

CHAPTER XLV.

An Act to amend an act entitled "An Act to Incorporate the City of Rochester," approved August fifth, eighteen hundred and fifty-eight.

- SECTION 1. Amends section fifteen of chapter five of City Charter.
 2. Amends section one of chapter six.
 3. Amends section three of chapter nine.
 4. Amends section five of chapter nine.
 5. Amends section twenty-five of chapter ten.
 6. Amends section twenty-one of chapter twelve.
 7. When Act takes effect.

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

SECTION 1. That Section fifteen of Chapter five of an act of the Legislature of the State of Minnesota, entitled "An Act to incorporate the city of Rochester," approved August 5, 1858, be amended so as to read as follows: Amends section fifteen of chapter five.

Section 15. The City Justice shall possess all the authority, power and rights of a Justice of the Peace, except he shall in no case entertain any civil proceedings, to which the city is not a party, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a Justice of the Peace, but warrants returnable before 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. Authority and duties of City 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 regulations of the said City of Rochester, or its Charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offence committed against the same. All prosecutions for assault, batteries and affrays not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the City of Rochester, and the same proceedings shall be had in civil and criminal suits, before said Justice, 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 case of prosecutions for a breach or violation of an ordinance, by-law or regulation of said City or its Charter, or for any assault, battery or affray, not indictable, committed within the city limits, no appeal shall be had or allowed, when the judgment or fine imposed, exclusive of costs, shall not exceed Appeal.

twenty-five dollars. In all cases of convictions, for assaults, batteries and affrays, within said city, and in all cases of conviction under any ordinance of said City for breach of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, and of keeping or maintaining disorderly and ill-governed houses, the said Justice shall have power, in addition to the fine or penalty imposed to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months in a sum not exceeding five hundred dollars. The said Justice shall have the same power and authority in case of contempt as a Court of Record. *Provided:* that nothing herein contained shall be deemed to divest the District Judges, of their authority as conservators of the peace, nor to affect, in any manner the jurisdiction or powers of the District Courts or Supreme Court of this State. In case of the absence, sickness, or other inability of said 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 make report thereof to the Common Council, and they may confirm or set aside such appointment, or appoint some other Justice of the Peace, and the Justice of the Peace so appointed, shall, for the time being, possess all the authority, rights and powers of said Justice of the Peace for the City. All fines and penalties imposed by the City Justice, for offences committed within the City limits, or for violations of any ordinance, by-law or regulation of said City, shall belong to and be part of the finances of said City.

Contempt.

Substitute.

Fines and penalties.

SEC. 2. That the first subdivision of Section one, chapter six of said act, be amended so as to read as follows :

Nuisances.
Licensing.

First. To provide for the abatement and removal of all nuisances, under the ordinances or at common law, to license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, to grant licences for, and regulate the use of Billiard tables or bowling saloons, to grant licenses for groceries, taverns, victualing houses, and persons vending or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors, and to fix the rates of license therefor, *Provided,* that no license for the sale of spirituous, vinous, fermented or intoxicating liquors, shall be granted for a less sum than twenty-five dollars a year.

SEC. 3. That Section three of Chapter nine of said act be amended so as to read as follows:

Streets and sidewalks.

Section 3. The costs and expense of surveying streets, alleys, sidewalks and sewers, and estimating work thereon, and of repairing and cleansing streets and alleys, and of constructing and repairing reservoirs, shall be chargeable to and payable out of the funds of the city. All grading,

graveling, planting, macadamizing or paving streets and alleys to the centre thereof, shall be chargeable to and payable by the lots fronting on such street or alley, within the line of improvements so far as the work extends, and each lot on the line of such improvement shall be assessed and chargeable with the cost of the improvement done, in proportion to the fronting thereof on such street. Sewers and drains communicating with main sewers may be built by order of the Common Council, through any street or alley for the purpose of draining the lots in the blocks fronting such street or alley, and in such case the expense thereof shall be assessed upon the lots so drained and benefited. *Provided*, that in all cases where improvements, or work of any sewers are chargeable by virtue of this section, upon lots benefited, all such improvements across streets, alleys, and public grounds, shall be paid for out of the funds of the city, in proportion to the width of the street, alley, or public grounds.

Grading and paving.

Expenses.

SEC. 4. That Section five of Chapter nine of said act be amended so as to read as follows :

Section 5.—When the work provided for in the preceding section shall be placed under contract, the street commissioner shall give notice, by publication in the official newspaper of said City, for ten days, that the expenses thereof, in case of streets and alleys, will be assessed upon the lots fronting upon such street or alley, within the line of such improvement in the proportion provided in Section three of this Chapter, and in cases of sewers, chargeable to the lots as hereinbefore provided, that the lots fronting such improvement, drained or benefited thereby, (which lots shall be designated in the notice) will be assessed in proportion to their size or area. Such assessment, when completed, shall be returned to the Common Council, and the said Common Council shall thereupon fix the time for confirming the same, of which notice shall be given in the official paper of the City. *At any time after the expiration of sixty days* from the confirmation of such assessment, a warrant for the collection thereof, may be issued by said Common Council to the Treasurer, and all assessments then remaining unpaid shall be levied and collected the same as other taxes. *Provided*, that all persons owning lots upon the line of such improvement, shall have the right to pay the tax thereon as aforesaid, by making a proper proportion of the improvement required in front of his, her, or their lot or lots, such improvement to be made within sixty days after the confirmation of the assessment as aforesaid, and under the direction and supervision of the Street Commissioner, and *Provided further*, that the Street Commissioner shall approve of such work when completed.

Assessment of expenses.

Collection.

SEC. 5. Section twenty-five of Chapter ten of said act is amended so as to read as follows :

Section 25. The assessors shall receive the compensation and be paid in the manner provided by the General Laws of the State.

Compensation of
Assessors.

Sec. 6. Section twenty-one of Chapter twelve of said act is amended so as to read as follows :

Section 21. The Common Council, for the purpose of building one or more bridges in any ward, may levy a special tax upon the real and personal estate in that ward, in which the bridge is situated, upon the written petition of a majority of the tax payers in such ward, which petition shall state the amount necessary to be raised for the purpose. Such levy shall be made upon the last preceding assessment roll, and the tax collected in the same manner as other taxes, but at such time as may be directed by the Common Council. Should any of said tax remain unpaid till after the day fixed by the Common Council for such payment, the treasurer shall advertise the lands on which such tax is not paid, and sell the same in the manner required in the case of delinquent taxes for grading of streets, and for other city improvements, and the certificates given shall bear the same rate of interest, and be redeemed in the same manner as certificates of sales for other taxes.

Special tax for
bridges.

Sec. 7. This act shall take effect and be in force from and after its passage.

AMOS COGGSWELL,
Speaker of the House of Representatives.
IGNATIUS DONNELLY,
President of the Senate.

APPROVED—March sixth, one thousand eight hundred and sixty.

ALEX. RAMSEY.

SECRETARY'S OFFICE, Minnesota, }
March 7th, 1860.

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

J. H. BAKER, Secretary of State.