

## CHAPTER XXXVIII.

*An Act to amend an act entitled "An Act to Incorporate the City of Red Wing," approved March fourth, eighteen hundred and fifty-seven.*

- SECTION 1. Amends section nine of chapter three of Act of Incorporation.  
 2. Amends section fifteen of said chapter three.  
 3. Repeals certain sections of chapter five.  
 4. Certain duties of City Clerk and City Council. Assessment Roll.  
 5. Duty of City Council.  
 6. City Council. Power to levy taxes. Limitation. Vote on tax.  
 7. Penalty for illegal voting.  
 8. Voting, how conducted.  
 9. Streets of City public highways.  
 10. When Act takes effect.

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

SECTION 1. That Section nine (9) of Chapter three (3) of an act entitled "An Act to incorporate the City of Red Wing," approved March Fourth, A. D., eighteen hundred and fifty-seven, be and the same is hereby amended, by adding at the conclusion thereof the following words, to wit: Provided said Mayor, Councilmen, and Clerk shall not be entitled to pay, nor in any manner be paid for services rendered, or duties performed, as such Mayor, Councilmen or Clerk, provided however that said Council may in their discretion allow and pay said Clerk for services, other than making and keeping the records of said City, such fees as are now by law allowed County Auditors for like services, but in no one year to exceed the sum of seventy-five (75) dollars, and provided further, that the aggregate amount of all compensation, fees or emoluments allowed or paid, services to appointed officers and committees (not including the Marshall) shall not exceed the sum of two hundred (200) dollars.

Sec. 2. That Section fifteen (15) of Chapter three (3) of said act be and the same is hereby amended, so that the same as amended shall read as follows, to wit: The Justice of the Peace for the city shall possess all the authority, power and rights of a Justice of the Peace elected under the general laws of this State except that he shall in no case have Jurisdiction in any civil action to which the city is not a party. He shall have exclusive original Jurisdiction in all civil actions to which the city is a party, and of all actions and prosecutions for the violations of city ordinances, and concurrent Jurisdiction with other Justices of the Peace of the County of Goodhue, in all prosecutions in the name of the State for crimes and offences committed within the limits of said city, provided that nothing herein contained shall be deemed to divest the District Judges of their authority as

conservators of the peace, or affect in any manner the Jurisdiction of the District Court of Goodhue County, or Supreme Court of the State. In case of the absence, sickness or other disability of said Justice, or for any sufficient reason, the Mayor, by warrant, may authorize any other Justice of the Peace, within the limits of the city, to perform the duties of said Justice, and the Mayor shall therefore inform the City Attorney and Marshall of such substitution, and make report thereof to the City Council, and they may confirm or set aside such appointment, or appoint some other Justice of the Peace, and the Justice so appointed shall for the time being and until his appointment is vacated, possess all the authority, powers and rights of said Justice of the Peace for the City.

SEC. 3. That Sections two (2), three (3), four (4), five (5) and six (6) of Chapter five (5) of said act be and the same are hereby repealed.

Repeals certain sections.

SEC. 4. That immediately after a vote by the Council of the city, or by the voters of the city, as hereinafter provided, to levy a city tax, it shall be the duty of the City Clerk to transcribe the last preceding assessment roll of the township of Red Wing, in the hands of the County Auditor, of Goodhue County, or other officer having the custody thereof, so far as the same embraces property, real and personal, taxable within said city, which copy, certified by him to be such transcript, shall be filed in the office of said Clerk; the City Council shall thereupon supply omissions in said transcript and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise, and correct the same—*Provided*, that they shall not increase the amount of taxable property in said transcript, except by the value of such real property within said city as may have been omitted in said transcript, or in the assessment roll from which the same was taken.

Duties of City Clerk. Assessment Roll.

Duties of City Council.

SEC. 5. The Council shall then by resolution approve and confirm said transcript, thus corrected and equalized as aforesaid, and, by resolution, order the tax, so as aforesaid voted, to be levied and assessed upon said transcript thus equalized and corrected as the assessment roll of said City.

Duties of City Council.

SEC. 6. The City Council shall have no power to assess and levy taxes in any one year to an amount exceeding the sum of five hundred (500) dollars, for any purpose whatever, without first submitting the question of the excess of said tax over five hundred (500) dollars to the voters of said city, at a public meeting thereof, to be holden under a notice to be given by order of said Council, to be published in the newspapers of said City and posted in three (3) public places therein, ten (10) days prior to such meeting—which notice shall specify the amount of tax proposed to be levied, and the definite objects to which the same is to be applied. If at such meeting a majority of said voters of said city

City Council—Power to levy tax. Limitation.

present and voting by ballot, shall vote "tax yes," said Council may proceed to levy such tax, and when collected, the funds shall be exclusively holden and appropriated to the objects specified in the notice aforesaid—but if the majority of said voters, so voting, shall by ballot vote "tax no," then said tax shall not be levied, and no more than one such tax shall be voted or levied in any one year. Vote on tax.

SEC. 7. Any person who shall illegally vote at any meeting held under the provisions of the preceding Section, shall be subject to the penalty of illegal voting, provided in Section seven (7) of Chapter two (2) of the act aforesaid. Illegal voting.

SEC. 8. It shall be the duty of the City Council to attend at any meeting held under the preceding Sections six (6) and seven (7) and the voting thereat shall be conducted under the same regulations as far as may be by the same officers, and in a similar manner as at other elections under the act aforesaid. Voting, how conducted.

SEC. 9. The streets of said city of Red Wing as the same are laid out and recorded on the plat of said city, in the office of the Register of Deeds of Goodhue County, shall be, for the purpose of repairing and keeping the same in order, as provided by the law of the State, regarded as public highways, and for such purpose shall be repaired and kept in order by the overseers of highways for the Town, under the provisions of law in the same manner as highways are kept repaired in the several Towns. Streets public highways.

SEC. 10. This act shall take effect April first, eighteen hundred and sixty. To take effect.

AMOS COGGSWELL,  
Speaker of the House of Representatives.

IGNATIUS DONNELLY,  
President of the Senate.

APPROVED—February tenth, one thousand eight hundred and sixty.

SECRETARY'S OFFICE, Minnesota, }  
February 10th, 1860. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

J. H. BAKER, Secretary of State.