

may have accrued, or liabilities that may have been incurred under or by virtue of the same.

SEC. 6. This Act shall take effect and be in force from and after its passage.

Approved March 7th, A. D. 1861.

CHAPTER XLIX.

An Act to amend an act entitled "an Act to amend an Act entitled 'an Act to Incorporate the City of Stillwater.' "

- SECTION 1. Amendment to section 15, chapter 3, of the act approved March 1st, 1856. Powers and rights of Justices of the Peace.
2. Amendment to section 9, of chapter 7. All actions brought to recover penalty or forfeiture, to be brought in the corporate name of the city.
3. Amendment to section 5, of chapter 7. What property to be exempt from levy or sale, by virtue of any execution.
4. Amendment to section 11, of chapter 7. When appeal not to be taken.
5. Act, when to take effect.

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

SECTION 1. That section fifteen, of chapter three, of the act entitled "an act to amend an act entitled 'an act to incorporate the city of Stillwater,' " approved March 1st, 1856, shall be amended and shall read as follows :

Sec. 15. The justice of the peace for the city shall possess all the authority, powers and rights of a justice of the peace under the laws of the State, except he shall in no case entertain any civil proceedings to which the city is not a party; and shall have sole, exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace, but warrants returnable before said justice may be issued in criminal cases by any other justice of the peace in the city, but no fee shall be received therefor.

To have exclusive jurisdiction

The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace, in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings, for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of the said city of Stillwater, or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offence committed against the same.

In what corporate name suits to be brought

All prosecutions for assaults, batteries and affrays, not indictable, and for a breach or violation of any such by-law, ordinance, or regulation shall be commenced in the name of the city of Stillwater, and the same proceedings shall be had in all suits before said justice, when not otherwise herein directed, as are established and required to be had in actions, by the laws of this State, before a justice of the peace

Provided, That in case of prosecutions for a breach or violation of an ordinance, by-law, or regulation of said city or its charter, or for an assault, battery, or breach of the peace or affray, not indictable, committed within the city limits, no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, shall not exceed twenty dollars.

Power to compel offenders to give security for good behavior

In all cases of convictions for assaults, batteries, and affrays within said city, for breach of the peace, disorderly conduct, keeping houses of ill fame, or frequenting the same, and of keeping disorderly houses, the said justice shall have power in addition to the fine or penalty imposed, to compel such offenders 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 dollars.

To have same powers as a court of record in certain cases

The said justice shall have the same power and authority in case of contempt, as a court of record, *Provided,* That nothing herein contained shall be deemed to divest the District Judges of their authority as conservators of the public peace, nor to affect in any manner the jurisdiction or powers of the District courts or Supreme Court of this 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 pertaining to the office of the said city justice, and the

mayor shall thereupon inform the city attorney and marshal of such appointments, 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 within the city, and the justice so appointed shall, for the time being, and until his appointment is set aside and vacated, possess all the authority, powers and rights appertaining to the office of justice of the peace for the city; *Provided*, That nothing herein contained shall be deemed or so construed as to oust the city justice of the peace of his jurisdiction, but the justice so appointed until his appointment is vacated, shall have concurrent jurisdiction with the city justice, and shall receive like fees as the city justice of the peace for the city. Provide

Sec. 2. That section two of chapter seven be amended, and shall read as follows:

Sec. 2. All actions brought to recover any penalty or forfeiture under this Act, or the ordinances, by-laws or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. In all prosecutions of any violations of this Act, or any by-laws, regulations, or ordinances of the city of Stillwater, the first process shall be by warrant upon complaint being made as in other cases under the laws of this State, *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 of the city of Stillwater, but in such cases, a complaint shall be made and reduced to writing by the justice, and the party required to plead thereto, as to a warrant in other cases, and 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. Actions brought to recover penalties to be brought in the name of the city

All processes issued by the city justice, for the violation of any ordinance or by-law of said city, shall be directed to the marshal or any policeman of said city.

In all cases the imposition of any fine or penalty, or of the rendering of a judgment by the justice of said city, pursuant to any statute of the State of Minnesota or pursuant to any ordinance or by-law of the city of Stillwater, as a punishment for any offense, or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the city prison of said city, or

if there be no such prison, to the common jail of Washington county, and be there imprisoned for a term not exceeding six months, in the discretion of the city justice, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any offense whatever, until the time of the trial, the person or persons so arrested may be imprisoned in said city prison, or in case there be no such prison, in the common jail of Washington county.

SEC. 3. That section five, of chapter seven, shall be amended and read as follows:

What property
to be exempt
from levy and
sale

SEC. 5. The following property, now or at any time hereafter belonging to said city, or either of the wards thereof, shall be exempt from levy and sale, under or by virtue of any execution: engine houses, hook and ladder houses, together with the grounds and lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose, or any other fire apparatus, used by any company created or authorized by the common council of said city; market houses and the furniture thereof; city hall, and furniture of common council rooms; pounds and the lots on which the same are situated; school houses and the furniture thereof; *Provided*, That nothing herein contained shall exempt any of the aforesaid real or personal property from levy and sale by virtue of any execution issued on judgments rendered in favor of any person or persons who may have furnished or sold any of such fire apparatus to or on the credit of the city, nor shall any real or personal property of any inhabitants of said city, or of any individual or corporation, be levied on or sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

When appeal not
to be taken

SEC. 4. That section eleven, of chapter seven, shall be amended by adding thereto the following proviso: *Provided*, That in cases of prosecution for a breach or violation of any ordinance, by-law, or regulation of said city or its charter, or for an assault, battery, or breach of the peace, or affray not indictable, committed within the city limits, no appeal shall be allowed, where the judgment or fine imposed, shall not exceed twenty dollars exclusive of costs.

SEC. 5. This Act shall take effect from and after its passage.

Approved March 4th, A. D. 1861.