

SPECIAL LAWS
OF
MINNESOTA.

PASSED AND APPROVED AT THE ELEVENTH SESSION OF THE STATE LEGISLATURE, COMMENCING JANUARY FIFTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE, AND TERMINATING MARCH FIFTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE.

CHAPTER I.

An Act to amend the Charter of the City of Wabasha.

March 5, 1869.

CHAPTER I.

CITY BOUNDARIES.

- SECTION 1. Incorporation of the City of Wabasha.
2. Boundary lines of the City of Wabasha.
3. Divided into Wards—boundary of Wards.

CHAPTER II.

- SECTION 1. What to be elective officers—term of office.
2. Eligibility to office.
3. Officers for each Ward—term of office.

CHAPTER III.

- SECTION 1. Common Council—of whom to consist.
2. What to constitute the Board of Aldermen.
3. Common Council to judge of the qualifications and election of its own members—to determine all contested elections.
4. What to constitute a quorum.
5. Common Council to determine the rule of its proceedings, etc.
6. To keep a journal of its proceedings.

SPECIAL LAWS

7. Common Council to elect Treasurer, City Marshal, Street Commissioner, Attorney, City Surveyor and City Physician—when.
8. No Alderman shall be appointed to any office created during the time for which he shall have been elected.
9. Regular meeting of the Common Council.

CHAPTER IV.

- SECTION 1. Time of holding election—notice to be given of time and place of holding elections.
2. Vacancies, how filled.
3. Elections by the people shall be by ballot—what to constitute an election.
4. Who entitled to vote.
5. How elections to be conducted
6. Right to challenge—oath to be administered—penalty for voting illegally.
7. Duties of inspectors of election—when votes to be canvassed.
8. Special elections to be conducted in same manner as general elections.
9. When office deemed to be vacant.
10. When term of office to commence.
11. When new election may be ordered.

CHAPTER V.

- SECTION 1. Every person elected or appointed to office to give bond.
2. Who to preside over the Common Council—who may call special meetings of the Council.
3. When Mayor liable to indictment.
4. Temporary presiding officer—how chosen.
5. Duties of Recorder.
6. Duties of City Attorney.
7. Duties of Treasurer.
8. Duties of Marshal.
9. Duties of Street Commissioner.
10. Further powers of the Common Council.
11. Duties of City Printer.
12. Who may not be interested in any job or contract for the city.
13. Who to suppress all disorderly conduct and behavior within the limits of the City.
14. Jurisdiction of Justice of the Peace.
15. When City Justice of the Peace to report to Common Council.
16. Powers of Justices of the Peace and Constables.
17. Duties of City Surveyor—by whom prescribed—all surveys, profiles, plans or estimates to be property of the city.

CHAPTER VI.

- SECTION 1. Who to constitute the Common Council—style of all ordinances—powers of the Council—all laws, ordinances, etc., passed by the Council to be signed by the Mayor.
4. Funds of the city shall be under the control of the Common Council.
5. What to be deemed common nuisances.

6. Common Council to examine and adjust the accounts of city officers—compensation of members of the Common Council.

CHAPTER VII.

- SECTION 1. Funds to be under the control of Common Council.
2. Every qualified voter shall pay an annual poll tax—for what purpose.

CHAPTER VIII.

- SECTION 1. Common Council to have care and control of all public highways, bridges, alleys, public squares and grounds.
2. Common Council authorized to establish and lay out new streets, highways, levees, etc.
3. When necessary to take private property for public use Council to appoint commissioners to assess damages.
4. When Council authorized to abolish or vacate any street or highway.
5. In case the stipulated number of freeholders desire to obtain such alteration how to proceed.
6. If said freeholders produce satisfactory evidence that notice has been given as required by the preceding section, the Common Council shall proceed to hear said application.

CHAPTER IX.

- SECTION 1. Common Council to ordain and contract for making, grading, adorning and cleansing the streets.
2. Construction of sidewalks—how paid.
3. Costs of surveying streets, lanes, etc., how paid.
4. The expense of grading streets to be borne by those benefited thereby.
5. Duty of Street Commissioner when work provided in the preceding section shall be placed under contract.
6. No error or informality shall vitiate the assessment made by virtue of this Chapter.
7. For what purpose Common Council may issue bonds—at what rate of interest.

CHAPTER X.

- SECTION 1. What property subject to taxation—power of Assessor.
2. All taxes and assessments levied under this act to be a lien upon the lands and tenements upon which they may be assessed.
3. Common Council to notify the County Auditor the amount of special tax levied—when.

CHAPTER XI.

- SECTION 1. All work for the city to be let by contract to the lowest responsible bidder.
2. No money to be appropriated for any purpose except such as are expressly authorized by this act.
3. When penalty for judgment recorded in favor of the city may be remitted.
4. All actions to be brought in the corporate name of the city.
5. In all prosecutions to be brought by warrant—proviso.
6. In case of non-payment of fines, the offender to be committed to the county jail.

SPECIAL LAWS

7. No person shall be an incompetent judge, justice, etc., by reason of his being an inhabitant of the city interested in the action.
8. What shall not be considered a reason for suspending said corporation.
9. How suits may be brought against the city.
10. What property exempt from taxation.
11. Common Council to establish the grade of all streets.
12. The city may lease, purchase and hold property—for what purpose.
13. No law shall be considered repealing or modifying the same, unless expressly set forth in such law.
14. The city not liable for the board or jail fees of any person who may be committed for offenses punishable under the State laws.
15. May constitute road districts—duty of Street Commissioner.
16. No executive or other proceedings, upon a judgment, decree, foreclosure or lien, shall affect the lien of any assessment for any tax.
17. Suits may be instituted for non-payment of taxes.
18. Compensation of officers of said city.
19. May levy a tax for the purchase of a fire engine and other fire apparatus.
20. This act to be submitted to the legal voters of said city—when—manner of conducting said election.
21. Time of holding elections.
22. Repeal of inconsistent acts.

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

CHAPTER I.

CITY BOUNDARIES.

SECTION 1. All that part of the county of Wabasha contained within the limits and boundaries hereinafter described, shall be a city by the name of the city of Wabasha, 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 Wabasha, and in addition thereto, shall possess the powers hereinafter specially 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.

SEC. 2. Territory included within the following boundaries and limits, shall constitute the city of Wabasha, viz: Beginning at a point on the Mississippi river at the dividing line between Wisconsin and Minnesota, at the mouth of a small creek between Wabasha and Reed's Land-

ing, thence up said creek to the west line of township number one hundred and eleven (111) north, range ten (10) west; thence along the said township line to the north-east corner of section number thirty-six (36) township number one hundred and eleven (111) north, range eleven (11) west; thence along the north line of said section number thirty-six (36) to the north-west corner of said section, thence on the west line of said section, to the south-west corner; thence on the south line of said section, to the south-east corner; thence along the west line of section six (6) township one hundred and ten (110) north, range ten (10) west, to the south-west corner of said section; thence along the south line of sections six (6) five (5) and four (4) of township one hundred and ten (110) north, range ten (10) west, to the south-east corner of said section number four (4) thence north along the east line of said section four (4) township one hundred and ten (110) north, range ten (10) west, to the north-east corner of said section four (4) thence east along the north line of section three (3) township one hundred and ten north, range ten, west; to the Wisconsin line (thence along the Wisconsin line) to the place of beginning.

Boundary line
of the city of
Wabasha.

SEC. 3. The said city is hereby divided into two (2) wards. The first ward shall comprise all that portion of the city which lies west of a line drawn from the bank of the Mississippi river, through the centre of Pembroke street, to the centre of Market street, from thence up Market street to the centre of the slough, from thence up centre of slough to the southern boundary line of the city, and all that portion of the territory that lies east of the said line shall comprise the second ward.

Divided into
wards—bound-
ary of wards.

CHAPTER II.

SECTION 1. The elective officers of said city at large shall be a mayor, recorder, one (1) assessor and two (2) justices of the peace, who shall be styled city justices. The mayor, recorder and assessor shall hold their respective offices one (1) year, and the city justices two (2) years and until their successors are elected and qualified.

What to be elec-
tive officers—
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 (1) year next preceeding his election.

Eligibility to
office.

SEC. 3. The officers elected in each ward shall be two (2) aldermen, who shall hold their office two (2) years, and one (1) constable, who shall hold his office for one (1) year and until his successors are elected and qualified. All of which said officers shall be residents of the ward in which they are respectively elected and shall have resided therein thirty (30) days, and in the city six (6) months next preceeding such election. All city officers shall be qualified electors of the State.

CHAPTER III.

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 Wabasha.

SEC. 2. The board of aldermen shall consist of two (2) aldermen from each ward to be chosen for two (2) years by the qualified voters of each respective ward. *Provided,* That at the next general charter election one (1) of the said aldermen shall be elected, for one (1) year only and until his successor is elected and qualified.

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.

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 ordinances.

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.

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

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 and city physician, who shall each possess the same qualifications for office as are required in the cases of aldermen.

Officers for each ward—term of office.

Common council—of whom to consist.

What to constitute the board of aldermen.

To judge of the election of its own members—to determine on contested elections.

What to constitute a quorum.

To determine the rule of its proceedings, etc.

To keep a journal of its proceedings.

Council to elect city officers—when.

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 two regular meetings of the common council in each month, at such time and place as shall be prescribed by ordinance. Meeting of the council—regular

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 (10) o'clock A. M., till four (4) o'clock 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 (3) public places in the city, and by publishing the same in at least one (1) of the papers published in the city, if one shall be published in said 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 (10) 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 of the people shall be by ballot, and each ballot shall contain all the names of the persons voted for with a proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council at such time and in such manner as they shall direct. Elections to be by ballot—what to constitute an election.

SEC. 4. All persons entitled to vote for state and county officers, and who shall have resided in the city for four (4) months next preceding the election, and ten (10) Who entitled to vote.

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 return thereof shall be made by the judges of election to the county auditor of the county of Wabasha 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, and one (1) other elector of each ward to be appointed by the common council 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 chal-
lenge.

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: "You do solemnly swear (or affirm as the case may be) that you are twenty-one (21) 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 case of a city election) four (4) months, and within this ward ten (10) 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 vote, 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

Oath to be ad-
ministered.

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 (100) dollars, and not less than twenty-five (25) 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 (500) dollars, nor less than one hundred (100) dollars. All such indictments shall be tried in the district court of the county of Wabasha.

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 and constables of their respective elections, within one (1) week after any election. The common council shall meet and canvass said returns, and declare the result as it appears from the same as far as relates to city offices.

Duties of inspectors of election.

SEC. 8. Special elections to fill vacancies as for any other purpose, shall be held and conducted by the aldermen of each ward, and one other elector of each ward to be appointed by the common council 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 or ordinance.

How special elections to be conducted.

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 (10) 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 office deemed to be vacant.

When term of office to commence.

SEC. 10. The term of every officer elected under this charter 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 (10) 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 Wabasha a bond, with at least two (2) 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 such officer refusing or neglecting to give the same.

Who to be presiding officer--special meetings how called.

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 (2) 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 (18) years, to aid in enforcing the laws and ordinances, and *in case of riot* to call out the military forces 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 (25) dollars and not less than five (5) dollars.

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 (500) 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 removed 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 shall have the same force and validity as if performed by the mayor.

Temporary presiding officer—how chosen.

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, 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

Duties of recorder.

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.

Duties of city
attorney.

SEC. 6. The city attorney shall perform all the 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 and he shall receive for his services such salary as the common council shall see proper to allow.

Duties of treasurer.

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.

Duties of marshal.

SEC. 8. The treasurer shall exhibit to the common council within at least twenty (20) 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 record. He shall not be entitled to any pay for his services except as hereinafter provided. 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. He shall receive no other compensation for his services than constable's fees and a per cent. on all money's collected to be allowed by the common council, except as may be hereinafter provided.

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 repair-

ing of sidewalks, and the expenditure of taxes levied and collected for such purpose, and shall have the same supervision over the highways in the city and discharge the 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 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. The common council at their first meeting in each year, or as soon thereafter as may be, shall designate one (1) 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.

Further powers of council.

SEC. 11. 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 (10) 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 (100) 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.*

Duties of city printer.

SEC. 12. No member of the common council shall be a party to, or interested in any job or contract with the

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

city, and any contract in which any member of the common council may be so interested shall be null and void.

Who to be officers of the peace within the limits of the city.

SEC. 13. The mayor, sheriff of Wabasha county, and each and every aldermen, justice of the peace, marshal, recorder and constables of said city 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 (25) dollars nor less than five (5) dollars.

Jurisdiction of justices of the peace.

SEC. 14. The city justices 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. The said justices 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 and 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 Wabasha, and the same proceedings shall be had in civil and criminal suits before said justices, 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 cases of prosecutions for a breach or violation of an ordinance, by-law or regulation of said city or its charter, or for any assault, battery or affray not indictable committed within the city limits, no appeal shall be allowed when the judgment or fine imposed exclusive of costs is less than twenty (20) 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 or ill governed houses, the said justices shall have power in addition to the fine or penalty imposed, to compel each offender to give security for good behavior

and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred (500) dollars. The said justices shall have the same power and authority in case of contempt as other justices of the peace. *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. And all fines and penalties imposed by the city justices for offences committed within the city limits, or for violation of any ordinance, by-law or regulation of said city shall belong to, and be a part of the finances of said city.

SEC. 15. The city justices shall quarterly report to the common council all the proceedings instituted before them 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 them belonging to said city, and said justices shall be entitled to receive from the county of Wabasha such fees in criminal cases occurring without the city, as are allowed to other justices in the county for similar services.

When justice to report to council.

SEC. 16. The justices of the peace in and for said city, and the 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 Wabasha, under the laws of the state.

Powers of justices of the peace and constables.

SEC. 17. 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 and 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.

Duties of city surveyor—by whom prescribed—all surveys, etc., to be property of city.

CHAPTER VI.

SECTION 1. The mayor and aldermen shall be constituted the common council, and the style of all ordinances shall be—The Common Council of the City of Wabasha 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

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

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 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.

Powers of the
council.

First—To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition 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 to and to regulate groceries, taverns, victualling 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 (100) dollars a year, and as much higher as the council shall direct, and that no license shall be granted for a less term than one (1) 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 purpose of gaming in said city, and 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 and 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.

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 it 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, detaining and sale of the same, and to impose penalties on the owners of such animals for the violation of the ordinances. Powers of the council.

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, 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.

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 mor-

tality, and to exempt burial grounds set apart for public use from taxation.

Thirteenth—To regulate the size 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 fire arms, 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.

Powers of the
council.

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, street or alleys opposite thereto, and in their default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

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, 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 debts and expenses of the city, and to appropriate money for the improvement of roads.

and for contracting, building and repairing bridges on roads leading to and within the city and for all other purposes as may be deemed necessary by the city council for the interests and welfare 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, pawnbrokers and money changers.

Twentieth—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. Powers of the council.

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 (3) 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 buildings within such limits prescribed, shall be made and constructed of fire-proof material and to prohibit the repairing and rebuilding of wooden buildings within such limits when the same shall be damaged to the extent of fifty (50) per cent. on the value thereof and to prescribe the manner of ascertaining such value and damages.

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.

Powers of the
council.

Thirty eighth—That the common council of the city shall have full power from time to time to borrow money to pay the indebtedness of the city and in order to pay such indebtedness, the city may issue city bonds therefor bearing interest not to exceed ten (10) per cent. per annum redeemable at any time within ten (10) years at the discretion of the common council. *Provided*, That at no time shall it be lawful for said indebtedness bonded or otherwise to exceed the sum of fifteen thousand (15,000) dollars unless the same be authorized by two-thirds vote of the legal votes cast at the election held for such purposes. *And provided further*, That the city council shall each and every year levy a tax of one (1) mill on the dollar of the taxable property of the city for each thousand (1000) dollars that may be funded by the said city into bonds to pay the interest on said bonds and create a sinking fund to pay the same when due. 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 (20) 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.

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 in the journal of the council, and no moneys shall be appropriated except such as are expressly authorized by this act.

Funds to be under the control of the council.

SEC. 5. The power conferred upon the common council to provide for the abatements 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 (20) 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.

What deemed 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. The members of the common council may receive for their services one (1) dollar each for any meeting of said council at which they are present and answering their names.

Council to examine and adjust the accounts of city officers.

CHAPTER VII.

Funds to be under the control of the council.

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 person in whose favor they may be drawn or to bearer and may be transferred by delivery.

To levy a poll tax—for what purpose.

SEC. 2. Every qualified voter in said city shall annually pay a capitation or poll tax of two (2) days work upon the highways, streets, alleys or bridges within the city, under the direction of a street commissioner. All persons liable to pay such capitation or poll tax may in lieu of work, pay to the street commissioner one (1) dollar and fifty cents 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 highways, bridges, etc.

SECTION 1. The common council shall have the supervision and control of all highways, streets, bridges, alleys, public squares and grounds within the limits of said city and shall cause all highways, streets, alleys, bridges, public squares, and grounds to be kept open and in repairs and remove all impediments and keep the same free from nuisances.

May lay out streets, highways, etc.

SEC. 2. The common council shall have power to establish and lay out new streets, highways, levees and alleys subject to the assessment of damages as hereinafter provided.

When necessary to take private property for improvements how to proceed.

SEC. 3. When it shall be desirable to take private property for the purposes contemplated in the preceding section, the common council shall appoint three commissioners, who shall be freeholders and qualified electors of the city to view the premises and assess the damages which may be occasioned by the taking of such private property. Said commissioners shall be notified by the city recorder,

and shall before entering on their duties, take and subscribe to an oath or affirmation to faithfully and impartially perform their duties, and make due return of their action to the city council, which return shall embrace a schedule or assessment of the damages in each case, with a description of the land and name of the owner if known to them. Any person feeling aggrieved by such assessment, may give notice in writing served on the mayor of said city a copy thereof, and proof of service shall be filed in the office of the district court of the county of Wabasha, within twenty (20) days after the return of said report and assessment, and appeal from such assessment to the district court shall be tried by the court or jury as in ordinary cases. The judgment of the district court shall be final.

SEC. 4. The common council are authorized and empowered upon application made by twenty-four freeholders of said city, to alter or vacate for a definite time not exceeding ten years or vacate or abolish entirely any street, alley, block or highway in the city as hereinafter provided.

May vacate any street, alley, etc.

SEC. 5. If any freeholders are desirous of obtaining such alteration or vacation as provided for in the preceding section, they shall post notices in writing of such intention of alteration or vacation in three (3) of the most public places in said city, and insert a copy of the same in the city paper, provided any paper is printed in said city, at least twenty (20) days prior to action thereupon by the common council.

Notices of such proposed vacation to be given.

SEC. 6. If such freeholders produce to the common council satisfactory evidence that the notice required by the preceding section has been given, the common council shall proceed to hear and determine said application, and may alter, change, vacate and abolish any street, allies, blocks or highways or any part thereof, and order the same to be recorded in the office of the register of deeds in and for Wabasha county, Minnesota. No street, or alley, or blocks, or lots which connect two parts of the city shall be vacated, unless it appears to the satisfaction of the common council that such street, or alley, or block, or lots, or any part thereof sought to be vacated, is useless for the purpose for which the same were laid out or dedicated; or that the public interest will be subserved thereby. *Provided*, That if upon the hearing of the application for any such vacation, objection is made by any person owning or occupying contiguous land, and whose interests will be injuriously effected by such proposed vacation, the

Duty of council in the premises.

common council may hear and determine as they may deem right and proper. *Provided further*, That whenever in the judgment of the common council, the parties resisting such vacation will sustain by the same damages greater than the benefits therefrom, the common council is empowered to assess the damages; or cause the same to be assessed, and require the payment of the same by the parties making such application.

CHAPTER IX.

To contract for making, grading and cleansing 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.

Construction of sidewalks—how paid.

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 adjoining 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 expense 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 crosswalks built at the expense of said city.

Costs of surveying streets, alleys, etc., 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, planking, 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 benefited. *Provided*, That in all cases where improvement 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 made and paid for out of the funds of the city in proportion to the street, alley or public grounds.

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 benefited as before provided, shall be ordered by the common council except upon the petition in writing of a majority of the owners of property whose lots will be 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.

How expense of grading streets to be borne.

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 (10) 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

Duty of street commissioner when work put under contract.

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 to vitiate the assessment made by virtue 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 assessment for work or expense chargeable to lots as hereinbefore provided, shall be payable from the time of the confirmation thereof by the common council, and shall bear interest thereafter at the rate of twenty-five (25) per cent. per annum.

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

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 (2) thirds, issue the bonds of said city in such amounts and under such regulations as they may prescribe for a time not exceeding ten (10) years, and bearing interest not exceeding ten (10) 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 (1) per cent. of the assessed value of the property in the city according to the last assessment.

CHAPTER X.

What property subject to taxation—power of assessor.

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 assessor in said county, and be subject to the same penalties and obligations, and make returns to the county auditor in like manner.

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 property upon which they may be assessed.

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.

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

CHAPTER XI.

SECTION 1. All work for the city exceeding one hundred (100) 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 (1) week of the acceptance of the proposals unless the common council shall determine otherwise. *Provided*, That they shall have power to reject all unreasonable bids.

All work to be given to the lowest bidder.

SEC. 2. No moneys shall be appropriated to any person 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 meeting there be present as large a number of aldermen as were present when such vote was taken.

Appropriation of money.

SEC. 3. No penalty for judgment recovered in favor of the city shall be remitted or discharged except by a vote of two (2) thirds of the aldermen elect.

When penalty to be remitted.

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 actions to be brought.

SEC. 5. In all prosecutions for any violation of this act or of any by-law or ordinance of the city of Wabasha, 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

How prosecutions to be brought—proviso.

the state of Minnesota or ordinances of the city of Wabasha, 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 justices for violation of any ordinance of said city shall run in the name of the city of Wabasha and shall be directed to the marshal or any police officer of said city, or sheriff of Wabasha county.

Penalty for non-payment of fines

SEC. 6. In all cases of the imposition of fine or penalty or of the rendering of a judgment by the city justices of said city pursuant to any statute of the state of Minnesota or pursuant to any ordinance or by law of the city of Wabasha as a punishment for any offense or for the violation of any by-law or ordinance as aforesaid, the offender shall forthwith be committed to the common jail of Wabasha county, and be imprisoned for a term not exceeding three (3) months in the discretion of the city justices, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any offense whatever until the time of the trial the person or persons so arrested may be imprisoned in the common jail of Wabasha county.

Qualifications of Judge, Justice, etc.

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.

What shall not be a reason for suspending said corporation.

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 any reason for arresting, suspending or dissolving 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.

How suits may be brought against the city.

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 city recorder, and it shall be the duty of the city recorder forthwith to inform the council thereof or to take such other proceedings as by the ordinances or resolutions of said council may be in such case provided.

SEC. 10. The following property now or at any time hereafter belonging to said city thereof shall be exempt from levy and sale under or by virtue of any execution. What property exempt from taxation. 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 inhabitant 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.

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 (1) of which shall be filed in the office of register of deeds of Wabasha 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 affected or injured in consequence of the alteration of such grade. Council to establish the grade of all streets.

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. May lease and hold property— for what purpose.

SEC. 13. No law of this state contravening the provisions of this act shall be considered as repealing, or modifying the same, unless such purpose be expressly set forth in such law. No law considered repealing the same.

SEC. 14. The city of Wabasha 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 Wabasha county for any offence punishable by the state laws. Not liable for jail fees.

SEC. 15. The common council may constitute road districts, and require the street commissioner thereof to

May constitute road districts—duty of street commissioner.

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.

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

SEC. 16. 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.

Suit may be instituted for non-payment of taxes.

SEC. 17. 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 Wabasha 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 Wabasha, publication in the official newspaper of said city for six (6) 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 Wabasha by virtue of its corporate powers on a certain day, made and confirmed a certain assessment on certain property of the defendant, specifying the amount, the property assessed, and the nature and 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 (25) per cent. per annum.

SEC. 18 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 two (2) dollars and fifty (50) 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.

Compensation of officers of said city.

SEC. 19. 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 (1) 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 (10) days notice shall be given, if majority of the voters voting at such election shall vote for such levy, it shall be made. But if less than a majority 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 (6) 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.

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

SEC. 20. This act shall be submitted to the legal voters residing within the limits of the territory described in this act, for acceptance or rejection at an election to be held on the twenty-ninth day of March, eighteen hundred and sixty-nine (1869), at the usual place of holding city elections in said city. The election shall be conducted in the same manner and under the same restrictions as apply to annual city elections. The polls shall be kept open from nine (9) o'clock in the forenoon until five (5) o'clock in the afternoon, at which election the judges of the last state election shall be judges of said election or in their absence, such other person or persons as may be in the usual manner chosen for that purpose, by the legal voters present at the proper time for opening the polls, and the

Submitted to a vote of the people at next general election.

city recorder shall be clerk of election, or in his absence, the legal voters present at the proper time may elect another person to act as clerk. The manner of taking the vote shall be as follows: The judges of election shall provide a suitable ballot box in which to deposit the ballots, the ballots shall have the following words written or printed or partly written and partly printed on them "For amended charter," or "Against amended charter." If a majority of the votes so cast shall be for the amended charter, then this act shall be in full force and effect at once, but if a majority of the votes so cast shall be against the amended charter then this act shall be null and void.

Time of holding
election.

SEC. 21. The first election under this act shall be held on the first Tuesday of April, A. D. eighteen hundred and sixty-nine (1869), at such places in each ward as shall be designated by the present council of the said city, and they shall appoint inspectors for the election of each ward in said city.

Repeal of Incon-
sistent acts.

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

Approved March 5, 1869.