

What to be deemed
perjury.

Lien of State.

said, every such person is hereby declared to have committed perjury; and for securing to the State the payment of the aforesaid per centage, it is hereby declared that the State shall have a lien upon the railroads of said company and upon all other property, estate and effects of said company, whether real, personal or mixed, and the lien hereby secured shall take and have precedence of all demands, decrees and judgments against the said company. Such payments shall be in lieu of all taxes and in full of all claims of the State for the grants made to said company; and in consideration of such annual payments, the said company shall be forever exempt from all assessments and taxes whatever upon their franchises and estate, real, personal or mixed, and the lands granted to said company shall be exempt from all taxation until contracted to be sold or until leased by said company, as hereinbefore provided.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved, March 4, 1865.

CHAPTER XI.

February 23, 1865.

An Act to Incorporate the City of Owatonna.

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7. No person shall be an incompetent judge, justice, etc., by reason of his being an inhabitant of the city interested in the action.
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12. The city may lease, purchase and hold property—for what purpose.
13. Property exempt from taxation by the general laws of this State shall be subject to special taxes.
14. No laws shall be considered repealing or modifying the same, unless expressly set forth in such law.
15. The city not liable for the board or jail fees of any person who may be so committed.
16. May constitute road districts—duty of Street Commissioner.
17. No execution or other proceedings, upon a judgment, decree, foreclosure or lien, shall affect the lien of any assessment for any tax.
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20. May levy a tax for the purchase of a fire engine and other fire apparatus.
21. Time of holding elections.
22. Repeal of inconsistent acts.
23. When act to take effect.

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

[CHAPTER I.]

Incorporation of
the city of Owatonna.

SECTION 1. All that part of the county of Steele contained within the limits and boundaries hereinafter described shall be a city by the name of Owatonna; and the people now inhabiting and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the city of Owatonna, who shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter especially granted, and the authorities thereof shall have perpetual succession, shall be

capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and 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.

SEC. 2. The territory included within the following boundaries and limits shall constitute the city of Owatonna, viz: 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 number one hundred and seven of range number twenty west.

Boundary lines of
the city of Owatonna.

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 center of Mill street.

Divided into wards
—boundary of
wards.

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.

CHAPTER II.

SECTION 1. The elective officers of said city at large shall be a mayor, recorder, one assessor, and a city justice of the peace, who shall be styled city justice. The mayor, recorder and assessor, shall hold their respective offices one year, and the city justice two years, and until his [their] successors are elected and qualified.

What to be elective
offices—term of
office.

SEC. 2. No person shall be eligible to the office of mayor, recorder, assessor or city justice, who shall not have been a resident of the city for one year next preceding his election.

Eligibility to office

SEC. 3. The officers elected in each ward shall be

Officers for each ward—term of office.

one alderman, one justice of the peace who shall hold their offices for two years, and one constable who shall hold his office for one year and until their successors are elected and qualified. All of which said officers shall be residents of the wards in which they are respectively elected, and shall have resided therein thirty days, and in the city six months next preceding such election. All city officers shall be qualified electors of the State.

CHAPTER III.

Common council—of whom to consist.

SECTION 1. There shall be a council, to consist of a mayor and board of aldermen, which shall be styled the common council of the city of Owatonna.

What to constitute the board of aldermen.

SEC. 2. The board of aldermen shall consist of two members from each ward, to be chosen for two years by the qualified voters of each respective ward.

To judge of the qualification and election of its own members—to determine all contested elections.

SEC. 3. 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.

What to constitute a quorum.

SEC. 4. 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.

To determine the rule of its proceedings, etc.

SEC. 5. The common council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member after due notice given, and an opportunity extended to the accused to be heard by counsel or otherwise.

To keep a journal of its proceedings.

SEC. 6. The common council shall keep a journal of its proceedings, and ayes and nays, when demanded by any member present, shall be entered on the journal.

To elect Treasurer, Marshal, Street Commissioner, Attorney and City Surveyor—when.

SEC. 7. The common council shall, at its first regular meeting after the annual election, or as soon thereafter as may be, appoint a treasurer, a city marshal, one or more street commissioners, an attorney, and a city surveyor, who shall each possess the same qualifi-

cations for office as are required in the cases of aldermen.

SEC. 8. No alderman shall be appointed to any office under the authority of the city, which shall have been created or the emoluments of which shall have been increased during the time for which he shall have been elected. Qualification for office.

SEC. 9. There shall be one regular meeting of the common council in each month, at such time and place as shall be prescribed by ordinance. Regular meeting of the council.

CHAPTER IV.

SECTION 1. The annual election of city officers shall be held on the first Tuesday in April in each year, at such places within each ward as the common council shall designate, and the polls shall be kept open from ten o'clock, A. M. till four P. M., and ten days previous notice shall be given by the common council of the time and place of holding such election and the officers to be elected, by posting notices thereof in three of the most public places in the city, and by publishing the same in at least one of the papers published in the city. Time of holding elections—notice to be given.

SEC. 2. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered and held within ten days after such vacancy shall occur, and reasonable notice of such election shall be given. Any vacancy occurring in any other office shall be filled by the common council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may have been elected or appointed to fill. Vacancies, how filled.

SEC. 3. 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 Elections to be by ballot—what to constitute an election.

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.

Who entitled to
vote.

SEC. 4. All persons entitled to vote for State and county officers, and who shall have resided in the city for 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 city elections; and the mode of conducting all State and county elections in said city shall be in the manner herein provided in reference to city elections, except that the returns thereof shall be made by the judges of election to the register of deeds of the county of Steele within the time and in the manner prescribed by law.

How elections to
be conducted.

SEC. 5. The elections in said city shall be held and conducted by the aldermen of each ward, who shall be inspectors of election, and shall take the usual oath or affirmation as prescribed by the general laws of the State to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the laws of this State regarding elections: *Provided*, That no candidate for office shall act as inspector or clerk at such election.

Right to challenge.

SEC. 6. If either of the inspectors of election shall suspect that any person offering to vote does not possess the qualifications of an elector, or if the vote of such person be challenged by a qualified elector of the ward, the inspector before receiving the vote of any such person, shall require of him to take the following oath:

Oath to be admin-
istered.

"You do solemnly swear (or affirm as the case may be), that you are twenty-one years of age, that you are a citizen of the United States, (or have declared your intentions to become a citizen conformably to the laws of the United States on the subject of naturalization), that you have resided in this State (or city, in

the case of a city election) four months, and within the ward twenty days next preceding the election; that you have not voted at this election, and that you have made no bet or wager depending on the result of this election."

And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than the one in which he resides, or shall vote more than once at any election, he shall be liable to indictment, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars, and not less than twenty-five dollars. It shall be the duty of the inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall make the oath aforesaid; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or any clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every such inspector or clerk shall be liable to indictment, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the district court of the county of Steele.

Penalty for voting
illegally.

SEC. 7. When an election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the said inspectors shall make return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered, in case of a city election, such returns to the recorder, who shall forthwith give notice to each of the aldermen of their respective elections; within one week after any election, the common council shall meet and canvass said returns and declare the result as it appears from the same, so far as relates to city or ward officers.

Duties of inspectors
of elections.

When votes to be
canvassed.

How special elections to be conducted.

SEC. 8. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the alderman of each ward in the same manner, and the returns thereof shall be made in the same form and manner as in general or annual elections, and within such time as may be prescribed by resolution.

When office deemed to be vacant.

SEC. 9. 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 as herein prescribed.

When term of office to commence.

SEC. 10. The term of every officer elected under this law shall commence at the time when he is elected and qualified, and unless otherwise herein provided, continue until his successor is elected and qualified.

When new election to be ordered.

SEC. 11. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, 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.

CHAPTER V.

Persons elected or appointed to office to give bond.

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 taking the same, with the recorder of the city; and the treasurer and marshal 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, a bond with at least two sureties, (to be approved by the common council) who shall make affidavit that they are each worth the penalty specified in said bond over and above all debts, exemptions or liabilities, and said bond shall contain such penal sum and such conditions as the 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 when present, preside over the meetings of the common council, and take care that the laws of the State and the ordinances of the city be strictly enforced and duly observed, and that all other executive officers of the city discharge their respective duties. The mayor or any two aldermen may call special meetings of the common council. He shall inspect the conduct of all subordinate officers, and cause negligent and persistent violation of duty to be prosecuted and punished, and may require of any officer of the city, whenever he may deem it necessary, an exhibit of his books and papers. He shall from time to time communicate to the 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 is hereby authorized to call upon every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot to call out the military companies of the city to aid him in suppressing the same, or carrying into effect any law or ordinance. Any person who shall not obey such call, shall forfeit to the city a fine not exceeding twenty-five dollars and not less than five dollars.

Who to be presiding officer—special meetings how called.

SEC. 3. In case the mayor shall be guilty of any wilful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction thereof, shall pay a fine of not more than five hundred dollars, and the court shall have power, (upon the recommendation of the jury in the case) to add to the judgment for the fine, that he be removed from office.

When mayor liable to indictment.

SEC. 4. In case the mayor shall be absent from any meeting of the common council, the common council shall proceed to elect one of their own number a temporary presiding officer, who, for the time being, shall discharge all the duties of mayor. In case of the absence of the mayor from the city, or his inability from any reason, other than removal from the city, to discharge the duties of his office, the council shall elect by ballot, from their own number, an officer who shall be styled acting mayor, and all acts performed by him

Temporary presiding officer—how chosen.

shall have the same force and validity as if performed by the mayor.

Duties of recorder. SEC. 5. The recorder shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meeting it shall be his duty to attend ; and copies of all papers filed in his office, and transcripts from the records of the common council, certified by him under the corporate seal, shall be evidence in all courts as if the originals were produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. The recorder shall have power to administer oaths or affirmations, and take the acknowledgments 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 year, and the revenue necessary to be raised therefor, and the fiscal year of the city shall commence on the first day of July in each year. He shall make or cause to be made estimates of the expense of any work to be done by the city, and countersign all contracts made in behalf of the city, and all certificates of work by any officer of the city or any committee of the 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. The recorder shall keep a record of all his acts and doings, which record shall be at all times open to the inspection of all parties interested. He shall not directly or indirectly be interested in any contract or job to which the city is a party, or in any loan to be negotiated by the city. He shall receive for his services such sum as the city council shall deem proper, not to exceed one hundred dollars per annum.

Duties of city attorney.

SEC. 6. 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 ; *Provided*, he shall not receive to exceed twenty-five dollars per year for such services.

SEC. 7. 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. The treasurer 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 not be entitled to any pay for his services except as hereinafter provided.

Duties of treasurer.

SEC. 8. The marshal shall execute such orders as are made, and perform such other duties as are prescribed by the common council, for the collection of tolls, license money and fines, for the preservation of the public peace, for the good order, cleanliness and government of the city, and for all other purposes. He shall possess the powers of a constable at common law, and under the statutes of this State, and receive like fees, but shall not serve civil process except when the city is a party. He shall receive no other compensation for his services than constable's fees and a per cent. on all moneys collected, to be allowed by the common council, except as may be hereinafter provided.

Duties of Marshal.

SEC. 9. The street commissioner shall, under the direction of the common council, superintend the grading and improving of streets, alleys, and the building and repairing of sidewalks, and the expenditure of taxes levied and collected for such purposes, and shall have the same supervision over the highways in the city, and discharge the same duties as [are] by law required of overseers of highways generally.

Duties of street commissioner.

SEC. 10. The common council shall have power to require from time to time other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and compensation. Such compensation shall be fixed at the time such office is created; or at the commencement of the year, and shall not be increased or diminished during the time

Further powers of council.

such officer shall remain in office. The common council may at any time fix the compensation of any officer or committee for any extraordinary service by them performed.

Council to appoint
city printer—when

SEC. 11. The common council at their first meeting in each year, or as soon thereafter as may be, 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.

Duties of city
printer.

SEC. 12. The city printer immediately after the publication of any notice or resolution or other matters which by this act is, or by city ordinance shall be required to be published, shall file with the recorder a copy of such publication with his affidavit, or the affidavit of his foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter. Any person having been an officer in said city shall within ten days after notification and request, deliver to his successor in office, all property, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held. If he fail to do so, after such notification and request, he shall forfeit and pay to the 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 books, papers and effects in the manner prescribed by the laws of this State in cases of unlawful detention of property.

Who may not be
interested in any
job or contract for
city.

SEC. 13. No member of the common council shall be a party to or interested in any job or contract with the city, and any contract in which any member of the common council may be so interested, shall be null and void.

Who to suppress
all disorderly con-
duct within the
limits of the city.

SEC. 14. The mayor, sheriff of Steele county, and each and every alderman, justice of the peace, marshal, recorder and constables of the town of which said city is a part, shall be officers of the peace, and may command the peace and suppress in a summary manner, all rioting and disorderly behavior within the limits of

the city; and for such purpose may command the assistance of all bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of not more than twenty-five dollars nor less than five dollars.

SEC. 15. The city justice shall possess all the authority, power and rights of justices of the peace of this State, and shall have exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city cognizable before a justice of the peace, but warrants returnable before the said city justice, may be issued in criminal cases by any justice in the city, but no fee shall be received therefor by said justice. The said 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, 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 Owatonna, and the same proceedings shall be had in civil and criminal suits before said justice, where not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this State before a justice of the peace. *Provided*, That in 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 allowed when the judgment or fine imposed, exclusive of costs, is less than 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 secu-

Jurisdiction of
justices of the
peace.

Jurisdiction of
justices of the
peace.

rity 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. *Provided*, That nothing herein contained shall be deemed to divest the district judges of their authority as conservators of the peace, nor to affect in any manner the jurisdiction or powers of the district courts or supreme court of the State. In case of the absence, sickness or other 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 justice of the peace for the city, and it shall thereupon be the duty of the mayor to inform the city attorney and marshal of such substitution, and make report thereof to the 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. 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 a part of the finances of said city.

When justice to
report to council.

SEC. 16. The city justice shall quarterly report to the common council 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; and said justice shall be entitled to receive from the county of Steele such fees in criminal cases occurring without the city as are allowed to other justices in the county for similar services.

Powers of justices
of the peace and
constables.

SEC. 17. 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 the State.

Duties of city sur-
veyor—by whom
prescribed—all
surveys, etc., to be
property of city.

SEC. 18. The common council shall prescribe the duties of the city surveyor, and fix the fees of compensation for any services performed by him. All surveys,

plans or estimates made by him for the city, shall be the property of the city, and carefully preserved in the office of the recorder, open for the inspection of the parties interested.

CHAPTER VI.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be : *The common council of the city of Owatonna do ordain.* The common council shall have the control and management of the finances and of all the property of the city, and shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all such ordinances, rules and by-laws for the government and good order of the city, and for the suppression of vice and intemperance, and the prevention of crime, as they shall deem expedient, and declare and impose penalties by fine and imprisonment, or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws ; and all such ordinances, rules and by-laws are hereby declared to be and have the full force of law ; and for these purposes, shall have authority by ordinances, resolutions or by-laws, *Provided*, They be not repugnant to the constitution and laws of the United States or of this State :

*Who to constitute
the common council—style of all ordinances—powers
of the council.*

First. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibitions of caravans, circuses or theatrical performances, billiard tables or bowling saloons, and to fix the rate of license therefor ; and to provide for the abatement and removal of all nuisances under the ordinances or at common law, or under this act, and to grant licenses, and to regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, fermented, mixed, or intoxicating liquors ; *Provided*, That the license for so dealing in spirituous, vinous, fermented, mixed, or intoxicating liquors, shall be at least one hundred dollars a year, and as much higher as the council shall direct, and no license shall be granted for a less term than one year.

Second. To restrain and prohibit all gaming with

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

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

Powers of the
council.

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

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

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

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

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

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

Tenth. To prevent any person from 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 from any street, lane or alley, and in default to authorize the removal thereof by any competent officer, at the expense of the person or persons.

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

Powers of the
council.

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

Thirteenth. To regulate the assize 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 ox, cow, horse, mule or other animals on the sidewalks of the city, or in any way doing damage to such sidewalks.

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

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

Seventeenth. To restrain and regulate runners and

solicitors for stages, public houses, railways and other establishments, and to regulate the police of the city.

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

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

Twentieth. To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, streets or alleys opposite thereto; and in his default, to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant.

Powers of the
council.

Twenty-first. To regulate the time, place and manner of holding public auctions or vendues.

Twenty-second. To provide by ordinance for a standard of weights and measures, for the appointment of a city sealer, and to require all weights and measures to be sealed by the city sealer, and to provide for the punishment for the use of false weights and measures.

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

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

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

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

Twenty-seventh. To regulate and tax merchants, retailers, taverns, groceries, ordinaries, hawkers, pawn-brokers and money changers.

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

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

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

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

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

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

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

Powers of the
council.

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

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

Thirty-seventh. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire companies, hook and ladder and hose companies, and to provide for the due support and regulation of the same; and to order such companies to be disbanded and their apparatus to be delivered up. Each company shall not have 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 serv-

ing on juries, and from military duty, during the continuance of such membership.

All laws, ordinances, etc., to be signed by the mayor.

SEC. 3. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of the majority of the common council, and be signed by the mayor, and shall be published in the official paper of the city, before the same shall be in force, and within twenty days thereafter, they shall be recorded by the recorder, in books provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, as aforesaid, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of such publication.

Funds to be under the control of the common council.

SEC. 4. 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 city council, and all orders shall specify the purpose for which they were drawn. No appropriation shall be made without a majority of a full council voting in favor of it, and the vote shall be taken by calling the roll, and the vote of each member of the council shall be entered on the journal of the council, and no moneys shall be appropriated except such as are expressly authorized by this act.

What to be deemed common nuisances.

SEC. 5. 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. Houses or buildings of any kind wherein more than twenty pounds of gunpowder are deposited, stored or kept at any time, gambling houses, houses of ill-fame, disorderly taverns, or beer shops, or places where spirituous, vinous, fermented, mixed or intoxicating liquors, are sold, given away, or dealt in without the license required therefor, within the limits of said city, are hereby declared and deemed public or common nuisances.

SEC. 6. The common council shall examine and adjust the accounts of the treasurer, marshal, recorder

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

Council to examine and adjust the accounts of city officers.

CHAPTER VII.

SECTION 1. All funds in the treasury, except State and county funds, shall be under the control of the common council, and be drawn out upon the order of the mayor and countersigned by the recorder, duly authorized by a vote of the common council; and all orders drawn upon the treasurer, shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city; and all such orders shall be received in payment of any tax or assessment levied by authority of the city. All orders shall be payable to the order of the person in whose favor they may be drawn, and may be transferred by endorsement.

Funds to be under the control of the common council.

SEC. 2. The said council shall have power to annually levy a tax upon all the property in said city subject to taxation, not exceeding in the aggregate five hundred dollars per annum; *Provided*, That said council shall not, for two years next succeeding the passage of this act, levy a tax to an amount exceeding one hundred dollars, to defray the current expenses of the city. Every qualified voter in said city shall annually pay a capitation or poll tax of two days work upon the highways, streets, alleys or bridges within the city, under the direction of a street commissioner.

To levy an annual tax upon all property subject to taxation, to defray current expenses.

All persons liable to pay such capitation or poll tax may in lieu of work, pay to the street commissioner one dollar per day, and the street commissioner shall expend all money so received on the streets, highways, alleys or bridges, under the direction of the common council.

CHAPTER VIII.

Council to have
care and control of
all public high-
ways, bridges, etc.

SECTION 1. The common council shall have the care, supervision and control of all public highways, bridges, alleys, public squares and grounds within the limits of said city, and shall cause all streets, alleys or highways within the city, to be kept open and in repairs, and free from nuisances. No street, alley or highway which has been heretofore laid out or surveyed and platted, and the survey and plat thereof recorded, shall be vacated by the common council or the county board of commissioners, nor shall any alteration be made therein except to straighten the same between the ends thereof within the city. No street or alley which shall hereafter be dedicated to public use by the proprietor or proprietors of grounds within said city shall be recognized as a public street or alley of said city unless the common council shall first approve the plat thereof, or accept such dedication, or afterwards confirm the same by an ordinance especially passed for such purpose.

CHAPTER IX.

To ordain and con-
tract for making,
grading and clean-
ing streets.

SECTION 1. The common council of said city shall have power to ordain and contract for the making, grading, repairing, cleansing, improving and adorning of the streets, alleys, highways, public grounds, reservoirs, gutters and sewers, within said city, and to direct and control the persons employed therein; and all such improvements shall be superintended by a street commissioner.

SEC. 2. Whenever the common council shall deem it necessary to construct or repair any sidewalk within the city, they shall require the street commissioner to notify in writing the owner or occupant of any lot ad-

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

Construction of
sidewalks—how
paid.

SEC. 3. The cost and expense of surveying streets, alleys, sidewalks, sewers, and estimating work thereon, and of repairing and cleansing streets and alleys, and of constructing and repairing reservoirs, shall be chargeable to and payable out of the funds of the city. 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 improvement so far as the work extends; and the whole expense thereof shall be assessed upon such lots in proportion to their assessed value. 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 benefitted; *Provided*, That in all cases where improvements or work of any sewers are chargeable by virtue of this section upon lots benefitted, all such improvements across streets, alleys and public grounds, shall be made and paid for out of the funds of the city, in proportion to the street, alley or public grounds.

Costs of surveying
streets, lanes, etc.,
how paid.

SEC. 4. No grading of streets or alleys to be done at the expense of the lots fronting such improvements or sewers, the expense of which is to be charged to the lots drained or benefitted as before provided, shall be ordered by the common council, except upon the petition in writing of a majority of the owners of property

How expense of
grading streets to
be borne.

whose lots will be so chargeable with the expenses thereof. On the receipt of such a petition, the common council shall pass a resolution to that effect, and shall require the street commissioner of the proper ward, with the assistance of the city surveyor, to examine the premises and report a grade, in case of a street or alley, and an estimate of the whole expense thereof, and the lots chargeable with the expense, and the owners' names, if known, and the proportion of expense to be assessed upon each, and the common council may adopt, revise, correct or remand the same with instructions. Upon such report being adopted, an accurate survey and profile of such grade shall be prepared by the city surveyor. The common council shall thereupon order the said work to be placed under contract upon such terms and under such regulations as they may deem advisable.

Duty of street com-
missioner when
work placed under
contract.

SEC. 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 expense thereof, in case of streets and alleys, will be assessed upon the lots fronting such streets or alleys within the line of such improvements according to their assessed value; and in case of sewers chargeable to the lots as hereinbefore provided that the lots in the blocks fronting such improvements, drained or benefited thereby, which lots shall be designated in the notice, will be assessed in proportion to their value. Such assessment, when completed, shall be returned to the common council, and the said common council shall thereupon fix a time for confirming the same, of which notice shall be given in the official newspaper of the city. Upon the confirmation thereof a warrant for the collection thereof shall issue to the treasurer, and the same shall be levied and collected as other taxes and assessments.

No error shall vi-
tiate the assess-
ment made by vir-
tue of this act.

SEC. 6. No error or informality in the proceedings shall vitiate the assessments made by virtue of this chapter, when the notices hereinbefore provided shall have been given, and all assessments for work or expenses chargeable to lots as hereinbefore provided, shall be payable from the time of the confirmation thereof

by the common council, and shall bear interest ten days thereafter, at the rate of twenty-five per cent. per annum.

SEC. 7. The common council may at any time for the purpose of anticipating the collection of such assessments, and of meeting the demands against the city for such improvements, by a vote of two-thirds, issue the bonds of said city, in such form, amounts, and under such regulations as they may prescribe, for a time not exceeding two years, and bearing interest not exceeding ten per cent. per annum, and the proceeds thereof shall be applied to the purposes aforesaid, and the collections from such assessments in anticipation whereof they were issued, shall stand appropriated and pledged for the payment of the principal and interest of the same; *Provided*, That the amount of such bonds on account of improvements outstanding shall not at any time exceed one per cent. of the assessed value of the property in the city, according to the last assessment.

Council may issue bonds—for what purpose—at what rate of interest.

CHAPTER X.

SECTION 1. All property real or personal within the city except such as may be exempt by the laws of this State shall be subject to taxation for the support of the city government, and for the payment of its debts and liabilities, and shall be assessed in the manner provided by the laws of this State. The assessor elected under this act shall have and possess the same powers that are or may be conferred upon, and receive the same compensation as township assessors in said county, and be subject to the same penalties and obligations, and make his returns to the county auditor in like manner.

What property subject to taxation—power of assessor.

SEC. 2. All taxes and assessments general or special levied under this act shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time the levy is made, and upon all personal property of any person or body politic, for personal taxes, until such tax shall be paid; and no sale or transfer of such real or personal estate, shall affect such lien. Any personal property belonging to the person assessed and taxed, may be taken and sold for the payment of taxes on personal property.

Taxes to be a lien upon the lands and tenements upon which they may be assessed.

When to notify
county auditor the
amount of special
tax levied.

SEC. 3. The common council shall on or before the first day of October in each year, notify the auditor of the county the amount of special tax to be levied for the current year, and the denomination of each, and for what purpose raised, and the rate per cent. upon the assessed value of the property in said city.

CHAPTER XI.

All work to be given
to the lowest-responsible bidder.

SECTION 1. All work for the city exceeding one hundred dollars shall be let by contract to the lowest responsible bidder; due notice shall be given of the time and place of letting such contract, and every contract so made shall be commenced within one week of the acceptance of the proposal, unless the common council shall determine otherwise; *Provided*, That they shall have power to reject all unreasonable bids.

Appropriation of
money.

SEC. 2. No moneys shall be appropriated to any purpose whatever except such as are expressly authorized by this act, and no vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

When penalty or
judgment to be remitted.

SEC. 3. No penalty for judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of the aldermen elect.

How actions to be
brought.

SEC. 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police, or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

How prosecutions
to be brought—
proviso.

SEC. 5. In all prosecutions for any violation of this act, or of any by-law or ordinance of the city of Owatonna, the first process shall be a warrant; *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 of the city of Owatonna; 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 by warrant. All warrants, process or writs issued by the city justice for violations of any

ordinance or by-law of said city, shall run in the name of the city of Owatonna, and shall be directed to the marshal or any police officer of said city.

SEC. 6. In all cases of the imposition of fine or penalty, or of the rendering of a judgment by the city justice of said city, pursuant to any statute of the State of Minnesota, or pursuant to any ordinance or by-law of the city of Owatonna as a punishment for any offence, or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the common jail of Steele county, and be there imprisoned for a term not exceeding six months, in the discretion of the city justice, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any offence whatever, until the time of the trial, the person or persons so arrested may be imprisoned in the common jail of Steele county.

Penalty for non-payment of fines.

SEC. 7. No person shall be an incompetent judge, 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.

Qualifications of judge, justice, etc.

SEC. 8. If any election by the people or common council shall for any cause not be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the common council, and if any of the duties enjoined by this act; or the ordinances or by-laws of the city, to be done by any officer at any specified time, and the same are not so done or performed, the common council may appoint another time at which the said acts may be done and performed.

What shall not be a reason for suspending said corporation.

SEC. 9. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process, by the proper officer, with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or to take such other proceedings as by the ordinances or resolutions of said council may be in such case provided.

How suits may be brought against the city.

SEC. 10. The following property, now or at any

What property exempt from taxation.

time hereafter, belonging to said city thereof, shall be exempt from levy and sale under or by virtue of any execution: engine-houses, hook and ladder houses, together with the grounds and lots upon which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose or any other fire apparatus used by any company created or authorized by the common council of said city; market houses and the furniture thereof, city hall, and furniture of common council and office rooms. *Provided*, That nothing herein contained shall exempt any of the aforesaid real or personal property from levy and sale, by virtue of any execution issued on judgments rendered in favor of any person or persons who may have furnished or sold any of such fire apparatus to, or on the credit of said city. Nor shall any real or personal property of any inhabitants of said city, or of any individual or corporation be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Council to establish the grade of all streets.

SEC. 11. The common council shall cause to be established, under the direction of the city surveyor, the grade of all streets, sidewalks and alleys in said city, and shall cause accurate profiles thereof to be made; one of which shall be filed in the office of the register of deeds of Steele county; and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owner of any lot or parcel of land or tenement, which may be effected or injured in consequence of the alteration of such grade.

May lease and hold property—for what purpose.

SEC. 12. The said city may lease, purchase and hold, real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

What property subject to special tax.

SEC. 13. 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.

No law considered repealing the same.

SEC. 14. No law of this State contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SEC. 15. 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 offence punishable under the State laws. .

Not liable for jail fees.

SEC. 16. The common council may constitute road districts, and require the street commissioner thereof, to collect the capitation or poll tax; such street commissioners shall have all the powers of road supervisors or overseers, as provided in the revised statutes of this State, and shall report to the common council when required; *Provided*, That the street commissioner shall receive his compensation as such supervisor or overseer, out of the moneys collected on such poll tax; in no case shall any money be drawn from the city funds for the compensation of road masters, or for any work performed by them or under their supervision.

May constitute road districts—duty of street commissioner.

SEC. 17. No sale under execution or other proceedings upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment for any tax, or for any improvements, work or benefits chargeable to or assessed against property under this act, although the compensation of such assessment may be subsequent to the lien of such judgment, decree or other lien or to such transfer or mortgage.

No execution shall affect the lien of any assessment for any tax.

SEC. 18. In addition to the remedies herein provided for the collection of taxes and assessments, suit may be instituted by said city in the district court in and for Steele county, or before any justice of the peace residing in said city to recover any tax or assessment for work or improvements or benefits chargeable to lots under this act against the parties liable therefor, or owners of such property so taxed or assessed, in the same manner as other suits are instituted, under the laws of this State; and in case the parties defendant cannot be found within the county of Steele, publication in the official newspaper of said city, for six weeks, once a week, shall be deemed and be equivalent to actual service; and it shall be sufficient to state as the cause of action in the complaint, that the city of Owatonna, by virtue of its corporate powers, on a certain day made and confirmed a certain assessment on certain property of the defendant or defendants, specifying the amount, the property assessed, and the nature and

Suits may be instituted for non-payment of taxes

purpose of the assessment; and a transcript of such assessment for taxes, improvements or benefits, duly certified to by the city clerk, shall be prima facie evidence of the facts therein set forth, and that such assessment was regular and legally and duly made, and a judgment thereon entered, shall bear interest at the rate of twenty-five per cent. per annum.

Compensation of
officers of said city.

SEC. 19. The officers of said city shall not be entitled to, or receive any compensation for their services, except as in this act provided. The aldermen shall be entitled to the same compensation as is now allowed by law to inspectors of elections for services as such inspectors, to be paid by said city, for any special or general election held by authority of the State or county. The street commissioners shall be entitled to one dollar and fifty cents per day for all services required by this act, but shall be paid from moneys arising from assessments for improvements, and their compensation shall be included in such assessment.

May levy a tax for
the purchase of a
fire engine and
other fire apparatus.

SEC. 20. The common council may levy a tax for the purchase of a fire engine and other necessary fire apparatus, and the erection of necessary buildings therefor, and the construction of reservoirs, the building of bridges, or for the purchase of real estate necessary for the city to an amount not exceeding one-half of one per cent. on the valuation including the amount hereinbefore authorized, in any one year. But such levy shall not be made until the question of making the same shall have been submitted to a vote of the tax paying voters, not including capitation or poll tax, in said city. On such submission at a special election ordered therefor, by the common council, of which ten days notice shall be given, if three-fifths of the voters, voting at such election, shall vote for such levy, it shall be made. But if less than three-fifths vote therefor, it shall not be made, nor the same question be again submitted to the voters of the city till after the expiration of six months. Whenever any such tax may be levied, it shall be included in the tax list for the year, and collected at the time and in the manner of collecting other taxes.

SEC. 21. The first election under this act shall be held on the first Tuesday of April, A. D. eighteen hundred

and sixty-five, at which time there shall be elected, in addition to the officers already named in this act, one alderman in each ward who shall hold his office one year and until his successor is elected and qualified; and the polls shall be held as follows:

Time of holding elections.

In the first ward at the house of A. Chambers.

In the second ward at the school house.

In the third ward at the Baptist church.

The polls shall be opened at one o'clock and close at five o'clock P. M.

The qualified voters present at the time and place of opening the polls shall choose by viva voce vote two inspectors of elections, who shall have all the powers of inspectors under this act.

SEC. 22. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal of inconsistent acts.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved February 23, 1865.

CHAPTER XII.

An Act to Incorporate the Borough of St. Peter.

March 2, 1865.

SECTION 1. Incorporation of the Borough of St. Peter.

2. Boundary lines of said Borough.
3. When said Borough may be extended.
4. Sub-divisions to be termed districts.
5. Officers of said corporation.
6. What to constitute the Council—all action of the Council to be by ordinance—what to constitute a quorum—record of all proceedings to be kept—meetings of council—when offices of delinquent members may be declared vacant—how such vacancies may be filled—presiding officer of Council.
7. Powers of Mayor.
8. Duties of the City Clerk.
9. Duties of the Treasurer.
10. Duties of borough Justices.
11. Duties of Constables.
12. Who to be Chief of Police.