

CHAPTER XIX.

An Act to amend an act entitled "an act to amend an act entitled an act to amend an act to incorporate the city of Red Wing.

March 2, 1865.

SECTION 1. Powers of Justices of the Peace, Assessors and Constables.

1. When Justices of the Peace to report to city Council—what to contain—fee.
2. May purchase fire engines and other fire apparatus.
3. Powers of the city Council.
4. When property may be taken for public use—appoint commissioners to review said property.
5. Commissioners to report to city Council—what to contain.
6. All work shall be let by contract to the lowest bidder.
7. When act to take effect.

Beit enacted by the Legislature of the State of Minnesota :

SECTION 1. That section thirteen of chapter three of the special laws of eighteen hundred and sixty-four, being an act entitled an act to amend an act, entitled an act to amend an act entitled an act to incorporate the city of Red Wing, be and the same is hereby amended so as to read, as follows, to wit :

Section 13. The justices of the peace, assessors and constables of said city shall have and possess all the authorities, rights and powers of justices of the peace, assessors and constables, under the general laws of this State, and in addition thereto, the justices of the peace of said city shall have sole and exclusive jurisdiction of all suits, prosecutions and proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of said city. All prosecutions for a breach or violation of any by-law, ordinance or regulation of said city shall be commenced in the name of the "city of Red Wing," and the same proceedings shall be had as are required by law in criminal cases tried before justices of the peace, and all fines imposed or collected in such cases, and in all cases tried before a justice of the peace of said city, for any violation of law committed within said city, shall accrue to the benefit of said city.

Powers of justices of the peace, assessors and constables.

SEC. 2. That section fourteen, chapter three of said act be amended so as to read as follows, to wit:

The justices of the peace shall quarterly report to the city council a list of all proceedings instituted before them in behalf of the city, and the disposition thereof, and shall at the same time account for and pay over to the city treasurer all fines, penalties and costs collected, which may by law accrue to said city; and they shall be entitled to receive from the county of Goodhue, such fees in criminal cases prosecuted in the name of the State of Minnesota, as are allowed by law to other justices of the peace for similar services, and for services rendered in cases prosecuted in the name of "the city of Red Wing," such fees as shall be allowed by law; *Provided*, That in all cases commenced in the name of said city, when the complaint shall be deemed by the justice of the peace before whom the same was tried, to be wilful and malicious, the costs shall not be paid by said city, but by the complaining witness, and such witness may be committed to jail until the same is paid, or until otherwise released according to law; and the complaining witness in all cases commenced in the name of the city of Red Wing, shall give security for costs, to the satisfaction of the justice, not however, for a sum exceeding ten dollars, and the costs taxed by the justice of said city against the plaintiff or defendant in any suit or prosecution tried before him, shall in no case exceed ten dollars.

SEC. 3. That the thirty-seventh paragraph, section two, chapter four of said act be amended so as to read as follows, to wit:

37th. The city council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder, and hose companies, and to provide for the due support and regulation of the same, and to disband such companies, and take charge of their apparatus.

SEC. 4. That two additional paragraphs be added to section two, chapter four of said act, to read as follows, to wit:

38th. The city council shall have power to appoint fire wardens, wood and hay measurers and inspectors, a city surveyor and city printer, and such other officers

When to report to city council—what to contain—fees.

May purchase fire engines and other fire apparatus.

as they shall deem necessary for the proper government of said city, and shall by ordinance determine and specify their powers, duties and term of service.

39th. The city council shall by ordinance provide for the planting of suitable shade trees in rows on each side of all the highways, streets and avenues within the limits of said city, except upon levee street, leaving a space on the outside of each row sufficient for a sidewalk. Said trees must be planted at the proper season and in a manner suitable to secure their growth, and not more than two rods apart in the row, except at the crossings, and shall also provide for the proper care and protection of the same, and the punishment of all persons who shall injure or cause the same to be injured. And it shall and may be lawful for any resident of said city at any proper time for the planting of shade trees, after one year from the time this act shall take effect, to plant or cause to be planted suitable shade trees in every place where the said city council shall have neglected or failed to cause the same to be planted in accordance with the provisions of this act, or in case more than one year shall elapse from the time of the death, destruction or removal of any shade tree planted in accordance with the provisions of this act, to in like manner replace the same by another, and for every tree so planted such resident shall be entitled to receive from the said city the sum of five dollars, for the payment of which sum together with costs of suit; such person shall have the right to sue the said city before any justice of the peace of said county of Goodhue, and recover judgment therefor.

Powers of the city council.

SEC. 5. That section two, chapter five of said act be amended so that the same shall read as follows, to wit:

Section 2. Such notice shall state that on a certain day therein named, not less than six days from the day of the service of such notice or the expiration of such publication, as the case may be, the city council shall appoint three commissioners to review said premises and determine whether it is necessary to take the same or any part thereof for the purpose specified in said petition. And at the time specified, the said city council shall proceed to appoint three respectable citizens, but

When property may be taken for public use—commissioners to review said property.

not interested in the result of said petition, and shall enter an order in their proceedings requesting the said commissioners within thirty days to view said premises to be specified in said order, and to make return to the city-council whether in their judgment it is necessary to take said premises, or any part thereof, for the public use, for the purposes specified in the petition.

SEC. 6. That section five of chapter five of said act be amended so as to read as follows, to wit :

Section 5. After viewing the premises and hearing such testimony as may be offered, the commissioners shall make a report of their proceedings to the city council, which shall be signed by them respectively and which shall state whether in their judgment it is necessary to take the premises in question or any part thereof for the public use, which said notice, report and testimony shall be returned to the city council within thirty days.

To report to city council—what to contain.

SEC. 7. That section seven, chapter six of said act be amended so as to read as follows, to wit :

Section 7. All work for the city shall be let by contract to the lowest bidder therefor, and the city council may require of the bidder a bond with sureties for the faithful performance of the contract, and notice shall be given of the time and place of letting such contract, except in case the work to be done does not exceed twenty-five dollars or unless the said work shall be done under the direction and supervision of some officer of said city or some person appointed by the city council for that especial purpose.

All work to be let to the lowest bidder

SEC. 8. This act shall take effect and be in force from and after the first day of May next.

Approved March 2, 1865.