to Incorporate the City of Stillwater, in the County of Washington.

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Be it enacted by the Legislative Assembly of the Territory of Minnesota: That so much land as is contained within the following limits, be, and the same is hereby, created a city corporate, by the name of the City of Stillwater, viz: Beginning at a point on the lake shore of Lake St. Croix, being the north-east corner of section No. 21, in township No. 30 north, range 20 west; running thence one mile to the north-west corner of section 21; thence south along the west line of said section 33; thence east through the centre of sections No. 21, 23, 33, two and a half miles to a point on the west line of sections 33 and 34 to a point on Lake St. Croix; thence north along said lake shore to the place of beginning.

City limits.

Sec. 2. That for the good order and government of said city, it shall be lawful for the male inhabitants thereof having the qualifications of electors of members of the Legislative Assembly of the Territory of Minnesota, and who shall have been *bona fide* residents within the city of Stillwater for one year, to meet at the Court House in said city, on the first Monday of April next, and at the same time annually thereafter at such places as the city council may direct, and then and there proceed by ballot to elect one Mayor, one Recorder, and three Councilmen, being residents of said city, and having qualifications, so elected and qualified, shall constitute the City Council of said city, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties.

Eligibility of voters.

Sec. 3. At the first election under this act there shall be chosen *vis a voce* by the electors present two judges and a clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this act, and at all subsequent elections, the Commissioners, or any two of them, shall be judges, and the Recorder, or in his absence, some person, to be appointed by the judges, shall be clerk. The polls shall be opened between the hours of twelve at noon and one o'clock P. M., and close at four o'clock of said day, and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters present by one of the judges, and the clerk shall make a true record thereof, and within five days thereafter he shall give notice to the persons so elected of their election; and it shall be the duty of said City Council, at least ten days before each and every election, to give notice of the same by posting up notice of the time and place of such election at three of the most public places in said city.

Officers of election, &c.

Sec. 4. Each member of said City Council, before entering upon the duties of his office, shall take an oath or affirmation to support the Constitution of the United States and to faithfully perform the duties of his office.

Oath of Officers.

Powers of Mayor.

SEC. 5. The Mayor, Recorder, and Councilmen of said city shall be, and are hereby, created a body corporate and politic, with perpetual succession, to be known and distinguished by the name and style of "The City of Stillwater," and shall be capable in law by their corporate name aforesaid, to acquire property, real, personal, and mixed, for the use of said city, and may sell and convey the same at pleasure; they may have a common seal, which they may alter or renew at pleasure, they may sue and be sued, plead and be impleaded, defend and be defended (against) in all manner of actions in all courts within this Territory.

Who to preside.

SEC. 6. The Mayor, and in his absence the Recorder, shall preside at all meetings of the City Council, and the Recorder shall attend all meetings of said City Council, and make a fair and true record of all their proceedings, and of the by-laws, rules and ordinances, made or passed by the Common Council aforesaid; and the same shall at all times be open for inspection of the electors of said village: but in case of the absence, or inability to attend at said meetings aforesaid, of the Recorder, the Council may appoint one of their own body clerk *pro tempore*.

Vacancies—how filled.

SEC. 7. The City Council shall have power to fill all vacancies which may happen in said board from the residents who are qualified voters of said city as aforesaid, who shall hold their appointments until the next annual election, and until their successors shall be elected and qualified; and in the absence of the Mayor and Recorder from any meeting of the City Council, the Council shall have power to appoint any two of their number to perform the duties of Mayor and Recorder for the time being.

City Government

SEC. 8. The said City Council shall have power to make, ordain and establish, by-laws, ordinances, rules and regulations for the government of said city, and to amend, alter and repeal the same at pleasure; to provide in such by-laws for the appointment or election of a Treasurer, City Marshal, and all the subordinate officers which they may think necessary for the good government and well being of said city; to prescribe their duties and determine the period of their appointment and the fees they shall be entitled to receive for their respective services when the same is not otherwise provided for by this act, and to require of them to take an oath of office previous to entering upon the duties of their respective offices, and may further require of them a bond with security conditioned for the faithful performance of their respective offices: The City Council shall also have power to fix to the violation of by-laws and ordinances of the corporation such reasonable fines and penalties as they may deem proper: *Provided*, That such by-laws and ordinances be not inconsistent with the constitution and laws of the United States or of this Territory: *And Provided also*, That no by-laws or ordinances of said corporation shall take effect or be in force until the same shall have been posted up at least ten days in three of the most public places in said city, and the certificate of the Recorder entered upon the record of the said City Council shall be deemed and taken to be sufficient evidence of such publication, and such fines or penalties may be sued for and recovered with costs in the name of the City Council of the City of Stillwater.

Receipts and expenditures.

SEC. 9. The City Council shall, at the expiration of each and every year, cause to be made out and posted up as aforesaid, a true statement of the receipts and expenditures of the preceding year.

**Sec. 10.** *The City Council shall have the management and control of the finances, and of all the property, real and personal, belonging to the said corporation, and shall have the power within the said city to make, establish, alter, modify, amend, and repeal, ordinances, rules, regulations, and by-laws, for the following purposes, viz:* Duty of City Council.

1st. To regulate the manner of selling and measuring wood and lumber, and appoint a person or persons to superintend the same, with such compensation, and to be paid in such manner, as it shall deem most expedient.

2d. To regulate butchers, and the places where animals may be slaughtered; to restrain and regulate the running at large of cattle, horses, swine and sheep, and the impounding and sale of the same; and to prevent the running at large of dogs, and to authorize the destruction of the same when at large contrary to the ordinance, and to impose taxes upon the owners of dogs.

3d. To prohibit and abate all nuisances.

4th. To regulate the burial of the dead.

5th. To regulate bathing or swimming in the waters in or bounding the said city.

6th. To regulate the keeping and vending of gunpowder.

7th. To suppress all disorderly houses, and groceries, saloons, houses of ill fame, gaming tables and gambling; to restrain and punish vagrants and common prostitutes; to prevent and quell any riot, noise or disturbance; and to prevent and disperse any disorderly assemblage.

8th. To prevent horse-racing, immoderate driving or riding.

9th. To prevent obstructions and incumbrances in and upon the wharves, streets, side-walks and other public places, and parts of the city; to direct and regulate the planting, rearing and preserving of ornamental trees in the streets; to direct and regulate the construction and repairing of side-walks, and to compel the keeping of the same free from snow, ice or dirt; and to direct the cleaning, grading and repairing of streets.

10th. To regulate the police of said city.

11th. To establish and regulate public pounds.

12th. To do all things which similar corporations have power to do, in order to provide for and secure health, cleanliness and good order in said city.

**Sec. 11.** *For the purpose of more effectually enabling the said City Council to carry into effect the provisions of this act, they are hereby authorized and empowered to assess a tax for corporation purposes on property within the limits of said corporation made taxable by the laws of this Territory, so that said tax shall not exceed in any year five mills on the dollar in value of valuation as the same may be found on the books of the County Commissioners of the County of Washington. At the time of assessing said tax the City Council shall have power, if authorized so to do by a majority of all the electors in said city at any meeting called for that purpose, to levy an additional tax as above specified, sufficient to organize and establish a fire company, and purchase an engine, hose, and other necessary apparatus, for the extinguishment of fires in said city; public notice of which meeting and the object thereof shall be given by posting up a written notice thereof in at least three of the most public places in said city, ten days before the time of such meeting.* Taxes.

Taxes how col-  
lected.

SEC. 12. When any tax is levied, it shall be the duty of the Recorder to make out a duplicate of the taxes, charging each individual owning property in said corporation, with the amount so assessed on each item of property as found on the books of the County Commissioners of said county, which duplicate shall be certified by the President and Recorder, and one copy thereof shall be placed in the hands of the Marshal or such other person as shall be appointed Collector, whose duty it shall be to collect said tax in the same manner and under the same regulations as other county taxes are collected; and the said Marshal or such other person as may be appointed collector, shall, immediately after collecting said tax, pay the same over to the Treasurer of said corporation and take his receipt therefor: and the said Marshal or other collector shall have the same power to sell both real and personal property for the non payment of the corporation taxes as is given to the County Collector, and when necessary the Recorder shall have power to make deeds in the same manner that Sheriffs do; and the Marshal or Collector shall receive six per centum on all moneys so by him collected, to be paid by the Treasurer on the order of the Recorder.

Compensation  
of Justices.

SEC. 13. All complaints, actions and matters of every kind which may arise under this charter for litigation, shall be brought before one of the justices of the peace of the precinct of which this city is a part, and conducted in the same manner as all other similar causes throughout the Territory are required to be conducted by law; and the justices of the peace shall receive such compensation for their services in actions arising under this charter as are provided by law for similar services.

Duty of Marshal.

SEC. 11. The Marshal shall be principal ministerial officer of said city, and shall have the same powers therein as constables have by law in their respective counties, and his jurisdiction in criminal cases shall be co-extensive with the county. He shall execute all processes issued by the Recorder and shall receive the same fees that constables are allowed in similar cases for like services.

Use of Jail.

SEC. 15. Said corporation shall be allowed the use of the jail of the county for the imprisonment of such persons as may be liable to imprisonment under the by-laws and ordinances of said corporation, and such persons shall be under the charge of the Sheriff of said county as in other cases.

Relinquishment  
of Books.

SEC. 16. That the Mayor, Recorder, and Councilmen or other officers, of said corporation shall, on demand, deliver to their successors in office, all such books and other property as appertain in any wise to said corporation. This act to take effect from and after its passage.

N. C. D. TAYLOR,

*Speaker of the House of Representatives.*

S. B. OLMSTEAD,

*President of the Council.*

APPROVED—March fourth, one thousand eight hundred and fifty-four.

W. A. GORMAN.

SECRETARY'S OFFICE,  
St. Paul, March 5th, 1854. }

I hereby certify the foregoing to be a correct copy of the original act on file in this office.

J. TRAVIS ROSSER, *Secretary of Minnesota Territory.*