

CHAPTER 6.

(H. F. No. 747.)

AN ACT TO AMEND THE CHARTER OF THE CITY OF STILLWATER
AND THE ACTS AMENDATORY THEREOF.*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. That the act entitled "An act to amend and consolidate the charter of the city of Stillwater," approved March seventh (7th), one thousand eight hundred and eighty-one (1881), the same being chapter ninety-two (92), of the special laws of one thousand eight hundred and eighty-one (1881), and the several acts amendatory thereof, be further amended by striking out, adding to and altering the same in the manner following, to-wit:

SEC. 2. By so altering section two (2) of chapter (2) thereof that the same shall read as follows:

Section 2. The election for city officers and the aldermen of said city shall be held on the first (1) Tuesday of April in every year, whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a special election, which shall be ordered and held within ten (10) days after such vacancy shall occur. The city clerk shall give ten (10) days notice of the time and place of holding all general elections, and reasonable notice of all special elections, and such notices shall also designate the officers to be elected at such general or special elections, but no defect in such notices, or failure to give them, shall invalidate any election. All elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for, with a proper designation of the office written or printed thereon. The person receiving the highest number of votes for any office, shall be declared elected to such office. When two (2) or more candidates for any elective city office shall receive an equal number of votes, the election shall be determined by the casting of lots, in the presence of the city council, at such time and in such manner as said council shall direct.

SEC. 3. By so altering section nine (9) of chapter two (2) thereof that the same shall read as follows:

Section 9. Any officer removing from the city or the ward for which he was elected or appointed; or any officer who shall refuse or neglect 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 any officer having entered upon the duties of his office, may resign the same by consent of the city council. All vacancies, except as hereinbefore provided, shall be filled by the city council and no vacancy in the office of an elective officer shall be so filled for a longer time than until the next charter election, at which election the successor of such person so appointed to fill any vacancy in such elective office shall be elected for the unexpired term.

SEC. 4. By so altering section three (3) of chapter three (3) thereof that the same shall read as follows:

Section 3. There shall be a clerk of said city styled the city clerk, who shall be elected by the city council. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the city council, at whose meetings it shall be his duty to attend. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose, and make an accurate and full record of all the by-laws, rules and ordinances made or passed by the city council. The city clerk shall have power to take acknowledgements and administer oaths and affirmations and copies of all papers filed in his office, and transcripts of any records in his office certified to by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall perform all other services by law required of the clerk of cities or townships, within said city, but when services are required of him by public law, for which compensation is provided, such services shall not be regarded as services for said city, and he may retain such compensation in addition to the salary paid by said city. He shall report annually on or about the first (1st) day of October to the 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 second (2d) Tuesday in April. He shall countersign all contracts made in behalf of the city, in connection with the mayor. He shall not be directly or indirectly interested in any contract or job to which the city is a party, or in any loan negotiated by the city. He shall also perform such other duties from time to time as the council may direct.

SEC. 5. By inserting immediately after the last end of section three (3) of chapter three (3) thereof the following:

Section 3. a The committee on finances of the city council of said city, upon order of the council, may from time to time borrow for and in behalf of said city such sums of money as may be necessary for temporary purposes, and to anticipate the current revenue only—such loans to be subject to the approval of the city council. Said committee shall examine reports, books, papers, vouchers and accounts of the treasurer of said city.

SEC. 6. By so altering section four (4) of chapter three (3) thereof that the same shall read as follows:

Section 4. The city clerk shall have power to appoint a deputy city clerk, subject to the confirmation of the city council, who shall hold his office during the term of office of such city clerk, or until his appointment is revoked by such city clerk, or until removed by a two-thirds ($\frac{2}{3}$) vote of all of the aldermen elected to the city council, and when so removed shall not be again appointed. Whenever the city clerk and deputy city clerk are absent, or for any reason unable to act, the council may appoint a clerk *pro tempore*, and said clerk, when so appointed, as well as the deputy clerk when acting as city clerk, shall have the same powers and be subject to the same restrictions and liabilities as the city clerk.

SEC. 7. By so altering section five (5) of chapter three (3) thereof that the same shall read as follows:

Section 5. The city council shall have power to elect an attorney for the city, who shall hold said office for the term of two (2) years, and who shall perform all professional services incident to the office, and when required shall furnish written opinions upon any subject submitted to him by the city council or its committees. He shall also advise with and counsel all city officers in respect to their official duties, and attend the regular meetings of the city council and of all such committees as shall request his assistance. He may appoint, subject to the confirmation of the city council, an assistant city attorney who shall assist him in the duties of his office, and act as city attorney in the absence or inability of the city attorney to act; but such assistant city attorney shall receive no compensation for his services from the city; *Provided*, That the city council may at any time employ such other and additional attorneys as they may deem expedient and necessary.

SEC. 8. By so altering section eight (8) of chapter three (3) thereof that the same shall read as follows:

Section 8. There shall be appointed by the city council a city engineer, who shall be a practical surveyor and engineer, and who shall hold his office for the term of two (2) years. He may, by and with the consent of the city council, employ such assistants as may be necessary. He shall keep his office at some convenient place in said city, and the city council shall prescribe his duties and fix his compensation and the compensation of all assistants employed by him.

SEC. 9. By so altering section eleven (11) of chapter three (3), thereof that the same shall read as follows:

Section 11. The treasurer shall on or before the first (1st) Tuesday in April in each year, exhibit to the city council a full and detailed account of all receipts and expenditures for the year ending April first (1st) of the year then last past, and also of the state of the treasury, which account shall be filed with the clerk, and a summary of the same shall be published in the official paper of the city.

SEC. 10. By so altering section thirteen (13) of [chapter] three (3) that the same shall read as follows:

Section 13. The municipal court of said city shall have exclusive cognizance and jurisdiction of all trials and examinations within said city, cognizable before a justice of the peace under the laws of the state, and of all suits, prosecutions and proceedings for the recovery of all forfeitures, fines and penalties or inflictions of punishments, for the breach of any by-laws, regulations or ordinances of said city, and of all offences against the same, and in all cases of convictions for assaults, batteries and affrays, disorderly conduct, breach of the peace, keeping or frequenting disorderly houses or houses of ill-fame, the municipal court may, in addition to any fine or punishment authorize or imposed, or without such fine or other punishment, compel the accused to give security to keep the peace and be of good behavior, for a period not exceeding six (6) months, and in a sum

not exceeding five hundred (500) dollars. The judge and special judge of said court shall have powers of justices of the peace as conservators of the peace and in all ministerial and *ex parte* matters, and shall have all the powers of justices of the peace to take depositions to be used in other courts. All fines and penalties imposed by said court for infractions of the by-laws, regulations or ordinances of the city shall belong to and be a part of the revenue of said city. Said court shall also have power in all criminal actions within its jurisdiction, when the punishment is by imprisonment, or by imprisonment in default of payment of fine, to sentence any offender to hard labor in any workhouse established by the city for that purpose, or in case of male offender to sentence him to labor on any public work or improvement in like manner and under the same qualifications as hereinabove provided in case of offences against city ordinances.

SEC. 11. By so altering section seventeen (17) of chapter three (3) thereof that the same shall read as follows:

SECTION 17. The mayor shall receive a salary of two hundred dollars (\$200) per annum, the city clerk a salary of eight hundred dollars (\$800) per annum, the city treasurer a salary of five hundred dollars (\$500) per annum and the aldermen each one hundred dollars (\$100) per annum. No other or further compensation shall be paid to said officers or either of them for any services performed by them as such officers. But this shall not prevent the members of the board of equalization of taxes or aldermen acting as judges of election from receiving special compensation for such service.

SEC. 12. By so altering section four (4) of chapter four (4) thereof that the same shall read as follows:

SECTION 4. A majority of all the members elected to the city council shall have power to remove from office any officer of said city, whether appointed by the city council or elected by the people, except as otherwise provided in this charter, but no officer elected by the people shall be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall have had reasonable opportunity to be heard in person or by counsel in his own defense. Continued absence from the meetings of the council, in case of aldermen, for six regular consecutive meetings and neglect of duty in case of other officers, unless for good reason, shall be deemed a good cause for removal. The city council shall fix a time and place for the trial of such officer, of which not less than ten (10) days' notice shall be given, and the acting president for the purpose of the trial is authorized to administer oaths, and the council shall have power to compel the attendance of witnesses and the production of papers, and to hear and determine the case, and if such officer shall refuse or neglect to appear and answer such charge, the city council may declare the office vacant.

SEC. 13. By so altering section five (5) of chapter four (4) thereof that the same shall read as follows:

SECTION 5. The city council shall have full power and authority to make, ordain, publish, enforce, alter, amend or repeal all such ordinances for the government and good order of the city, for the sup-

pression of vice and intemperance, and for the prevention of crime as they shall deem expedient, and in and by the same to declare and impose penalties and punishments, and enforce the same against any person or persons who may violate the provisions of any ordinance passed and ordained by them; and all such ordinances are hereby declared to be and to have the force of law; *provided*, that they be not repugnant to the laws of the United States or of this state, and for these purposes the said city council shall have authority by such ordinances:

First—To license and regulate the exhibitions of common showmen, and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concerts and all other devices and theatrical performances for which charge is made; also to license or tax and regulate all auctioneers, pawnbrokers, billiard, pool, pigeon-hole, or other like tables, nine or ten pin alleys, bowling saloons, shooting galleries, taverns, victualling houses, and all persons vending, dealing in or disposing of spirituous, vinous, fermented, mixed or malt liquors, and to fix a time when all such licenses shall expire.

Second—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gambling in said city; and to restrain any person from vending, giving or dealing in spirituous, fermented, mixed, vinous or malt liquors, unless duly licensed by the city council; *provided*, that no such license for so dealing in spirituous, vinous, malt, fermented, mixed, or intoxicating liquors shall be granted for a less term than one (1) year.

Third—To prevent any riots, noise, disturbance and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming.

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

Fifth—To direct and control the location and management of hog pens, poultry-yards, stock-yards, slaughter houses and markets, breweries and distilleries; and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials.

Sixth—To prevent or regulate the encumbering of streets, sidewalks, alleys, lanes, public grounds or wharves with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, suspended or swinging signs, awnings or any other materials or substances whatever.

Seventh.—To regulate the movement and speed of railroad locomotives and cars, and to prevent and punish inmoderate riding or driving in the streets; to compel persons to fasten their horses or other animals attached to vehicles, or otherwise, while standing in the streets;

to regulate places of bathing and swimming in the waters within the city limits, and to compel the use of sleigh-bells during the sleighing season.

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

Ninth—To prevent the running at large of dogs, and to impose a tax or license on the same, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

Tenth—To prevent any person from bringing, depositing or having within said city, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, and on default, to authorize the removal thereof by some competent officers, at the expense of such person or persons.

Eleventh—To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, to regulate and tax or license hacks, carts, and omnibuses, and the charges of hackmen, draymen, carmen and omnibus-drivers in the city, and to contract for the erection of gas-works and other artificial light-works, for lighting the streets and public grounds and public buildings, and to prescribe the rates to be charged to consumers therefor, and to create other and extend lamp districts.

Twelfth—To establish and regulate boards of health, provide hospitals and hospital-grounds, the registration of births and deaths, and the returns of the bills of mortality, and regulate or prevent the burial of the dead within the city limits.

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, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to such sidewalks.

Fifteenth—To prevent the shooting of firearms, or crackers; or other fireworks, and to prevent the exhibition of any firearms in any situation which may be considered by the council dangerous to the city, or any property therein, or damaging any citizen thereof.

Sixteenth—To prevent open or notorious drunkenness and obscenity in the streets or public places of said city, and to provide for the arrest and punishment of all such persons who shall be guilty of the same.

Seventeenth—To restrain and regulate porters, hackmen, and also runners, agents and solicitors for boats, vessels, stages, cars, public houses and other establishments.

Eighteenth—To establish public markets, and other public buildings, and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Nineteenth—To license and regulate butchers' stalls, shops and stands, for the sale of game, poultry, butchers' meat, butter, fish and other provisions and also to license or tax and regulate all peddlers, second hand stores and junk shops doing business within said city.

Twentieth—To regulate the place and manuer of weighing hay and straw, and selling the same, and the measuring and selling of fire-wood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Twenty-first—To compel the owner or occupant of buildings or grounds to remove, snow, ice, dirt or rubbish from the sidewalk, street or alley opposite thereto, and compel such occupant or owner to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; 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. *Provided*, That said council may require snow or ice to be removed as aforesaid throughout such districts in said city as it shall direct; and may make the expense of any removal or destruction of any such substances which the board of health may direct to be removed and the expense of filling or draining any low place in said city a lien upon the property from which said substances are removed, or on which destroyed, or on which said low grounds are filled or drained, and may make a special assessment for the same to be collected as other special assessments are collected.

Twenty-second—To control and regulate the construction of levees, piers and wharves, or grading said wharves, into the St. Croix lake, or river, within the corporate limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon, and to prevent and remove all obstructions in the water of said river, and to prescribe and regulate the rates of wharfage and pierage to be charged to any boat or vessel landing or mooring at any landing, wharf or pier, within the limits of said city, and paid to said city, and to regulate the landings, levees, wharves and piers within the limits of said city, and boats and vessels landing and mooring at the same.

Twenty-third—To regulate, control and prevent the landing of persons from boats, vessels or other conveyances whereon are contagious or infectious diseases or disorders, and to make such dispositions of such persons as to preserve the health of said city.

Twenty-fourth—To regulate the time, manner and place of holding public auctions or vendues, and to prohibit the same.

Twenty-fifth—To provide for watchmen, and to prescribe their number and duties, and regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers and their duties, and to regulate the same.

Twenty-sixth—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 of the use of false weights and measures.

Twenty-seventh—To regulate the inspection of flour, pork, beef, fish, salt, whisky and other liquors and provisions.

Twenty-eighth—To appoint inspectors, weighers and gaugers, to regulate their duties and prescribe their compensation.

Twenty-ninth—To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, public grounds and highways of the city, and to appoint a forester whose duty it shall be to inspect all trees offered for sale for the purpose named, to superintend the planting and culture of the same, and to perform such other duties as the city council may prescribe.

Thirtieth—To remove and abate any nuisance, injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisance.

Thirty-first—To remove and abate, any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city.

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

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

Thirty-fourth—To license or tax and regulate hackmen, draymen, and all other persons engaged in carrying passengers, baggage or freight, to prescribe standing places or stations within the streets, where such hacks, drays or other vehicles used for such carriage may stand or remain while waiting for business or orders, and to designate such standing or waiting places in the licenses to such draymen or hackmen or other persons and to prohibit them from standing or waiting at any other place within such streets, and to regulate and prescribe standing places for all vehicles going to or waiting at any railroad depot or station in said city, and to authorize the mayor or chief of police of said city to regulate and direct the location of vehicles at such railroad depots or stations.

Thirty-fifth—To regulate the construction of buildings, prescribe the depth of cellars, the material and method of construction of foundations and foundation walls, the manner and construction and location of drains and sewer pipes, the thickness, material and construction of party walls, partition and outside walls, the size and material of floor beams, girders, piers, columns, roofs, chimneys, flues and heating apparatus, to apportion and adjust such regulations to the height and size of the buildings to be erected, to regulate the construction and location of privies, and vaults in such buildings, to prohibit the construction of buildings not conforming to such prescribed standard, either in the whole city or within such building limits as it may prescribe, to establish, alter or enlarge such building limits from time to time, to appoint an inspector or inspectors of buildings, or to devolve the duties of such inspector on any city officer, to give such inspectors or other officer authority to enter upon, examine and inspect all buildings in process of construction in said city or within such building limits, and to direct the suspension of any such build-

ing operation as shall not conform to such regulations. To provide for requiring owners of buildings or other structures which shall have been destroyed or partially destroyed by fire or otherwise, and to require the owner of any real estate upon which any such building or structure may stand to take the same or any part thereof down to prevent accident; and in case of refusal or neglect of said owner to so take down the same, when ordered by the officer designated by said city council, then to cause the same to be taken down at the expense of the owner, the cost thereof to be made by special assessment on the land on which the same stands. To require the owner or lessee of any building or structure now, or hereafter built or constructed in said city to place thereon, such fire escapes and such appliances for protection against, and for the extinguishment of fire as it may direct, and also to require such owner or lessee to construct, provide and furnish each and every other thing, and do each and every other act which it may think necessary or advisable to lessen the danger to human life in case of fire or accident. To designate where lumber piles and millwood piles shall not be maintained, and to regulate the piling of lumber in said city, and to require any person maintaining any lumber pile in said city to remove the same when the same is or may become dangerous to any building or buildings or other property near the same; also to regulate and designate where the following kinds of business or amusements may be hereafter located or carried on, to wit: mill wood yards, wood yards, foundries, tanneries, dye houses, boiler shops, rendering houses, store houses for oil and powder, glue factories, soap houses, store houses for hides, stables, roller rinks and base ball grounds. *Provided, however,* That neither said city council nor any inspector or officer of said city shall have control or regulation of any building erected by the United States or the state of Minnesota.

Thirty-sixth—To provide for and regulate the erection of hitching posts or rings for fastening horses, or to prohibit them in any portion of the city in its discretion.

Thirty-seventh—To regulate the opening of hatchways and compel proper guards about the same.

Thirty-eighth—To establish the land boundaries of said city on lake and river St. Croix, and to provide that no filling shall be made in said lake, nor building, bank, dirt, stones, piles or any obstructions or thing whatever shall be placed within said lake or river, in front of said city, beyond the limits that may be prescribed by the city council of said city, and the said council may require the removal, and in case of a refusal may cause to be removed any such obstructions or things placed in said lake or river in front of said city, and if necessary may maintain actions against any persons responsible for such obstructions, in courts of competent jurisdiction to compel said removal.

Thirty-ninth—The said council may take possession of by condemnation or otherwise, and appropriate and therein and thereon construct, establish and maintain within Lake St. Croix, beyond low water mark, public wharves and levees, and may condemn so much

of the property abutting thereon as shall be necessary, and thereon may construct in whole or in part such wharves and levees.

Fortieth—The said city council are invested with the control and management of the Stillwater bridge and all piling, shear-booms and appurtenances thereto, covering its whole extent, the same being the bridge across Lake St. Croix opposite said city, and may by ordinance, resolution or otherwise make and prescribe such rules and regulations for the management and protection of the same as they may deem necessary or expedient and provide for the punishment of any violation of the same.

Forty-first—To regulate and control or prohibit the placing of telegraph, telephone, electric light or other poles or posts now or that may hereafter be placed and the suspension of electric and other wires now or that may hereafter be suspended along or across the streets of said city, and to require any or all already placed or suspended, either in limited districts or throughout the entire city, to be removed or to be placed in such manner as the city council may designate beneath the surface of the street or sidewalk.

Forty-second—To regulate the numbering of houses and lots and to compel the owners of houses and other buildings to have the numbers of such houses or buildings placed thereon as designated by the council.

Forty-third—To require and provide for the removal in such manner, with private parties or associations, or otherwise, throughout the city or in such districts as the council may direct, of any or all swill, offal, garbage, ashes, barnyard litter, manure, yard cleanings or other foul or unhealthy stuff, with the authority to assess the expense of such removal upon the property from which such above named matter or things shall be taken.

Forty-fourth—To license, prohibit, regulate and control the carrying of concealed weapons and provide for the confiscation of the same.

Forty-fifth—To compel owners to make connections with sewers and to regulate plumbing and license plumbers.

Forty-sixth—To restrain, control and regulate the cutting of ice in Lake St. Croix within the jurisdiction of the city of Stillwater.

Forty-seventh—To provide for sprinkling the streets, either in limited districts or throughout the entire city, with authority to assess the expense of such sprinkling upon property abutting upon streets so sprinkled or upon property benefited by such sprinkling, to be collected as other special assessments are collected.

SEC. 14. By so altering section sixteen (16) of chapter four (4) thereof that the same shall read as follows:

Section 16. The city council shall have the power to acquire, by purchase or condemnation, such private property as may be necessary for sites for public buildings for the use of the city, and all departments thereof, for all structures connected with any department of the city, and for all streets, alleys and public squares, and public wharves and levees in the city, and for the construction of slopes for cuts and fills in any street, lane, alley or highway now ordered to be,

or such as shall hereafter be ordered to be opened, extended, altered, straightened or graded, and for changes of grade in any of the same, and to ascertain and determine the value of all such private property taken for such uses, and the amount of all damages occasioned to any private property by reason of any public works or structures; and for that purpose may appoint commissioners to appraise such values or damages, or acquire information thereof in any other manner it may deem advisable.

SEC. 15. By adding at the last end of chapter four (4) thereof the following:

Section 18. If, in any case, any of the powers granted to said city council, to be exercised by ordinances, named in section five (5) of this chapter, cannot well be exercised by the passage of ordinances, then said council may exercise any of said powers by means of the passage of resolutions.

SEC. 16. By so altering section one (1) of chapter five (5) thereof that the same shall read as follows:

Section 1. The city council shall, in the year one thousand eight hundred and eighty-seven (1887), and every second (2d) year thereafter, appoint a city assessor, who shall hold his office for the term of two (2) years, and shall have power to appoint deputies, with the consent of the council. Said assessors shall be allowed from the first (1st) day of May to the second (2d) Monday of July of each year, to make out the assessments of the said city.

SEC. 17. By so altering section five (5) of chapter five (5) thereof that the same shall read as follows:

Section 5. When the assessment rolls shall have been revised by the board of equalization, they shall be returned to the city council, who may confirm the same or return the same to said board for further revision, to be again reported to the city council. When the city council shall have confirmed the assessment, the city clerk shall enclose therein a memorandum of such confirmation, and such rolls shall then be returned to the county auditor, as other assessment rolls. In case said council shall neglect to take final action on such rolls on or before the third (3) Thursday of August of every year, it shall be the duty of the city clerk to return them to the county auditor, with a certificate of the fact; and in such case the assessment rolls, as revised or equalized by such board shall have the same validity as if confirmed by said city council.

SEC. 18. By inserting immediately after the last end of section five (5) of chapter five (5) thereof the following:

Section 6. The assessors shall be paid a stated annual salary to be fixed by resolution of the city council. All deputy assessors, clerks of assessors and of the board and members of such board of equalization shall be paid such reasonable compensation upon accounts of time, as shall be determined by the city council.

Section 7. The city treasurer shall on or before the first (1st) Tuesday in October in each year, report to the city council the amount of all revenues received by the city for the year ending on the first (1st) day of October, from other sources than taxation. The chairman of

the finance committee and the city clerk shall, as soon as may be, after the state board of equalization shall have completed its adjustment of the assessment of the taxable property in said city, report to the city council a computation of a rate of tax levy, which, with the amount of revenue received by the city for the last year, reported as aforesaid and applicable to the current expenses of the city, shall be sufficient to defray the current expenses of the city for the next fiscal year, according to the estimate of the city clerk hereinbefore provided for.

SEC. 19. By so altering section eight (8) of chapter five (5) thereof that the same shall read as follows:

Section 8. After the making of the reports provided for in section seven (7) hereof, the city council shall levy such tax on all the taxable property in said city as it shall deem necessary in addition to the other revenues of the city, applicable thereto, to defray the current expenses of the city for the next fiscal year, but no such taxes for such current expenses shall in any one year amount to more than one (1) per cent of the assessed valuation.

SEC. 20. By inserting immediately after the last end of section eight (8) of chapter five (5) thereof the following:

Section 9. The city clerk shall as soon as may be, after the first (1st) Tuesday of October of each year make report to the city council of the actual expenses of the city for the first half of the then current fiscal year the amount of taxes collected and outstanding, and of the revenues received from other sources, and if upon the making of such report it shall appear that the current expenses of such half have exceeded the estimates upon which the tax levy therefor was based or that the revenues of said city are likely to fall short of their estimated amount at the time of making such tax levy, the city council shall forthwith proceed to reduce the current expenses of said city, in such manner as may be deemed advisable, and for that purpose may diminish the amount of service for lighting streets, reduce the force or number of men employed in the several departments of the city and when necessary for the proper reduction of such expenses, may reduce the salaries or compensation of all officers and persons employed by the city by a uniform rate not exceeding ten (10) per cent. of such salaries or stated compensation. In all future contracts for lighting streets the right of the city to reduce the amount of service on account of deficiency of revenues shall be reserved.

SEC. 21. By so altering section twenty-nine (29) of chapter five (5) thereof that the same shall read as follows:

Section 29. The city council shall cause to be transmitted to the county auditor of Washington county, on or before the twenty-fifth (25th) day of October of every year, a statement of all taxes by it levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes are paid and the payment thereof enforced.

SEC. 22. By so altering section thirty-four (34) of chapter five (5) thereof that the same shall read as follows:

Section 34. Any bank in Washington county with a capital stock equal to or exceeding fifty thousand (50,000) dollars, which desires to receive on deposit as provided in this act, a portion of the funds in the hands of the city treasurer of said city shall, prior to the second (2d) Tuesday in April A. D. eighteen hundred and eighty-seven (1887) file with the city clerk an application for such deposits, stating that they will furnish good and sufficient bonds payable to the city of Stillwater for double the amount of money likely to be received and conditioned for the safe keeping and payment of the funds so deposited and interest thereon; and what interest they will pay on daily balances of the amount deposited, upon condition that said funds with accrued interest shall be subject to draft and payment at all times on demand and that they will pay interest as otherwise provided in this act. The application so filed shall be presented to the city council, who shall determine upon the amount of bonds which will be required of each bank, and the city clerk shall notify the banks thereof. The banks shall then execute such bonds with three or more sureties and present them to the city council for approval, and all of such banks which shall furnish which shall be approved by the city council shall be designated by the [common] council as depositories for funds in the city treasury.

SEC. 23. By so altering section one (1) of chapter six (6) thereof that the same shall read as follows:

Section 1. The mayor shall have control and supervision of the police of the city, and shall appoint all police officers and watchmen, including the chief of police, but the appointing power herein conferred, shall not be exercised to remove by implication any policeman of said city serving at the time when such appointment be made, but such officers shall hold their offices until removed therefrom by a two-thirds ($\frac{2}{3}$) vote of all the members elected to the city council of said city. *Provided*, The appointment of all police officers including the chief of police, shall be subject to the confirmation of the city council, *and provided further*, that the mayor shall have the power to suspend any police officer from duty for official misconduct until the next meeting of the city council thereafter, when he shall report such suspension, with his reasons therefor, to the city council, to be then dealt with as the council may in the premises deem proper and if any police officer shall be then removed from office he shall not be allowed, nor shall he receive any compensation for the time he shall have been so suspended.

SEC. 24. By so altering section three (3) of chapter eight (8) thereof that the same shall read as follows:

Section 3. The city council may also by a vote of two-thirds ($\frac{2}{3}$) of the members thereof vacate any highway, street, lane or alley, or portion of either, or any plat or portion of any plat of lands; and such power of vacating highways, streets, lanes, alleys and plats within the city of Stillwater, is vested exclusively in said city council, and no court, or other body or authority shall have any power to vacate any such highway, street, lane or alley, nor any plat or portion of any plat of lands within said city.

SEC. 25. By so altering section six (6) of chapter eight (8) thereof that the same shall read as follows:

Section 6. All work done or constructions made, pursuant to the provisions of this chapter, of which the estimated cost shall exceed five hundred (500) dollars, shall, save making, changing and repairing streets, alleys and sidewalks, be let by contract to the lowest responsible bidder therefor, and the city council may require of the bidder a bond with sureties for the faithful performance of the contract; due notice shall be given of the time and place of letting such contract; *Provided*, That, if in the opinion of the council, no just and reasonable bid shall have been received for any such work, after due notice as aforesaid, or if the persons to whom the same is let, fail in any particular to duly perform the same, the city council may, by a two-thirds ($\frac{2}{3}$) vote, have such work done without contract, by the direct employment of labor and purchase of material by the city.

SEC. 26. By so altering section seven (7) of chapter eight (8) thereof that the same shall read as follows:

Section 7. The city council may, at its first meeting after each annual election, appoint one street commissioner for the city, whose term of office shall be for one (1) year. It shall be the duty of such street commissioner to see that all streets and sidewalks under his charge which have been graded and opened for travel, are kept clear from obstruction, and in such repair as to be safe and passable; also to superintend, subject to the directions of the city engineer, the grading of streets and laying of sidewalks, and to carry into effect all orders of the city council. But no street commissioner shall do any work upon streets except such as is necessary to keep traveled streets and improved sidewalks in repair and passable condition, and unless such work is specially ordered by the city council. The street commissioner shall keep accurate accounts of all his work and expenditures, and make detailed and itemized reports thereof to the city council at least once in two (2) months, and oftener if ordered by the city council.

SEC. 27. By so altering section twelve (12) of chapter eight (8) thereof that the same shall read as follows:

Section 12. The city council is hereby authorized in its discretion to cause to be paved, repaved or macadamized, any street or alley or any part thereof in the city, or any gutter along any side of any street or alley or any portion thereof, in such manner as it may direct, and to collect the expense and cost of the same by special assessment upon the property fronting on such improvements on the same side of the street, but the expense of paving or otherwise improving the crossings of such streets and of such improvements as shall be in front of property exempt from such assessment or belonging to the city, shall be paid from the current fund of the city. No assessment shall be made for paving or macadamizing any ground occupied by railway tracks, or lying between such tracks. All railway companies owning or operating any railway tracks upon any public streets, alleys, or public grounds within the city of Stillwater, shall pave and macadamize any ground occupied by such tracks or lying between such

tracks, when the streets, alleys or public grounds adjacent thereto, shall have been ordered paved or macadamized by the city council. If any railway company shall refuse to do such paving or macadamizing when so ordered by the city council any appropriate action shall lie against such company to compel a compliance with such order, or such railway company may be restrained from using or operating such tracks until such order shall have been complied with.

SEC. 28. By so altering section thirteen (13) of chapter eight (8) thereof, as amended by chapter eleven (11) of the special laws of one thousand eight hundred and eighty-five (1885), that the same shall read as follows:

Section 13. It is hereby made the duty of all owners of land adjoining any street lane or alley in said city to construct, reconstruct and maintain in good repair such sidewalks along the side of the street, lane or alley next to the lands of such owners respectively, as may have been heretofore constructed or as shall hereafter be constructed, or directed by the city council to be built, and of such material and width, and upon such place and grade as the city council may by ordinance or otherwise prescribe. Whenever the city council shall deem it necessary that any sidewalk in the city of Stillwater shall be constructed or reconstructed, it shall by resolution direct such construction or reconstruction, specifying the width thereof and the material of which the same is to be constructed. The publication of such resolution once in the official paper of said city, and the mailing to the occupant of abutting premises, if occupied, a notice stating generally the substance of such resolution and the time of its publication, shall be sufficient notice to the owners of the land along which the same is to be built to construct the same; *provided*, that any failure to mail such notice shall in no way invalidate any proceedings under this section, and unless such owners shall each along his respective land construct and fully complete such sidewalk within thirty (30) days after the publication of such resolution as aforesaid, the city council shall forthwith proceed to ascertain the expense of constructing the same and assess and levy such expense upon and against each lot and parcel of land upon which said sidewalk shall front, which said assessment and levy shall lie over until the next regular meeting of the city council, occurring after the meeting at which such assessment and levy shall have been so made. Any person or persons having an interest in the land, in front of which any sidewalk is so ordered to be constructed or reconstructed under the provisions of this section may appear before the city council at the said regular meeting to which the said assessment and levy shall have been so laid over, and show cause, if any he have, why the said assessment and levy should not stand. If, after hearing such person the city council shall decide that the assessment and levy so made shall stand, it shall so order, from which order any person or persons may appeal to the district court of Washington county, which appeal shall be taken under and in all things governed by the provisions of chapter ten (10) of the charter of the city of Stillwater relating to appeals; *Provided*, That if appeal be taken it shall not delay the

prosecution of the work of making the improvement ordered by the city council. Such assessment shall be collected in the same way in all things as is provided for the collection of special assessments under the provisions of chapter ten (10) of this charter and the city council may, either before or after making such assessment, cause such portion of such sidewalks as have not been built by the owners of such lands fronting on the same, and all street crossings to be built by the proper street commissioner, or by any other person, as the council may determine.

SEC. 29. By so altering section fourteen (14) of chapter eight (8) thereof that the same shall read as follows:

Section 14. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair it shall be the duty of the proper street commissioner to immediately repair the same in a good and substantial and thorough manner and to report to the city council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made, and such report shall be carefully filed and preserved by the city clerk and the city council shall once in each year, at, or as near as conveniently may be, the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired by street commissioners, the cost of making such repairs, *provided* that the cost of making such repairs shall equal or exceed one (1) dollar during the year. In each case such assessments for all such repairs within the year may be combined in one assessment roll and be collected as provided in chapter ten (10) of this charter. In case any such sidewalk shall become so out of repair as to become dangerous, and cannot be made safe without being rebuilt and there are no funds to defray the expense of such rebuilding, it shall be the duty of the proper street commissioners to remove the same entirely, and the expense of such removal shall be added to the cost of rebuilding when the same shall be reconstructed and collected with the assessments for such reconstruction.

SEC. 30. By so altering section seventeen (17) of chapter eight (8) thereof that the same shall read as follows:

Section 17. It shall be the duty of the city council before ordering the construction of any new sidewalk to cause the ground on which it is to be built to be properly leveled and prepared to receive the same.

SEC. 31. By so altering section eighteen (18) of chapter eight (8) thereof that same shall read as follows:

Section 18. No action shall be maintained against the city of Stillwater on account of any injuries received or damages sustained by reason or means of any defect in the condition of any bridge, street, sidewalk, sewer, gutter or thoroughfare, unless such action shall be commenced within one year from the happening of the injury or the sustaining of such damage. Nor unless notice in writing shall have first been filed with the city clerk of said city within thirty (30) days of the occurrence of such injury or damage, stating the place where and the time when such injury was received or such damage

was sustained, and the circumstances surrounding the same, and that the person so injured or damaged, will claim damages of the city for such injury or damage. On filing such notice the clerk shall endorse thereon the exact time when so filed, but the notice shall not be required when the person injured shall in consequence thereof be bereft of reason. Nor shall any such action be maintained for any defect in any street, until the same shall have been graded; nor for any insufficiency of the ground where sidewalks are usually constructed, when no sidewalk is built.

SEC. 32. By so altering section twenty (20) of chapter eight (8) thereof that the same shall read as follows:

Section 20. Whenever any person shall subdivide any lot or piece of ground within said city into building lots for the purpose of selling the same or any part thereof, he shall cause the same to be surveyed and platted in accordance with the provisions of chapter twenty-nine (29) of the general statutes of the state of Minnesota, and when such survey and plat are so completed and acknowledged it shall be presented to the city council. All plats presented to said city council for acceptance and approval must be drawn in duplicate, one (1) copy to be drawn on good and substantial muslin-backed paper and one (1) copy to be on tracing vellum. Said plats shall be of a uniform size of twenty-six (26) inches in width and forty (40) inches in length. On all plats of proposed new additions, enough of the adjoining additions, if any there may be, shall be platted to show how the said proposed new addition joins and conforms to the streets, avenues, alleys, lanes or other public grounds in the older or accepted additions. Said city council may accept or reject said plats, or direct them to be changed or modified in such manner as it shall deem expedient. But in no case shall any plat of a proposed new addition be accepted by the city council unless the streets, avenues, alleys, lanes or other public grounds represented thereon shall conform to the streets, avenues alleys, lanes and other highways of the adjoining additions already laid out and dedicated, platted and recorded, so far as is practicable from the topography of said addition and adjacent additions;

Provided, that all the principal and important streets and avenues in said new additions shall be at least sixty(60)feet in width and all alleys or lanes shall be at least sixteen(16)feet in width. No plat of any proposed new addition shall ever be accepted by the city council unless the same is presented in duplicate as aforesaid, and no such plat shall ever be accepted unless the certificate of the surveyor or engineer making the same shall state that at each corner of each and every lot in said addition, where it is possible to do so, a substantial stake has been set, and that a stone monument with a proper cross-mark has been set at each corner of said addition. Said monument shall be three (3) feet in length and not less than five (5) inches square on the top and shall be set at least two and one-half ($2\frac{1}{2}$) feet in the ground. Whenever any plat is accepted and approved by said city council, the city clerk shall so certify on the muslin backed paper plat, which shall be the original plat to be recorded, and certify the other or vel-

lum plat to be a true copy of the one accepted and approved by the said city council. The original plat shall be presented to the register of deeds of Washington county for record and the certified copy shall be filed in the office of the city engineer. All the provisions of section nine (9) of chapter twenty-nine (29) of the general statutes of Minnesota shall be applicable to said city and in addition thereto no person shall be entitled to any damage for the laying out or extension of any street, avenue or alley over any lot or parcel of land sold or offered for sale contrary to law.

SEC. 33. By so altering section three (3) of chapter nine (9) thereof that the same shall read as follows:

Section 3. The city council may, in like manner, whenever it shall deem it necessary, lay, relay or extend any sewer through any street in said city, and levy and assess, and collect the cost thereof, not exceeding the estimated cost of a sewer one foot in diameter, including all necessary catch-basins, man-holes, lamp-holes, and flushing valves, by a special assessment upon the property upon both sides of such street and abutting upon such improvement, of an equal sum per front foot without regard to cash valuation. The cost not provided for by such assessment, including the increased cost of larger sewers and constructing the same across streets and against property which is by law exempt from such assessment, shall be paid out of the permanent improvement fund of said city. A sewer one foot in diameter is hereby declared to be an ordinary street sewer within the meaning of this act, for the drainage of abutting property.

SEC 34. By so altering section four (4) of chapter nine (9) thereof that the same shall read as follows:

Section 4. The city council may at all times regulate and control the time and manner of laying and constructing, by private parties, branch pipes and sewers leading from main lines of water mains and sewers, and of making connections with main lines and with branch lines both public and private. The city council may, too, whenever it shall deem it necessary to lay or construct branch pipes or sewers in order to prevent future tearing up of streets, or for any other reason, determine in the case of each main line, the location, number and manner of construction of such branch lines, providing, in its discretion, one or more for each district, lot or parcel of land, or one for two or more adjacent lots or parcels of land, may require the proper officer to make surveys, plats and profiles showing the same, which when approved and adopted, shall thereafter be preserved in the office of the city engineer, and may thereupon, whether such main line has already been constructed or is in process of construction forthwith lay and construct all such branch pipes and sewers, not already constructed, by the private parties interested, from a connection with the main line to the line of the street. Whenever the city council constructs one or more such branch pipes or sewers, it shall assess the whole cost of each upon the lot or parcel of land to which it runs without regard to the valuation or frontage of such lot or parcel of land, but in case one branch is to serve two or more lots or parcels of land it shall assess the whole cost of the same upon all the lots or parcels of

land to be served by an equal sum per front foot, without regard to valuation. The cost of such branches may be assessed and collected in advance of their construction as in case of other improvements, in which case the cost shall be estimated and fixed in manner substantially like the way pointed out by section eight (8) of chapter ten (10) hereof, for the improvements therein specified, with such variances in the matters to be reported and in the other details as shall be suggested by the different character of the improvement, or such branches may be determined upon and forthwith constructed without prior estimate or other proceedings, in which case the actual cost of construction certified to by the city engineer and approved by the city council shall be assessed after the completion of the same, against the private property, as above specified. In either case the assessment shall be made and collected substantially as provided in case of other improvements. The city council may, however in case it constructs any branch at the time it constructs the main line, assess in the manner above named the whole cost thereof and add the same to, and include it with, the assessment for the main line. The city council may subject to such terms, and under such regulations as it may fix, require all persons using an area or space within the lines of any street, to permit to be laid within such area or space all necessary branch pipes, both water and gas, and branch sewers to a connection with other branches, and also to be laid therein, enclosed in tubes or otherwise protected, any and all electric and other wires it may at any time require laid beneath the surface of the street, and in the future no permits for the excavation or use of any area or space within the lines of a street shall be given except upon condition that it may be used by others in the manner and for the purposes above named.

SEC. 35. By adding to chapter nine (9) therof at the last end of said chapter nine (9) the following:

Section 6. The city council shall have power to prescribe the conditions upon which main, lateral or other sewers may be tapped and the amounts to be paid said city for permits for so doing, as well as to prescribe such ordinances and penalties; within the jurisdiction of the municipal court of said city for the infraction thereof in relation to such sewerage and for the maintenance and protection of the same as said city council may deem expedient.

SEC. 36. By so altering section three (3) of chapter ten (10) thereof as amended by section two (2) of chapter ten (10) of the special laws of one thousand eight hundred and eighty-five (1885), so that the same shall read as follows:

Section 3. Whenever the city council may determine upon the lands and other property to be taken and appropriated it shall designate the same as nearly as may be convenient and shall cause such plat or survey as may be necessary to show or explain the same to be made and filed therewith with the city clerk, and the city council shall then or afterwards appoint three (3) commissioners who shall be freeholders of said city and no two (2) of whom shall reside in the same ward, to view the lands, water power or other premises to be taken and appropriated, and ascertain and award the amount of dam-

ages or compensation to be paid to the owners of the property so to be taken and appropriated. Two (2) or more of such commissioners shall constitute a quorum and may organize said board and shall be competent to do any act required of such commissioners; they shall be notified by the city clerk by notice to be served on them severally either personally or through the mail, to attend at his office on or before a day fixed by him not less than two (2) days after the service or mailing of such notice to qualify and enter upon their duties; and if any commissioner shall refuse or neglect to attend as aforesaid, he shall forfeit and pay to the city of Stillwater the sum of fifty (50) dollars, to be recovered to the use of said city in a civil action in the Municipal court, and in case a quorum of such commissioners shall not attend at the time and place designated in said notice, the mayor or acting mayor of said city may in writing appoint one (1) or more commissioners in the stead of any such absentees; the commissioners shall be sworn by the clerk or any officer authorized to administer oaths, to discharge their duties as such commissioners in the matter with fidelity and impartiality, and make due return of their action to the city council. They shall give notice by two (2) publications in the official paper of said city that they will on a day designated in such notice, which shall be at least ten (10) days after the first publication of such notice, meet at a place designated in said notice on or near the premises proposed to be taken and appropriated and view the property proposed to be taken and appropriated and ascertain and award therefor compensation and damages and that they will then and there hear such allegations and proofs as interested persons may offer. Such commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time, and after having viewed the premises may, for the hearing of evidence and preparation of their award, adjourn or go to any other convenient place in said city, and such commissioners shall make a true and impartial appraisement and award of the compensation and damages to be paid to each person whose property is to be taken or appropriated, and report the same to the city council within sixty (60) days after they shall have qualified as provided in this section. Such commissioners shall at least five (5) days before presenting such report to said city council, cause a notice to be printed in the official paper of the city stating when such report will be so presented to said city council. Such report shall, after its presentation to the city council, lie over until the next regular meeting of the city council, which shall occur at least one (1) week after the reception of such award, at which, or at any subsequent time, the city council may act on such award and hear any objection made thereto, or may refer the matter to a committee to hear such objections and report thereon. The council may confirm such award or annul the same, or send the same back to the same commissioners for further consideration, and such commissioners, may in such case again on giving notice to be published once in the official paper of said city meet at a time and place to be designated in said notice which shall be at least two (2) days after the publication of such notice, and hear any further evidence that may

be adduced by interested persons, and may adjourn from time to time and correct any mistakes in such award, and revise and alter the same as they may deem just, and again report such award to the city council within sixty (60) days after the same shall have been so sent back to them, and the city council may confirm or annul the same. When any such award shall be confirmed by the city council the same shall be final and conclusive upon all parties interested, except as herein-after provided.

SEC. 37. By so altering section six (6) of chapter ten (10) thereof as amended by section four (4) of chapter ten (10) of the special laws of one thousand eight hundred and eighty-five (1885), that the same shall read as follows:

Section 6. Whenever the city council shall vote to lay out, grade or open any new street or alley, or to straighten, widen, grade or extend any now or that may hereafter exist, or to do any work, or make any improvements upon any street which shall not have been previously graded, which shall make it necessary to take, injure or interfere with private property, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of the proposed improvement; and thereupon it shall be the duty of the city engineer to make and present to the council a plat and survey of such proposed improvement, showing the character, course and extent of the same, and the property necessary to be taken or interfered with thereby, with the name of the owner of each parcel of such property, so far as the engineer can readily ascertain the same, and such statement as may, in the opinion of the engineer, be proper to explain such plat and survey and the character and extent of the proposed improvement, and his estimate of the cost of such improvement, which shall be exclusive of the cost of condemning private property; and the city council may cause such plat and survey to be modified, amended or changed as it may deem proper, and shall estimate and fix upon the cost of making such improvement, when the assessment made for defraying the expense of such work or improvement is ordered, prior to the doing of such work or making such improvement. When such plat and survey shall be finally adopted by the city council, it shall be filed with the city clerk, and it shall be held to show correctly the character and extent of the improvement actually agreed upon and ordered by the city council; said plat shall also show the amount of land taken from each owner, so far as the owners may be known, and the lands contiguous to or affected by such improvement. The city council shall then, or afterwards, appoint three (3) freeholders of said city, no two (2) of whom shall reside in the same ward, as commissioners to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of property which is to be taken or injured by such improvement, and to assess the amount of such damages and compensation and the expense of the improvement upon the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel, without regard to cash valuation. Two (2) or more of such commissioners shall consti-

tute a quorum, and may organize said board, and shall be competent to perform any duty required of such commissioners; and they shall be notified of their appointment, and vacancies in their number shall be filled in the same manner, and they shall take the same oath and be subject to the same penalty for refusal or neglect to attend, to be collected in the same way as is provided in the case of commissioners appointed under section three (3) of this chapter; they shall give notice, by two (2) publications in the official paper of said city, that such survey and plat is on file in the office of the city clerk, for the examination of all persons interested, and that they will, on a day designated in such notice, which shall be at least ten (10) days after the first (1st) publication of such notice, meet at a place designated in said notice, on or near the proposed improvement, and view the property proposed to be taken or interfered with for the purposes of such improvements, and ascertain and award therefor compensation and damages, and view the premises to be benefited by such improvement, and assess thereon, in proportion to benefits, the amount necessary to pay such compensation and damages and the cost of making the improvement; and they will then and there hear such allegations and proofs as interested persons may offer. And such commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time, and, after having viewed the premises, may, for the hearing of evidence and the preparation of their award and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of the city engineer, and of any other officer of the city. After viewing the premises and hearing the evidence offered, such commissioners shall prepare and make a true and impartial appraisement and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of such improvement; but if the remainder of the same property a part of which only is to be taken or damaged by such improvement, shall be benefited by such improvement, then the commissioners in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner in respect to the remainder of the same property, and award him only the excess of the compensation or damages over and above such benefits. The said commissioners shall then assess the amount of such compensation and damages so awarded, together with the expense and cost of making the improvements, upon the land and property benefited by such proposed improvements, and in proportion to such benefits; but in no case shall the amount of such assessment exceed the actual benefit to the lot or parcel of land so assessed, deducting therefrom any damages or injuries to the same parcels which are less than such benefits, and assessing only the excess, and prepare and report to the city council within sixty (60) days after they shall have qualified, as provided by this chapter, their appraisement and award; and if, in the judgment of said commissioners, the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to assess-

ment, they shall so indicate in their report, and shall state the amount of such excess; said commissioners shall also report to the city council within sixty (60) days after they shall have qualified, as provided by this chapter, an assessment list containing their assessment of such compensation, damages and cost, or so much thereof as shall not exceed the actual benefits to the property so assessed; which list shall contain a brief description of each tract or parcel of property assessed, the name or names of the owners thereof, if known, and the amount assessed against each lot or parcel of property, as well as the amount of the excess of such compensation, damages and costs, as aforesaid, which they shall return unassessed. Such commissioners shall, at least five (5) days before presenting such report to said city council, cause a notice to be printed in the official paper of the city, stating when such report will be so presented to said city council. Such report shall, after its presentation to the city council, lie over until the next regular meeting of the council, which shall occur at least one week after the reception thereof; at which time, or at any meeting, the city council may act upon such report, and hear any complaint touching such award or assessment, or it may refer the matter to a committee of the council to hear such complaints and report thereon. The council may confirm such award or assessment, or either, or annul the same, or send the same back to the same commissioners for further consideration; and the commissioners may, in such case, again, upon giving notice published once in the official paper of said city, meet at a time and place to be designated in said notice, which time and place shall be at least two(2) weeks after the publication of such notice, meet and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistake in such award and assessment, and alter and revise the same as they shall deem just, and again report the same to the city council within sixty (60) days after the same shall have been so sent back to them; and the city council may thereupon confirm or annul the same. Whenever the city council shall confirm any such award and assessment, such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as is hereinafter provided, and the city council shall proceed at the same or subsequent meeting, to levy such assessment upon the several parcels of land described in the assessment list reported by the commissioners, in accordance with the assessment so confirmed, and cause to be made and adopted an assessment roll of the same, which may be in the following form, or in any other form the council may adopt:

The city council of the city of Stillwater, doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set against each lot or parcel. This assessment is made to defray the compensation and damages awarded for the taking of, and injury to private property, and estimated cost and improvement in and about the.....as shown on the plat and survey of the same on file in the office of the city clerk of said city. This levy is made conformably to the report and assessment of commissioners duly appointed to make such assess-

ment, and in proportion to benefits from such improvements to accrue to the parcels, and not exceeding the benefits to the parcels so assessed.

Name of owner, if known.	Description of land.	Lot.	Block.	Amount.	
				Dollars.	Cts

Done at a meeting of the city council this..... day of.....
A. D. 18....

Attest:

President of Council.

.....
City Clerk.

Sec. 38. By so altering section eight (8) of chapter ten (10) thereof that the same shall read as follows:

Section 8. Whenever the city council shall determine to cause to be paved, repaved or macadamized any street, lane or alley in said city or any gutter or gutters along any such street, lane or alley, or to lay, relay or extend any sewers in any or through such streets, lanes or alleys or any portion thereof, it shall determine and designate in a general way as nearly as may be convenient, the character and extent of the improvements, and the material to be used therein, and thereupon it shall be the duty of the city engineer to make and present to the city council an estimate of the cost of such improvements, stating therein the proportion of such estimated cost which shall be required to construct such improvements in front of abutting lands, which costs shall not in the case of sewers exceed the cost of ordinary sewers in front of such abutting lands, and the proportion thereof required to construct the same across streets, lanes and alleys, and in front of lands not subject to assessments; also a list of the several lots and parcels of land fronting upon such proposed improvements with the number of feet front of each extending along such improvements, and the names of the owners of the several parcels as near as the city engineer can readily ascertain the same; a copy of which report shall be published once in the official paper of the city within nine (9) days after the meeting at which it was presented, which shall be held to be sufficient notice to all persons concerned; and such report shall lie over without any assessment being made until the next regular meeting of the city council, which shall occur at least one (1) week after the reception of such report; but the city council in its discretion may direct the city engineer to advertise for and receive in the meantime bids for doing the work and furnishing the material required to construct and complete such improvement, and report the same to the council at the meeting of the city council to which such report is laid over, or at any subsequent meeting the city council may consider

such estimate and list and any further communications from the city engineer respecting the matter, and under such rules as it may make shall hear all persons interested in the matter of such improvements, who may desire to be heard, and the council may adhere to its resolution of making such improvements, or may modify the character of the same, or abandon it. If the city council shall determine to go on with such improvements, whether modified or not, it may either before or after having contracted for the construction of such improvements estimate and fix upon the cost of such improvements, and the proportion or amount of such cost which is required to construct such improvement not exceeding in case of sewers the cost of an ordinary street sewer when larger sewers are constructed, and it may assess and levy such proportion or amount of such costs upon the same lots and parcels of lands upon the basis of an equal sum per front foot of each lot or parcel, measuring along the line of such improvements; and the city council shall cause to be made, and shall adopt an assessment roll thereof, which may be in the following, or any other form which the city council may deem proper:

The city council of the city of Stillwater doth hereby assess and levy upon and, against the several lots and parcels of land below described, the respective sums of money set opposite each lot or parcel. This assessment is levied to defray the expense of..... in the city of Stillwater along..... and said lots and parcels of land are assessed upon the basis of an equal sum per front foot along the line of such improvement.

Name of Owner, if known.	Description of Land.	Lot.	Block.	Amount.	
				Dollars.	Cts.

Done at a meeting of the city council this.....day of.....
A. D. 18....

Attest:

..... President of Council.

.....
City Clerk.

SEC. 39. By so altering section fifteen (15) of chapter ten (10) thereof that the same shall read as follows:

Section 15. The city clerk shall record all assessment rolls of special assessments in books to be by him kept for that purpose, and shall on or before the twenty-fifth (25th) day of October of every year, deliver to the county auditor of said county of Washington all such assessment rolls theretofore recorded, and the said county auditor shall extend the assessments in proper columns against the property assessed and such assessment shall be collected and the payment thereof en-

forced with and in the like manner as state, county and other taxes are collected and the payment thereof enforced, and such assessments when collected shall be paid over by the county treasurer to the city treasurer of said city, together with all costs, penalties and interest collected thereon, at the time of making payment of city taxes to such city treasurer. *Provided*, that the city council may, by resolution, direct the county auditor of Washington county to cancel, on any record where the same appears, any special assessment theretofore assessed and levied by said city council, whether because the same be irregular or erroneous, or because the improvement for the cost of which said special assessment shall have been assessed and levied shall have been constructed by the owner of the property against which said special assessment shall have been assessed and levied and in any such case of the cancellation of any such special assessment the auditor shall make the necessary credits of the amounts of such special assessments so cancelled on the proper books and to the proper officers; and said city council may provide by ordinance or resolution that the certificate of the city engineer or other proper officer, that any improvement, for which any such special assessment shall have been made, has so been constructed by the owner of the property against which any such special assessment shall have been made, presented to the said county auditor, shall be sufficient authority for said auditor to cancel the special assessment so assessed and levied for the cost of such improvement against the property named in such certificate, and for authority in that case for the said auditor to so make said proper credits, and said council may also provide by ordinance that the county treasurer shall receive in lieu of money in payment and satisfaction of such special assessments said certificates of the city engineer, or other city officer named by said ordinance for that purpose, that any such improvement for which a special assessment has been made has been so constructed by the owner or other person. Said city council may also direct by resolution or motion, the said county auditor to divide any special assessment and place parts thereof on any part of the real estate against which the same is assessed and levied, and to make the necessary corrections and records thereof. All acts prior to the passage of this act, of said city council, and of all officers of said city or of Washington county in directing or authorizing the treasurer of said county to accept the certificate of the city engineer or other officer of said city that any owner of any real estate against which any special assessment has been assessed and levied for the cost of any improvement has constructed said improvement in lieu of cost, in payment of or satisfaction of said special assessment, is hereby confirmed and legalized. *Provided*, that nothing herein shall be held to authorize the doing of any street grading by abutting owners for purposes other than the laying of sidewalks. *And provided also*, that after any improvement has been ordered and the special assessments for the cost thereof have been assessed and levied, any person or persons are desirous of having such improvement constructed before the collection of such special assessments, and such person or persons shall advance the cost of

such improvement and pay the same to the city treasurer for the credit of the permanent improvement fund, such money so advanced to construct such improvement shall not be used or appropriated for any other purpose; and said city council may cause the immediate construction of such improvement and shall, when said special assessments assessed and levied to pay for the same are collected, cause the same to be paid to such person or persons advancing the money for the cost of such improvement.

SEC. 40. By so altering section eighteen (18) of chapter ten (10) thereof that the same shall read as follows:

Section 18. No special assessment shall be questioned or held to be invalid because the amount of such special assessment shall happen to be either more or less than the amount of money actually required for the improvement for which such assessment shall be made. If the amount raised by such special assessment shall happen to be less than the amount required for such improvement, the balance shall be paid from the current fund of the said city, except in case of sewers; such balance shall be paid from the permanent improvement fund; and if there shall happen to be any surplus from any such special assessment after the payment of all necessary costs and expenses, the same shall be paid back *pro rata* to the owners of the property upon which such special assessment shall have been levied; and upon any assessment rolls or other papers made or used in any of the proceedings, it shall not be necessary that words shall be written out in full, but abbreviations, letters, figures and recognized characters may be used whenever their use shall be convenient, and no error or mistake as to the name of the owner of any property shall be regarded as material in any proceedings under this act.

SEC. 41. By adding at the last end of chapter ten (10) thereof the following:

Section 26. Whenever any assessment shall be made under any of the provisions of this charter against any real estate owned or claimed by the county of Washington, such assessment shall be returned to the auditor of said county with and in the same manner as other like assessments, and the county commissioners of said county shall thereupon and within six (6) months after such assessment has been so returned to said auditor, appropriate from the treasury of said county and cause to be paid to the treasurer of the city of Stillwater, sufficient sums of money to pay all such assessments. In case of a failure of said county commissioners to appropriate money for and pay any such assessment within the time above specified, such assessment may be collected from said county by said city in any appropriate suit or action.

Section 27. Whenever after the examination of the abstracts of title, of any land or real estate taken, injured or appropriated by said city under any of the provisions of this charter and for which taking, injuring or appropriating any compensation or damages shall be allowed or awarded to the owner of such land or real estate, the city attorney of said city shall certify to the city council that he is unable, for any reason, to determine who is the owner of such land or real

estate and entitled to receive such compensation or damages, said city council shall thereupon cause such compensation and damages so awarded or allowed for the said taking, injuring or appropriating said lands and real estate, to be paid over to the clerk of the District Court of Washington county, for the benefit of such persons as may show themselves entitled thereto.

SEC. 28. Whenever the said city shall bring any suit or action in the district court of Washington county to obtain the possession of any land or real estate theretofore sought to have been by said city condemned, taken or appropriated under or by virtue of any of the provisions of this charter, and said court shall determine that said city is not entitled to such possession, or whenever in any suit or action in said court, brought by any person or persons to set aside or in any wise annul any special assessment, or any proceedings of said city, under any of the provisions of this charter, for the taking, injuring or appropriating of any lands or real estate, said court shall set aside or in any way annul such proceeding or special assessment, then, and in any such case, said court shall proceed in such suit or action to appoint three (3) disinterested freeholders, residents of said city, commissioners to appraise the damages or benefits resulting from such taking, injuring or appropriating of said lands or real estate or the amount of the assessment for benefits of the improvements to defray a part of the cost of which such special assessment was sought to be levied in the first instance. The parties to any such action shall be heard by said court upon the appointment of such, and the court shall fix the time and place of the meeting of such commissioners. They shall be sworn to the faithful discharge of their duties as such commissioners, and shall proceed to view the premises and to hear the parties interested, with their allegations and proofs pertinent to the question of the amount of such damages or assessments. Such commissioners shall be governed by the same provisions in respect to the method of arriving at the amount of damages, and the offsets thereto, of benefits to other property of the same owners, and in all other material respects, as are in this chapter made for the government of commissioners appointed by said city council. They shall, after such hearing and view of the premises, make report to said court of their appraisal of damages or assessment of benefits in respect to the property in question. The award or assessment of such commissioners shall be final, unless set aside by the court for good cause shown. In case such report is set aside, the court may, in its discretion, re-commit the same to the same commissioners, or appoint a new board, as it shall deem best, but no appeal or writ of error shall be allowed from any order of the court in the premises. Said court shall allow a reasonable compensation to such commissioners for their services to be paid by said city. Such commissioners shall perfect and complete their award and make report of the same to the court with all convenient speed, and vacancies occurring in said board of commissioners shall be filled by the court or judge thereof, and no person shall decline, when appointed as hereinbefore specified, to serve on said

commission, under a penalty of fifty (50) dollars, to be collected in a civil action. On confirming such award of said commissioners said court shall adjudge and decree that on payment of such award by said city, said city shall have possession of said lands or real estate and shall confirm in said city the same title to said lands or real estate as said city shall have sought to acquire thereto in the first instance, and shall also deem and adjudge that any assessments reported by said commissioners and so confirmed shall take place of and stand in the stead of the assessment so set aside or annulled in such suit or action.

SEC. 42. By so altering section thirteen (13) of chapter eleven (11) thereof as amended by section six (6) of chapter ten (10) of the special laws of one thousand eight hundred and eighty-five (1885), that the same shall read as follows:

Section 13. The city council shall at its first meeting in April of each year or as soon thereafter as may be, cause the city clerk to advertise in the official paper of the city, for one (1) week, for sealed proposals for publishing in some public newspaper which shall have been printed, published and of general circulation in said city at least six (6) months prior to the making of such proposals, the ordinances, official proceedings of the council and other matters required in the charter or the ordinances and resolutions of the city to be published in a public newspaper, such proposals to state the kind of type proposed to be used, the width of the columns of the newspaper named in such proposal and the price per lineal inch, column measurement, for the first insertion and for each additional insertion of all matter so to be published, said proposals to be marked "Proposals for advertising," and addressed to the city council, which proposal shall be opened at the next meeting of the council, and the contract for such publishing awarded to such newspaper bidding the lowest therefor, which paper shall be declared the official paper of the city; *Provided*, That in determining which is the lowest bidder of the newspapers conforming thereto regard may be had to the character and value thereof as a medium for advertising and for placing before the taxpayers of said city and all persons interested therein, the matter herein provided to be advertised, and for the purpose of determining such character and value the city council may require of the parties making such proposals such showing of the extent and character of the circulation of such newspaper and other facts connected therewith as it may deem expedient, and in case any two (2) bids are the same the city council may by vote select one (1) of such papers; *Provided further*, That the council may reject all such proposals and adopt such other method of publishing such matter as it may in its discretion determine. *Provided further*, That the proprietor or proprietors of such paper shall enter into a written contract for the performance of the duties required of such proprietor or publisher, and give bond in the sum of five hundred (500) dollars with two satisfactory sureties to be approved by the council, conditioned for the faithful performance of such contract. The newspaper so designated shall be and remain the official paper of said city and the contract and bond aforesaid shall

remain in force for the term designated and until the city council shall designate another paper as the official paper of the city.

SEC. 43. By so altering section fifteen (15) of chapter eleven (11) thereof that the same shall read as follows:

Section 15. The city council shall, at its first annual meeting in each year, or as soon thereafter as practicable and at such other times as it shall deem necessary, cause the city clerk to advertise in the same manner as hereinbefore prescribed in section thirteen (13) or in any manner and on such notice as it may direct, for sealed proposals for doing the job printing of said city, in accordance with forms, samples and specimens first filed in the office of the city clerk. All bids therefor shall be marked "Proposals for Job Printing" and addressed "To the City Council of the City of Stillwater" and opened at its next meeting, and the contracts awarded to the lowest responsible bidder. *Provided*, That the city council may reject all such proposals and adopt such other method for printing such matter as it may in its discretion determine—due regard being had for the facilities of the bidder to satisfactorily perform the work, *Provided, always*, That such lowest bidder shall enter into a written contract for the performance of such job printing, with like bonds and sureties as specified in section thirteen (13) of this chapter, for the faithful performance of such contract.

SEC. 44. By so altering section sixteen (16) of chapter eleven (11) thereof that the same shall read as follows:

Section 16. That all assessments heretofore made by the city council of the city of Stillwater to defray the expense in making any public improvement now constructed, or the estimated expense of any public improvement ordered to be constructed, and to defray the damages and compensation awarded to owners of property taken, or injured by such improvements are hereby legalized and made valid, and the same may be collected and the collection thereof enforced to the same extent for all purposes as though the same had been in all things, regularly and formally ascertained, levied, assessed and returned in the first instance.

SEC. 45. By adding at the last end of chapter eleven (11) thereof the following:

Section 17. This city charter shall be a public act and need not be pleaded or proved in any case.

SEC. 46. By so altering section two (2) of chapter twelve (12) thereof that the same shall read as follows:

SEC. 2. Said court shall have a clerk and a seal, and shall have in addition to the jurisdiction and powers, now conferred by the general laws of this state, upon justices of the peace; and the powers conferred by this charter, cognizance of and jurisdiction to hear, try and determine civil actions or proceedings where the amount in controversy does not exceed five hundred (500) dollars, or where in case the action is for the recovery of personal property, the value of such property as alleged in the complaint or answer does not exceed five hundred (500) dollars. *Provided, however*, that such cognizance and jurisdiction shall only extend to actions of the same nature and char-

acter save as to amount now or hereafter cognizable before a justice of the peace. *And provided, further,* that where a counter claim in excess of five hundred (500) dollars over plaintiff's claim, or where any equitable defense or grounds for equitable relief, of a nature not cognizable before a justice of the peace is interposed, or where it appears on the trial of any action, from the evidence of either party, that the title to real estate is involved, which title is disputed by the other party, the said court shall immediately cause an entry of the fact to be made of record, and cease all further proceedings in the cause and certify and return to the district court of the county of Washington a transcript of all entries made in the record relating to the case, together with all process and other papers relating to the suit in the same manner and within the same time as upon an appeal from justice's court, and thereupon the said district court shall proceed in the cause to final judgment and execution according to law, the same as if the said suit had been originally commenced in said court, and the costs shall abide the event of the suit, except that the plaintiff shall advance the costs of the said municipal court in the suit.

SEC. 47. By so altering section five (5) of chapter twelve (12) thereof that the same shall read as follows:

Section 5. The city clerk of said city shall be *ex officio* clerk of the said municipal court. Such clerk, before he enters upon the duties of his office, shall take and subscribe an oath to support the constitution of the United States and of the state of Minnesota, and to faithfully and honestly discharge and perform the duties of his office, and shall execute to the city of Stillwater a penal bond in such sum and with such sureties as the council shall direct and approve, conditioned that he will account and pay over to the treasurer of said city, on the first (1st) Monday of every month all fines, penalties, fees and other moneys belonging to or to go to said city which may have come into his hands during the month next preceding, and that he will at all times pay over to all other persons on demand all moneys to which they may be entitled which may have come into his hands in virtue or by reason of his office. Such oath and bond shall be filed in the office of the treasurer of said city. Such clerk shall have power to appoint, subject to the approval of the council, a deputy clerk with the like powers of the clerk for whose acts the said clerk shall be responsible. Such deputy clerk shall hold his office during the term of office of the clerk so appointing him or until his appointment is revoked by such clerk, or until removed by a two-thirds ($\frac{2}{3}$) vote of all the aldermen elected to the city council, and when so removed shall not be again appointed.

SEC. 48. By so altering section seven (7) of chapter twelve (12) thereof that the same shall read as follows:

Section 7. The said municipal court shall be held in the city of Stillwater, at some suitable place to be provided therefor by the city council. Its judge shall be the chief magistrate of the city and shall see that the criminal laws of the state, and the ordinances, laws, regulations and by-laws of said city are observed and executed, and for

that purpose shall open his court every morning (Sundays and legal holidays excepted,) and proceed to hear and dispose of in a summary manner, all cases which shall be brought before him by the police officers of the city, or otherwise, either with or without process, for violation of the ordinances, laws, regulations or by-laws of said city, and in the manner provided by law proceed to hear, examine, try and dispose of all cases which may be brought before him for violation of the criminal laws of this state committed within the county of Washington. The clerk of the court shall keep a record of all proceedings, and enter all orders, judgments and sentences, under the supervision of the judge, and issue commitments and executions as well as all other process.

SEC. 49. By so altering section nine (9) of chapter twelve (12) thereof that the same shall read as follows:

Section 9. The municipal court shall hold regular terms for the trial of civil actions on the first (1st) and third (3d) Tuesdays of every month, which term shall continue from day to day, with such adjournments as to the court may seem proper, until the business of each term shall be finished, and the court may by rule or order appoint such terms to be held oftener, or upon other days than the days above mentioned. All civil actions for the recovery of money only shall be commenced by summons or by writ of attachment to be issued by the clerk. The form of summons may be as follows:

The state of Minnesota to any police officer of the city of Stillwater, or the sheriff or any constable of said county:

You are hereby commanded to summon if shall be found within the county of Washington, to be and appear before the municipal court of the city of Stillwater, at a term thereof to be holden on Tuesday the of A. D. 18 . . . at the opening of the court and to answer to whose complaint is on file in said court, and have you then and there this writ. The amount claimed by the plaintiff in said complaint is the sum of dollars and cents, and interest thereon from and since the day of A. D. 18 at the rate of per cent per annum.

Witness the Honorable.

Municipal Judge,

This.....day of.....A. D. 18.....

Clerk of the Municipal Court.

The summons may be served by any indifferent person, or the summons may be in any other form which the court by rule prescribe, and shall be served upon the defendant at least six (6) days, including the day of service and excluding the return day, before the term at which the same is made returnable. No summons shall issue until the complaint in the action shall be made in writing and filed with

the clerk. If the defendant fail to appear at the opening of the court on the day at which the summons is returnable he shall be defaulted. If he so appear, he shall then or at some [future] time, as the court may designate, answer the plaintiff's complaint, and if the answer contain a counterclaim, the plaintiff shall reply thereto forthwith, or at such time as the court may designate. The answer, or reply, shall be presented in writing and filed with the clerk. All of such pleadings shall be verified by the party or his agent or attorney to the effect that the same is true as he verily believes. Either party may demur to any pleading of his adversary, as in the district court, but all pleadings in this court shall be construed liberally, and the court may for good cause in its discretion, and on such terms as it may deem equitable, open any default within six (6) months after the same is made, and may allow any amendment of any pleading at any time, and shall disregard variances between the allegations of a pleading and the evidence, unless satisfied that the adverse party is prejudiced thereby. Either party shall be entitled to any continuance of any civil action, except in the case of proceedings under the provisions of chapter eighty-four (84), general statutes of Minnesota, until the next term of the court following the term at which the summons shall be returnable, and further continuance may be granted upon sufficient cause shown, and on such terms as may be just. Said court shall also have authority to provide by rule that the plaintiff in any civil action shall, by bond, recognizance or deposit of money with the clerk, give security for cost, in such sum as the court may designate by such rule, before any summons or other process shall issue in the action, or at any other time; and the clerk may demand and receive payment of all court costs before a party to any action shall be entitled to an execution therein. The counterclaim in the defendants answer may be such a one as could be interposed in the district court.

SEC. 50. By so altering section ten (10) of chapter twelve (12) thereof that the same shall read as follows:

Section 10. Any creditor desiring to proceed by attachment in said court shall by himself, his agent or attorney make and file his complaint in writing, together with an affidavit similar to the affidavit required by law in an application for a writ of attachment in justice's court, and also cause to be filed a bond or undertaking with sufficient surety to be approved by the judge and similar to the bond or undertaking required on a like application in justice's court, except that the limit of liability thereon shall be mentioned therein as not exceeding one hundred (100) dollars, and the court may thereafter require an additional bond to be filed in such further sum as shall be just in the premises. The writ of attachment may be in form as follows:

STATE OF MINNESOTA, } MUNICIPAL COURT,
COUNTY OF WASHINGTON, } ss.
CITY OF STILLWATER.

The state of Minnesota to any police officer of the city of Stillwater, or the sheriff or any constable of said county:

You are hereby commanded to attach the goods, chattels, moneys, effects and credits of.....or so much thereof as shall be sufficient to satisfy the sum of.....dollars, with interest and costs of suit, such in whosoever hands or possession the same may be found, in said county of Washington, and so provide that the same may be subject to further proceedings as the law requires, and also to summon.....the said.....if to be found within said county, to be and appear before the Municipal Court of the city of Stillwater at a term thereof to be holden on.....the.....day of.....A. D. 18.... at the opening of the court and answer to.....whose complaint is on file in said court, in a civil action; and have you then and there this writ.

Witness the Honorable.....Municipal Judge, this.....day of.....A. D. 18.....

Clerk of the Municipal Court.

Or the writ may be in any other form that the court may by rule prescribe, and shall in all cases be returnable as an ordinary summons. The defendant may at any time before the time for answering expires, or at any time thereafter when he has answered, and before trial, apply to the court or notice to vacate the writ of attachment. If the motion is made upon affidavits on the part of the defendant, but not otherwise, the plaintiff may oppose the same by affidavits in addition to those on which the writ of attachment was allowed. In all other respects the service of the writ, and other proceedings thereon, shall be similar as near as may be, to the service of such writ and proceedings in justice court, *provided, however,* that in all cases where such writ shall be served on the defendant, personal judgment may be entered in said action, whether property be attached by virtue of such process or not.

SEC. 51. By so altering section eleven (11) of chapter twelve (12) thereof that the same shall read as follows:

Section 11. When the object of an action is to recover the possession of personal property, the plaintiff his agent or attorney, shall make and file his complaint in writing, together with an affidavit similar to the affidavit required in justice court in a like action. The plaintiff or some person on his behalf shall execute a bond or undertaking with surety to be approved by the judge, conditioned similar to bonds or undertakings in such actions in justice court, and file such bond or undertaking, and an action may be maintained upon such bonds or undertakings as upon similar bonds or undertakings filed in like actions in justice courts. The clerk shall thereupon issue the writ, which may be in form as follows:

STATE OF MINNESOTA. } MUNICIPAL COURT.

ss.

COUNTY OF WASHINGTON. } CITY OF STILLWATER.

The state of Minnesota to any police officer of the city of Stillwater, or to the sheriff or any constable of said county:

Whereas, complains that has become possessed of and unjustly detains from the said the following described goods and chattels, that is to say, (describing the articles with reasonable certainty, and stating their alleged value): Therefore you are hereby commanded that you cause the same goods and chattels to be replevied without delay, and delivered to said and to summon the said if to be found within said county, to be and appear before the municipal court of the city of Stillwater, at a term thereof to be holden on the day of A. D. 18 . . . at the opening of the court and answer to whose complaint is on file in said court, in a civil action, and have you then and there this writ.

Witness the honorable municipal judge, this day of A. D. 18 . . .

Clerk of the Municipal Court.

or the writ may be in any other form that the court may by rule prescribe. The writ shall be served, and all proceedings thereunder had in the same manner (except as to the times and forms of pleading and trial) as upon similar proceedings in justice court. But the officer executing the writ shall retain the property taken under it in his own custody for three days before delivering the same to the plaintiff, and if within that time the defendant or some one in his behalf shall execute to the plaintiff a sufficient bond or undertaking with one or more sureties to be approved by the judge, conditioned as in like cases in the district court, and file such bond, the clerk shall thereupon issue an order to the officer to redeliver such property to the defendant.

SEC. 52. By so altering section fourteen (14) of chapter twelve thereof that the same shall read as follows:

Section 14. Title eighteen (18) of chapter sixty-six (66) of the general statutes relative to "trial by referees", title nineteen (19) of the same chapter, relative to "exceptions", and title twenty (20) of the same chapter, relative to "new trials", shall apply to the said municipal court. Disbursements shall be allowed the prevailing party in said municipal court, and costs to be taxed forthwith without notice. Such costs shall be as follows:

To the plaintiff, upon a judgment in his favor, five (5) dollars. To the plaintiff upon a judgment in his favor upon a trial on the merits where the amount thereof or the value of personal property recovered, exclusive of his disbursements, exceeds fifty (50) dollars, an additional five (5) dollars. To the defendant, upon a discontinuance or dismissal after issue joined, five (5) dollars; and when judgment is rendered in his favor on the merits, after trial of an issue of fact, five (5) dollars, and if the amount of money or value of property claimed in the complaint exceeds fifty (50) dollars, an additional five (5) dollars. Appeals from this court shall be in all cases to the supreme court, where they lie in similar cases from judgments and orders of the district court.

SEC. 53. By so altering section seventeen (17) of chapter twelve (12) thereof that the same shall read as follows:

Section 17. Complaints in criminal cases where the defendant is not in custody, may be made to the court while in session, or to the judge or special judge when not in session, and shall be made in writing, or reduced to writing by such judge, and sworn to by the complainant whether the offence charged be a violation of the criminal laws of the state, or of the ordinances, regulations or by-laws of said city, and the clerk is hereby vested with full authority and power to issue the warrants of said court in criminal cases on filing such complaints; and complaints, warrants and other process in criminal cases may follow substantially the same forms heretofore in use by the justices of the peace or the city justice, with such alterations as may seem convenient to adopt the same to the style of said municipal court, or may be in such other form as the court may prescribe, sanction or approve. In cases where alleged offenders shall be in custody, and brought before the court without process, the clerk shall enter upon the records of the court a brief statement of the offence with which the defendant is charged which shall stand in place of a complaint unless the court shall direct a formal complaint to be made. The plea of the defendant shall be guilty or not guilty, in case of a failure to plead, the clerk shall enter a plea of not guilty, and a former acquittal or conviction for the same offence may be proved under that plea as well as if formally pleaded. In the examination of offenders charged with indictable offences, the judge shall keep minutes of the examination, and the clerk shall make the proper return to the court before which the party charged with the offence may be bound to appear.

SEC. 54. By so altering section eighteen (18) of chapter twelve (12) thereof that the same shall read as follows:

Section 18. The salary of the judge of said court shall be fixed by the city council at the beginning of each term, which shall not be less than one thousand (1,000) dollars nor greater than two thousand (2,000) dollars per year; and the clerk of said court a salary of six hundred (600) dollars per annum, payable from the treasury of the city of Stillwater, in monthly installments.

Said judge may be, by the city council, granted leave of absence for not more than thirty (30) days in any year, and no deduction shall be made from his salary on account of such absence.

Neither the said judge, clerk, or deputy clerk of said court shall receive any fee or compensation for his services other than his salary as fixed by law. In all proceedings had in said municipal court, like fees shall be charged and collected by the clerk, as costs, as are allowed by law to justices of the peace in proceedings and upon trials before them, or for similar services. Police officers of said city are hereby vested with all the powers of constables, under the statutes of Minnesota as well as at common law, and police officers in making service of any process, or doing other duty in respect to causes in said court, shall note and return to the court for collection, such fees as are allowed to constables for the like services in justice courts;

and all fees, whether so charged by the clerk or any police officer, whether due from the county on preliminary examinations, or otherwise, shall be collected by the clerk as costs, and by him be accounted for and paid over to the city treasurer of said city, as hereinbefore provided for.

SEC. 55. By so altering section nineteen (19) of chapter twelve (12) thereof that the same shall read as follows:

Section 19. It shall be the duty of the mayor and chief of police of said city to see that a sufficient number of police officers are always in attendance upon said court, and in readiness to obey its mandates and serve its process, and preserve order in the proceedings. Police officers of said city shall hereafter receive for their services no other compensation than the salary paid them by said city, except as otherwise provided in this act, [to which this is amendatory;] and if any fee shall be paid to any police officer for any service, he shall forthwith pay the same over to the clerk of said municipal court, for the use of said city, and any failure to do so shall be a misdemeanor, punishable by a fine not exceeding one hundred (100) dollars, or by imprisonment not exceeding thirty (30) days. The mayor of said city shall have the power, in his discretion, to appoint one or more persons, approved by the city council, as policemen for special attendance and duty in said court, irrespective of the general or special rules or legal regulations and enactments relative to the qualifications of policemen, but such persons shall receive the same, but no greater compensation, unless the council direct greater compensation, as ordinary police, and all policemen attending said court, may be required to give bonds to said city, in such sum as the council shall direct, for the performance of their duties, for the use of all persons interested; *Provided, however,* That the above shall not affect the powers and duties of the general police in said court.

SEC. 56. By so altering section twenty (20) of chapter twelve (12) thereof, that the same shall read as follows:

Section 20. There shall be one (1) special judge of said municipal court whose manner of election, term of office, powers and duties shall be the same as those of the municipal judge, except as otherwise provided in this section, and his successors shall be elected and vacancies in his office filled in like manner, and he shall receive a salary of one hundred (100) dollars per year, payable from the treasury of said city. In case of a press of business in said court, or in case of the absence or sickness of the municipal judge, on receiving the notice hereinafter provided for, the said special judge shall act as judge of said court; and when the special judge so acts at the request of the municipal judge, the said special judge and the municipal judge shall each have and exercise the powers of said court. If on the return of process, or at any time before the trial commences, in any action or proceeding, civil or criminal, either party shall make it appear by affidavit that the judge is a material witness in the case, or shall make it appear by affidavit that, from prejudice or other cause, he has good cause to believe that the judge will not decide impartially in the matter, and shall before making the transfer, as hereinaf-

ter provided, in all civil actions, deposit with the clerk the sum of five (5) dollars, as payment of one (1) day's salary of said special judge, the said special judge, the said municipal judge shall forthwith turn over the said cause with all the papers and records therein to the special judge, who shall thereafter on receiving notice of such transfer as hereinafter provided, act as judge in said case with full powers as judge of said court. If at any time the municipal judge shall require the special judge to sit as judge of said court by reason of the intended absence of said judge, or the transfer of any case or proceeding to said special judge as above provided or otherwise, said judge shall file a written notice with the clerk of said court, stating such fact, and said clerk shall thereupon cause a copy of such notice to be delivered to said special judge; and in any case of the absence of said municipal judge from said court without having filed such notice, the said clerk shall cause notice in writing, of such absence to be given to said special judge, and on receipt of any of such notices said special judge shall during the time in such notice specified and until the return of the municipal judge act as judge of said court, with full powers as such; said special judge shall file all such notices received by him with the city clerk, with the certificate of said special judge endorsed thereon stating the number of days he shall have acted as judge of said court in pursuance thereof. Said special judge shall not act on the trial or examination of any case or proceeding except as above specified, save to complete any trial, proceeding or examination which may be partly completed and pending before him, but said special judge may at all times exercise all of the powers of a judge of said court at chambers; any such special judge, acting as judge of said court, shall receive a compensation in addition to the salary fixed by this act, at the rate of five (5) dollars per day, the same to be paid by the city of Stillwater and deducted from the salary of the municipal judge, except that when the same shall be for services performed by said special judge when the said municipal judge is absent, with the consent of the city council, or when the special judge is called in to assist the said municipal judge, during an unusual press of business, in which cases the said special judge shall be paid by the city and the same shall not be deducted from the salary of the municipal judge. This section shall not incapacitate any special judge from acting as an attorney in any case or proceeding in said court, but when such judge is acting as judge in said court, he shall take no action in said case or proceeding, save to adjourn the same. Nothing in this chapter shall be construed to prohibit the judge of this court from practicing as an attorney in any court in this state save said municipal court.

SEC. 57. By so altering section twenty-one (21) of chapter twelve (12) thereof, that the same shall read as follows:

Section 21. The city attorney of the city of Stillwater shall have charge of the prosecution of all criminal cases before said municipal court where the offense charged is for an infraction of the by-laws or ordinances of the city; and the county attorney of the county of Washington shall have charge of and act in the prosecution of offend-

ers before said court, charged with offences under the laws of the state of Minnesota.

SEC. 58. By inserting immediately after the last end of section twenty-eight (28) of chapter twelve (12) thereof, the following:

Section 29. No person shall appear in any action or proceeding in said municipal court, to maintain or defend the same, unless previously admitted to practice as an attorney as provided by chapter eighty-eight (88), of the general statutes of one thousand eight hundred and seventy-eight, (1878).

SEC. 59. By inserting immediately after the last end of section thirty-one (31), of chapter twelve (12) thereof, the following:

Section 31a. That any judge of said court before whom any trial or proceeding shall have been had and whose term of office shall expire before a determination of such trial or proceeding, shall have full power and authority to decide and determine the same at any time within ten (10) days after the expiration of his said term of office. In case any judge of said court before whom any trial or proceeding in said court has been commenced, shall, before determination thereof for any reason become incapacitated from taking further proceedings therein, such cause or proceeding shall, on motion of either party thereto, be placed on the calendar of said court and tried as though no steps had been taken therein.

SEC. 60. By so altering section fifteen (15) of chapter eight (8) thereof that the same shall read as follows:

Section 15. It is not only made the duty of all owners of land within said city to keep in good repair all sidewalks constructed or existing or that shall hereafter be constructed or exist, along or abutting upon their respective lots and parcels of land, but such owners are hereby declared to be liable for all damages, to whomsoever resulting, arising from their fault or evident neglect, after being notified by the street commissioner of said city to repair or rebuild the same, in not keeping any such sidewalk in good repair, and in safe passable condition; and no action shall be maintained against the city of Stillwater by any person injured through or by means of any defect in any sidewalk, unless the owner of the land along which such sidewalk was so defective, is joined in said suit as a party defendant, and in case of judgment against the defendants in such action, execution shall at first issue only against the defendant owning such land, and the city shall not be required to take steps to pay such judgment, until such execution shall be returned unsatisfied; and if said city shall pay such judgment, it shall become the owner of the same, and may enforce payment of the same from the other defendant, and shall be entitled to execution therein against him, and to take such other proceedings as judgment creditors are entitled to take.

SEC. 61. This act is hereby declared to be a public act; and may be read in evidence in all courts of this state without proof.

SEC. 62. All acts and parts of acts relating to said charter of the city of Stillwater, conflicting with the provisions of this act are hereby repealed.

SEC. 63. This act shall take effect and be in force from and after its passage.

Approved February 26th, 1887.

CHAPTER 7.

(S. F. 423.)

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(Sub. 45-56)
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AN ACT TO AMEND CHAPTERS SIX (6) AND SEVEN (7) OF AN ACT ENTITLED "AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF SAINT PAUL IN THE COUNTY OF RAMSEY AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, AND CERTAIN OTHER ACTS RELATING TO SAID CITY, INTO ONE ACT," APPROVED MARCH THE FIFTH (5th), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR (1874), AND THE SEVERAL ACTS AMENDATORY THEREOF.

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

CHAPTER VI.

BOARD OF PUBLIC WORKS.

SECTION 1. There is hereby established an executive department of the municipal government of the city of Saint Paul, to be known as "the board of public works of the city of Saint Paul," to be constituted and organized as hereinafter provided.

SEC. 2. The board of public works of the city of Saint Paul shall consist of four reputable freeholders and qualified electors of said city, no two (2) of whom shall be residents of the same ward, and none of whom shall hold any office under the charter and ordinances of the city. They shall be appointed by the mayor as soon as practicable after the passage of this act, and they shall hold office as follows: two (2) members of said board for the term of one (1) year, and two (2) for the term of two (2) years, and until their successors are appointed and qualified, and the mayor shall designate in his appointments the term for which each member shall serve. The mayor shall on the second (2d) Monday in March, one thousand eight hundred and eighty-eight (1888), and annually thereafter, appoint two (2) members of said board, whose term of office shall be for two (2) years and until their successors are appointed and qualified.

The terms of office of the present board of public works shall terminate as soon as their successors, under this act, are appointed and qualified. In case the office of any member shall become vacant during his term, the said mayor shall, in like manner, as soon as practicable thereafter, appoint a person of like qualifications aforesaid, to fill said vacancy during said unexpired term and until a successor shall be appointed and qualified.