

# SPECIAL LAWS

—OF—

# MINNESOTA.

PASSED AND APPROVED AT THE TWENTY-SEVENTH SESSION OF THE  
STATE LEGISLATURE, COMMENCING JANUARY EIGHTH, ONE  
THOUSAND EIGHT HUNDRED AND NINETY-ONE.

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## CHAPTER I.

[H. F. No. 899.]

AN ACT TO INCORPORATE THE CITY OF REDWOOD FALLS, IN THE  
COUNTY OF REDWOOD AND STATE OF MINNESOTA.

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

## CHAPTER I.

### CITY AND WARD BOUNDARIES.

SECTION 1. All the district of country in the county of Redwood, Minnesota, contained within the subdivisions and boundaries hereinafter described, shall be a city of the name of Redwood Falls, and the people now inhabiting the same and those who shall hereinafter live within or inhabit the territory or district of country hereinafter designated and described shall be a municipal corporation by the name of the city of Redwood Falls, and by that name shall be sued and be impleaded in any court, make and use a common seal and alter it at pleasure, and take, hold and purchase, lease and convey, and own any and all such real, personal, or mixed estate, as the purposes of the corporation may require, within or without the limits aforesaid. Said city shall be capable of contracting and being contracted with,

and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

SEC. 2. The subdivisions of land included in and constituting the city of Redwood Falls shall be as follows, to-wit: The west half ( $\frac{1}{2}$ ) of section six (6), in township one hundred and twelve (112), range thirty-five (35), all of section one (1), and the east half ( $\frac{1}{2}$ ) of section two (2), in township one hundred and twelve (112), range thirty-six (36), all of section thirty-one (31), in township one hundred and thirteen (113), range thirty-five (35), and all of section thirty-six (36), in township one hundred and thirteen (113), range thirty-six (36), as the same is designated upon the plat of the United States government survey, all in said Redwood county.

SEC. 3. The said city of Redwood Falls shall be divided into two (2) wards, to be called the first (1st) and second (2d) ward, and shall be limited, bounded and described as follows, to-wit: The first (1st) ward shall comprise all of section thirty-six (36), township one hundred and thirteen (113), range thirty-six (36), the east one-half ( $\frac{1}{2}$ ) of section two (2), township one hundred and twelve (112), range thirty-six (36), all that part of section one (1), township one hundred and twelve (112), range thirty-six (36), which lies west of a line extending north and south through and along the centre of Washington street, and from the southern terminus thereof to the south line of the aforesaid section one (1), which said Washington street is one of the streets of the old village of Redwood Falls, Minnesota.

The second (2d) ward shall comprise all the territory within said city of Redwood Falls not hereinbefore included in the aforesaid first (1st) ward.

Each of said wards shall constitute one (1) election precinct.

SEC. 4. The city council of said city shall have the power, by ordinance, to change the boundaries of said wards or increase the number thereof to not exceeding five (5), as the convenience of the inhabitants may require—such wards containing, as nearly as practicable, an equal number of voters

## CHAPTER II.

### ELECTIVE OFFICERS AND ELECTIONS.

SECTION 1. There shall be an annual election for electing such officers as are herein or otherwise by law made elective. Which election shall be held on the first (1st) Tuesday after the first (1st) Monday in January of each year, at such place or places in each ward or election precinct as the common council of said city shall designate, and the polls in this city shall be kept open upon each and all elections from one (1) o'clock in the afternoon until five (5) o'clock in the afternoon. Ten (10) days previous, notice shall be given by the city recorder of said city of the time and places of holding each election in each ward or election precinct of said city, also of the officers to be elected, by causing a notice of the same to be posted in at least one (1) public place in each ward or election precinct of said city, if such precincts shall be established as hereinafter provided, and by pub-

lishing such notice in the official paper of said city for at least one (1) week before the day of said election; but any failure to give notice shall not invalidate said election.

SEC. 2. The elective officers of said city shall be a mayor, a municipal judge, treasurer and city recorder, all of which officers shall be residents and qualified voters of said city. Each ward shall elect two (2) aldermen, only one (1) of which shall be elected each year (after the first election), who shall be residents within and qualified voters of the ward for which they may be elected and shall hold their office for two (2) years. All other officers necessary for the proper management of the affairs of this city, unless otherwise provided, shall be chosen by the common council. All other elective officers excepting aldermen, as herein provided, shall hold their offices for one (1) year, or until their successors are elected and qualified.

SEC. 3. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from said office by a vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense. The common 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 have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the case; and if said officer shall neglect to appear and answer the charges against him, the common council may declare the office vacant.

SEC. 4. Whenever a vacancy shall occur in the office of mayor or any other office of said city by death, removal, or resignation, or otherwise, the common council shall have power, and it shall be their duty, to declare the office vacant by resolution entered upon their minutes. All such vacancies shall be filled by appointment by the common council, excepting in case of a vacancy occurring in the office of aldermen; such vacancy shall be filled by the aldermen of the ward in which such vacancy occurs; *Provided*, if there be two (2) vacancies in the office of alderman of any one (1) ward, or if there be one (1) vacancy in the office of alderman of any ward, and the remaining aldermen of such ward either refuse or are unable, on account of a tie vote, to appoint a person to fill such vacancy, then shall all vacancies in the office of alderman in such cases be filled by appointment by the common council.

The person appointed to fill a vacancy shall hold his office and discharge the duties thereof till the next regular election for electing city officers, and until his successor is elected and qualified.

SEC. 5. All elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for, with proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election.

When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

SEC. 6. All persons entitled to vote for state or county officers and who reside in the ward or election precinct where they offer to vote,

shall be entitled to vote for any officer to be elected under this law and to hold any office hereby created; *Provided*, their names shall have been duly inserted in the list of qualified electors of the ward or election precinct in which they reside, as in the election of state and county officers, and the different wards established by law or such election precincts as may hereafter be established by the common council shall constitute election districts for state and county, as well as city elections, and the mode of conducting all state and county elections in said city shall be in the manner herein provided in the city elections; except that the returns thereof shall be made by the judges of election to the auditor of the county of Redwood within the time provided by law.

SEC. 7. Until election precincts shall be established in said city, as hereinafter provided, the elections in said city shall be held and conducted by the aldermen in each ward, who shall be the judges of election in their respective wards in all elections of state, county or city officers and at all special elections, and shall take the usual oaths of affirmation, as prescribed by the general laws of the state to be taken by judges of elections, and shall have power to appoint clerks of such elections and to administer the necessary oaths.

Said elections shall be held and conducted in the manner and under the same penalties as provided for state and county elections, and vacancies among the judges thereof filled as required by the laws of this state regarding elections; *Provided*, that no person shall be a judge of any election at which he is a candidate for any office, and provided that in all city elections the aldermen of their respective wards or the judges of election in each election precinct shall meet on the day preceding such election to correct the poll list, and shall be entitled to but one (1) day's pay for such extra services.

SEC. 8. When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, the said judges, unless their duties are modified by the appointment of auditing boards, shall make returns thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns to the city recorder within three (3) days after any election, and the common council shall meet and canvass said returns and declare the result, as it appears from the same, within three (3) days thereafter. The recorder of the common council shall forthwith notify the officer or officers elected of their election by written notice, served upon such officers in person or left at their usual place of abode with some person of suitable age and discretion.

SEC. 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward or the judges of such election precincts in the same manner, and the returns thereof made in the same form and manner as in general and annual elections, and within such time as may be prescribed by resolution, excepting as the duties of judges of election may be modified or changed by the appointment of auditing boards, as hereinafter provided.

SEC. 10. An officer removing from the city or ward for which he is elected, 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 the common council shall proceed to fill the vacancy, as herein prescribed.

SEC. 11. The term of every officer elected under this law shall commence on the second (2d) Tuesday after the first (1st) Monday of January of the year for which he was elected, and shall, unless otherwise provided, continue for one (1) year and until his successor is elected and qualified.

SEC. 12. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten (10) days' notice of the time and place being given, in the same way as provided herein for general elections.

SEC. 13. The city council may, at any time at least twenty (20) days previous to any general election for city officers or general election for state and county officers each year, as they see fit, divide the city into as many election precincts as they deem it necessary, and shall designate the boundaries of each election precinct of said city, and for that purpose may divide the several wards into such number of precincts as they may think best; but no election precinct shall extend over or out of the territory of more than one (1) ward. The common council may provide, by ordinance, for judges of election in the several election precincts and prescribe their duties, and for each and every other requirement necessary to carry this section into effect. The city once having been divided into election precincts, it shall so remain until the boundaries of such precincts are changed by the common council, as herein provided.

## CHAPTER III.

### OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer administering the same, with the city recorder; and the treasurer, street commissioner, recorder and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Redwood Falls a bond, with at least two (2) sureties satisfactory to the common council, and such bonds shall contain such penal sums and such conditions as the common council may deem proper; and they may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

SEC. 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and shall appoint such police officers and watchmen, except when otherwise provided for, and in case of a riot, or other disturbances, he may provide as many special or temporary constables as he may deem necessary; and any police offi-

cer or watchman appointed by the mayor as aforesaid, may be discharged from office by him\* whenever, in his opinion, the welfare of the city may demand it or a reduction of their number renders it necessary. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and, if he approve thereof, he shall sign the same; and such as he shall not sign he shall return to the common council, with his objections thereto, by depositing the same with the recorder to be presented to the common council at their next meeting thereafter. And upon the return of any resolution or ordinance by the mayor, the same vote by which the same was passed shall be reconsidered, and if, after such reconsideration, the common council shall pass the same by a vote of two-thirds ( $\frac{2}{3}$ ) of those present and voting, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and noes, which shall be entered in the record by the recorder. If any ordinance or resolution shall not be returned by the mayor within five (5) days (Sundays excepted), exclusive of the first (1st), after it shall have been presented to him, the same shall have the same effect as if approved by him.

SEC. 3. The mayor shall have a salary of fifty (50) dollars per year, and he shall be president of the common council, but shall not hold any other office under the authority of the city. The mayor shall have no vote at any meeting of the common council, excepting in case of a tie, at which time it shall be his duty to vote upon the question before the council upon which a tie vote is had. His duties as presiding officer shall be confined during all meetings of the common council to the enforcement of such parliamentary usages as the common council may adopt. All contracts and appropriations shall, before they take effect, be presented to the mayor, and, if he approves thereof, he shall sign the same; and such as he shall not sign he shall return to the common council with his objections thereto, and the same proceedings shall be had thereon as provided in section two (2) of this chapter, in relation to ordinances and resolutions. The mayor shall sign all orders drawn upon the treasurer. At the first (1st) meeting of the common council in each year they shall proceed to select by ballot from their members a vice president, and in the absence of the mayor from the city or his inability from any cause to discharge the duties of his office, the said vice president shall exercise all the powers and discharge all the duties of mayor. The vice president of the common council, while performing the duties of mayor, shall be styled the acting mayor, and acts performed by him while acting as mayor, as aforesaid, shall have the same force and validity as if performed by the mayor. In case the mayor shall be absent from any meeting of the common council the vice president shall act as presiding officer for the time being, and discharge the duties of said mayor.

In case of the absence of the mayor and vice president from any meeting of the common council, or the inability of both of them to act, the members thereof may elect one of their members present to preside at such meeting, and the acts of such member so presiding shall have the same force and effect as the acts of the mayor at all times during the inability of the mayor or vice president to act.

The mayor shall have authority to revoke and cancel for cause any license issued by the common council by serving a written notice upon the person holding the same that such license is revoked and canceled, and the same shall thereafter be null and void, and he shall

notify the common council at their next regular meeting thereafter of the cause of revoking and cancelling said license.

The common council may, at any regular meeting, reinstate such license so revoked by a two-thirds ( $\frac{2}{3}$ ) vote of the members present, and thereafter the same shall be valid until revoked and cancelled again, provided said common council shall hear any person whose license has been thus revoked, at such time and place as they shall see fit, upon an application to said common council for reinstatement of such license by the party deprived of the same, as aforesaid, which application shall be in writing and filed with the city recorder within five (5) days, exclusive of the first (1st), after the time of the revoking of such license.

SEC. 4. There shall be a recorder of said city, styled the city recorder, who shall keep his office at the place of meeting of the common council, or such other place convenient thereto as the common council may determine. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office and transcripts from all records of the common council, certified by him under the corporate seal, shall be evidence in all courts as if the original were produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose.

The city recorder shall have power to administer oaths and affirmations and acknowledge all papers. It shall be the duty of the city recorder to report to the common council the financial condition of the city whenever the common council shall require. He shall make and keep a list of outstanding city bonds, to whom issued, for what purposes, when and where payable and the rate of interest they respectively bear, and recommend such action to the common council as will secure the punctual payment of the principal and interest of such bonds.

He shall report annually on or about the first (1st) day of January to the common council an estimate of the expenses of the city and likewise the revenue necessary to be raised for the current year. He shall make or cause to be made estimates of the expenses of any work to be done by the city, and countersign all contracts made in behalf of the city and certificates of work authorized by any committee of the common council or by any city officer.

And every contract made in behalf of the city or to which the city is a party shall be signed by the recorder. The city recorder shall keep regular books of accounts in which he shall enter all the indebtedness of the city, and which shall at all times show the precise financial condition of the city, including the amount of bonds, orders, certificates, or other evidences of indebtedness which have been redeemed, and the amount of the same outstanding.

He shall countersign all bonds or other evidences of indebtedness of the city and keep accurate accounts thereof, stating to whom and for what purpose issued and the amount thereof. He shall keep accounts with all receiving and disbursing officers, showing the amounts they have received from different sources of revenue and the amount they have disbursed under the directions of the common council. The recorder shall examine all the reports, books,

papers, vouchers and accounts of the city treasurer, and from time to time shall perform such other duties as the common council may direct.

All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the recorder, and he shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts with an index thereto; such record shall be open to the inspection of all parties interested. He shall make a full and complete report of the finances and condition of the city, which shall be kept on file, and a copy thereof he shall cause to be published in the city newspaper at least fifteen (15) days prior to the annual election.

The city recorder shall perform all other services by law required of clerks of cities or townships, within said city, but when such services are required of him by public law, for which compensation is made from the state or county treasury or individuals, such services shall not be regarded as services for said city, and he may retain such compensation in addition to his regular salary, and shall keep an accurate account of fees so received, and report the amount of the same to the common council at the close of each official year.

SEC. 5. The city attorney shall perform all professional services incident to his office, and, when required, shall furnish opinions upon any subject submitted to him by the common council or its committees. He shall also advise with and counsel all city officers in respect to their official duties, and attend the meetings of the common council and of such committees as shall request his assistance, and his salary shall be fixed by the common council.

SEC. 6. The treasurer shall receive all moneys belonging to the city, including license money and fines, and keep accurate and detailed account thereof, in such manner as the common council shall from time to time direct. The treasurer shall exhibit to the common council, at least twenty (20) days before the annual election, or sooner if required by them, a full detailed account of the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed with the city recorder. He shall also report to the common council, at such times and in such manner as they may require; and he shall give such bonds for the safe keeping of the funds of the city as the common council may require. His salary shall be ten (10) dollars per annum.

SEC. 7. There shall be a chief of police of said city, who shall be appointed by the mayor, by and with the consent of the common council, and who shall perform such duties as shall be prescribed by the common council for the preservation of the public peace. All police of said city shall possess the powers of constables at common law or by the laws of the state; and it shall be their duty to execute and serve all warrants, processes, commitments, and all writs and warrants whatsoever, issued by the municipal court of said city, for any violation of the laws of the state of Minnesota or of the ordinances or by-laws of said city, and also all writs and processes whatsoever issued by the municipal court of said city in civil actions, and they shall have authority to pursue and arrest any person fleeing from justice in any part of this state, and when performing the duties of constables aforesaid shall be entitled to like fees. Watchmen shall have authority to arrest and detain any person guilty of any breach



of the peace or of any violation of the laws of this state, or of the ordinances or by-laws of the city, and for these purposes shall possess the powers of constables at common law while on duty;

*Provided*, that each policeman, before he enters upon the duties of his office, shall take and subscribe the oath of office prescribed by law for constables in this state, and in addition thereto shall execute a bond to the mayor of said city in such penal sum as the common council shall direct, with one (1) or more sureties, to be approved by the mayor, conditioned for the faithful discharge of his duties as such constable and further condition to pay over to the party entitled thereto any money that shall come into his hands by virtue of his power and authority as such constable, which bond shall be filed with the recorder. The duties of all policemen may be determined by the common council; also the manner in which they shall be paid; and no policeman shall be authorized to perform the duties of constable at common law when forbid by the common council, anything herein to the contrary notwithstanding.

SEC. 8. The city council shall, at its first (1st) meeting after each annual election, or as soon thereafter as may be, appoint one (1) street commissioner for the city, whose term of office shall be for one (1) year.

All work done by the street commissioner shall be subject to the approval of the council and the city engineer.

It shall be the duty of such street commissioner to see that all streets and sidewalks under his charge, which have been graded and open 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 the 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, unless such work is specially ordered by the city council. The street commissioner shall keep accurate account of all his work and expenditures, and make detailed and itemized reports thereof to the city council at least once in every month, and oftener if ordered by the city council, and no bill for compensation to such street commissioner shall be allowed unless the same shall be accompanied by or preceded with full and itemized reports of his work and expenditures up to the time of rendition of such bill. Said street commissioner shall be paid for his services such compensation as the city council shall determine, for the time actually given by him to such service, to be paid upon bills thereof, audited as other claims against said city.

No street commissioner shall be interested in any contract for any work to be done under his charge, nor be allowed compensation for any use of team owned by himself or in which he shall have any interest, nor for any material or labor furnished by him, except his personal services, nor shall he receive, directly or indirectly, any commission, gratuity, money or valuable thing from any person doing work or furnishing material for any work or construction under the charge of such street commissioner or the city engineer of the city.

SEC. 9. The common council shall, in the month of February each year, elect an assessor who shall perform all the duties in relation to the assessing of property for the purpose of levying all city, county and state taxes, and upon the completion of the assessment roll he

shall return the same to the city recorder. In all respects not herein expressly provided for, said assessor shall, in making such assessment, be governed by the rules, both in respect to the property to be listed and assessed and the manner of listing and assessing the same, which are or may be prescribed by the general laws of the state for the government of assessors, including compensation.

Immediately after the assessment roll has been returned to the city recorder, as aforesaid, it shall be the duty of the common council to meet as a board of review in said city, all of whom shall qualify as such board of review, and designate a time and place when they will meet as such board of review for the purpose of performing the duties herein assigned them. Not later than the fourth (4th) Monday in June each year, they, as such board, shall proceed to examine and see that all taxable property in the city of Redwood Falls has been properly placed on the list and duly valued by the assessor.

A majority of such board present shall constitute a quorum for doing business.

The same notice of such meeting of such board shall be given by the recorder, and the board of review shall be governed by the same rules and regulations in the performance of their duties as is, or shall be, prescribed in the general statutes and laws of the state for town boards of review.

The assessor shall, after such review of said assessment, and not later than upon the second (2d) Monday of July in each year, make out a tabular statement of all of the assessments of property in said city and made by him, as directed by said board, and return the same to the county auditor of Redwood county, the same having been verified by said assessor as provided in the General Laws of the state for town assessors. The assessor shall hold his office for one (1) year, or until his successor is elected and qualified. The assessor may also, whenever he shall deem it necessary, appoint a deputy assessor to aid in making the city assessment. Said deputy shall act under direction of the assessor, and shall report to him all his doings as such deputy, and be responsible to such assessor for all his acts. The compensation of such deputy shall be fixed by the common council.

SEC. 10. The common council at their first (1st) meeting after each annual election, or as soon thereafter as may be, may elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office in some convenient place in said city, and the common council shall prescribe his duties and fix the fees and compensation for all services performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of said city, and shall be preserved in the office of the surveyor and open to the inspection of all persons interested, and the same, together with all books and papers, shall be delivered over by the surveyor at the time of the expiration of his term of office to his successor or the common council.

SEC. 11. The common council, at their first (1st) meeting after each annual election, or as soon thereafter as may be, shall advertise for proposals to do the city printing, giving public notice of not less than one (1) week, in such manner as the council may direct, that sealed bids shall be received by the city recorder for doing said printing. The bid or bids received by said recorder to do said printing shall be publicly opened and read by the recorder at such time and place as

the common council shall appoint, and the person or persons offering to do said printing for the lowest sum or price, in any newspaper of common circulation published in said city, shall be declared the public printer;

*Provided, however,* that if the common council shall deem it best for the interest of the city to select a person who is not the lowest bidder, they may elect such person public printer, and he shall be declared the city printer for the ensuing year; and in the newspaper designated in said accepted bid or proposal shall be published all ordinances, by-laws and other proceedings and matters required by this act or by the by-laws or ordinances of said city to be published in a public newspaper.

The city printer or printers, immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the city recorder a copy of such publication, with his affidavit, or the affidavit of his or their foreman, of the length of time and the date or dates at which the same has been published, and such affidavit shall be a *prima facie* evidence of a publication of such notice, ordinance or resolution; *Provided,* that the common council may make such other provisions for publishing its ordinances, by-laws and matters requiring publishing as it may think fit, anything herein contained to the contrary notwithstanding.

SEC. 12. If any person, having been an officer of said city, shall not, within one (1) week after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession, belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one thousand dollars (\$1,000), besides all damages caused by his neglect or his refusal so to deliver, and said successor may receive possession of such books, papers and effects in the manner prescribed by the laws of this state.

SEC. 13. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless otherwise provided for; but no officer elected or appointed by the common council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one (1) year, and until his successor is elected or appointed and duly qualified. The common council shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution; except the city recorder, who shall receive the sum of one hundred dollars (\$100) per annum, which shall be in full for all his services, including that of clerk of the common council, and all duties imposed upon him in behalf of said city, and shall be paid monthly, at the termination of each month.

The compensation of officers shall be fixed for the fiscal year in the month of January of each year, except for such offices as may hereafter be created, in regard to which the compensation shall be fixed at the time of the creation of such office, nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer

elected or appointed to office under the provisions of this charter shall be a party to or interested in any contract in which the city is interested, made while such officer is holding office; *Provided*, that each alderman shall receive compensation for his services as such officer the sum of one (1) dollar for each meeting of said common council during his term of office, whether such meeting be regular or special, at which such alderman is in actual attendance thereon, not to exceed fifteen (15) dollars in any one year.

#### PEACE OFFICERS.

SEC. 14. The mayor or acting mayor and sheriff of the county of Redwood or his deputy or deputies, coroner and each alderman, judge of the municipal court, police officers and watchmen shall be peace officers, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of the bystanders, and, if need be, of all the citizens and military companies in said city; and if any bystander, military officer or private shall refuse to aid in maintaining the peace when so required, each person so refusing shall forfeit and pay a fine of fifty dollars (\$50) in case of prosecution for such offense, and in default of such payment he shall be committed to the common jail not to exceed sixty (60) days.

In case the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct proceedings.

SEC. 15. The mayor shall, by and with the consent of the common council, appoint a health officer, who shall be a licensed physician of regular practice in said city, in good standing in his profession.

It shall be the duty of the health officer to make regular inspections of the city as to matters affecting the health of the citizens. He shall make reports to the state board of health of such facts as may be required by said board.

He shall be *ex-officio* president and executive officer of the board of health established by said city, and perform all duties required of him by any ordinance of this city.

SEC. 16. The mayor shall, by and with the consent of the common council, appoint two (2) health inspectors for said city, who shall have the same authority as police officers in enforcing the ordinances of said city designed to protect the public health, and they, together with the health officer, shall constitute the board of health of said city.

SEC. 17. The common council shall, whenever it is deemed necessary, have the power to appoint a deputy recorder upon the nomination of the recorder, at such time and for such period as it may see fit. He shall have authority, in the absence of the recorder, to transact all business that the recorder is authorized to transact, and may administer oaths and take acknowledgments and affix the corporate seal to all papers and documents which, under the law, shall require said seal, and all acts of said deputy shall have the same validity as those of the recorder.

## CHAPTER IV.

## COMMON COUNCIL—POWERS AND DUTIES.

**SECTION 1.** The aldermen shall constitute the common council of the city, and the style of all ordinances shall be: "The common council of the city of Redwood Falls do ordain," etc.

The common council shall meet at such time and place as they, by resolution, may direct.

A majority of the aldermen chosen shall constitute a quorum for doing business.

**SEC. 2.** The common council shall hold stated meetings, and the mayor may call special meetings, by notice, to each of the members, to be delivered personally or left at their usual place of abode. The common council shall be the judges of the election and qualifications of its own members, and in such cases shall have power to send for persons and papers, and shall also determine the rules of its own proceedings and have power to compel the attendance of absent members.

**SEC. 3.** The common council shall have the management and control of the finances and all the property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the suppression of vice and intemperance and for the prevention of crime as they shall deem expedient; they shall have power to establish and maintain a city prison; *Provided*, that, until otherwise ordered by the common council, the county jail of Redwood county shall be used as a city prison, and it shall be the duty of the sheriff or jailer of Redwood county to take into custody and safely keep in said jail all persons committed thereto until discharged according to law.

The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance or by-law passed or ordained by them, and all such ordinances, rules and by-laws are hereby declared to have the force of law; *Provided*, that they be not repugnant to the constitution and laws of the United States or of this state, and for these purposes shall have authority, by ordinance, resolution or by-laws, the exclusive right to license and regulate hawkers and peddlers, and also public halls and all other buildings and inclosures used for places of public resort and amusement, and also all that class of stores known as "dollar stores" and all stores of similar character and purposes, and to license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, billiard, pool tables, nine (9) or ten (10) pin alleys, bowling saloons; to grant licenses to and regulate auctions and auctioneers; to license tavern keepers and victualing house keepers and all persons dealing in spirituous, vinous or fermented liquors, and to designate the places and conditions upon which all such liquors may be sold; *Provided*, that all license for so dealing in spirituous, vinous or fermented liquors shall not be less than the minimum sum allowed by the laws of the state, and no license shall be granted for a less term

than one (1) year, and all licenses shall commence and terminate on the twentieth (20th) day of January of each year.

*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, vinous or fermented liquors, unless duly licensed by the common council.

*Third*—To prevent any riots, disorderly assemblages in said city, and to provide for the arrest of 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 seizure and destruction of all instruments used for the purpose of gambling.

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

*Fifth*—To regulate or prohibit the slaughtering of animals within said city, or the location or operating of soap or candle factories therein; to direct the location and management of markets, breweries and distilleries, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and transportation or removal of gunpowder or other combustible materials.

*Sixth*—To prevent the incumbering of streets, sidewalks, alleys, lanes and public grounds with carriages, carts, wagons, sleighs or other vehicles, or with boxes, lumber, firewood, posts, awnings, or any other material or substance whatever.

*Seventh*—To prevent and punish dangerous and immoderate driving or riding in the streets; to regulate the speed of cars and locomotives in said city, and to prevent their obstructing the streets of said city; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of the city.

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

*Ninth*—To tax and license dogs; to regulate or prohibit dogs running at large; to impose a penalty upon the owners or keepers of dogs who allow them to be at large in violation of ordinance, and to authorize the impounding or summary killing of dogs found running at large, whether such dogs have been taxed or not.

*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 any putrid or unsound meat, flesh, or fish or hides or skins of any kind, and to authorize the removal of the same at the expense of the owners.

*Eleventh*—To establish and construct public pounds, pumps, wells, cisterns, reservoirs and hydrants; to erect lamps, and provide for the lighting of the city, and to control the erection of gas works or other works for lighting the streets, public grounds and public buildings,

and to create, alter and extend lamp districts; to regulate and license hacks, carts, omnibuses, and the charges of hackmen, draymen, cabmen and omnibus drivers in the city.

*Twelfth*—To establish and regulate boards of health, provide hospitals and hospital grounds, and the registration of births and deaths, and the returns of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within the city limits, and to purchase and hold grounds for a public cemetery of said city; to improve and ornament the same, and make all regulations necessary for the government thereof.

*Thirteenth*—To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

*Fourteenth*—To prevent all persons riding or driving any horse, mule or ox, or other animal on the sidewalks in said city, or in any way doing any damage to said sidewalks.

*Fifteenth*—To prevent the discharging of firearms or crackers, and to prevent the exhibition of any fireworks in any locality which may be considered by the common council dangerous to the city or any property therein, or annoying to any of the citizens thereof.

*Sixteenth*—To prevent open and notorious drunkenness, brawling and obscenity in the streets or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same; *Provided*, all theatres, saloons, public halls, and all other places to which the public are invited for purposes of business, pleasure, or any other purposes, are, in addition to all other public places, to be considered public places within the meaning of this act.

*Seventeenth*—To restrain and regulate runners, agents and solicitors for boats, vessels, stages, cars and public houses or 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 butcher shops and stands for the sale of game, poultry, butcher's meats, butter, fish and other provisions.

*Twentieth*—To regulate the place and manner of weighing and selling hay, and the measuring and selling of firewood, coal, peat and lime, and to appoint suitable persons to superintend and conduct the same.

*Twenty-first*—To regulate, control and prevent the landing of persons from cars, vehicles or other conveyances, whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

*Twenty-second*—To regulate the time, manner and place of holding public auctions and vendue.

*Twenty-third*—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-fourth*—To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite or adjacent thereto, and to compel such owners or

occupants to remove from the lots owned or occupied by them all such substances as the board of health shall direct; and in case of default of such owners or occupants or destruction of such substances by some officer at the expense of such owners and occupants.

*Twenty-fifth*—To regulate the inspection of flour, pork, beef, fish, salt, whisky and other liquors and provisions; and to appoint inspectors, measurers, weighers and gaugers; to regulate their duties and prescribe their compensation.

*Twenty-sixth*—To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, highways and public grounds of the city.

*Twenty-seventh*—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 nuisances.

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

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

*Thirtieth*—To restrain and punish tramps, vagrants, mendicants, street beggars and provide for the punishment of the same.

*Thirty-first*—Fines, penalties and punishments imposed by the municipal court for the breach of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding one hundred (100) dollars and costs of prosecution, and imprisonment in the city prison or county jail not exceeding ninety (90) days, or both, and to be fed on bread and water at the discretion of the judge of the municipal court; and offenders against the same may be required to give security for their good behavior and to keep the peace for a period not exceeding six months and in a sum not exceeding five hundred (500) dollars.

*Thirty-second*—To license and regulate all peddlers doing business within said city.

*Thirty-third*—To compel the owners of low grounds when water collects or is liable to collect and become stagnant thereon to fill or drain such low places, and in their default to authorize such filling or draining at the expense of such owner or owners.

*Thirty-fourth*—To license and regulate hackmen, draymen, expressmen, 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 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 or other places within said city.

*Thirty-fifth*—To regulate the movement and speed of railroad locomotives and cars, to require the maintenance of flagmen, or the construction and maintenance of gates, and to maintain lights at the crossings of railway tracks over such streets or avenues, as said city council deem necessary to require such precautions.



*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, and to provide for the method and manner of constructing balconies and awnings.

*Thirty-eighth*—To regulate the numbering of houses and lots, and compel the owners of houses and other buildings to have the numbers of such houses or buildings designated thereon.

*Thirty-ninth*—The common council of the city of Redwood Falls shall have power, in its discretion, within the limits of said city, to alter the name of any street, or to designate the name of any street heretofore or hereafter opened which is not named, and to number lots and blocks which have no number.

*Fortieth*—That the common council shall have power to expend the highway labor and highways moneys beyond the city limits and direct the street commissioner or overseer of highways when and in what particular manner to lay out and expend the same.

*Forty-first*—The common council is authorized to permit the construction and operating of street railways within the said city, and may prescribe the street or streets on which the same may be constructed, and may impose such restrictions and limitations on the same as to the common council may seem proper; but no such privilege shall be granted to any individual, individuals or corporation for a longer period of time than twenty (20) years; and the said common council may also provide for the introduction and use of electric lights within said city, or any other method of lighting the streets of said city, under such regulations as the common council may prescribe.

*Forty-second*—The common council shall have the care, supervision and control of all the highways, avenues, streets, alleys, levees, public parks, public squares and public grounds, within the limits of the city, and shall have power to build and keep in repair, bridge, to lay out, open, alter, vacate and reduce public squares, levees and grounds, highways, streets, lanes and alleys, and to extend, narrow, widen or straighten all streets, lanes and alleys within said city, and to take grounds from the site of public buildings and public parks, subject to the assessment of damages as hereinafter provided.

*Forty-third*—To pass ordinances for the prevention of cruelty to animals.

*Forty-fourth*—To control the erection and maintenance of steam or hot water heating apparatus for heating public and private buildings in said city and for furnishing steam power, and define the manner in which the streets, alleys and public grounds may be occupied with pipes.

*Forty-fifth*—To erect, maintain and furnish hospitals and receive donations for buildings or grounds or for furnishing the same.

*Forty-sixth*—To control, license and regulate skating rinks.

*Forty-seventh*—To make proper ordinances in regard to the inspection of cattle to be slaughtered for beef, and to appoint inspectors in reference to the same.

SEC. 4. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the common council, by ayes and noes, and such ordinances, resolutions

and by-laws shall be signed by the mayor and countersigned by the recorder and published in the official paper of the city before the same shall be in force.

SEC. 5. The powers conferred upon the common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecution or proceedings in the courts according to law.

SEC. 6. The common council shall examine, audit and adjust the accounts of the treasurer, recorder, street commissioners, municipal court, and all other officers and agents of the city, at such times as they deem proper, and also at the end of each year, before the terms for which the officers of said city were elected or appointed shall expire.

The common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties in pursuance to their provisions of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council or a committee thereof, it shall be the duty of said council to declare the office of such person vacant.

And the common council may institute suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties. The common council shall cause to be made a full record of all such settlement and adjustment.

SEC. 7. The common council may, during the fiscal year, by a vote of two-thirds ( $\frac{2}{3}$ ) of those present and voting, issue the bonds of said city, bearing interest at not exceeding eight (8) per cent per annum, and for a term not exceeding one (1) year, in such amounts, and in such amounts and under such regulations as the common council may prescribe, in anticipation of the taxes and revenues of such fiscal year; *Provided*, that the amount of such bonds outstanding shall not at any one time exceed one-third ( $\frac{1}{3}$ ) of such taxes and revenues; *And provided further*, That said bonds or the proceeds shall be applied to the same purposes as the taxes and revenues in anticipation thereof such bonds may have been issued.

SEC. 8. The fiscal year of said city shall commence on the second (2d) Tuesday after the first (1st) Monday in January of each year.

SEC. 9. The common council may provide by ordinance that any one convicted of an offense before the municipal court of said city, thereby subjecting such offender to punishment by imprisonment under the charter and ordinances of said city, may be kept at hard labor during his term of punishment in such workhouse or upon the public improvements of said city, or both, and may also provide by ordinance that anyone convicted of an offense before said municipal court and committed upon non-payment of fine imposed, may be kept at hard labor in any workhouse of said city aforesaid; or, in case of a male offender, may be kept at hard labor either in such workhouse or upon the improvements of the city, or both, until such person shall work out the amount of such fine at such rate of compensation as said council may prescribe, for a time not exceeding the time mentioned in such commitment, and the common council shall have full power to establish by ordinance all needful regulations for the security of such persons thus employed, and to prevent escapes and secure proper discipline, and shall have power to establish a proper workhouse in

said city for the purposes aforesaid, and under such regulations as said common council may prescribe; *Provided*, that the common council aforesaid is hereby authorized to use the Redwood county jail as the workhouse of the city of Redwood Falls provided for in this act, the prisoners of the city to be, as at present, in the custody of the sheriff of Redwood county, except while working on the improvements of said city, when they shall be under the control of the police force of said city; *And provided further*, that the judge of the municipal court of said city shall have power for vagrancy to commit any person to the city prison or workhouse or county jail, or to order any such person to work on the public improvements of said city for a term not exceeding ninety (90) days.

SEC. 10. A copy of the record of any ordinance or resolution heretofore passed and recorded, or that may be hereafter passed, certified by the recorder and verified by the seal of the city, and copy thereof published in the official paper of the city, or printed in the books containing the official proceedings of the common council, or published in any compilation of ordinances made under the direction of the common council, shall be *prima facie* evidence of the contents of such ordinances and regularity of all proceedings relating to the adoption or approval thereof, and shall be admitted as evidence in any court in the state without further proof.

In all actions, prosecutions and proceedings of every kind before the municipal court of said city, such court shall take judicial notice of all ordinances of the said city, and it shall not be necessary to plead or prove such ordinances in said courts.

## CHAPTER V.

### LEVYING OF TAXES.

SECTION 1. The common council shall have power to levy upon all the real and personal property in said city, except such as is by the laws of this state exempt from taxation, taxes to provide for the current expenses of the city government, for the purchase, opening and maintaining of public grounds, and the construction of public buildings, and for improvements of a general character, and for all other expenses which may be incurred, and other improvements that may be made and which are authorized by law; *Provided*, that such taxes shall in no year exceed five (5) mills upon the dollar of the assessed valuation.

SEC. 2. The common council shall have power to levy a tax upon the taxable property of the city for the purpose of constructing and maintaining bridges and culverts, and opening, constructing, maintaining and repairing roads, highways, streets and alleys.

No debt in behalf of said city shall be incurred or any money expended for any purpose or in any manner, excepting by express authority of this act, either by the city at large, the common council or any other officer or officers of the same, and no order or orders shall be issued upon the treasury exceeding the amount of tax collected or assessed or in process of collection.

SEC. 3. The common council shall have power, and it shall be the duty of the common council, to levy annually upon the taxable property of said city taxes sufficient to pay all bonds or other indebtedness due

and payable in any year, and the interest on bonds or other indebtedness due or payable in any year, unless that previously to the first (1) day of September in each year some other adequate provision has been made for the payment of the same. The common council shall have the power to issue bonds and levy taxes exceeding the amount authorized by other sections of this act for the purchase of public parks or other purposes; *Provided*, the same be authorized by a majority of the voters present and voting at an election to be held for that purpose. The amount of said bonds, rate of interest and time they shall run, also the time, place and manner of holding such election, to be prescribed by the common council, the same notices to be given as at other elections. And no bonds for any purpose shall be issued by the common council unless so authorized, except as provided in section seven (7) of chapter four (4) of this act; *Provided*, the common council of said city may issue and negotiate the bonds of said city, for the purpose of redeeming and paying the bonds heretofore issued by said city. Such bonds and the interest thereon to be payable at such times and places as the common council may determine, but said bonds in this proviso mentioned shall not be made payable more than twenty (20) years from the date thereof, nor shall they draw a greater rate of interest than six (6) per cent per annum, interest to be payable at such times as the common council shall direct; nor shall said bonds be negotiated for less than par; said bonds to have interest coupons attached and shall be signed by the mayor and countersigned by the recorder; and it shall be the duty of the common council to levy taxes on the taxable property of said city to pay said bonds and the interest thereon; *Provided further*, said bonds, or the proceeds thereof, shall not be used for any other purpose than is herein specified.

**SEC. 4.** Taxes may be levied by the resolution of the common council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied; but in such case the surplus shall, if the tax be a general tax, go into the general fund of the city; if it be a bond or interest tax, it shall be kept and used for the future payment of principal and interest of the same class of bonds, or the purchase thereof before due; if it be for improvements it shall be kept and used for future improvements of the same character.

**SEC. 5.** The common council shall cause to be transmitted to the county auditor of Redwood county, on or before the first (1st) day of October of each year, a statement of all taxes by them levied, and such taxes shall be collected and the payment thereof enforced, with and in like manner as state and county taxes are paid and the payment thereof enforced, and the county treasurer of said Redwood county shall pay such taxes over as fast as collected to the treasurer of said city.

**SEC. 6.** No moneys shall be paid out of the city treasury unless such payment be authorized by a vote of the common council, and these shall be drawn out only upon orders signed by the mayor and countersigned by the recorder, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor the same are drawn, and may be made payable to the order of such person or to the bearer, as the common council may determine.

SEC. 7. When any such order shall have been paid or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same, and file the same away in his office, keeping the orders drawn upon each fund separate.

SEC. 8. It shall be lawful for the common council of said city, at any time, to levy a corporation poll tax upon every qualified voter in said city between the ages of twenty-one (21) and fifty (50) respectively; *Provided*, that said tax shall not in any one (1) year exceed the sum of two (2) dollars on each person. The street commissioner shall collect the corporation or poll tax, which may be levied by the common council, and said street commissioner shall have all the power as possessed by highway supervisors, as provided by the laws of the state, and shall report to the common council when required.

## CHAPTER VI.

### STREETS, SIDEWALKS AND PUBLIC GROUNDS.

SECTION 1. The common council shall have the care, supervision and control of all the highways, bridges, streets, sidewalks, alleys, public squares and grounds within the limits of the city, and shall have power to build and keep in repair all bridges, streets, public squares and highways within said city, and to lay out, open or alter, widen, straighten or extend the same, and to take grounds for the site of public buildings or for public parks, subject to the assessment of damages as hereinafter provided.

SEC. 2. The common council shall have power to order and contract for the opening, grading and repairing of all streets and public grounds within the city, and for cleansing reservoirs, cisterns and filters, and to direct and control the persons employed thereon.

SEC. 3. The common council may order sidewalks to be constructed on any street in front of and along any one or more lots or parcels of land in said city, at the expense of such lot or parcel of land, upon the petition to the common council of said city, signed by the owners of the lots or land adjoining such sidewalk and which signers shall also own more than one-half ( $\frac{1}{2}$ ) in area of the real estate adjoining said improvement which may be by the common council be deemed to be especially benefited by such improvements, which petition shall be in writing and shall describe the lots or parcels of land to be affected thereby. Whenever any such petition shall be received by the common council they shall fix and cause to be entered upon the records a time and place when and where such petition will be acted upon, which time shall not be less than ten (10) days or more than twenty (20) days from the date of the reception of such petition by said council, and shall give notice to all persons owning or claiming an interest in or lien upon such lot or parcel of land, and to all persons interested in ordering said sidewalks, of the reception of such petition and of the time and place when and where such petition will be acted upon by publishing a notice thereof in the official paper of the city two (2) weeks, the last of which publication shall be at least two (2) days before the day of hearing on said petition; and in such notice the several lots or parcels of land adjoining such sidewalks so petitioned to be built shall be described with reasonable certainty. Upon such notice being given, the common council shall have jurisdiction to inquire into the

advisability of building such sidewalk and to order such sidewalk adjoining each lot or parcel of land built at the expense of such lot or parcel of land along which such sidewalk is ordered, and to enforce the construction thereof as hereinafter provided.

The common council shall meet at the time and place so fixed in said notice, and shall hear all statements and reasons for or against the ordering of the construction of said sidewalk, and may adjourn from time to time, and after such hearing, if the common council shall determine that the public convenience will be promoted by the building of such sidewalk and that the expense is not disproportionate to the benefits conferred, the common council shall order such sidewalk to be constructed at the expense of the owners of each lot or parcel of land adjoining such lot, and that such expense and cost of building such sidewalk, if it shall finally be built by the city as hereinafter provided, shall be a charge and lien upon said lot or lots and parcels of land adjoining which it is built as aforesaid, and in said order the common council shall determine the materials out of which said sidewalk shall be constructed, giving dimensions and quantity of such material, the width of said sidewalk, and any other qualifications which said sidewalks shall have, and also the time within which said sidewalks shall be built by the owners of said lots or parcels of land adjoining the same, which time shall not be less than twenty (20) days from the time of the date of said order. 9

Such order shall be published one (1) time in the official paper of said city and at least ten (10) days before the time expires within which such sidewalk may be constructed by the lot owner as aforesaid. If such sidewalk so ordered, or any portion of the same, be not constructed by each lot owner within the time specified in such order, or if said sidewalk be built by such lot owner in an imperfect, negligent and unsubstantial manner, and without regard to the order of the common council made with reference thereto, the common council may cause the same to be built, in obedience to said order and as therein directed in said order, by and under the direction of the street commissioner of said city. The street commissioner shall keep an accurate and detailed statement of account of each item of material and labor that were necessarily and actually employed in building said sidewalk, and the actual cost and expense of such item as aforesaid, as applied to each separate lot or parcel of land adjoining said sidewalk, keeping all such items and expenses of said sidewalks adjoining each lot separately by itself, taking due pains to obtain the exact measurement of each lot in linear dimensions along side of said sidewalk, and after said sidewalk is completed said street commissioner shall make up a detailed statement and report of the building of said sidewalk, which report shall contain a full and itemized account of all materials and labor and cost of the same, each lot or parcel of land by itself as aforesaid, and shall forthwith file said report with the city recorder, who shall present said report to the common council at their next regular meeting thereafter. It shall be the duty of the common council to examine said report with reference to all the requirements of such report herein specified, and if found to be made as herein directed, they shall accept of the same; if not made as herein directed they shall order it returned to said street commissioner for amendment or revision in such respects and within such time as said common council may require.

Upon the final acceptance of said report the common council shall assess the cost of constructing such sidewalk alongside of each separate lot or parcel of land to that lot or parcel of land adjoining and alongside of which said sidewalk is built, and which amount so assessed to each lot or parcel of land adjoining said sidewalk as aforesaid shall become an immediate lien upon such lot or parcel of land upon which such amount is assessed as aforesaid, and at or before the time required by law for reporting to the auditor of Redwood county the taxes levied for that year, and after the giving of the notice that said taxes upon said lots and parcels of land assessed as aforesaid will be returned to said county auditor, as in this act hereinafter provided, said tax or assessment upon said lots or parcels of land as aforesaid being unpaid, the city recorder shall certify the amount of such special assessments and the description of the lot or parcel of land upon which each assessment is a lien, respectively as aforesaid, to the county auditor of Redwood county, and thereupon it shall be the duty of the county auditor to extend such special assessment against such lot or parcel of land in the annual tax duplicate, and the same shall be collected and paid over in the same manner as other taxes on real property.

SEC. 4. It shall be the duty of the street commissioner, or some one under his direction, to travel over and examine all the sidewalks constructed upon all the streets of said city on which a grade has been established under the directions of the common council of the city of Redwood Falls, once in each month during his term of office, excepting at such times when such examination would be impracticable on account of the depth of snow upon said sidewalks.

SEC. 5. When any sidewalk in said city heretofore or hereafter constructed shall have become defective and out of repair, whether such sidewalk shall have been constructed under the direction of the common council or not, it shall be the duty of the street commissioner, immediately upon discovering such defects, to notify the owner of the lot or parcel of land adjoining such defective sidewalk, personally, to repair the same forthwith in a good and substantial manner. If such land owner refuses or neglects so to do, it shall be the duty of the street commissioner to take immediate and all necessary steps for the repair of said sidewalk and to supervise and direct such repairs, and to make such repairs, or cause them to be made, in a thorough and workmanlike manner, and to keep an accurate and itemized statement of the descriptions of the lot or parcel of land adjoining or abutting upon the said sidewalk so repaired, and of all costs of labor and material incurred or used in making such repairs, and immediately to make a report in writing of such items, cost, and descriptions of the lot or parcel of land adjoining the same to the common council, which report shall be filed with the city recorder, and at the next regular meeting of the common council such report shall be presented to them for their action, to be accepted or rejected by said common council in the same manner as prescribed in section three (3) of this chapter in cases of the building of sidewalks, after which a special assessment of all costs of repairs upon the lots adjoining the sidewalk shall be made by the common council, which assessment shall be a lien upon such lots. After notice given, as hereinafter provided for special assessments in said city, the city recorder shall return such assessment to the auditor of Redwood county, in the same way and with like

effect as provided in section three (3) of this chapter; *Provided*, in case the land owner of the adjoining lot or parcel of land is a non-resident of said city the street commissioner may notify the occupant of said adjoining lot or parcel of land, as provided in this section.

If there be no occupant, or if such non-resident have no agent resident of said city known to the street commissioner, no notice need be given under the provisions of this section.

SEC. 6. It shall be the express duty of the street commissioner of said city to do and perform all the acts required of him in this chapter, and he and his bondsmen shall be liable to said city for any damages which the said city shall be compelled to pay because of the refusal or negligence of the said street commissioner in not doing, or causing to be done, his duties as prescribed in this chapter.

SEC. 7. The common council shall order and cause to be built, without petition, any sidewalks adjoining any lots or parcels of land owned by himself, or adjoining any property exempt by law from taxation, and all crosswalks in said city.

The expense of building and keeping in repair all such sidewalks shall be paid out of the general fund.

SEC. 8. The common council may, in cases where, in the judgment of said council, the public necessities require it, order the construction of sidewalks in any part of said city, without petition. After the common council have determined that the public necessity and convenience require the construction of any sidewalks in said city, no petition for building which having been made, or such petition, if made, having been rejected by the common council, they shall publish a notice in the official paper of said city of their determination in this respect, and of the time and place when and where they shall meet to act upon such proposition to build such sidewalk; which notice shall be published in the same way and for the same time as is provided for a like notice in section three (3) of this chapter. At the time of said hearing the same action shall be taken, and all subsequent proceedings shall be the same, with the like results and effects as are stated in section three (3) of this chapter for building sidewalks upon petition.

SEC. 9. No action shall be maintained against the city on account of any injuries received because of any defects existing in the condition of any highway, bridge, street, sidewalk or thoroughfare in said city, unless the grade of such street or highway, upon which such injury happened, has been established or shall hereafter be established by the common council of said city, or under its direction, and not unless such action shall be commenced within one (1) year from the happening of the injury complained of, nor unless a notice shall have first been made in writing and served upon the mayor of said city, within thirty (30) days after the happening of such injury, exclusive of the day of such service, stating therein the place where and when such injuries are claimed to have been received, and that the person so injured will claim damages for such injury of said city. But the notice shall not be required when the person so injured shall, in consequence or for other cause, be bereft of reason during all the time within which such notice is herein required to be made.

SEC. 10. In the prosecutions of said actions against said city for personal injuries, growing out of defective or poorly constructed sidewalks, it shall be necessary, in order to maintain said action, for the



plaintiff to allege and prove that the defect or want of repair complained of existed for more than thirty-five (35) days immediately prior to the time of the happening of the injury, or that the said city had actual notice and knowledge of such defects or want of repair at the time that such injury happened.

SEC. 11. In all cases in which any person, company or corporation who shall negligently or carelessly or without regard for the rights of the public do, or cause to be done, or omit to do, any act or thing, whether in his or its own behalf or not, including contractors with said city, by means or because of which negligent acts or omission of any such person, company or corporation, injuries have resulted, and for which injuries so caused the said city would be liable in damage to the party so injured, such person, company or corporation, and, in case of contractors with said city, they alone or they and their bondsmen shall be liable to any person, company or corporation so injured for all damages not caused by or contributed to by the negligence of the party injured of whatever kind such injuries be or to whomsoever resulting. And no action shall be maintained against said city for such damages unless such person, company or corporation, and, in case of contractors with said city giving bonds, themselves and their bondsmen, be joined as defendants in said action, and in case of judgment rendered against the defendants in such action, execution shall first (1st) be issued against the defendant whose negligence first (1st) caused such injury, or against such defendant and his bondsmen alone; and the city shall not be required to take any steps to pay such judgment until such execution shall be returned unsatisfied.

If the said city shall pay such judgment, it shall become the owner of the same and may enforce payment of the same from the other defendants, and shall be entitled to execution thereon against such defendants and to take such other proceedings as judgment creditors are entitled to take in such actions.

SEC. 12. The common council shall have exclusive power to vacate or discontinue public streets, lanes, alleys and highways, or any portion thereof in said city, but no such vacation or discontinuance shall be granted or ordered by the common council, except upon the verified petition in writing of one or more of the owners of real property on the line of the street, lane, alley or highway.

Such petition shall state the reasons for such vacation, and briefly describe the street, lane, alley, or portions thereof, desired to be vacated.

The common council, upon presentation of such petition at any regular or special meeting of the same, and if it is deemed expedient that the matter shall be proceeded with, shall order such petition to be filed with the city recorder, who shall immediately make and publish in the official paper of the city a notice, for the period of three (3) successive weeks, at least once in each week, stating that such petition has been filed with the city recorder and its object in brief, and that such petition will be heard and considered by the common council at a certain time and place specified therein, which time and place shall be fixed by the common council at the time of the acceptance of such petition, and the time of hearing such petition shall be fixed within fifteen (15) days after the expiration of the time of publishing the same.

The common council, at the time and place appointed, shall investigate and consider the subject involved in said petition, and, if they desire, shall view the premises and shall have [hear] testimony on either or both sides, if offered.

The common council after hearing such petition may, by resolution passed by two-thirds ( $\frac{2}{3}$ ) vote of its members, grant the prayer of the petition, and order and declare such street, alley, lane or highway vacated and discontinued.

A copy of such resolution duly certified by the recorder shall, immediately after such publication, be filed with the register of deeds of Redwood county and duly recorded in his office.

SEC. 13. The common council, whenever in their judgment, as expressed by a majority vote thereof, the public necessities require it, may order any sidewalk in said city to be built of cement, brick or stone, and they may, in their discretion, reject any petition for building a wood sidewalk, and demand that one be presented for the building of a stone, brick or cement sidewalk.

On the refusal of those interested in said sidewalk to so petition, the common council may, in their discretion, if in their judgment the public good will be best subserved thereby, require such sidewalk to be built of stone, brick or cement, without petition, in the manner herein provided in section eight (8) of this chapter, or may order repairs of sidewalks in said city by displacing and removing wooden sidewalks and placing cement or stone sidewalks in the place thereof.

It shall be the duty of the common council, having determined upon repairing any defective sidewalk by displacing such sidewalk and substituting in the place thereof a cement, brick or stone sidewalk, to cause a written notice of how and within what time such repairs are to be made to be served upon the owner of the lot or parcel of land adjoining such sidewalk, if such owner can be found. If he cannot be found, or being found, neglects or refuses to repair said sidewalk by building the same of stone or cement or in the manner and within the time ordered by the common council, it shall be then the duty of the common council to order the street commissioner to build such sidewalk, or repair the same, in such manner and with such material as they may order, and which the street commissioner shall then immediately proceed to do, keeping itemized accounts and proceeding in the same way as provided in section five (5) of this chapter; the assessment therefor to be made and returned to the county auditor of Redwood county in the same way and with the same results and effects as provided in section three (3) of this chapter.

## CHAPTER VII.

### FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or other buildings the material or construction of which shall be regarded as dangerous to surrounding property, shall not hereafter be erected, placed, or repaired, and to direct that any and all buildings within the limits prescribed shall hereafter be built and constructed in such manner and of such material as, in the judgment of the council, shall not be dangerous to sur-

rounding property, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged by fire or otherwise, to the extent of fifty (50) per cent of the value thereof, and to prescribe the manner of ascertaining such damages. The common council shall have power, by resolution, to order any building, structure, or materials therefor, hereafter erected, of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the city, and shall have power to prescribe the notice to be given to the owner or agent to remove such building, and in case the same is not removed in pursuance of the notice given, to order the same taken down, removed by the police, or in such manner as the common council may see fit; and the common council may prescribe penalties for the violation of any of the provisions of this section of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred (100) dollars, which may be imposed by the municipal court of the city, upon the complaint of any citizen prosecuting such offender, in the manner provided by law.

SEC. 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and fire apparatus used in or about any building, and to cause the same to be removed or placed in a safe or secure condition, when considered dangerous;

To prevent the deposit of ashes in unsafe places, and the throwing of ashes into streets and alleys;

To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire;

To regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires;

To regulate and prevent the use of firearms and fireworks;

To compel owners or occupants of buildings to have scuttles in the roofs, and stairs or ladders to the same.

To authorize the mayor, aldermen, firewardens and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishing of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishing of fires as the common council may deem expedient.

SEC. 3. The common council shall have power to purchase fire engines and all other apparatus which may be required for the extinguishing of fires, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the proper support and regulation of the same, and to order such companies to be disbanded, their public meetings prohibited and their apparatus to be given up. Every member of each company which may be authorized to be formed shall be exempt from highway work and poll-tax, from serving on juries and from military duty during the continuance of such membership. The common council may make such provisions for compensation to firemen, or for the purpose of supporting and keeping up organizations of firemen, as they may see fit.

SEC. 4. The common council shall annually appoint a chief engineer of the fire department of said city, and provide, by ordinance,

for such other officers and men as may be deemed necessary for such department, and define the respective work and duties of such chief engineer and other officers and men and their compensations. The chief engineer shall nominate, for the approval of the common council, all other officers and men connected with such department, and may, at any time, by and with the consent of the standing committee on fire department of the common council, remove or discharge such officers or men as he may deem it for the interests of the city to discharge.

SEC. 5. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or to direct any constable, police officer, watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner may arrest or direct the arrest and confinement of any person, at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to arrest or aid in arresting any person so refusing to obey, shall be liable to such punishment as the common council may prescribe, not exceeding a fine of fifty (\$50) dollars.

SEC. 6. The common council shall appoint a fire marshal of said city to see that the ordinances of the city relating to the building and care of chimneys, and that all other precautions against dangers from fire, are not violated, and who shall have power and be fully authorized to enter any dwelling house or other building at all hours between seven (7) o'clock in the morning and six (6) o'clock in the evening, and examine all chimneys, stoves, furnaces, pipes and other parts of such building, and see that the ordinances of the city respecting the same are enforced. The common council may require such fire marshal to examine particularly into the cause of every fire which shall happen within the city, and to make and keep a brief record of the same, and make report thereof to the common council when required.

## CHAPTER VIII.

### LIGHTING OF STREETS.

SECTION 1. The common council shall have authority to contract with any persons or corporations for the lighting of such streets or parts of streets and public places as they shall deem proper for the convenience and safety of the inhabitants.

SEC. 2. The common council may permit the laying of such gas pipes or erection of poles or wires in any and all the streets, alleys, highways and public grounds of the city; but in all cases the common council shall regulate the laying of the same so that said gas pipes may not at any time interfere with the construction of common sewers or the lateral branches thereof, or with the proper and convenient location of water mains and pipes, and may at any time require the location of any gas pipe to be changed if the same shall be found to interfere with the proper and convenient location of common sewers or water mains and pipes.

SEC. 3. The common council may erect and maintain an electric plant, and erect poles in the streets, alleys and public grounds and string wires thereon, and light the city and public buildings, and furnish light for private parties, upon such terms and conditions as shall be prescribed by said council.

## CHAPTER IX.

## WATER WORKS AND SEWERS.

SECTION 1. The city council shall have power to construct and maintain water works and sewers, to enlarge, relay, extend and improve the same, or to contract or construct a new system of water works and sewers at any time when the said common council shall see fit to do so.

SEC. 2. Whenever, in doing any act under section one (1) of this chapter authorized therein to be done it shall, in the judgment of the common council, be necessary to take any private property, consisting either of land, buildings, water power or private property, the common council shall have power to acquire the same by purchase or by condemnation in the manner in this act provided, and in such case of condemnation, as well as purchase, a full title in fee simple for the property acquired shall rest in said city.

SEC. 3. Whenever water mains shall be laid, relaid or extended through any street or alley of said city, or any portion thereof, the city council shall have power, and it shall be its duty, to levy and collect, by special assessment, such portions of the cost and expense thereof as shall not exceed the estimated cost of laying a six (6) inch main, including pipe, hydrants, valves and all necessary specials, by a special assessment upon the lots or parcels of land upon both sides of said streets, or alley fronting on such improvement of an equal sum per foot without regard to cash valuation.

The cost not provided for by such assessment, including the nominal cost of larger mains and the cost of laying mains upon street crossings, as well as the proportion which would otherwise be assessed against any property which is by law exempt from taxation or against real estate owned by the said city, shall be paid out of the water works fund, if such fund there be; if not, out of the general fund.

SEC. 4. 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 eighteen (18) inches in diameter, including all necessary catch basements, manholes, dump holes and flushing valves, by a special assessment upon the property on both sides of such street and abutting on 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 sewer fund of said city. A sewer eighteen (18) inches in diameter is hereby declared to be an ordinary street sewer within the meaning of this act, for the drainage of abutting property. Or instead of the plan above proposed the city council may, for all sewers constructed, laid, relaid or extended during any one season, levy and collect an equal sum per front foot without regard to the cash valuation of such property and without regard to the size of the sewer by a special assessment upon all the property not exempt, on both sides of all the streets along which such sewers shall be constructed, laid, relaid or extended and abutting upon the same, which sum shall not exceed the sum of two (2) dollars per lineal foot of such sewers.

The cost in excess of said sum and the cost of such sewers upon street crossings and against property which is by law exempt from such assessment shall be paid out of the sewer funds of said city. To authorize the following of this plan, the city council shall first determine what portion of the cost of such sewers, not exceeding the sum per lineal foot above named, is the just and fair proportion of such cost which should be borne by the abutting property, and shall, by resolution, name and fix the amount per lineal foot to be such just and fair proportion. Thereupon this shall be the plan to be followed, and the amount so named and fixed shall be and remain in all cases the portion of the cost of all sewers constructed, made, relaid or extended in such city which shall be levied upon, assessed against and collected of abutting property until a different amount be, by like resolution of the city council, named and fixed, or until the city council, by resolution, determines to adopt and follow the other plan first above proposed; *Provided*, that in case of a reassessment for any cause the city council may direct that the reassessment be made upon either of the plans here proposed without regard to which plan was adopted in the first instance.

SEC. 5. In view of the foregoing provisions of this chapter the common council, at their option, shall have the power to construct water works, or to contract with any person, company or corporation for supplying water for the use of said city, and may establish rates for which such water may be furnished to individuals, and may make all necessary rates and regulations for the management and control of said water works and for the purpose of furnishing a supply of water. The common council, or those with whom it may have contracted to obtain water, are hereby authorized to draw water for said city from any lakes, rivers or creeks within the said county of Redwood, by means of pipes, ditches, drains, aqueducts or other means, and construct dams, bulkheads, gates or other needful structures and means for controlling water and for obtaining it, and also may obtain water in any other way, by causing wells to be dug or bored and reservoirs to be made, or by any other feasible and reasonable method that the common council may see fit to adopt.

And, for the purpose of constructing said water works, the right of way may be obtained over and across any land needed therefor, by proceeding in the way and manner provided for the condemnation of land or real estate for laying out, opening or altering any street, lane alley or highway in said city, except that no petition shall be necessary in any proceeding under this act.

SEC. 6. Whenever the common council shall determine to construct water works, it shall have the right to lay water mains and pipes in any and all streets, alleys, highways and public grounds of the city or outside of said city. And said council shall have the right to condemn land for pumping stations, reservoirs and such other lands as may be necessary to perfect and carry out a complete system of water works for said city, and like proceedings shall be had by the common council for the condemnation of any such lands as are now had for taxing [taking] property for opening, widening or extending any street or alley in said city. And said common council is hereby authorized and empowered, by ordinance or resolution, to establish, create and define by metes and bounds such portion of the lands, lots and territory included in said city to be especially benefited by such water works,

and designate the same as the "water district" in said city, and of the amount to be raised annually to pay the interest upon the cost and expense of the construction of said water works fifty (50) per cent thereof shall be assessed and levied annually upon the said water district and the property thereof; and the remaining amount, necessary to pay said interest upon the cost of such construction, shall be levied annually on the city at large, and which said several assessments and levies shall be assessed and levied and collected in the same manner as the other general taxes are levied and collected in said city.

SEC. 7. In addition to all other powers conferred upon said common council, they are authorized to and shall assess upon each and every lot and parcel of land in the city of Redwood Falls, that is lawfully assessable or in front of which water pipes are laid, an annual tax or assessment of five (5) cents per lineal foot of the frontage of such lot or parcel of land, and which shall be a lien upon such lot or parcel of land, and shall be collected as hereinafter provided.

SEC. 8. The said common council shall make up, on or before the first (1st) day of November in each and every year, a detailed statement, duly certified to by the president and clerk of said council and under the seal thereof, for the tax or assessment described in the foregoing section, for the year preceding and ending on the first (1st) day of October, which statement shall be transmitted to the county auditor of Redwood county as delinquent taxes for collection; whereupon it shall be the duty of the county auditor to extend the same on his rolls against the said property, in said statement as aforesaid, for collection, and if not paid within the time prescribed by law, then the same shall become a lien upon said real estate, and said real estate shall be subject to all penalties and charges as property delinquent for taxes for county and state purposes. All moneys collected paid into the treasury of Redwood county, on account of said assessments or taxes, shall be paid over from time to time to the city treasurer of Redwood Falls, to be placed to the credit of the water works fund.

SEC. 9. In case the common council shall contract with any other person or company to supply the water for the city, and shall by the terms of such contract agree to pay an annual stipulated sum or amount for such supply, the common council is hereby authorized, empowered and directed to levy fifty (50) per cent of said amount upon said water district and the property thereof, and the balance of the amount on the city at large, which said assessments, liens and collections are to be made and conducted in the same manner as the general taxes in said city are levied and collected.

SEC. 10. In case the common council shall, at any time, conclude to extend any water mains or pipes beyond the limit of said water district, it shall, by ordinance or resolution, so change the lines and limits of said water district so as to include in said water district, all such land, lots, territory and property which shall be especially benefited by reason of such change or extension of said water mains or pipes.

SEC. 11. The common council, in order to carry out a system of general sewerage or water works in said city, if authorized so to do by a majority of the electors of said city, who, at any general or special election, may have voted on the question of issuing such bonds, may

issue the bonds of said city for any amount not exceeding thirty thousand dollars (\$30,000) for either water works or sewerage purposes or both, such bonds to run such length of time and to bear such rate of interest as the common council may determine, not exceeding six (6) per cent per annum. Any such election for voting on said question may be called by the common council at any time when, in their judgment, the public necessities require it.

## CHAPTER X.

### MISCELLANEOUS PROVISIONS.

SECTION 1. No vote of the common council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there be present as large a number of aldermen as were present when the vote was taken.

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

SEC. 3. In all prosecutions for any violation of this act the first process shall be by warrant or complaint being made; *Provided*, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota or ordinance or by-law of the city of Redwood Falls, but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant. All warrants, processes or writs by the municipal court for the violation of any ordinance and by-laws of said city shall be directed to the sheriff or any constable of Redwood county or any police officer of said city. All actions or proceedings for any violation of the provisions of this act or of the ordinances, by-laws or police or health regulations made in pursuance thereof, or to recover any penalty or forfeiture thereunder, shall be brought in the corporate name of the city; *Provided*, that the style of all process shall be: "The State of Minnesota."

SEC. 4. In all cases of the imposition of any fine or penalty, by the municipal court of said city, pursuant to any statutes of the State of Minnesota, or pursuant to any ordinance or by-law of the said city of Redwood Falls, as punishment for any statutory offense or for the violation of any ordinance or by-law as aforesaid, upon default of payment of such fine the offender shall be forthwith committed to the city prison of said city, or if there be no city prison, to the common jail of Redwood county, and be there imprisoned for a term not exceeding ninety (90) days in the discretion of the municipal court, and from the time of the arrest of any person or persons for any offense whatever until the time of trial the person or persons so arrested, not giving bail, may be imprisoned in the city prison, or in case there be no city prison, in the common jail of the county of Redwood.

SEC. 5. No person shall be an incompetent judge, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

SEC. 6. When any suit or action shall be commenced against said city, service of the process may be made by the proper officer by leaving a copy of such process with the mayor or acting mayor; and



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

SEC. 7. The said city may purchase and hold real and personal estate for public parks, city hall, engine houses and for all other public purposes, sufficient for the convenience of the citizens and inhabitants of said city, and may sell and convey the same, and the same shall be free from taxation.

SEC. 8. No law of the state concerning the provisions of this act shall be considered as repealing, amendatory or modifying the same, unless said purpose be expressly set forth in such law.

SEC. 9. The city of Redwood Falls shall be liable for the board and jail fees of any person who may be committed by any officer or magistrate of said city to the jail of Redwood county for the violation of any ordinance or by-law of said city; but such board and jail fees shall not be more than allowed by law for other prisoners confined in said jail.

SEC. 10. The street commissioner shall collect the corporation or poll tax which may be levied by the common council, and said street commissioner shall have all the power as possessed by road supervisors as provided by the laws of the state, and shall report to the common council when required.

SEC. 11. The mayor, by and with the advice of the common council, shall appoint a poundmaster, who shall have the same authority as police officers in enforcing the ordinance of said city against cattle or other animals running at large, and for impounding the same.

SEC. 12. The common council may from time to time provide for the compilation and publication of the ordinances of the city and such resolutions as may be designated, and for the distribution or sale of copies of such compilation, in its discretion, and may also provide for exchange of such printed compilations for similar publications of other cities.

SEC. 13. The common council of said city may employ such attorneys or counselors, from time to time, as they may see fit, to assist the city attorney, and to perform any professional business in behalf of said city that may be assigned them by the common council, and may provide for paying for all such services so heretofore or hereafter rendered to said city.

SEC. 14. All bonds for the payment of money, issued by said city, shall be under the seal of said city, and shall be signed by the mayor and countersigned by the city recorder, and shall, upon their face, express the object for which they are issued.

SEC. 15. Whenever any party is joined with said city as co-defendant in any action for personal injury or otherwise, brought against said city, and for which provision has been made in this act, and such a party is not a resident of and cannot be found within the state, service of summons in such action may be made upon such defendant by publication upon like evidence and in the same manner as prescribed by general law for service by publication in other actions.

SEC. 16. No railway company or street railway company shall have any right, in clearing their tracks through any part of said city, to pile up snow or other material, and leave the same piled on any traveled portion of any street in said city. And any such company shall

be liable to any person who shall be injured because of any such obstruction so left by such company or its servants, for all damages sustained. And in case of any damages shall be recovered against said city for injuries caused by such obstruction, the city shall have the right to recover such damages from the company by whom the obstruction was caused.

SEC. 17. The common council shall have power to prohibit the construction of wooden sidewalks within the fire limits of said city, whenever it shall deem the safety of the city requires it.

SEC. 18. The common council shall have the power to establish grades of streets, and, by two-thirds ( $\frac{2}{3}$ ) vote of all members, change the grade of any street now established. It shall keep accurate profiles of the grades of all streets so made in the office of the city engineer or recorder.

SEC. 19. The salaries of all officers of said city shall be payable quarterly.

## CHAPTER XI.

### SINKING FUND.

SECTION 1. The mayor, recorder, treasurer of said city and chairman of the committee of ways and means of the common council of said city shall constitute a board of sinking fund commissioners, of which the mayor shall be president, the recorder secretary, and the treasurer shall be treasurer of said board.

SEC. 2. The common council of the said city is hereby authorized to create a sinking fund for said city, the proceeds of which shall be applied exclusively to the purchase of bonds issued by said city, and the common council of said city may provide for such sinking fund as follows:

*First*—Of the surplus remaining in the treasury at the end of each fiscal year, after the payments are made or appropriate amounts set aside for the payment of either principal or interest on bonds issued by said city, of the moneys received for that purpose.

*Second*—The proceeds of all delinquent taxes levied for the same purpose, and the common council may from time to time direct that said money so derived, or any portion thereof, be placed to the credit of the sinking fund.

*Third*—The common council are hereby authorized and empowered to levy annually on all taxable property of said city not more than two (2) mills on the dollar of the assessed valuation, which money, as fast as received, shall be placed to the credit of the sinking fund.

SEC. 3. The board shall, from time to time, when money in suitable amounts is placed to the credit of the sinking fund, invest the same in the outstanding bonds of said city, provided the same can be purchased at not more than the market price not exceeding the par value thereof; and if at any time such investments cannot be made at par or less, then the said board shall be authorized to invest said moneys in bonds of the state of Minnesota or in United States bonds; and whenever the said board shall have invested any part of said fund in the purchase of bonds of the state or of the United States, and shall at any time thereafter be enabled to purchase any of the city bonds at such prices as they may judge best for the public interest, within the restrictions

above provided, they shall forthwith sell and dispose of the same and invest in the city bonds; *Provided, however,* that no such purchase, investment or sale shall be made until the same shall have been first authorized by the common council of said city.

SEC. 4. Whenever the said board shall purchase any city bonds they shall proceed to cancel the same in the presence of the common council at their next regular meeting, and such cancellation shall be entered on the records of the common council, noting the number, character and amount of each bond and the number and amount of coupons attached thereto.

SEC. 5. Any three of the board, of whom the recorder shall be one, shall be and are hereby authorized and required to discharge the trusts and duties vested in them by this act, and shall not be entitled to receive any additional compensation or salary for such services.

SEC. 6. Whenever any of the moneys constituting the sinking fund shall be required for any such purchase or investments as are in this chapter mentioned, the amount of money required shall be paid by the treasurer of said city upon a warrant signed by the said board or any three (3) of them, the recorder being one, who shall affix the seal of the city thereto.

SEC. 7. The said board shall meet at any time upon the call of the mayor or by two (2) members thereof. The mayor shall preside at such meetings. It shall be the duty of the recorder to keep a correct journal of the proceedings of said board, and once a year, or oftener, if required, they shall render to the common council a full and detailed report of the proceedings of said board.

SEC. 8. No money shall be borrowed or taken from this fund to aid any other fund of said city, nor shall this fund, by vote of the common council or otherwise, be used for any other purpose than for the one in this chapter designated, anything to the contrary in this act notwithstanding.

## CHAPTER X II.

### CONDEMNATION OF PRIVATE PROPERTY AND ASSESSMENTS FOR LOCAL IMPROVEMENTS.

SECTION 1. Whenever the common council shall consider it necessary to take or procure land, real property or easement for any park, common or public grounds, engine house, markets or public buildings, or for water works or any steam or water power or water works, the mayor of said city shall make a written application to the judge of the municipal court of said city to appoint three (3) commissioners to perform the duties hereinafter assigned them in respect to such improvement.

Upon such application it shall be the duty of the judge of said court to appoint as such commissioners three (3) persons of good business qualifications and as nearly disinterested as possible, who shall be freeholders of said city and qualified electors therein and who shall have been residents of said city for at least three (3) years immediately prior to said appointment and none of whom shall be an officer of said city or occupy any position of trust under the authority of said city, either directly or indirectly or in any way whatsoever.

Such appointment shall be made by said judge in writing, as soon as may be after such application, and transmitted to and filed by the

recorder of said city in his office, together with the written application of said mayor to said judge, which filing shall become *prima facie* proof of such appointment and of the regularity of the same.

It shall be the duty of the city recorder to immediately notify each one of such commissioners of such appointment personally if possible, otherwise through the mail, and request each of said commissioners to immediately qualify, and to attend to such duties as by this act are assigned them, designating in said notice a time and place when they shall so meet.

Two (2) or more of such commissioners shall constitute a quorum and be competent to do any act herein required of them. If any commissioner so appointed and duly notified shall refuse to qualify as such commissioner or neglect to attend to his duties as herein provided he shall forfeit and pay to the city of Redwood Falls the sum of fifty (50) dollars to be recovered of him to the use of said city in a civil action brought for that purpose in the municipal court of said city.

And in case a quorum of such commissioners shall not so attend at the time and place designated by the city recorder in said notice, the mayor, or in case of his inability to act the acting mayor, may appoint in writing one or more commissioners to act in the place or instead of such absentee, observing the same rule as to qualification as is stated above.

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 required of them with fidelity and impartiality and make due returns of their actions 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 such notice, which shall be on or near the premises proposed to be taken or appropriated, and ascertain and award therefor compensation and damages to the owners thereof, and that they will then and there hear all testimony, allegations and proofs with regard to the value of the same, or any other matter appertaining to the taking and appropriating of said property which interested persons may see fit to offer. Such notice shall, if possible, also be served personally upon all parties interested; in case of infants, upon their guardian or next friend; otherwise upon a person of suitable age and discretion at the last or usual place of abode of such interested party.

Such commissioners shall meet and view the premises at the time and place designated in said notice, and may adjourn from time to time; and, having viewed the premises may, for the purpose of hearing of evidence and the preparation of their award, adjourn or go to any other convenient place in said city, proclaiming and giving public notice of such time and place to which they may adjourn at the time such adjournment is made, always keeping a perfect record of all adjournments and proceedings. And such commissioners shall make a true, just and impartial appraisal and award of the compensation and damage to be paid to each person, company or corporation whose property, interest or easement is to be so taken and appropriated, and shall report the same to the city council, and such award shall lie over until the next regular meeting of the council which shall occur at least one week after the reception of such report,

at which or at any subsequent time the city council may act on such award and hear any objections made thereto, or may refer the matter to a committee to hear objections and report to them. The common council may confirm such award or annul the same, or send the same back to the said commissioners for further consideration. The common council shall give notice, to be published once in the official paper of said city, of a time and place when they will meet to hear evidence that may be adduced by interested persons with regard to the taking of said property, which time shall be at least two (2) days after the publication of such notice, and shall, as far as possible, serve such notice upon all interested parties. Such meeting being had by said common council, according to said notice, they may adjourn from time to time and for purpose of hearing evidence respecting the taking of such property; *Provided*, that if any change or alteration is made in the amount, terms or conditions of said award, such change or alteration shall be made by the commissioners themselves, and not by the common council. After such award is finally made by said commissioners, they shall report the same to the common council, who may confirm or annul the same; *Provided*, at least one (1) week shall elapse between the time of filing such award by the commissioners and final action thereon by the common council, in order to give opportunity for appeal. When any such award shall be confirmed by the common council, the same shall be final and conclusive upon all parties interested, excepting as hereinafter provided; *Provided*, that notices being given as in this section provided shall be deemed and held to be a sufficient legal notice or notices to all persons interested to appear before such commissioners for the purpose of offering such objection or producing such evidence as they may see fit to do, as hereinbefore provided.

SEC. 2. Whenever an award of compensation and damages shall be confirmed by the city council and not appealed from, and whenever the same, when appealed from, shall not be set aside by the court, the same shall constitute a lawful and sufficient condemnation and appropriation to public use of the land and property and rights in property for which compensation or damages are so awarded, and the city council shall thereupon cause to be paid to the owners of such property the amount awarded to each severally.

Upon the payment of said award or appropriation, or the setting apart of the money in the city treasury, there to remain to be paid unconditionally to the parties entitled to the same on demand, the city shall become vested with the title to the property taken and condemned, absolutely, for all purposes for which the city may ever have occasion to use the same, and may forthwith enter upon and use the same.

This section shall apply as well to all cases of appropriation of private property for public use, provided for in this act, excepting as to the appointment of commissioners.

SEC. 3. Whenever the common council shall so determine to take private property for public use, as provided in section one (1) of this chapter, they may, if they think best, prior to the time of the appointment of said commissioners, appoint a committee of not less than three (3) of their own members, who, together with the city engineer, may make examination and propose to the city council a location suitable for such engine house, market or other public building, or

for water works or public grounds, as the case may be, and if for water works, the amount of power deemed necessary to be taken and appropriated, and may present to the city council a plat of the land proposed to be taken.

SEC. 4. Such committee shall file their report with the city recorder, who shall give notice by publication twice in the official paper of said city that such report is on file in his office for the inspection of all persons interested, and that the same will be presented to the city council for action thereon at a meeting of said council to be named in such notice. The council, under such rules as it may prescribe, may hear any person interested in the matter at that time.

## CHAPTER XIII.

### LAYING OUT NEW STREETS.

SECTION 1. Whenever the common council shall vote, as they are hereby authorized to do so, to lay out or open any new street or alley, or to straighten, widen or extend any that now or hereafter may omit [exist], 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, and the common 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 such plat and survey shall be finally adopted by the common council it shall be filed with the city recorder, and it shall be held to show correctly the character and extent of the improvement actually agreed upon and ordered by the common council.

Said plat shall also show the amount of land taken from each owner so far as the owners may be known, and the land contiguous to or affected by such improvement.

The common council shall then or afterwards appoint three (3) freeholders of said city, having the same qualifications as the commissioners appointed under chapter twelve (12) of this act, 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, and without regard to cash valuation.

Two (2) of such commissioners shall constitute a quorum and be competent to perform any duty required of such commissioners; and they shall be notified of their appointment and vacancies in their number 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 chapter twelve (12) of this act.

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 recorder 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 publication of such notice, meet at the time and 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 improvements and assess thereon, in proportion to the benefits, the amount necessary to pay such compensation and damage, and the cost of making the improvement, and that they will then and there hear such allegations and proof as interested persons may offer, which notice, at least five (5) days before such meeting, shall be served upon all occupants of the land through which such street or alley may extend, personally or by copy left at usual place of abode of each of said occupants. 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 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 said 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 common council 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 assessment, they shall so indicate in their report and shall state the amount of such excess; said commissioners shall also report to the city council an assessment list containing their assessment of such compensation, damages and costs, 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 of the excess of such compensation, damage and costs, as aforesaid, which they shall return unassessed.

Such report shall lie over until the next regular meeting of the council which shall occur at least one (1) week after the reception thereof, at which time or at any meeting of the common 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. Notice of such meeting shall be published once in the official paper of said city, and at least two (2) days before such meeting.

The council may confirm such award and assessment or either, or annul the same or send the same back to the same commission 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 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 mistakes in such award and assessment and alter and revise the same as they shall deem just and again report the same to the common council, who may thereupon confirm or annul the same. Whenever the common 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 common council shall proceed, at the same or any 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 common council of the city of Redwood Falls 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 taking and injury to private property and estimated cost of improvement, in and about....., as shown on the plat and survey of the same on file in the office of the city recorder of said city. This levy is made conformably to the report and assessment of commissioners duly appointed to make such assessment, 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 common council, this.....day of  
..... A. D. 18.....

Attest: .....  
..... Mayor.  
..... City Recorder.



SEC. 2. In addition to making special assessments for laying out new streets, as provided for in section one (1) of this chapter, the common council of said city hereby also have authority, and it shall be their duty, to levy assessments upon the property fronting upon such improvements or the property benefited by the same, without regard to the cash valuation of such property, for filling, grading, leveling, paving, curbing, walling, macadamizing, planking any street, constructing bridges upon or otherwise improving any street in said city, or laying, relaying or extending any water mains or sewer pipes through any street, lane or alley, or any portion of the same in said city.

The same proceedings shall be had in all such cases as are provided in section one (1) of this chapter. And the common council of said city is hereby authorized, and it shall be their duty, to proceed under said section one (1) to lay out new streets or to improve any street in said city in the respects above mentioned, or lay, relay or extend any water main or sewer pipe, at any time when they shall determine that the public necessities or convenience and the general good of said city demand such improvements.

## CHAPTER XIV.

### APPEALS.

SECTION 1. Any person whose property is proposed to be taken under any of the provisions of this chapter, and who deems that there is any irregularity in the proceedings of the council or action of the commissioners which ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of his property, any time before such award shall be confirmed by the common council, may file with the city recorder, in writing, his objection to such confirmation, setting forth therein specifically the particular irregularities complained of, the amount he claims to be entitled to, and containing a description of the property affected by such proceedings, and if, notwithstanding such objections, the common council shall confirm the award, such person so objecting shall have the right to appeal from such order of confirmation of the common council to the district court of the county of Redwood, at any term, within ten (10) days after such order. Such appeal shall be made by serving a written notice of such appeal upon the city recorder of said city, which shall specify the property of the appellant affected by such award, and refer to the objections filed as aforesaid, and by also delivering to said city recorder a bond to the city of Redwood Falls, executed by the appellant, or by some one on his behalf, with two (2) sureties, who shall justify in the penal sum of fifty (50) dollars, conditioned to pay all costs that may be awarded against the appellant. Thereupon the city recorder shall make out and transmit to the clerk of said district court a copy of the award of said commissioners as confirmed by the council, and of the order of the council confirming the same, and of the objection filed by the appellant as aforesaid, all certified by said city recorder to be true copies, within ten (10) days after the taking of such appeal.

But if no more than one (1) appeal to be taken from any award, it shall not be necessary that the clerk, in appeal subsequent to the first

(1st), shall send up anything except a certified copy of the appellant's objections. There shall be no pleading on such appeal, but the court shall determine in the first (1st) instance whether there was in the proceedings any such irregularity or omission of duty prejudicial to the appellant and specified in his said written objections that, as to him, the award of the commissioners and its confirmation by the common council ought not to stand, and whether said commissioners had jurisdiction to take action in the premises.

The case may be brought on for hearing on eight (8) days' notice, at any general or special term of court, and shall have precedence of other civil cases, and the judgment of the court shall be upon any of the foregoing questions or any other questions alike pertinent to such proceedings, to confirm or annul the proceedings only as the same affects the property of the appellant proposed to be taken and described in said written objections.

From such determination no appeal or writ of error shall lie to the supreme court.

In case the amount of damages awarded is complained of by such appellant, the court shall, if the proceedings shall be confirmed in other respects, appoint three (3) other disinterested freeholders, residents of said city, commissioners to reappraise such damages.

The parties to such appeal shall be heard by said court upon the appointment of such commissioners, and the court shall fix the time and place of the meeting of said 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 and all allegations and proofs pertinent to the question of the amount of such damages.

Such commissioners shall be governed by the same provisions in respect to the method of arriving at the amount of damages, and in all other material respects, as are in this chapter made for the government of commissioners appointed by said common council for condemning land. They shall, after such hearing and view of the premises, make report to said court of their appraisal of damages, as respects such appellant and which report shall be opened to further objections before said court by any party aggrieved. The award of such commissioners shall be final, unless set aside by the court for cause. Judgment shall be entered by said court after final award therein, declaring that upon the payment of the amount of such final awards and costs, if any, or depositing the same with the city treasurer as provided in chapter XII. (12) of this act, the said city shall be entitled to the land, easement or estate, with regard to which such condemnation was had, either in fee or for such uses as are provided for in this act. In case such report is set aside, the court may, in its discretion, commit the question of damages therein 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 and make such award of costs on such appeal, including the compensation of such commissioners, as it shall deem just in the premises.

In case the court shall be of opinion that such appeal was frivolous, or vexatious, it may adjudge double costs against such appellant.

SEC. 2. The common council shall have the right, at any time during the pendency of any proceedings for the improvements authorized in this chapter, or at any time within thirty (30) days after the final order of the court, or any appeal from such proceedings, to abandon all such proceedings whenever it shall deem it for the interest of the city to do so.

SEC. 3. Whenever any portion of any award made by commissioners and confirmed by the council, under the provisions of this act, shall be annulled by the court upon appeal, as hereinbefore provided for, the common council may again appoint commissioners to view the property which was affected by such appeal, and appraise and amend the compensation and damages to be paid for the taking or appropriation of the same, and the like proceedings shall be had, so far as is applicable, as is prescribed in said section, except that such commissioners shall make no new assessments of costs and expenses.

They shall in proper cases, however, in arriving at the compensation and damages to be awarded, take into consideration and offset any benefits which, in their judgment, the contemplated improvement will be to the remainder of the property, part of which may be taken or appropriated, and report their award to the common council, whereupon the same proceedings may be had as far as applicable as upon an original award, and if such award shall again upon appeal be annulled by the court, still another commission may be appointed and award made in the same manner and so on until a valid award shall be made.

SEC. 4. If any special assessment heretofore made by the common council, or under its direction, to defray the expense of any local improvement has been or shall be, either in whole or in part, annulled, vacated or set aside by the judgment of any court, or if the common council shall be satisfied that any such assessment is so irregular or defective that the same cannot be enforced and collected, or if the common council shall have omitted to make such assessment at or before the making of such improvement when it might have done so, the common council shall anew or thereafter compute and determine upon the cost of making such improvement in a gross amount, upon such *data* as it shall seem sufficient, not exceeding in the case of water mains the cost of laying a six (6) inch pipe, when a larger pipe was used; and the common council may then proceed to cause a new assessment of the cost of such local improvements to be made, either on the property fronting upon such improvements, or on the property benefited by such improvements according to the character of such improvements, following as near as may the provisions of this act in determining the property to be assessed, and the form and manner of proceeding subsequent to the determination of the cost of the improvement, and in case such second assessment shall be annulled the common council may proceed to make other assessments until a valid assessment shall be made; but nothing in this section shall authorize any new assessment in cases where such court shall determine that the lots or lands are not subject to assessment.

After such new assessment roll shall have been completed the city recorder shall note thereon against any piece of land upon which a former assessment for the same improvement has been paid the words "Paid on former assessment," which shall cancel such assessment on that parcel.

SEC. 5. The city recorder shall record all assessment rolls of special assessments in books to be by him kept for that purpose, and shall, on or before the first (1st) day of October of every year, deliver to the county auditor of said county of Redwood all such assessment rolls thereto delivered, 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 enforced with and in the like manner as state, county and other taxes are collected and the payment enforced; and such assessment, when collected, shall be paid over by the county treasurer to said city, together with all costs, penalties and interest collected thereon, at the time of making payment of city taxes to city treasurer.

SEC. 6. No omission, informality, or irregularity in proceedings in or preliminary to the making of any special assessment, shall affect the validity of the same, where the assessment roll has been adopted by the common council, and the assessment roll and the record kept by the city recorder shall be competent and sufficient evidence that the assessment was duly levied and the assessment roll duly made and adopted and that all other proceedings antecedent to the adoption of such assessment roll were duly had, taken and performed, as required by this charter.

And no failure of the city recorder to record the assessment roll, or to deliver the same to the county auditor on or before the time prescribed for such delivery, or to do any other act or thing of him required, shall in any way invalidate any assessment; and no variance from the directions herein contained as to the form or manner of any of the proceedings shall be held material, unless it be clearly shown that the party objecting was materially injured thereby.

SEC. 7. In case any special assessment shall, in any suit where its validity shall be questioned, be adjudged invalid, the common council may, in its discretion, notify the county auditor to cease the collection of the same, if it shall have been transmitted to him for collection, and may proceed anew by proceedings, either as in case of an original special assessment for the same purpose, or by taking up the previous proceedings at any point, and may make and levy a new assessment in the place and stead of the assessment which shall have been adjudged invalid; and the city recorder, before delivering such assessment to the county auditor for collection, shall ascertain and note thereon payments which have been made on such invalid assessment for the same purpose, which notation shall cancel the assessments as to the parcels and lots on which such payments were made to the extent of the payments.

Such new assessments shall be collected in the same manner as original, special assessments.

SEC. 8. The cost of any improvements mentioned in chapters twelve (12) and thirteen (13) of this act shall be defrayed, save as herein otherwise provided, by special assessment in the manner therein set forth; *Provided*, that upon a vote of two-thirds (2/3) of the aldermen elect, any improvement mentioned in such chapters may be made by the city at large, without special assessment, when the value of such improvement does not exceed two hundred dollars (\$200).

SEC. 9. The common council may, at the time of ordering any improvement for which any assessment may be made, determine whether to proceed at once or wait the collection of said assessment. If they

determine to proceed with such improvement, they are here authorized to borrow as much money as shall be necessary for present use in making such improvement, and to pledge the credit of the city therefor.

SEC. 10. In case any assessment for improvement is collected before the making of such improvement, the money so collected shall be kept separate from other funds of the city and not devoted to any other purpose than such improvement.

As soon as a majority of the assessments for such improvement are paid, the common council shall forthwith proceed with making such improvement.

SEC. 11. After any special assessment roll shall have been adopted by the common council and before the same shall have been delivered to the county auditor for collection, any assessment thereon may be paid direct to the city treasurer of the said city; and upon the production of the said city treasurer's receipt therefor to the city recorder, he shall enter upon such assessment roll, opposite to the assessment so paid, the words "paid to the city treasurer," which entry shall cancel the assessment so paid.

SEC. 12. The common council shall meet at ten (10) o'clock A. M. upon the third (3d) Tuesday of September each year as a special board of review at the city council rooms or at the place where meetings of the common council are held in said city, to review and examine all special assessments levied upon private property in said city for any purpose under the provision of this act, all of which common council acting as such board of review shall qualify as such board. They shall, at that time, hear any statements, objections or complaints with regard to said assessments by any person aggrieved affecting the validity, equality or amount of said assessment or any other matter or thing affecting or pertinent to such levy.

The common council shall take such action with regard to such assessment either on their own motion or on complaint of parties aggrieved, as to their judgment is equitable and just, and shall cancel or modify such assessment or defer the present collection of the same, or allow any one of them or all of them to be paid without return to the county auditor either in whole or in part, and shall do any other act with reference thereto which in their judgment justice and equality require. They may adjourn from day to day and a majority of those present shall constitute a quorum for doing business.

The city recorder shall keep an accurate and detailed record of all the transactions and doing[s] of such board, and shall make all such alterations in the special assessment roll as such board shall direct.

SEC. 13. The common council may make such provisions for the payment of all boards of review provided for in this act, and for all extra services of the aldermen of the said city for any purpose, and for all commissioners appointed under this act, excepting those appointed by the court, for reassessment of damages, as the said common council may see fit.

## CHAPTER XV.

### MUNICIPAL COURT.

SECTION 1. There is hereby established in the city of Redwood Falls, in the county of Redwood, a municipal court for the transaction of all business which may lawfully come before it.

Said court shall be a court of record and shall have a clerk and a seal and shall have jurisdiction to hear, try and determine civil actions at law, where the amount in controversy does not exceed five hundred (500) dollars. It shall also have exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases arising or triable within the city of Redwood Falls heretofore cognizable before a justice of the peace. It shall not have jurisdiction of actions for divorce, nor of any action when the relief asked for in the complaint is purely equitable in its nature; nor cases involving the title to real estate; nor for false imprisonment, libel, slander, malicious prosecution, criminal conversations or seduction, or upon a promise to marry, nor for an action against an executor or administrator as such, and when in any cause pending in said court a counterclaim in excess of five hundred (500) dollars over plaintiff's claim, or an equitable defense or ground for equitable relief is interposed, or whenever it shall appear from the pleadings or upon the trial of any cause that the title to real estate is involved, the said court shall immediately cause an entry of the facts to be made of record, and cease all further proceedings in the cause, and order the clerk to certify and return to the district court in and for the county of Redwood a transcript of all entries made in the record relating to the cause, together with all process and papers relating to the cause, and the clerk shall within ten (10) days after being so ordered make such certificate and return; and thereupon said district court shall proceed in the cause to final judgment and execution, the same as if said cause had been commenced in said district court, as near as may be, and the costs shall abide the event of the action; *Provided*, the clerk of said municipal court shall not make said certificate or return, until the costs chargeable by the clerk have been paid.

SEC. 2. The qualified electors of the city of Redwood Falls shall, at the general city election to be held on the first (1st) Tuesday after the first (1st) Monday in January, one thousand eight hundred ninety-two (1892) and on the day of the general city election every third year thereafter, elect a suitable person, with the qualifications hereafter mentioned, to the office of judge of said municipal court to be called "Municipal Judge," who shall hold his office for the term of three (3) years and until his successor shall be elected and qualified. In case of any vacancy in the office of municipal judge the governor of the State of Minnesota shall appoint some qualified person to said office until the next annual city election occurring more than thirty (30) days after the vacancy shall have happened, when a judge shall be elected for a full term of three (3) years.

The governor of the State of Minnesota shall, immediately after the passage of this act, appoint some suitable person to said office until the first general city election, to be holden as in this act provided, and until his successor is elected and qualified.

SEC. 3. The judge of the municipal court shall be a resident of the city of Redwood Falls and a qualified elector therein, a person learned in the law and duly admitted to practice as an attorney in this state. Before entering upon the duties of his office he shall take and subscribe an oath as prescribed in the General Statutes for judicial officers, which oath shall be filed in the office of the city recorder of said city. He shall have the general powers of judges of courts of record, and may administer oaths and take and certify acknowledgments in all

cases, and as a conservator of the peace shall have all power and authority which is by law vested in the justices of the peace or any other judicial office[r]. In case of sickness or other cause requiring his absence, he may procure any competent and disinterested attorney in Redwood county to act for him. Such attorney so called in shall take and subscribe the same oath of office and have all the powers possessed by the municipal judge in such matter, or during such time, as he may, by the written order of such municipal judge, be requested so to act. Prior to the entry of such appointed person upon the discharge of such judicial functions, the judge shall enter a full copy of such order in the records of the court.

Nothing in this act shall be so construed as to disqualify or prevent the municipal judge from practicing as an attorney or counselor in any court of this state except in said municipal court. In all actions or proceedings in the district court of Redwood county, wherein the judge of said court may enter a trial of said actions or proceedings, the same may be referred to the said municipal judge to hear, try and determine, or report the evidence thereon, and may be ordered or agreed upon, and said judge so acting as referee shall be entitled to the same fee for said services as other referees. He may accept said reference with all the powers of a referee.

SEC. 4. Said municipal court shall have a clerk, who shall be appointed or removed at the pleasure of said judge by an order in the minutes of the court.

The salary or compensation of said clerk shall be such as such judge shall direct and shall be paid by him. 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 Redwood Falls a penal bond in the sum of one thousand (1,000) dollars, with two (2) sureties, approved by the mayor of said city of Redwood Falls, conditioned that he will account to and pay over to the said city on the first (1st) Monday of every month, all fines, penalties 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 have come into his hands in virtue or by reason of his said office. Such oath and bond shall be filed in the office of the city recorder of said city.

SEC. 5. The municipal court shall have full power and authority to issue all process, civil and criminal, necessary or proper to carry into effect the jurisdiction given to it by law, and its judgments and its other determinations, and it shall have and possess all the powers usually possessed by courts of record at common law, subject to modifications of the statutes of this state applicable to courts of record, except that it shall not have jurisdiction to issue writs of *habeas corpus*, *quo warrant[o]*, *ne exeat*, *mandamus*, prohibition nor injunction. All process shall be attested in the name of the judge, and issued under the seal of the court and signed by the clerk, who shall be styled "Clerk of the Municipal Court," and the forms of process may be prescribed by the court by rule or otherwise, and any form so prescribed shall be valid and sufficient, and such form may be changed by the court from time to time in the absence of such prescribed forms of

process in use either in courts of record of this state, or by justices of the peace, may be changed and adapted to the style of the court and used at the discretion of the court or clerk. Process may be directed for service to any police officer of the city of Redwood Falls or to the sheriff or any constable of said Redwood county.

SEC. 6. The municipal court shall be held in the city of Redwood Falls, at some suitable place to be provided therefor by said judge.

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 at any time (Sundays and legal holidays excepted) and proceed to hear and dispose of, in a summary manner, all causes which shall be brought before him by the police officers of the city or otherwise, either with or without process, for violation of the criminal laws of this state, committed within the county of Redwood, or of the ordinances, laws, regulations or by-laws of said city.

The clerk of said court shall keep a record of all its 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. 7. The clerk of the municipal court shall have the custody and care of all the books, papers and records of said court. He shall be present at all trials, unless absent from sickness or with the consent of the judge, and in case of his absence the judge may appoint some person temporarily in his place. He may swear all witnesses and jurors and administer all oaths and affidavits, and take acknowledgments. He shall keep minutes of all proceedings and enter all judgments, and make up and keep the records of the court, under the directions of the judge. He shall tax all costs and disbursements allowed in any action, subject to review by the judge, and do all other things and acts necessary or proper to the enforcing and carrying out of the jurisdiction of the municipal court, and when the judge is not present, adjourn the court from day to day. He shall receive all fines and penalties and all fees of every kind accruing to the court or clerk, and keep full, accurate and detailed accounts of the same; and shall, on the first (1st) Monday of every month, deliver and pay over to the city treasurer of the city of Redwood Falls, all moneys so received for fines and penalties, with detailed accounts thereof, under oath. The clerk of said court may, when he deems the same necessary, appoint, with the sanction of the judge, a deputy clerk of said municipal court, for whose acts the said clerk shall be responsible, and said deputy shall be appointed under the hand of said clerk and seal of said court, with the sanction of said judge indorsed on the back of such appointment; and before any deputy clerk of said court shall enter upon the duties of his office, he shall take and subscribe the same oath prescribed and required to be taken by the clerk of said court, which oath, together with the appointment of such deputy clerk, shall be filed in the office of the city treasurer of the city of Redwood Falls, and the clerk of said court, or the judge thereof, may, at any time, remove any deputy appointed under the provisions of this act.

The deputy clerk of said court shall receive no compensation from the city of Redwood Falls. The said deputy clerk may administer oaths, take acknowledgments and perform all the duties pertaining to the office of clerk of said municipal court.



SEC. 8. The municipal court shall hold regular terms for the trial of civil actions on the first (1st) Tuesday of every month, which terms 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 to be issued by the clerk. The form of the summons may be as follows:

STATE OF MINNESOTA, } County of Redwood. }	} ss.	CITY OF REDWOOD FALLS, Municipal Court.
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The State of Minnesota to any police officer of said city, or to the sheriff or any constable of said county:

You are hereby commanded to summon.....  
if he shall be found within the county of Redwood, to be and appear before the municipal court of the city of Redwood Falls, at a term thereof to be holden on the.....day of.....18... at the hour of.....o'clock in the forenoon, and answer to..... in a civil action whose complaint is on file in said court, and have you then and there this writ.

[L. s.] Witness the honorable.....

*Municipal Judge.*

This.....day of..... 18...

.....  
*Clerk of Municipal Court.*

Or the summons may be in any other form which the court may by rule prescribe and shall be served upon the defendant at least six (6) days before the commencement of the term at which the same is made returnable. The summons in this court shall be served in the same manner as prescribed by statute for service of summons in district court in all cases or classes of cases whereof this court has jurisdiction, except that in case of service of summons by publication, the period of such publication shall be three (3) consecutive weeks instead of six (6). No summons shall be issued until the complaint in the action shall have been filed with the clerk. All pleadings in said municipal court shall be in writing. If the defendant fail to appear at the opening of the court on the day on which the summons is made returnable, judgment may be entered against him for an amount not exceeding that mentioned in the complaint and for costs and disbursements, except that when the action is for unliquidated damages or relief, the plaintiff shall obtain such judgment, only as he shall show himself entitled to by evidence and proof. If he so appear, he shall then, or at such time as the court may designate, by rule or otherwise, answer the complaint; and if the answer contain a counter claim or new matter, the plaintiff shall reply thereto forthwith, or at such time as the court may, by rule or otherwise, designate. The answer and reply shall be in writing and filed with the clerk, and each pleading shall be verified by the party, his agent or attorney, either as in courts of justices of the peace or in the district courts of this state.

Either party may demur to any pleadings of his adversary, as in the district court, except that the demurrer to any pleading shall be

filed within the same time allowed for filing an answer or reply to such pleading. All pleadings of this court shall be construed liberally, and technical objections shall be disregarded. And the court may, for good cause, in its discretion, and on such terms as it may deem equitable, open any default at the same term at which it occurred or allow any amendment of any pleading at any time, and shall disregard variance between the allegations of a pleading and the evidence, unless satisfied that the adverse party is prejudiced thereby. Either party shall be entitled to continuance of a civil action, except actions for forcible entry and unlawful detainer, until the next term of the court following the term at which the summons is made returnable; and further continuance may be granted upon sufficient cause shown and on such terms as may be just. Said court shall have authority to provide that the plaintiff in any civil action in which a justice of the peace would have jurisdiction, and when the amount is beyond the jurisdiction of a justice of the peace when the plaintiff is a non-resident of this state, shall, by bond, recognizance or deposit of money with the clerk, give security for costs in such sum as the court may designate, when the plaintiff in any cause shall neglect or refuse to give such security when so ordered, within a time to be designated by the court, the court may dismiss such cause at the cost of said plaintiff. Costs are allowed to the prevailing party, in actions determined in said municipal court, as follows: To the plaintiff, upon a judgment in his favor of one hundred (100) dollars or more, or in actions of replevin when the value of the property is one hundred (100) dollars or more, when no issue of fact or law is joined, five dollars (\$5); when an issue is joined, ten dollars (\$10).

To the defendant, when the amount claimed in the complaint is one hundred (100) dollars or more, upon discontinuance or dismissal, five dollars (\$5); when judgment is rendered in his favor upon the merits, ten dollars (\$10).

Costs and disbursements shall be taxed and allowed in the first instance by the clerk, upon two (2) days' notice in writing by either party, unless notice is waived by stipulation, and inserted in the entry of judgment. The disbursements shall be stated in detail and verified by affidavit unless otherwise stipulated by the parties. The party objecting to any item shall specify in writing the ground of objection, and the same, in case of appeal, shall be certified to the court by the clerk, and the appeal shall be heard and determined upon the objections so certified, and none other. All papers specified in this section shall be filed with the clerk.

SEC. 9. Any creditor desiring to proceed by attachment in said court, may, at the time of commencing the action, or thereafter and while the action is still pending, by himself, his agent or attorney make and file with the clerk 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 with the clerk a bond, with sufficient sureties, to be approved by the judge, and similar to the bond required on like applications in justice's court, except that in cases not within the jurisdiction of a justice court the limit of liability thereon shall be mentioned therein as not exceeding the sum of two hundred and fifty (250) dollars. The writ of attachment may be in form as follows:

STATE OF MINNESOTA, }  
County of Redwood. } ss.

CITY OF REDWOOD FALLS,  
Municipal Court.

The State of Minnesota to any police officer in the city of Redwood Falls, or to 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 ....., with interest and costs of suit, in whosoever hands or possession the same may be found in said county of Redwood, and so provided that the same may be subject to further proceedings as the law requires; and make due return of this writ.

Witness, the honorable .....

*Judge of said Court.*

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

*Clerk.*

Or the writ may be in any other form that the court may prescribe by rule. In all other respects, save as in this act otherwise provided, 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's court.

SEC. 10. The defendant may at any time before the time for answering expires, or at any time thereafter when he has answered, and before the trial, apply to the court, on five (5) days' 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 with affidavits in addition to those on which the writ of attachment was allowed.

SEC. 11. The plaintiff in an action to recover the possession of personal property, may, at the time of the issuing of the summons, or at any time before answer, claim the immediate delivery of such property. The plaintiff, his agent or attorney, shall make and file an affidavit similar to the affidavit required in the justice court in like actions. The plaintiff, or some person on his behalf, shall execute a bond with sureties, to be approved by the judge, conditioned similar to bond in such actions in justices' courts as required by the general statutes of A. D. one thousand eight hundred and seventy-eight (1878), near as may be, and file such bond, and an action may be maintained on such bond, as upon similar bonds filed in like actions in justices' courts. The clerk shall thereupon issue the writ, which may be in form as follows:

STATE OF MINNESOTA, }  
County of Redwood. } ss.

CITY OF REDWOOD FALLS,  
Municipal Court.

The State of Minnesota to any police officer of the city of Redwood Falls, or the sheriff or any constable of said county:

Whereas, ..... complains that ..... has become possessed of and unjustly detains from ..... the following described goods and chattels, that is to say: (Particularly describing the articles and value.) Therefore, you are hereby commanded to cause the

same goods and chattels to be replevied without delay, and deliver to the said.....and return this writ to the court within.....days, together with the return of the proceedings thereon.

Witness, the honorable.....

*Municipal Judge.*

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

[L. S.]

*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, as near as may be consistent with the practice of this court, in proceedings of replevin in justice's court; but the times and forms of pleadings and trial shall be the same as in other actions in this court. The officer executing the writ shall retain the property taken under it, in his own custody, for three (3) days before delivering the same to the plaintiff; and if, within that time, the defendant, or some one on his behalf, shall execute to the plaintiff a sufficient bond with 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 deliver such property to the defendant.

SEC. 12. The defendant may except to the sufficiency of the plaintiff's sureties within the same time and in the same manner as in proceedings of claim and delivery of personal property in district court, and when defendant so excepts, the same proceedings shall be had as in like actions in district court, except that the justification of sureties be had before the judge of said municipal court and no other.

The qualification of sureties shall be the same as required for sureties in like actions in district court.

SEC. 13. The clerk of the court shall, prior to each term of the court, make up a calendar of the causes which will come up for trial, or for any disposition before the court, at such term, adopting such arrangement as the judge may direct; and the court shall direct the order of trial, and other disposition of causes.

SEC. 14. Trial by jury in the municipal court shall in all respects, except as herein otherwise provided, be conducted as in the district courts of this state; and all laws of a general nature applicable to jury trials in said district courts shall apply to said municipal court. Jurors for said municipal court shall be provided and drawn, however, in the following manner, to-wit: The presiding judge of said municipal court, together with the senior alderman from each ward of the said city of Redwood Falls, or in case of the failure of any of said aldermen to act, any two (2) of them shall, on the first (1st) Monday of May and November in each year, at the office of the clerk of said court, meet and from the legal voters of said city select and designate seventy-two (72) legal voters of said city as the jurors of said municipal court, to serve therein when required and drawn, during the succeeding six (6) months, and until their successors are elected and certified, and shall thereupon certify said names so elected to the clerk of said municipal court, who shall thereupon write said names upon separate ballots, and place the same in a wheel or box, and whenever a jury is required in said court, shall thereupon, by lot, draw thirty (30) ballots, or in case a jury of six (6) is agreed upon by both parties to the

pending action, in the same manner as in justice court, he shall draw twenty-four (24) ballots therefrom, and shall make a list thereof, from which list each party shall strike off nine (9) names, in the same manner as in striking a jury in courts of justices of the peace in this state; and in case of the neglect or refusal of either or both parties so to strike, the judge shall strike out the names for either or both. The twelve (12), or in case of a jury of six (6), the six (6) persons whose names remain on said list shall be summoned to attend the trial of the cause wherein they were drawn, and shall constitute the jury, unless some of said jurors shall be excused or successfully challenged for cause, in which case the clerk shall successively draw the names of other jurors from the box, until the jury is full, allowing, however, to each party, as many peremptory challenges to such additionally drawn jurors as there shall remain, after said first (1st) striking, jurors to be drawn. When said drawing shall be finished, those jurors last drawn shall be summoned, and if any of the last drawn jurors are excused or successfully challenged, others shall be drawn and summoned in like manner until the jury is full, allowing to each party in each drawing as many peremptory challenges as at said drawing there shall remain jurors to be drawn. No talesman shall be summoned in any cause in said court until the regular panel shall all have been exhausted. After the jury shall be complete, the clerk shall return to the box the names of all persons except those who constitute the jury as finally struck. The names of those who serve as jurors shall not be returned to the box until all the names in said box shall be drawn. The persons selected by the judge and aldermen to serve as jurors as aforesaid shall not again be selected for six (6) months from and after the expiration of said term of six (6) months for which they were drawn, and the failure to select and designate the said jurors at the time herein provided shall not be available as a cause of challenge to the panel of said jurors, except to a party who shall show himself to be prejudiced thereby. Jurors in this court, when serving as such on the trial of an action, shall receive the same compensation as jurors in justices' court.

SEC. 15. Title eighteen (18) of chapter sixty-six (66) of the General Statutes of one thousand eight hundred and seventy-eight (1878), relative to trial by referees, title nineteen (19) of the same chapter, relative to exceptions, and title twenty (20), relative to new trials, shall apply to said municipal court; and section four (4), of chapter twenty-seven (27) of the General Statutes of one thousand eight hundred and seventy-eight (1878), relating to reporter of the supreme court and the distribution of supreme court reports, shall apply to the judge of said municipal court; and all causes may be removed from said municipal court to the supreme court of the state of Minnesota, in the same manner and upon like proceedings and with like effect as from the district court; and said municipal court shall have jurisdiction of actions of forcible entries and unlawful detainers, and may fix return days for such actions, other than the regular term days of said court, in the discretion of the judge; and chapter eighty-four (84) of the General Statutes of one thousand eight hundred and seventy-eight (1878), relative to forcible entries and unlawful detainers, shall apply to said municipal court, and the practice shall be the same in such cases, as near as may be, to similar proceedings in justices' courts.

SEC. 16. No judgment rendered in said municipal court shall attach as a lien upon real estate until a transcript thereof shall be filed in the district court, as hereinafter provided; but writs of execution thereon may issue against the goods and chattels of the judgment debtor, returnable within thirty (30) days, as in justices' court. The provisions for renewals of executions in district court shall apply to this court, except that such renewal shall extend the life of the execution for only thirty (30) days from the date of such renewal, and except that no renewal of such execution shall be made by the clerk until the fee of twenty-five (25) cents therefor shall have been paid. Every person in whose favor a judgment is rendered in said municipal court for an amount exceeding five (5) dollars besides costs may, upon paying the fee therefor, demand and shall receive from such clerk a transcript of the docket entries of such judgment, duly certified, and may file the same in the office of the clerk of the district court, in and for the county of Redwood, who shall file and docket the same as in the case of transcripts of judgments from courts of justices of the peace.

And every such judgment shall become a lien upon the real estate or the debtor from the filing of such transcripts, to the same extent as a judgment of said district court, and shall thereafter be exclusively under the control of said district court and carried into execution by its process, as if said judgment had been rendered in said district court. The clerk of said municipal court shall not issue such transcript while a writ of execution is outstanding, in the hands of an officer, or otherwise, and shall note on the record of said judgment the fact that such transcript has been given; and shall not, thereafter, issue any writ of execution on the same judgment, but may, at any time after the first transcript is issued, give to any party applying therefor, upon such party paying the clerk's fee therefor, a new transcript, and the clerk shall note the record of each transcript given upon such judgment.

SEC. 17. Proceedings against garnishees may be instituted in the same manner as in justices' courts; but the summons may be served either by an officer authorized by this act to serve process, or by any person not a party to the action, at any place within the state of Minnesota; and the summons may be made returnable at any term of said municipal court which may be named therein, and the notice required to be served on the defendant in the action may be signed, either by the clerk of said court, or the person who served the garnishee summons, or by the plaintiff or his attorney. The disclosure of the garnishee may be taken and all further proceedings had in the same manner as if the proceedings were in the district court, except that the examination of the garnishee shall be before the acting judge of said court.

SEC. 18. Complaints in criminal cases, where the defendant is not in custody, may be made to the judge or clerk, in writing, or reduced to writing by the judge or clerk, and sworn to by the complainant, whether the offense charged be a violation of the criminal laws of this state, or of the ordinances, regulations or by-laws of said city; and the clerk shall issue a warrant only upon the order of the judge indorsed upon the complaint, and complaints, warrants and all other process in criminal cases may follow substantially the same forms heretofore in use by justices of the peace, with such alterations as

may seem convenient to adapt 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 offense with which the defendant is charged, which shall stand in case 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 failure to plead the clerk shall enter a plea of not guilty, and a former acquittal or conviction for the same offense may be proved under the plea as well as if formally pleaded.

In the examination of offenders charged with indictable offenses, the clerk shall keep such minutes of the examination as the court may direct, and shall make the proper return to the court before which the party charged with the offense may be bound to appear.

SEC. 19. In all proceedings had in said municipal court the following fees shall be charged and collected by the municipal judge or clerk and as for the compensation of the municipal judge, and said fees may be taxed in all cases where applicable:

For summons, warrants or subpoena, thirty-five (35) cents.

For a venire for a jury, thirty-five (35) cents.

For a warrant in a criminal case, thirty-five (35) cents.

Taking a recognizance of bail, thirty-five (35) cents.

Administering an oath, twenty-five (25) cents.

Certifying the same, when administered out of court, twenty-five (25) cents.

For a writ of attachment, thirty-five (35) cents.

The fee shall be one (1) dollar in each of the following cases, to-wit: For hearing and deciding every motion for a new trial, every demurrer and every motion to open a default.

Appeal from taxation of costs, one (1) dollar.

Entering a judgment, thirty-five (35) cents.

Every adjournment, twenty-five (25) cents.

Every bond, recognizance or security, directed by law to be taken and approved by the judge of court, thirty-five (35) cents.

Taking an examination, deposition or confession, or entering any cause in docket, per folio, fifteen (15) cents.

For copy of proceedings, or of any paper or examination in any case, when demanded, per folio, fifteen (15) cents.

Entering a satisfaction of judgment, twenty-five (25) cents.

Issuing commission to take testimony, fifty (50) cents.

Entering any order, or exception thereto, ten (10) cents.

Entering amicable suit without process, thirty-five (35) cents.

For a transcript of judgment, thirty-five (35) cents.

Opening a judgment for rehearing, thirty-five (35) cents.

Filing every paper required to be filed, five (5) cents.

Issuing notice to take deposition, thirty-five (35) cents.

Taking recognizance, certifying oath or affidavit and making return to district or supreme court, fifteen (15) cents per folio.

For search warrant, thirty-five (35) cents.

For commitment to jail, thirty-five (35) cents.

For an order to bring up prisoner, thirty-five (35) cents.

For an order to discharge prisoner, issued to jailer, thirty-five (35) cents.

Discharging a prisoner, after hearing a motion to discharge, twenty-five (25) cents.

For an execution, thirty-five (35) cents.

For every other writ not herein enumerated, thirty-five (35) cents.

For every affidavit or other paper, drawn by the judge or clerk, for which no other allowance is made by law, per folio, fifteen (15) cents.

Taxing costs, twenty-five (25) cents.

For marrying and making return thereof, three (3) dollars, and such other sum as may be allowed by the party making the application.

Holding an inquisition in cases of forcible entry and detainer, in addition to the fees, one (1) dollar.

Taking and certifying the acknowledgment of a deed, for each grantor named therein, twenty five (25) cents.

For traveling to perform any duty, when not otherwise provided for and such travel is necessary, going and returning, per mile, ten (10) cents.

For charging jury in said court, one (1) dollar.

The clerk shall not enter any judgment in any cause, nor perform any services required of him in any cause as such clerk, after the entry of judgment therein, until the fees therefor shall have been paid. Said court, upon appeal to the supreme court, shall receive the same fees allowed by law to clerks of the district court for like services.

SEC. 20. The judge of said municipal court shall hold no other office created or existing under or by virtue of the laws of the state of Minnesota, or created or existing under the charter, ordinances or by-laws of the city of Redwood Falls, except the office of judge of probate; and said municipal judge, while holding said office, shall have no law partner.

SEC. 21. The city attorney of the city of Redwood Falls shall have charge of the prosecution of all criminal cases before said municipal court wherein the defendant is charged with the violation of the city charter or any ordinance or by-law of the city of Redwood Falls, and the county attorney of the county of Redwood shall act in the prosecution or examination of offenders charged with other offenses, when required by law to prosecute in like cases before a justice of the peace.

SEC. 22. In all criminal cases tried in said municipal court, and in all examinations of persons therein charged with crime, the clerk shall tax costs and fees as hereinbefore provided in this act; and when the said court has final jurisdiction, and the defendant is convicted, the clerk shall tax the said costs as part of the costs against the defendant and include the same in the judgment to be entered against him.

And in all examinations of persons charged with crime under the laws of this state, and in all trials of criminal cases, when the defendant is acquitted, and when he is convicted and does not pay his fine and costs within ninety (90) days after the final determination of said cause, the clerk of said court shall make out an itemized bill of the costs accruing to the municipal court in such case or examination, certified to under his hand and the seal of said court, and said clerk shall file such bill so certified with the county auditor of the county of Redwood, who shall, upon such presentation, file the same in his office and draw his warrant upon the county treasurer of the county of Redwood for the amount of the bill or bills so presented in favor



of the said municipal judge of the city of Redwood Falls, and the said county treasurer shall pay the same.

SEC. 23. Whenever any civil action is pending in the district court of Redwood county, of which the municipal court would have jurisdiction, such action may be tried by the said municipal court, if the parties so agree and the district judge so orders, and thereupon such action shall be transferred to and tried in said municipal court as though the said action was originally commenced in said municipal court, and for such action so tried and determined by a jury in said municipal court, in which the amount in controversy exceeds one hundred (100) dollars, the county of Redwood shall pay to the city of Redwood Falls the sum of five (5) dollars, and the clerk of said court shall, on the first (1st) legal day of each month, make a list of such causes determined in said court during the month preceding, which shall contain the names of the parties to each cause, the date of the filing of each decision and the amount in controversy in each case, and certify the same under his hand and the seal of the court; which list, so certified, shall be by said clerk filed with the city treasurer of the city of Redwood Falls, and said city treasurer shall at least once in every three (3) months present all such lists, so on file with him, to the county auditor of the county of Redwood, who shall file the same in his office and draw his warrant forthwith upon the county treasurer of the county of Redwood for the amount of such list or lists, and the said city treasurer shall present such warrant to the said county treasurer, who shall pay the same.

SEC. 24. All fines and penalties imposed by said municipal court for a violation of any ordinance of said city, or of any law of this state, shall, when collected, be paid by the clerk of this court into the city treasury and belong to said city of Redwood Falls.

SEC. 25. In all criminal cases tried in said court, in which the defendant is convicted, the clerk shall tax as costs of courts (and if not paid the same shall be entered up in the judgment against such persons) the following sums, viz.: In cases where no warrant issued, and defendant, upon arraignment, pleaded guilty, two (2) dollars; in cases where a warrant has been issued and the defendant pleads guilty, two (\$2.50) dollars and a half; in cases where the defendant pleads not guilty and is tried by the court, three (\$3.50) dollars and a half; in cases where defendant is tried by a jury, five (\$5) dollars. Such sums in all cases are to be in addition to all other costs taxed in such cases, and turned into the city treasury.

SEC. 26. No justice of peace shall be elected after the passage of this act within the city of Redwood Falls, and the justice's dockets, together with all books and papers, shall be transferred to this court, and all judgments entered by any justice of the peace of the village of Redwood Falls shall be enforced and carried out by said municipal court in the same manner as if the same were originally entered therein, as near as may be. The dockets, together with all books and papers of the village justice of the village of Redwood Falls shall be transferred to this court, and all judgments entered therein and all actions commenced therein, all unfinished business or proceedings therein or appeals therefrom, shall be enforced and carried on by this court hereby established in the same manner as if the same were originally entered or commenced therein, and all its acts and judgments are hereby declared legal and valid. And it is hereby declared to be

the effect of this act that everything in the said justice's court of the village of Redwood Falls, as now existing or pertaining or to appertain thereto, or which may arise therefrom, shall be acted on, disposed of any accomplished as fully and completely in the court hereby created as if originally the same therein were, whether it be specially or not in the act mentioned.

SEC. 27. No summons issued by or out of this court shall be served in any county other than the county of Redwood, except in actions where property of the defendant has been attached and it appears by affidavit that the defendant resides in another county in this state the summons may be served upon defendant in the same manner as the summons is served under like circumstances in district court.

## CHAPTER XVI.

SECTION 1. The city of Redwood Falls is hereby declared to be the legal successor to the village of Redwood Falls, Minnesota. All public property except property used for educational and county purposes within the corporate limits of said city shall belong to and be the property of said city, nor shall anything herein affect the school district in said city, but it shall have all the powers and rights it had at the passage and approval of this act.

SEC. 2. All licenses heretofore granted by the village of Redwood Falls, and now in force, shall continue under the provisions of this act for the full term for which the same were granted and until the date fixed by this act for granting licenses.

SEC. 3. Until the next annual city election in January, A. D. one thousand eight hundred and ninety-two (1892), and until their successors are elected and qualified, the following persons shall be the officers of the city of Redwood Falls, viz.: Wm. F. Dickinson shall be mayor, Giles R. Pease and A. W. Bager shall be aldermen of the first (1st) ward, and H. G. Schmahl and C. C. Peck shall be aldermen of the second (2d) ward, O. W. McMillan shall be recorder, H. A. Baldwin shall be treasurer and D. L. Bigham shall be assessor.

SEC. 4. The mayor, aldermen and other officers of the city, while holding such office, shall be exempt from serving as jurors in any court of this state.

SEC. 5. All acts and parts of acts heretofore passed for the incorporation of the village of Redwood Falls, and amendatory thereof, are hereby repealed; but the repeal of any and all such acts or parts of acts shall not in any manner affect, injure or invalidate any bonds, contracts, suits, claims or demands that may have been duly and lawfully issued, entered into, commenced, or that may exist under and by virtue or in pursuance of said acts, or any of them, but the same shall exist, be enforced and carried out as fully and effectually to all intents and purposes as if this act had not been passed.

SEC. 6. This act is hereby declared to be a public act, and may be read in evidence in all courts in this state, and need not be pleaded or proven.

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

Approved April 1st, 1891.