

hundred and seventy-one, until the second Tuesday of April A. D. eighteen hundred and seventy-two, and one until the second Tuesday of April, A. D. eighteen hundred and seventy-three, and at the first meeting of said council, the respective terms of each shall be designated by lot.

Number of aldermen in each ward—term of office.

SEC. 9. No informality or irregularity in making or printing of the notices of said first election, nor a failure to give notice of said first election, or to prepare the poll list or appoint judges for the same as herein prescribed, shall in any way invalidate said election; *Provided*, That on the day of election the regulations governing elections are substantially complied with.

No informality shall invalidate said election.

SEC. 10. All acts and parts of acts conflicting or inconsistent with this act are hereby repealed.

Repeal of inconsistent acts.

SEC. 11. This act shall be deemed a public act, and shall take effect from and after its passage.

Deemed a public act—when act to take effect.

Approved March 3, 1870.

### CHAPTER III.

*An Act to reduce the law incorporating the City of Stillwater, in the County of Washington and State of Minnesota, and the several acts amendatory thereof into one act, and to amend the same.*

March 3, 1870.

#### CHAPTER I.

- SECTION 1. Corporate rights of said city.
2. Boundary lines of the city of Stillwater.

#### CHAPTER II.

- SECTION 1. When annual election to be held—notice to be given of the time and place of holding elections.
2. Elective officers of said city—term of office—Council may remove any person elected or appointed to office for cause.
3. Vacancies, how filled.
4. Elections by the people shall be by ballot—what to constitute an election.

5. Who entitled to vote—qualifications for office.
6. How elections to be conducted.
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8. Special elections, how conducted.
9. When office deemed vacant.
10. When new election may be ordered.

## CHAPTER III.

- SECTION 1. Every person elected or appointed to office to give bonds.
2. Who to preside over the City Council—who may call special meetings of the City Council.
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  4. Temporary presiding officer—how chosen.
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  8. Duties of Chief of Police and subordinates.
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  10. Officers to deliver to their successors all property belonging to said city—penalty for non-compliance.
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  13. Jurisdiction of Justices of the Peace.
  14. When Justices of the Peace to report to City Council—what to contain.
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  8. Costs of surveying streets, lanes, &c., how paid.
  9. Estimate for improvements—how made.
  10. When owners of property represent that the expenses of excavation or filling exceeds the benefits the same will be to property assessed, how to proceed.
  11. City Council to have power to regulate and cause to be constructed wharves along the river or lake—expenses how paid.

12. Holders of certificates of contracts, how paid.
13. Rights of owners of property.

## CHAPTER V.

- SECTION 1.** City Council to have power to lay out public squares, grounds, &c.—when.
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  3. Recorder to notify the commissioners appointed—when.
  4. Duty of Commissioners.
  5. Commissioners to report to City Council—what to contain.
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  7. Further duties of Commissioners.
  8. If damages greater than benefits received, or benefits greater than damages sustained, how adjusted.
  9. Damages may be awarded by the Commissioners.
  10. When new Commissioners may be appointed.
  11. Assessment, how collected.
  12. Land required to be taken, shall not be taken until the damages awarded shall be paid to the owner thereof.
  13. When the whole of a tract of land is taken by virtue of this act, contracts between landlord and tenant may be null and void.
  14. When a part of tract of land shall be taken by virtue of this act, shall remain valid as to residue.
  15. Duty of Judge of Probate.
  16. Commissioners not to be interested in the premises.
  17. Who to have right to appeal to District Court.
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## CHAPTER VI.

- SECTION 1.** Taxation of property for the support of the city government.
2. Funds of the city shall be under the control of the City Council.
  3. All actions to be brought in the corporate name of the city—punishment for non-payment of fines and penalties.
  4. When judgment in favor of the city may be remitted.
  5. No person shall be an incompetent judge, justice, &c., by reason of an inhabitant of the city, interested in the action.
  6. Property exempt from levy and sale under or by virtue of any execution.
  7. What work shall be let by contract to the lowest responsible bidder.
  8. What shall not be considered as reason for suspending said corporation.
  9. The city may lease, purchase and hold property—for what purpose.
  10. No laws shall be considered repealing or modifying the same unless expressly set forth in such law.
  11. All ordinances in force shall remain in force until modified or repealed.
  12. Appeals shall be allowed from decisions in certain cases.
  13. Repeal of inconsistent acts.

14. Declared to be a public act.
15. When act to take effect.
16. No township organization shall exist within the limits of the city.

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

That the several acts of the legislature of this state in incorporating the city of Stillwater, and the several acts and parts of acts amendatory thereof, be and the same are hereby amended, consolidated and incorporated into one act, as follows:

### CHAPTER I.

*Corporate rights* SECTION 1. All that part of the county of Washington, contained within the limits and boundaries hereinafter described, shall be a city by the name of Stillwater, and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the City of Stillwater, 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, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity; and shall have a common seal, and may change and alter the same at pleasure.

*City boundary.* SEC. 2. That the territory included within the following boundaries and limits, shall constitute the City of Stillwater: Beginning at a point in the middle of the river Saint Croix, on the section line directly east of the northeast corner of section number twenty-one, in township number thirty north, of range number twenty west; running thence west to the northwest corner of said section twenty-one, thence south along the west line of sections numbered twenty-one, twenty-eight and thirty-three, two and one-half miles, to a point on the west line of said section thirty three; thence east through the centre of said section thirty-three and section thirty-four to a point in the middle of the river, or Lake Saint Croix; thence northerly up the middle of said river or lake, including the islands, to the place of beginning. *Provided*, That nothing herein contained, shall be deemed to exclude any

portion of the City of Stillwater from the limits of Washington county.

## CHAPTER II.

SECTION 1. The annual election of city officers shall be held on the first Tuesday of April in each year, at such place within the city as the common council shall designate, and shall be conducted and governed in all respects in accordance with the general laws of this state governing elections, except as hereinafter provided; and notice of such elections shall be given by the city recorder, in the same manner as notices of general elections are required by law to be given by county auditors.

Annual election when held—notice to be given.

SEC. 2. The elective officers of said city shall be a mayor, recorder, three councilmen, two justices of the peace, two constables, a city attorney, an assessor, and a treasurer. All other officers necessary for the proper management of the affairs of said city, shall be appointed by the city council. The mayor, recorder, city attorney, assessor and treasurer shall each hold their offices for one year, and until their successors are elected and qualified. The councilmen shall hold their offices for three years, and until their successors are elected and qualified; the justices of the peace and constables shall hold their offices for two years, and until their successors are elected and qualified; and at each annual election one councilman shall be elected for the said term of three years, one justice for said term of two years, and one constable for said term of two years. *Provided*, That the city council shall have power, for due cause, to expel any of its own members, or remove any officer of said city elected by the people; but no officer elected by the people shall be removed except for cause, nor unless first furnished with, or notified of the charges, nor until such person shall have had a reasonable opportunity to be heard in his defense. The council shall have power to fix a time and place for the trial of such officer, of which not less than ten days' notice shall be given, and to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall neglect to appear and answer to such charge, the council may declare the office vacant. *Provided, further*, That the council shall have power to remove at pleasure, any officer

Elective officers—term of office—officers may be removed—how.

or agent under the city government appointed by the council.

SEC. 3. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered and held within twelve days after such vacancy shall occur. Any vacancy occurring in any other office shall be filled by the city council. The person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof, with the same rights, and subject to the same liabilities as the person whose office he may be elected or appointed to fill, until the next annual election, when the vacancy shall be filled by the electors.

Vacancies, how filled.

All elections by the people shall be by ballot—what to constitute an election.

SEC. 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. Whenever two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the city council, at such time and in such manner as they may direct.

Who entitled to vote—qualifications for office.

SEC. 5. All persons entitled to vote for county and state officers, and who shall have resided in the city for ten days next preceding the election, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created.

How elections to be conducted.

SEC. 6. The election in said city shall be held and conducted by the city councilmen or any two of them, who shall be inspectors of election, and who shall take the oath or affirmation prescribed by the general laws of this state, to be taken by the judges and inspectors of elections; and the recorder, or in his absence some person to be appointed by the inspector, shall be clerk. The inspectors shall have power, in the absence of the recorder, to appoint a clerk, and to administer the necessary oaths. Said election shall be held and conducted in the same manner, and under the same penalties, and vacancies in the board of inspectors thereof, filled as required by the general laws of this state, regarding elections.

Duties of inspectors of election.

SEC. 7. When an election shall be closed, and the number of votes for each candidate or person voted for, counted and ascertained, the said inspectors shall make return thereof, stating the number of votes for each person, for each and every office, and shall deliver or cause to be delivered, such return to the city recorder, who shall forthwith give notice to each of the persons so elected, of their respective elections.

SEC. 8. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the councilmen, in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

Special elections,  
how conducted.

SEC. 9. Any officer removing from this city, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to qualify or enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the city council may proceed to fill such vacancy, as herein prescribed or provided, by ordinance, not in conflict with the provisions hereof.

When office  
deemed vacant.

SEC. 10. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the city council may order a new election to be held, ten days notice of the time and place of holding the same to be given, as in general elections.

When council  
may order new  
election.

### CHAPTER III.

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 officers taking the same, with the recorder of the city; and the treasurer, and such other officers as the city council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Stillwater, a bond with at least two sureties, to be approved by the city council, and such bond shall be in such amounts, and contain such conditions as the city 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.

Officers to take  
oath and give,  
bonds.

SEC. 2. The mayor shall be the chief executive officer and head of the police of said city, and shall appoint all police officers and watchmen, subject to the approval of the council, and shall, when present, preside over the meetings of the city council, and take care that the laws of the state, and ordinances of the city be strictly enforced and duly observed, and that all other executive officers of the city discharge their respective duties. The mayor or any two councilmen, may call special meetings of the city

Who to preside  
over council—  
special meetings.

council. He shall inspect the conduct of all subordinate officers, and cause negligence and persistent violations of duty to be prosecuted and punished, and may require of any officer of the city, whenever he may deem it necessary, an exhibit of his books and papers. He shall, from time to time, communicate to the city council, and recommend such measures as he may deem advantageous to the city. He shall have power to execute all acts that may be required of him, by any ordinance made in pursuance of this act, and is hereby authorized to call upon every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot to call out the militia to aid him in suppressing the same, or carrying into effect any law or ordinance. Any person who shall not obey such call, shall forfeit to said city a fine not exceeding twenty-five dollars, and not less than five dollars.

SEC. 3. In case the mayor shall be guilty of any wilful oppression, or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction shall pay a fine of not more than five hundred dollars, and the court shall have power (upon the recommendation of the jury in the cause,) to add to the judgment for the fine, that he be removed from office.

SEC. 4. In case the mayor shall be absent from any meeting of the city council, they shall proceed to elect, of their own number, a temporary presiding officer, who, for the time being shall discharge all the duties of the mayor. In case of the absence of the mayor from the city, or his inability from any reason, to discharge the duties of his office, the council shall elect by ballot, from their own number, an officer who shall be styled acting mayor, and all actions performed by him shall have the same force and validity as if performed by the mayor.

SEC. 5. The recorder shall keep the corporate seal, and all the papers and records of the city, and keep a record of the proceedings of the city council. He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof, in books provided for that purpose, and make a fair and full record of all the by-laws, rules or ordinances, made or passed by said city council. The recorder shall have power to administer oaths or affirmations, and copies of all papers filed in his office, and transcripts from the records of the

Liabilities of  
mayor.

Council to elect  
presiding officer  
—his duties.

Duties of city  
recorder.

city council, certified to by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall report annually, on or about the first day of May, to the council, an estimate of the expenses of the city for the current year, and the revenue necessary to be raised therefor, and the fiscal year of the city shall commence on the first day of May. 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 all certificates of work, by any officer of the city or any committee of the city council. He shall negotiate between the first of May and the collection of taxes for the same year, such temporary loans for the city as the city council shall direct, anticipating the revenue for the current year, and such loans shall be subject to the approval of the city council. He shall examine the report, books, papers, vouchers, and accounts of the treasurer; and from time to time shall perform such other duties as the council shall direct. All claims against the city, before they are allowed by the city council, shall be audited and adjusted by a committee of the city council appointed for that purpose. The recorder shall keep a record of all his acts and doings, which record shall be at all times open to the inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city is a party, or in any loan negotiated by the city.

SEC. 6. The city attorney shall perform all professional duties incident to his office, and when requested, shall furnish written opinions upon any subject submitted to him by the city council.

*Duty of city attorney.*

SEC. 7. The treasurer shall receive all moneys belonging to the city, keep an accurate and detailed account thereof, in such manner as the city council shall, from time to time direct. The treasurer shall exhibit to the city council, at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of all the receipts and expenditures, after the date of the last annual report, and also the state of the treasury, which account shall be filed with the recorder.

*Duties of city treasurer.*

SEC. 8. There shall be a chief of police of said city, who shall be appointed by the mayor as other police officers, and who shall perform such duties as shall be prescribed by the council, for the preservation of the public peace. All police officers and watchmen of said city shall

*How chief of police appointed—his duties.*

possess the powers of constables at common law or by the laws of this state, and it shall be their duty to execute and serve all warrants, process, commitments, and all writs whatever issued by a city justice for any violation of the laws of the state of Minnesota, or of the ordinances or by-laws of said city; and they shall have power to pursue and arrest any person fleeing from justice in any part of the state, and when performing the duties of constables as aforesaid, shall be entitled to like fees.

Further powers  
of council.

SEC. 9. The city council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, and to fix the compensation of all officers elected or appointed by them; *Provided*, That said mayor and councilmen shall not be entitled to receive as compensation more than two dollars for each regular session of the council at which he shall be in attendance; *And provided further*, That there shall not be more than twenty-four regular sessions of the council in any one year; *And provided*, That the compensation paid to the recorder in any one year, shall not exceed three hundred dollars. The treasurer, justices of the peace, and constables shall be entitled to the same fees as like officers in towns receive for similar services, under the laws of this state. And the city attorney shall receive no more than the services rendered by him shall be reasonably worth, and that the aggregate amount of all fees, compensations, and emoluments, allowed or paid to any and all officers and committees, by the city, and the gross amount of all expenses incurred by said city, shall not exceed in any year the tax levied during that year for the support and maintenance of the said city government.

Penalty for refusing to deliver property, &c., to successor.

SEC. 10. Any person having been an officer in said city, shall within ten days after notification and request, deliver to his successor in office, all property, papers, books, and effects of every description in his possession, belonging to said city, or pertaining to the office he may have held. If he fail so to do, after such notification and request, he shall forfeit and pay to the use of the city one hundred dollars, beside all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers and effects, in the manner prescribed by the laws of this state, in cases of unlawful detention of property.

SEC. 11. No member of the city council shall be party to, or interested in any job or contract with the city, and a contract in which any member of the city council may be interested, shall be null and void.

Who may not be interested in contracts.

SEC. 12. The mayor, sheriff of Washington county, each and every councilman, justices of the peace, recorder, and all police officers, watchmen and constables of said city, shall be officers of the peace, and may command the peace, and suppress in a summary manner, all rioting and disorderly behavior within the limits of said city; and for said purpose may command the assistance of all by-standers, and if need be, of all citizens and military companies; and if any person so commanded, shall refuse to aid in maintaining the peace, every such person shall, upon conviction, pay a fine of twenty five dollars.

Suppression of disorderly behavior.

SEC. 13. The justices of the peace, assessors and constables of said city, shall have and possess all the authorities, rights and powers of justices of the peace, assessors and constables, under the general laws of this state; and in addition thereto, the justices of the peace for said city, shall have sole and exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases arising within the city, cognizable before a justice of the peace. Said justice shall also have exclusive jurisdiction in all cases cognizable before a justice of the peace, in which the city is a party, and of all suits, prosecutions and proceedings for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of said city, or for the breaches or violation of any such by-law, ordinance or regulation. All prosecutions for assaults, batteries and affrays not indictable, and for a breach or violation of any by-law, ordinance or regulation of said city, shall be commenced in the name of the city of Stillwater, and the same proceedings shall be had as are required by law in criminal cases tried before justices of the peace; *Provided*, That in the case above mentioned, no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, shall not exceed twenty-five dollars. In all cases of convictions for assaults, batteries and affrays, breaches of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same, and of keeping disorderly houses in said city, the said justices of the peace 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

Jurisdiction of justices of the peace.

peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars; *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 or supreme courts of this state. And all fines levied and collected for or on account of any breach of the peace, assault and battery, or other offence not indictable, committed within said city, and for all offences against the ordinances of said city, shall be paid into the city treasury for the use of the city.

To make report  
to council—when  
—what to contain

SEC. 14. The justices of the peace shall monthly report to the city council a list of all proceedings instituted before them, in behalf of the city, and the disposition thereof; and shall at the same time, account and pay over the amount of all penalties and costs collected, which may by law accrue to the city, and they shall be entitled to receive from the county of Washington such fees in criminal cases as are allowed to other justices of the county for similar services.

All surveys, &c.,  
to be property of  
the city.

SEC. 15. All surveys, profiles, plans or estimates made for the city, shall be the property of the city, and shall be carefully preserved in the office of the recorder, open to the inspection of the parties interested.

#### CHAPTER IV.

Style of ordinances—when and  
where to meet—  
quorum.

SECTION 1. The mayor, councilmen and recorder shall constitute the council, and the style of all ordinances shall be, "The city council of the city of Stillwater do ordain." The city council shall meet at such time and place as they shall direct, and a majority shall constitute a quorum. The city council shall determine the rules of its proceedings, and be the judges of the election and qualification of their own members, and have the power to compel the attendance of absent members.

Council to control finances—  
further powers.

SEC. 2. The city council shall have the management and control of the city finances, and of all the property of the city; and the city council shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice, as they shall deem expedient; and declare and impose penalties by fine, imprisonment, or both, and to enforce the same against

any person or persons who may violate any of the provisions of such ordinances, rules or by-laws; and such ordinances, rules and by-laws are hereby declared to be and 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-law—

First.—To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses, concerts or theatrical performances, and to license and regulate billiard and pigeon hole tables, and bowling saloons, and to provide for the abatement and removal of all nuisances, under the ordinances or at common law, or under this act, and to grant licenses for and to regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, malt, fermented, mixed or intoxicating liquors. *Provided*, That the license for so dealing in spirituous, vinous, malt, fermented, mixed or intoxicating liquors, shall be at least one hundred dollars a year, and as much higher as the council shall direct, and that no license shall be granted for a less term than one year; *Provided, however*, That the council may license druggists to deal in such liquors to be used for medicinal or communion purposes only, and not to be drunk on the premises, at not less than fifty dollars a year.

Powers of coun-  
cil.

Second.—To restrain and prohibit E. O. or roulette tables, faro or pharo banks, and all gaming with cards, and all gambling tables, and to prohibit the use of all gambling devices whatever, from being set up or used for gambling purposes, and to restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and playing of cards, dice, and other games of chance, for the purpose of gaming in said city, and to restrain and prohibit any person from vending, giving or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors of any kind, and impose such restrictions or prohibitions by fine or imprisonment, or by both fine and imprisonment.

Third.—To prevent any riots, noise, disturbance, disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming, and of all spirituous, vinous, fermented, mixed or intoxicating liquors of any kind, that may be kept for sale, or dealt in contrary to any ordinance of the city.

Fourth.—To compel the owner or occupant of any gro-

cery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same, from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of the city.

Fifth.—To direct the location and management of slaughter-houses and markets, in said city, and to regulate the sale, storage, keeping and conveying of gunpowder and other combustible materials.

Sixth.—To prevent the encumbering of streets, sidewalks, lanes or alleys, with carriages, carts, wagons, boxes, sleighs, firewood, lumber, or any other material or substance whatever.

Seventh.—To prevent horse racing, immoderate riding or driving in the streets, and to regulate places of bathing and swimming in the waters within the limits of said city.

Powers of courts.

Eighth.—To restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorize the impounding, distraining and sale of the same.

Ninth.—To prohibit the running at large of dogs, to impose fines upon their owners, and to authorize the destruction of the same, when at large contrary to the ordinances.

Tenth.—To prevent any person from bringing, depositing, or having within the city, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have the same upon his premises; or from any street, lane or alley, if he shall have thrown or put the same in any street, lane or alley, and on default, to authorize the removal thereof, by any competent officer, at the expense of such persons or person.

Eleventh.—To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works, for the supply of water to the inhabitants, to erect lamps or other means whereby to light the city, to regulate and to license hacks, cabs, drays, carts, and charges of hackmen, coachmen, draymen and cartmen in this city.

Twelfth.—To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burial grounds set apart for public use, from taxation.

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

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

Fifteenth.—To prevent the shooting of fire-arms, crackers, rockets, or other projectiles, and to prevent the exhibition of any fire-works in any situation which may be deemed by the council dangerous to the city, or any property therein, or annoying to any citizens thereof.

Sixteenth.—To restrain drunkards, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places, and to provide for arresting, removing, and punishing any person who may be guilty of the same.

Seventeenth.—To restrain and regulate runners and solicitors for boats, vessels, stages, public houses, rail-roads, and other establishments, and to regulate the police of the city. Powers of council.

Eighteenth.—To establish public markets, and to enforce rules and regulations for the government of the same.

Nineteenth.—To regulate the place and manner of selling, and provide for the inspection and weight of hay, and stone coal, the measuring of charcoal, fire-wood, and other fuel, and appoint suitable persons to inspect, superintend, and conduct the same.

Twentieth.—To compel the owners and occupants of buildings or grounds, to remove snow, dirt, or rubbish from the sidewalks, streets or alleys opposite thereto, and on his default, to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant.

Twenty-first.—To regulate the construction of wharves, or grading such wharves into the river or Lake Saint Croix, within the corporate limits of the city, and to prescribe and control the prices for wharfage thereon.

Twenty-second.—To regulate, control, and prevent the landing of persons from boats or vessels, wherein are contagious or infectious diseases or disorders, and to make other regulations, as they shall deem proper, to prevent the introduction of contagious diseases into the city.

Twenty-third.—To regulate the time, place and manner of holding public auctions or vendues.

Twenty-fourth.—To provide by ordinance for a standard of weights and measures, and for the punishment of the use of false weights and measures.

Twenty-fifth.—To appropriate money and provide for the payment of the debts and expenses of the city.

Twenty-sixth.—To alter, abolish, open, widen, extend, establish, grade, repair, or otherwise improve, or keep in repair streets, avenues, lanes, and alleys.

Twenty-seventh.—To establish, support, and regulate night watches.

Twenty-eighth.—To provide for the erection of all needful buildings for the use of the city.

Twenty-ninth.—To provide for the enclosing, improving, and regulating of all public grounds belonging to the city, and for the adorning the streets thereof, with shade trees.

Powers of coun-  
cil.

Thirtieth.—To regulate and license merchants, retailers, taverns, groceries, ordinaries, hawkers, pawnbrokers, money-changers and auctioneers.

Thirty-first.—To license and regulate porters, and fix the price of portorage.

Thirty-second.—To provide for and regulate the inspection of tobacco, beef, pork, flour, meal, butter and lard, and other provisions.

Thirty-third.—To regulate and order parapet walls, and partition fences.

Thirty-fourth.—To provide for taking from time to time, the enumeration of the inhabitants of the city.

#### OF FIRES.

Thirty-fifth.—To prescribe the limits within which wooden buildings, or buildings of other materials that shall not be deemed fire proof, shall not be erected, placed or repaired; and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire proof materials, and to prohibit the repairing and rebuilding of wooden buildings, within such limits, where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such value and damages.

Thirty-sixth.—To prevent the dangerous construction, placing and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and appurtenances used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying

on of manufactories, dangerous in causing or promoting fires within the city limits.

Thirty-seventh.—The city council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder, and hose companies, and to provide for the due support and regulation of the same; and to order such companies to be disbanded and their apparatus delivered up. Each company shall not have to exceed seventy-five members, and shall be formed by voluntary enlistment, and each member of such company shall be exempt from poll tax, from serving on juries, and from military duty, during the continuance of such membership.

SEC. 3. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the city council, and be signed by the mayor, and shall be published once in some newspaper published in the city, or posted in three of the most public places in the city for ten days before the same shall be in force; and within twenty days thereafter, they shall be recorded by the recorder, in books to be provided for that purpose; but before any of the said laws, regulations or by-laws shall be recorded, the posting of the same, or the publication thereof as aforesaid respectively, shall be proved by the affidavit of the foreman or publisher of such newspaper, or the certificate of the recorder, of said posting, and the said affidavit or certificate shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time, manner and place of such publication or posting. No appropriation shall be made without a majority of the city council voting in favor of it; and the vote shall be taken by ayes and noes, and entered among the proceedings of the council.

Ordinances how passed—when used as evidence.

SEC. 4. The powers conferred upon the city council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts, according to law. Houses or buildings of any kind, wherein more than twenty pounds of gunpowder are deposited, stored or kept at any time, gambling houses, houses of ill-fame, disorderly taverns or beer shops or places where spirituous, vinous, fermented, mixed or intoxicating liquors are sold, given away or dealt in without a license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

What deemed to be common nuisances.

To examine accounts of city officers.

SEC. 5. The city council shall examine and adjust the accounts of the treasurer, recorder, and all other officers and agents of the city, at such times as they may deem proper, and at the end of each year, and before the term for which such officers were elected or appointed has expired. And the 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 public officer or agent shall refuse to comply with the order of said council, in the discharge of their duties, in pursuance of this section, the council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent, who may be found delinquent, as defaulting in his accounts, or in the discharge of his official duties. The council shall make full record of all such settlements and adjustments.

Council to contract for grading and cleaning streets.

SEC. 6. The city council shall have power to order and contract for the making, grading, repairing, cleaning, improving, and adorning of the streets, lanes, alleys, public grounds, reservoirs, gutters, sewers, and wharves within the city.

Construction of sidewalks—how paid.

SEC. 7. Whenever the city council shall deem it necessary to construct or reconstruct any sidewalk within the city, they shall direct the owners or occupants of any lots adjoining such sidewalk, to make and construct the same, at his or their own proper cost and charge, and in such a manner, and within such a time as in such direction specified. If such work is not done in the manner, and within the time prescribed, the city council shall cause the same to be done at the expense of the lots adjoining such sidewalks.

Expense of surveying and grading streets, &c., how paid.

SEC. 8. The costs and expenses of surveying streets, lanes, alleys, sidewalks, sewers, public grounds and reservoirs, and estimating the work thereon, and of cleaning streets and alleys, and of constructing and repairing reservoirs and sewers, and of repairing sidewalks, shall be paid out of the city funds; opening, grading, graveling, planking, or paving streets and alleys, to the centre thereof, shall be chargeable to and payable by the lots fronting on such street [or] alley. Sewers may be ordered by the city council, to be built at the expense of the lots or parcels of land to be benefited thereby, and which shall be apportioned by said city council among said lots or parcels or land.

SEC. 9. Whenever the city council shall determine to

make any public improvement, as authorized by sections six, seven, eight, of this chapter, they shall cause to be made an estimate of the whole expense thereof, and the proportion to be assessed and charged to each lot, and in case of grading streets, alleys or sidewalks, of the number of cubic yards to be filled in or excavated in front of each lot, and such estimate shall be filed in the office of the city recorder, for the inspection of parties interested. The city council shall give notice, by advertisement for two weeks in some newspaper published in said city, to the owners or occupants of the lots or parcels of land, fronting on any street, alley or sidewalk, ordered to be graded, graveled, planked or paved, constructed or reconstructed, requiring them to do the work mentioned in such notice, within a reasonable time, therein to be specified, and if the sidewalk is not done within such time, the city council shall enter into contract for the doing thereof.

Estimate for improvements—  
how made.

SEC. 10. Whenever the general interest of the city requires deep cutting, or extraordinary filling, in any street, and the owners of lots and parcels of land, fronting on such deep cutting or filling, shall deem themselves aggrieved thereby, and shall represent to the city council in writing, that the expense of such excavation or filling, will exceed the benefits the same will be to the property assessed therefor, the city council shall appoint five freeholders, not interested in said lots or parcels of land, who first being duly sworn, faithfully and impartially to discharge the trust reposed in them, shall examine the premises. If those first appointed, refuse, or are incapacitated to serve, the council shall appoint others in their stead. Upon examination of the premises, if, in their opinion, the cost of such improvement shall exceed the benefit to be derived therefrom, it shall be their duty to report to the city council, and shall specify in such report, what portion of the work to be performed, shall be chargeable to such lots, or what portion shall be chargeable to the city funds, and such part or proportion as shall be so reported, as properly chargeable to the lots or parcels aforesaid, shall be assessed upon the same, and levied and collected as other taxes or assessments, and the remainder shall be paid out of the city fund; *Provided*, That no such representation or petition shall be received unless presented within ten days after the publication of the notices requiring the work to be done; *And provided further*, That it shall be the duty of the city council to appoint

When expense of improvement exceeds the benefits—  
how to proceed.

such commissioners whenever it shall appear to them that such lands or lots belong to infants, or other persons under legal disability, not represented by guardians.

Who to regulate wharves—expenses how paid.

SEC. 11. The city council shall have power to regulate and cause to be constructed, altered, and maintained wharves along the river or Lake Saint Croix, and shall have and exercise the same control over said lake, to the centre thereof, that they possess, by virtue of this act, over the streets and alleys in said city. The expense of constructing, altering, grading, paving and maintaining the same, shall be apportioned by the city among, and is hereby made payable by, the lots or parcels of land extending to said river or lake, in proportion to the work done opposite said lot or parcel of land, to be estimated by the surveyor; *Provided however*, That before causing such work to be done, the same notice shall be given as is required in case of grading the streets; *Provided further*, That the owner of such lots shall have the same power of petitioning the city council, as is provided by section ten of this chapter, in regard to the grading of streets and alleys, when the same proceeding shall be had, and the work apportioned as therein provided.

Holders of certificates of contracts—how paid.

SEC. 12. After the completion of any contract entered into by the city council, for work chargeable to lots or lands, by virtue of this act, they shall give to the contractor or contractors, a certificate under the hand of the mayor and seal of said city council, stating therein the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land, upon which the same is chargeable, which said certificate shall be transferrable by endorsement thereon, and shall bear interest at such rate as the council shall direct; and if the amount thereof shall not be paid before the time of making out the annual assessment roll, the same shall be assessed and levied upon the said lots or parcels of land respectively, and collected, together with interest up to the time of such collection, such as the certificate shall bear, for the use and benefit of the holders of such certificates, as other taxes on real estate are collected, by virtue of this act, and if the notice to do the work required, shall have been given, no informality or error in the proceeding shall vitiate such assessment, and in no event where work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for the payment thereof.

SEC. 13. In all cases where work shall be ordered to be done by the owner of any lot, under the provisions of this act, such owner may make his application as herein-after provided, in cases of taking property for the public use, at any time within twenty days after the publication of the notice required to be given, and until the expiration of twenty days, no such orders shall be given.

Rights of owners of property.

## CHAPTER V.

SECTION 1. The city council shall have power to lay out public squares, grounds, streets, lanes, alleys, and to widen and enlarge the same as follows: Whenever twenty or more freeholders, residing in said city, by petition, represent to the city council that it is necessary to take certain lands within the city, for the purpose of laying out public grounds, squares, streets or alleys, or the enlarging or widening of the same; the courses, distances, metes and bounds of the land proposed to be taken, together with the names and residences of the owners of such premises, if known to the petitioners, to be set forth in the petition, the city council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if there be any, and if such lands or any portion of them, shall not be in the actual occupancy of any one, then the city council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in some newspaper published in in said city, for three weeks successively, once at least in each week, and the publisher of such paper, or his foreman, shall make affidavit of such publication, and deposit the same with the city recorder.

Council to lay out public squares, &c.—when.

SEC. 2. Such notice shall state that on a certain day, therein named, not less than six days from the day of the service of such notice, or the expiration of such publication, as the case may be, the city council shall appoint three commissioners to review said premises, and determine whether it is necessary to take the same for the purpose specified in said petition. And at the time specified the said city council shall proceed and appoint three reputable freeholders, residents of this city, but not interested in the result of said petition, and shall enter an order in their proceedings, requesting the said commissioners, within thirty days to view said premises to be specified in said order, and to make return to the city council, wheth-

How private property may be taken.

er in their judgment, it is necessary to take said premises or the public use, for the purposes specified in the petition.

Recorder to notify commissioners—when.

SEC. 3. The recorder shall, within three days, notify the said commissioners of their appointment, embracing therein a copy of such order, and if any of the said commissioners shall be disqualified from acting, or shall at any time refuse to act, the city council shall appoint others in their places, whom the recorder shall likewise notify, and a memorandum of such substitution shall be endorsed on the notice.

Duty of commissioners.

SEC. 4. The said commissioners at such time as they may agree upon, within thirty days of the time of their appointment, shall proceed to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of their number, and either of the commissioners shall be authorized to administer the necessary oaths to witnesses.

To make report to council—what to contain.

SEC. 5. After viewing the premises, and hearing such testimony as may be offered, the commissioners shall make a report of their proceedings to the city council, which shall be signed by them respectively, and which shall state, whether in their judgment, it is necessary to take the premises in question, for the public use, which said notice, report and testimony, shall be returned to the city council within thirty days.

Who to determine amount of damages.

SEC. 6. Should the commissioners report that it is necessary to take such premises for the public use, the city council shall enter an order among their proceedings confirming said report, and directing the said commissioners within twenty days thereafter, to again view said premises, for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefited by such taking, and to assess such damages and benefits, and to return the same to the city council within the time limited.

Further duties of commissioners.

SEC. 7. Said commissioners within the time limited, shall again examine and view the premises proposed to be taken, and all such other premises as will, in their judgment, be injured or benefited thereby. They shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing, by one of the commissioners; they shall proceed to make their assessment and determine and appraise to the owner or other

parties having an interest in the premises, the value of the premises proposed to be taken, and the injury arising to them respectively, in consequence of the taking thereof, after making due allowance for any benefit that such owner or owners may respectively derive from the taking of such property for the public use. Such injury, after making such allowance, shall be awarded to such persons respectively, as damages.

SEC. 8. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the commissioners shall strike a balance, and carry the difference forward to another column, so that the assessment shall show what amount is to be received or paid by such owner or owners or persons interested, respectively, and the difference only, shall in any case be collected of them, or be payable to them.

Damages and benefits—how equalized.

SEC. 9. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment, mortgage, or lien, or if there be any estate in it less than an estate in fee, the injury done to such person or interest, respectively, may be awarded to them by the commissioner, less the benefit resulting to them, respectively, from the proposed appropriation to the public use.

Damages may be awarded by the commissioners.

SEC. 10. Having ascertained the damages and expenses of the proposed improvement as aforesaid, the said commissioners shall thereupon apportion and assess the same, together with the costs of the proceeding, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto from the proposed improvement, as nearly as may be and shall describe the real estate upon which this assessment may be made. The award of said commissioners shall be signed by them, together with the testimony taken, and returned to the city council within the time limited in the order of appointment. Should they fail so to do, they shall receive no compensation for their services, and the city council shall appoint new commissioners, unless further time is granted to the said first appointed commissioners, which further time the council may by order grant.

When new commissioners may be appointed.

SEC. 11. The said assessment shall be inserted in the next annual tax roll, and collected in the same manner as other taxes upon real property.

Assessments how collected.

SEC. 12. The land required to be taken for the purpose mentioned in this chapter, shall not be taken till the damages awarded to the owner thereof, for the taking of

When land not  
to be taken.

the same, shall be paid or tendered to the owner or his agent, or deposited to his use with the city treasurer, in case said owner or his agent are unknown; and the said lands and premises so taken and appropriated, shall thereafter be subject to all the laws and ordinances of the city, in the same manner as streets, alleys, or public grounds, heretofore opened or laid out, and the damages so assessed shall be paid or tendered, or so deposited within eight months of the confirmation of such assessment and report, and if not so paid, tendered, or deposited, all the proceedings in such case, shall be void, the benefits so assessed, shall be a lien upon the premises so assessed, from the confirmation of such report.

When contracts  
between landlord  
and tenant may  
be null and void.

SEC. 13. Where the whole of any tract of land or any other premises, under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts, and engagements between landlord and tenant, or any other contracting parties touching the same or any part thereof, upon the confirmation of the commissioners' report, shall respectively cease and be absolutely null, and the parties discharged therefrom.

When to remain  
in part valid.

SEC. 14. When only a part of a tract of land or other premises, so under lease or other contract, shall be taken as aforesaid, all the covenants, contracts and agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged, as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations, and payments reserved, payable and to be paid for or in respect to the same, shall be so apportioned that the part thereof, justly and equitably payable for such residue, and no more, shall be paid for or in respect to the same.

Duty of judge of  
probate.

SEC. 15. When any known owner of any lands or premises, affected by any proceedings under this act, shall be an infant, or labor under any other legal disability, the judge of probate of Washington county shall, upon the application of the person laboring under such disability, his next friend, or the city council, appoint a guardian for such person, upon whom shall be served all notices required by this act.

Commissioners  
not to be inter-  
ested.

SEC. 16. The said commissioners, before entering upon the discharge of their duties, shall severally take an oath that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and honestly discharge the trust reposed in them.

SEC. 17. Any person whose property is taken, or against whom an assessment is made, may, within ten days after the return of said commissioners to the city council, appeal from such determination of damages or benefits to the district court of Washington county, where such appeal shall be tried as in ordinary cases of appeal in said court. The city council shall have the same right to appeal.

Appeals may be made to the district court.

SEC. 18. Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the city council shall cause an accurate survey and profile thereof to be made, and filed in the office of the city surveyor.

Survey and profile to be filed—where.

## CHAPTER VI.

SECTION 1. All property, real and personal, within the city, except such as may be exempt by the laws of the state, or by ordinance of this city, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities, including the repairing of sewers, sidewalks, streets and highways, and the same shall be assessed in the manner provided for by the general laws of this state, for the assessment of taxes for town purposes, but such assessment shall not exceed six mills on the dollar of the real valuation, and all qualified voters shall be liable to a poll tax, not exceeding one dollar in any one year, to be levied by the city council.

May levy a tax for support of city government.

SEC. 2. All funds in the city treasury shall be under the control of the city council, and shall be drawn out upon the order of the mayor and recorder, duly authorized by vote of the city council; and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable out of any funds in the city treasury belonging to the city, and applicable to such purpose, and all such orders shall be received in payment of any tax or assessment levied by authority of the city for the credit of the fund on which said order is drawn. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by endorsement. No money shall be appropriated for any purpose whatever, except such as are expressly authorized by this act.

Council to control all funds—how orders may be transferred.

SEC. 3. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, po-

lice or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. All prosecutions for any violations of this act, or any of the by-laws, ordinances or regulations of said city, shall be commenced by warrant, upon complaint being made as required by law in criminal cases before justices of the peace: *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, which the justice shall reduce to writing, and the party be required to plead thereto, as to a warrant in other cases; and the person or persons so arrested, may be proceeded against in the same manner as if the arrest had been made by warrant. All process issued by the justices of the peace of said city, for the violation of any ordinance or by-law of said city, shall be directed to the chief of police, or any policeman or constable of said city. In all cases of the non-payment of any fine or penalty imposed by a justice of the peace of said city for the violation of any ordinance or by law of said city, 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 three months, in the discretion of the justice, unless the said fine or penalty be sooner paid, and from the time of the arrest of any person for any offense whatever, until the time of his trial, he may be imprisoned in said city prison, or in case there be none, in the common jail of Washington county. The council of said city may provide by ordinance that any male person convicted of offense before a city justice, subjecting such offender to imprisonment under the charter and ordinances of said city, may be kept at hard labor during his term of imprisonment, upon the public streets and improvements of said city; and may also provide by ordinance, that any male person convicted of an offense under the charter and ordinance of said city, before a city justice as aforesaid, and committed upon non-payment of a fine imposed, may be kept at hard labor upon the public streets and improvements, until such person shall work out the amount of such fine at such rate of compensation as said city council may prescribe, for a time not exceeding the term of such commitment; and the council shall have full power to establish all needful

How actions to  
be brought.

regulations for the security of such prisoners thus employed, and to prevent escape and insure proper discipline. *Provided*, That prisoners of the city when committed to the county jail of Washington county shall be as at present in the custody of the sheriff of said county, except when employed upon the public streets and improvements of said city.

SEC. 4. No judgment recovered in favor of the city, or fine imposed, shall be remitted or discharged unless fully paid, except by vote of four-fifths of the city council. When penalty or judgment may be remitted.

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

SEC. 6. The following property, now, or at any time hereafter, belonging to said city, or any of the wards thereof, shall be exempt from levy and sale under and by virtue of any execution. All 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 erected or authorized by the common council of said city; all market houses and the furniture thereof; city hall and furniture of common council rooms; pounds, and the lots on which they are situated; and all school houses and furniture thereof; *Provided*, That nothing hereina contained, shall exempt any of the aforesaid real and personal property from levy or 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 of the 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, judgment, obligation, or contract of said city. Property exempt from levy and sale.

SEC. 7. All jobs of work for the city of which the estimated cost shall exceed five hundred dollars, shall be let by contract, to the lowest responsible bidder therefor, and the city council may require of the bidder a bond, with sureties for the faithful performance of the contract; due notice shall be given of the time and place of letting such contract; *Provided*, That if in the opinion of the council no just and reasonable bid shall have been received for any such work, after due notice as aforesaid, the city When work shall be given to the lowest bidder.

council may, by a four-fifths vote, provide for doing such work without contract, by direct employment of labor and purchase of material.

What shall not be a reason for suspending said corporation.

SEC. 8. If any election by the people for city officers, for any cause, shall not be held in the manner and at the time herein prescribed, it shall not be considered a reason for arresting, suspending, and absolving said corporation; but such election may be held upon any subsequent day; and if any of the duties enjoined by this act, as the ordinance, by-laws, rules or regulations of the city, to be done by any officer at any specified time, be not done or performed at that time, the city council may appoint another time at which the said acts may be done and performed.

May purchase and hold real estate.

SEC. 9. The city may lease, purchase and hold real or personal estate, sufficient for the convenience of the inhabitants and the due administration of the government of the city, and may sell and convey the same at pleasure, and the same shall be free from taxation.

No law considered repealing or modifying the same unless expressly set forth.

SEC. 10. No general laws of this state, contravening the provisions of this act, shall be considered as repealing, amending, or modifying the same, unless such purpose be expressly set forth in such law.

All ordinances to remain in force.

SEC. 11. All ordinances and regulations now in force under the acts to which this is an amendment, shall remain in force until modified or repealed by the city council, and the present city officers shall hold their respective offices for the terms for which they were severally elected, and until their successors are elected and qualified.

Appeals may be taken.

SEC. 12. Appeals and certioraris shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinances, rules, by laws or regulations, passed in pursuance thereof, the same as in other cases arising under the general laws of this state; *Provided*, That in all cases of prosecution for a breach or violation of any ordinance, by-law or regulation of said city, or its charter, or for any assault, battery, 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-five dollars, exclusive of costs.

Repeal of inconsistent acts.

SEC. 13. All acts and parts of acts heretofore passed for the incorporation of the city of Stillwater, and amendatory thereto, not necessary to carry out any provisions of this act, nor contained in, or incorporated herein, and all acts inconsistent with this act, are hereby repealed;

but the repeal of such acts, and 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 or by virtue, or in pursuance of the said acts, or any of them, but the same shall exist and be enforced and carried out as fully and effectually to all intents and purposes, as if this act had not been passed. And all ordinances, resolutions, regulations, rules, by-laws, and orders of the city council of said city, or of the board of health of said city, or parts thereof, not repealed, suspended, or made void by this act, shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by the city council or by said board of health, in pursuance of this act. And said city council may make, ordain and publish such ordinances as may be necessary to carry out the provisions of this act, not inconsistent with the constitution and laws of this state.

SEC. 14. This act is hereby declared to be a public act, and may be read in evidence in all courts of law in this state, without proof. Declared to be a public act.

SEC. 15. This act shall take effect from the passage thereof, and the legislature may alter or repeal the same at any time. When act to take effect.

SEC. 16. No township organization shall exist within the limits of said city of Stillwater, and all powers and duties conferred by the laws of this state, upon town supervisors, are hereby conferred upon the common council of said city, and all powers and duties conferred upon town clerks, shall be performed by the city recorder. No township organization to exist in city limits.

Approved March 3, 1870.