

a period of at least ten (10) days immediately preceding said election.

SEC. 16. Whenever the mayor or any other officer or board having authority under this act to make appointments of any officer to serve in said city, shall nominate such officer, and his appointment or nomination is required to be ratified and confirmed by the common council, and the common council shall refuse to ratify such appointment, the said mayor or other officers or board shall on or before the next regular meeting nominate some other person to said office.

SEC. 17. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 18. This act shall take effect immediately.

Approved March 2, 1887.

CHAPTER 3.

[S. F. No 356.]

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT ENTITLED AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE CITY OF RED WING," APPROVED MARCH THIRD (3d) EIGHTEEN HUNDRED AND SIXTY-FOUR (1864) AND THE SEVERAL ACTS AMENDATORY THEREOF, AND TO AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF RED WING.

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

SECTION 1. That the act entitled "an act to amend an act entitled an act to amend an act entitled an act to incorporate the city of Red Wing," approved March third (3d) eighteen hundred and sixty-four (1864), the same being chapter six (6) of the special laws of this state for the year one thousand eight hundred and sixty-four (1864), and all acts of the legislature amending the same subsequently passed are hereby amended so as to read as follows:

CHAPTER I.

CITY AND WARD BOUNDARIES—CREATION OF CORPORATION.

SECTION 1. All that district of country in the county of Goodhue contained within the limits and boundaries hereinafter described shall be a city by the name of Red Wing, and all the people now inhabiting and those who shall hereinafter inhabit the same district shall be a municipal corporation by the name of the city of Red Wing, and by that name may sue and be sued, plead and be impleaded in any court; make and use a common seal, and alter it at pleasure; take and hold, lease and convey all such real, personal and mixed property as the purposes of the corporation may require, or the transaction or exigences of the business may render convenient within or without the limits of such district; 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 all powers hereinafter specifically granted; and all the authorities thereof shall have perpetual succession.

CITY BOUNDARY LINE.

SEC. 2. That the territory included within the following boundaries and limits shall constitute the city of Red Wing, viz: Beginning at a point where the north line of section number twenty-five, in township number one hundred and thirteen north, of range number fifteen west, intersects in the Mississippi river, running thence west along said line to the northwest corner of said section number twenty-five, thence south to the southwest corner of section number thirty-six, of said township and range, thence east to the southeast corner of section number thirty-three, in township number one hundred and thirteen north, of range number fourteen west, thence north to the center of the main channel of the Mississippi river, thence up the center of the main channel of said river to a point due east of the place of beginning, thence west to the place of beginning. *And provided*, that the authorities of said city may exercise concurrent jurisdiction with the state of Wisconsin, over the Mississippi river, opposite said city, to the eastern margin of said river.

And provided further, that nothing herein contained shall be deemed to exclude any portion of the city of Red Wing from the limits of the county of Goodhue.

WARD BOUNDARIES.

SEC. 2 All the territory comprised within the following boundaries and limits shall constitute the first (1st) ward of said city: Commencing at the point of intersection of the center line of Potter street with Levee street in said city, thence southerly along the center line of said Potter street to the center line of Seventh street in said city; thence westerly along the center line of said Seventh street and College avenue to the center line of Fulton street, thence northerly along the center line of Fulton street to the Mississippi river, and thence on the prolongation of the last named center line to the middle of the main channel of the Mississippi river, thence down the middle of the main channel of the Mississippi river to a point opposite and on the prolongation of the said center line of said Potter street, and thence southerly to the point where the center line of Potter street intersects with said Levee street to the place of beginning. All the territory comprised within the following limits and boundaries shall constitute the second (2d) ward of said city: commencing at the point of intersection of the section line between section thirty (30) and thirty-one (31) in township number one hundred and thirteen (113) north, of range fourteen (14) west, with the center line of Central avenue in said city of Red Wing; thence west along said section line to the northwest corner of said section thirty-one (31); thence south along the section line to the southwest corner of said section thirty-one (31); thence east along the section line to the southeast corner of section thirty-three (33) of said township and range; thence north along the section line to

the southeast corner of the northeast quarter of the northeast quarter of said section thirty-three (33); thence west to the southwest corner of the northeast quarter of the northwest quarter of said section thirty-three (33); thence north to the northerly line of said section thirty-three (33); thence west to the northwest corner of section thirty-three (33); thence north along the section line eighty (80) rods to the northeast corner of the southeast quarter of the southeast quarter of section twenty-nine (29) in said township and range; thence west to the westerly line of the Sioux half-breed tract—which line runs through the city of Red Wing; thence northeasterly along said Sioux half-breed line to a point opposite to and on the prolongation of the center line of Potter street; thence northerly on said prolonged line to the southerly terminus of Potter street at its intersection with Eighth street; thence northerly along the center line of Potter street to the center line of Seventh street; thence westerly along the center line of Seventh street and College avenue to the center of West and Central avenues; thence southerly along Central avenue to the place of beginning.

All that part of said city lying easterly of said first (1st) ward as hereinbefore bounded and described, and northerly of said second (2d) ward as above bounded and described, shall constitute the third (3d) ward of said city.

All that part of said city lying westerly of said first (1st) ward and westerly of said second (2d) ward shall constitute the fourth (4th) ward of said city.

The city council may at any time by ordinance change the boundary lines of said wards or any of them.

CHAPTER II.

OFFICERS AND ELECTIONS—OFFICERS OF THE CITY, AND TERM OF OFFICE.

SECTION 1. The elective officers of said city shall be a mayor, treasurer, two (2) justices of the peace and two (2) constables, each of whom shall be residents and qualified voters of said city and shall hold office for the term of two (2) years. Each ward shall elect one (1) alderman each year, who shall be a resident and a qualified voter of the ward for which he shall be elected, and hold his office for the term of two (2) years. At the annual city election in the year A. D. eighteen hundred and eighty-seven (1887), and in each odd numbered year thereafter, there shall be elected one (1) alderman at large by the electors of said city, who shall hold his office for the term of two (2) years and until his successor is elected and qualified. He shall be a resident and elector of said city.

The term of office of every officer elected under this act shall commence on the first (1st) Tuesday of May of the year in which he shall be elected, and shall continue until a successor is elected and qualified. All other officers necessary for the proper management of the affairs of the city shall be appointed by the city council unless otherwise provided.

The appointment of such officers shall be determined by ballot, and shall require the concurrence of a majority of all the members of the city council to appoint such officer.

The city clerk shall hold his office for the term of two (2) years from and after the first (1st) Tuesday in May of the year of his appointment, and all other appointed officers, except when otherwise provided in this charter, for the term of one (1) year from said first (1st) Tuesday of May.

All appointed officers shall continue in office until their successors are appointed and qualified, except as otherwise provided in this chapter.

All persons now holding office in said city shall continue in office to the expiration of the term for which they shall have been elected or appointed, and until their successors shall have been designated and qualified.

TIME OF ELECTION AND NOTICE.

SEC. 2 The election for city officers and the alderman of said city shall be held on the fourth (4th) Monday in April in every year. Whenever a vacancy shall occur in the office of mayor or alderman such vacancy shall be filled by a special election, which shall be ordered and held within ten (10) days after such vacancy shall occur. The city clerk shall give fifteen (15) days notice of the time and place of holding all general and city elections, and ten (10) days notice of all special elections, and such notice shall also designate the officer to be elected at such general or special elections, but no defect in such notices, or failure to give them, shall invalidate any election.

All elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for, with a proper designation of the office written or printed thereon.

The person receiving the highest number of votes for any office shall be declared elected to such office.

When two or more candidates for any elective city office shall receive an equal number of votes, the election shall be determined by casting of lots, in the presence of the city council, at such time and in such manner as said council shall direct.

MODE OF CONDUCTING ELECTIONS.

SEC. 3. The mode of conducting elections shall be the same as provided by the general laws of this state governing elections, except as otherwise provided herein. All special provisions herein contained, shall apply as well to all state and county elections, within said city, except that the returns of all elections for aldermen or city officers shall be made to the city clerk, as hereinafter provided, and the returns of state and county elections shall be made to the county auditor of the county of Goodhue, as provided by law.

QUALIFICATION OF VOTERS.

SEC. 4. All persons entitled to vote for state and county officers, who shall have resided for ten days next preceding the election in the precinct where they offer their vote, shall be entitled to vote for any officer to be elected at said election.

ELECTION PRECINCTS AND PLACES OF HOLDING ELECTIONS.

SEC. 5. Each ward of said city shall constitute an election precinct. The city council shall at least twenty days previous to the general election for city officers, to be held on the fourth Monday in April, annually, and the general election for state and county officers, to be held on the first Tuesday after the first Monday of November of each year, designate the place of holding elections in each precinct, and such place so designated shall not be subject to change by the voters present at the commencement of such election.

In case said city council shall neglect or refuse to provide such places of election previous to general elections, as herein provided, and in all cases of special elections, the places of holding elections shall continue to be the same as at the general election next preceding such election.

JUDGES AND CLERKS OF ELECTION.

SEC. 6. The city council shall at least twenty days before any general state, or annual city election, appoint such number of judges and clerks of election as may be necessary to constitute a full board for each election precinct as provided by general law.

SPECIAL ELECTIONS—HOW CONDUCTED.

SEC. 7. It shall not be necessary to appoint judges or make new registers of voters for special elections, but the judges of election at the last general or annual city election in any precinct, shall continue to be judges of election for such special election, and vacancies of judges may be filled the same as in case of general elections or annual city elections, and such judges shall have the right to take from the city clerk and use at such special election the register used at the election next preceding such special election.

ELECTION RETURNS.

SEC. 8. When an election for aldermen or city officers shall be closed, the judges of election shall make return thereof to the city clerk within two (2) days of such election, in like manner as provided by law for the return of state and county elections to the county auditor.

Within four (4) days after any city election the city council shall meet and canvass the returns thereof and declare the result thereof as it may appear from such returns, and the city clerk shall forthwith give notice to the officers elected of their respective elections.

VACANCIES IN OFFICE, HOW CREATED AND FILLED.

SEC. 9. Any officer removing from the city or ward for which he was elected or appointed, or any officer who shall refuse or neglect for ten (10) days after notice of his election or appointment to enter upon the discharge of the duties of his office shall be deemed to have vacated his office, and any officer having entered upon the duties of his office may resign the same by consent of the city council. All vacan-

cies, except as hereinbefore provided, shall be filled by the city council.

OATHS AND BONDS OF OFFICE.

SEC. 10. Every person elected or appointed under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the clerk of the city.

The treasurer, clerk, street commissioner and such other officers as the city council shall require, shall severally, before they enter upon the duties of their respective offices, execute to the city of Red Wing, bonds in such amounts and upon such conditions as the city council may prescribe; and in the absence of special provisions, such officers shall give bonds in the amounts and upon the conditions of the bonds of their predecessors in office.

The bond of the treasurer shall be executed by at least four (4) sureties, who shall justify to an aggregate amount of at least the penal sum of such bonds, and shall be approved by the city council.

The bonds of the other city officers shall be such as shall be approved by the city council or any proper committee thereof.

The city council may at any time require further or additional bonds to be executed by any officer of said city.

If any officer shall for the period of ten (10) days after notice to execute such further or additional bond, neglect or refuse so to do, his office shall be and become vacant, and the city council shall proceed to fill such vacancy.

CHAPTER III.

POWERS AND DUTIES OF OFFICERS—POWERS AND DUTIES OF MAYOR.

SECTION 1. The mayor shall take care that the laws of the state and the ordinances of the city are duly enforced and observed within the city. He shall take care that all other officers of the city discharge their respective duties, and to that end may maintain an action of mandamus or other appropriate action against any delinquent city officer. He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city.

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 city council with his objections in writing thereto, by depositing the same with the city clerk, to be presented to the city council at their next meeting thereafter.

Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same notwithstanding the objection of the mayor; and if upon such vote the city council shall pass the same by a vote of two thirds ($\frac{2}{3}$) of all the members of the council, it shall have the same effect as if approved by the mayor.

If any ordinance or resolution shall not be returned by the mayor within five (5) days Sundays excepted, after it shall have been presented to him, the same shall have the same force and effect as if approved by the mayor.

In case the mayor shall knowingly or willfully neglect or refuse to perform any of the duties of his office, or shall be guilty of oppression, or of corruption in office, he shall be liable to indictment and on conviction thereof 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 case) to further adjudge that he be removed from office.

PRESIDENT AND VICE-PRESIDENT OF THE CITY COUNCIL.

SEC. 2. At the first meeting of the city council in each year they shall proceed to elect by ballot from their number, a president and vice, president; the president shall preside over the meetings of the council, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of the office, the said president shall exercise all the powers and discharge all the duties of the mayor.

In case the President shall be absent the vice-president shall discharge the duties of such president and act in his place.

The president or temporary presiding officer, while performing the duties of mayor, shall be styled acting mayor, and all acts performed by him when acting as mayor, as aforesaid, shall have the same force and validity as if performed by the mayor.

CITY CLERK.

SEC. 3. There shall be a clerk of said city, styled the city clerk, who shall be appointed by the city council.

He shall keep the corporate seal, and all the papers and records of the city, and keep a record of the proceedings of the city council, at whose meetings it shall be his duty to attend.

He shall draw and countersign all orders on the treasury, in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof, in books provided for that purpose, and make an accurate and full record of all the by-laws, rules and ordinances made or passed by the city council.

The city clerk shall have power to take acknowledgments, and administer oaths and affirmations; and copies of all papers filed in his office, and transcripts of any records in his office, certified to by him, under the corporate seal of said city, shall be evidence in all courts, in like manner as if the original were produced.

He shall perform all other services by law required of the clerk of cities or townships, within said city: but when services are required of him by public law, for which compensation is provided, such services shall not be regarded as services for said city, and he may retain such compensation in addition to the salary paid by said city.

He shall report annually, on the first (1st) day of May, to the council, an estimate of the expenses of the city for the current year, and the rev-

enue necessary to be raised therefor; and the fiscal year of the city shall commence on the first (1st) day of May in each year.

He shall countersign all contracts made in behalf of the city, in connection with the mayor.

The clerk, upon order of the council approved by the mayor, may, from time to time, borrow, for and in behalf of said city, such sums of money as may be necessary for temporary purposes and to anticipate the current revenue only; such loans to be subject to the approval of the city council.

He shall examine the reports, books, papers, vouchers and accounts of the treasurer, and shall perform such other duties, from time to time, as the council may direct.

He shall not be directly or indirectly interested in any contract or job to which the city is a party, or in any loan negotiated by the city.

He shall, at the end of each fiscal year, make and cause to be published in the official paper of the city, a condensed summary statement showing the financial condition of the city, the amount of money received during such year, and from what sources; and also the amount disbursed, and for what purposes.

He shall record in a book, to be provided for that purpose, all bonds made to the city.

DEPUTY CLERK.

SEC. 4. The city council shall, whenever it is deemed necessary, have the power to appoint, upon the nomination of the clerk, a deputy clerk at such time and for such period as may be deemed necessary. Whenever the clerk and deputy clerk are absent or are for any reason unable to act, the council may appoint a clerk pro tempore, and said clerk so appointed, as well as the deputy clerk when acting as city clerk, shall have the same powers, and be subject to the same restrictions and liabilities as the city clerk.

CITY ATTORNEY.

SEC. 5. The city council shall have power to appoint an attorney for the city who shall hold said office for the term of two years, and who shall perform all professional services incident to the office, and when required shall furnish written opinions upon any subject submitted to him by the city council or its committees. He shall also advise with and counsel all city officers in respect to their official duties, and attend the regular meetings of the city council and of such committees as shall request his assistance. He shall receive such compensation as the services rendered by him are reasonably worth.

CITY PHYSICIAN.

SEC. 6. The city council may also appoint a city physician who shall be a physician of regular practice and of good standing in his profession and a graduate of some college of medicine. He shall attend and furnish medicine to all such poor of the city as may be required of him by the proper authorities.

It shall be the duty of the city physician to make regular inspec-

tion of the city as to matters affecting the health of its citizens. He shall make reports to the state board of health of such facts as may be required by said state board.

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

Such city physician may be removed at the pleasure of the city council.

BOARD OF HEALTH.

SEC. 7. The city council may also appoint a board of health consisting of three members including the city physician who shall have the same authority as police officers in enforcing the ordinances of said city, for the security of public health.

CITY ENGINEER.

SEC. 8. There shall be appointed by the city council a city engineer who shall be a practical surveyor and engineer.

He may by and with the consent of the city council employ such assistants as may be necessary. He shall keep his office at some convenient place in said city, and the city council shall prescribe his duties and fix his compensation and the compensation of all assistants employed by him.

Such engineer may be a non resident of said city.

SURVEYS AND PLATS TO BE CITY PROPERTY.

SEC. 9. All surveys, profiles, plans and estimates made by him or any of his assistants for the city shall be the property of said city and shall be carefully preserved in the office of the city clerk or such other place as the council may designate, open to the inspection of parties interested, and the same together with all the books and papers appertaining to said office, shall be delivered over by the city engineer at the expiration of his term of office, to his successor or to the city council.

DUTIES OF TREASURER.

SEC. 10. 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 last annual report, and also the state of the treasury, which account shall be filed with the city clerk.

His books, papers, accounts and vouchers shall at all times be open to the inspection of the mayor, the city council or any committee thereof, or any person by said council appointed to examine any such books, papers, accounts or vouchers.

WHARF MASTER.

SEC. 11. The city council shall have power to provide for the appointment of a wharf master, with the powers of a police officer, or may devolve the duties of such office on any member of the police force, and may by ordinance define the duties of such wharf master and regulate all wharf landings and levees in said city.

JUSTICES OF THE PEACE AND CONSTABLES.

SEC. 12. The justices of the peace and constables of said city shall have and possess all the rights, powers and authority of justices of the peace and constables under the general laws of this state, and in addition thereto the justices of the peace of said city shall have sole and exclusive jurisdiction of all suits, prosecutions, or proceedings for any violation of any ordinances, by-law or regulation of said city, or any police or health regulations of said city, or for the recovery of any fine, forfeiture or penalty under any such ordinance, by-law or regulation—and shall also have exclusive jurisdiction of all actions, suits or prosecutions for any violation of this act which are or may be within the jurisdiction of all justices of the peace under the laws of this state.

All prosecutions for any violation of any such ordinance, by-law or regulation, or for the recovery of any such fine, penalty or forfeiture shall be commenced and prosecuted in the name of the "City of Red Wing," and the same proceedings shall be had as are or may be provided by law in civil or criminal cases tried before justices of the peace, except as herein otherwise provided.

All fines imposed or collected in such cases, for any such violation, and also all fines imposed or collected in any action, proceeding or prosecution tried before any such justice, for any violation of law committed within said city shall accrue to the benefit of said city and be paid into the treasury thereof.

SEC. 13. The said justices of the peace shall upon complaint made, proceed to hear and dispense of in a summary manner, and without the intervention of a jury, all suits, prosecutions and proceedings brought before them or either of them for any violation of any ordinance, by-law or regulation of said city, or the city council thereof.

SEC. 14. All prosecutions for any violation of this act, or for the violation of any ordinance, by-law or regulation of said city, or police or health regulation 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 required in any case of the arrest of any person, made while in the act of violating any law of the state of Minnesota, or ordinance, by-law or regulation of said city, but in such cases a complaint shall be made after such arrest, which the justice shall reduce to writing, and the party arrested shall 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 upon a warrant.

SEC. 15. All process issued by any justice of the peace of said city for the violation of any ordinance, by-law or regulation of said city, of

any police or health regulation of said city shall be in the name of the "City of Red Wing" and shall be directed to the chief of police of to any police officer of said city. In all cases of the imposition or any fine or penalty by any justice of the peace of said city, for the violation of any ordinance, by law or regulation 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 Goodhue county, and be there imprisoned for a term not exceeding three (3) 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 no such prison, then in the common jail of said Goodhue county.

SEC. 16. No appeal shall be allowed from any judgment or ruling of any justice of the peace of said city, rendered or made in any action or prosecution for any violation of this act, or of any ordinance, by-law, or regulation of said city, or any police or health regulation of said city. Nor shall any writ of certiorari issue in any such case.

SEC. 17. The justices of the peace of said city shall be entitled to receive from the county of Goodhue such fees in criminal cases prosecuted in the state of Minnesota, as are or may be allowed to other justices of the peace for similar services, and for services rendered in cases prosecuted in the name of the "City of Red Wing" such fees as shall be allowed by law.

SEC. 18. In all actions, prosecutions or proceedings before any justice of the peace of said city for the violation of any ordinance, by-law or regulation of said city, or any police or health regulation of said city, commenced upon the complaint of any person other than some officer of said city, the complaining witness shall give security for costs, to the satisfaction of said justice, in a sum not less than ten (10) dollars, and the costs, taxed by the justice against the city in any such action, prosecution or proceeding, shall in no case exceed the sum of ten (10) dollars.

SEC. 19. Whenever the accused tried for the violation of any ordinance, by-law or regulation of said city or any police or health regulation of said city, shall be acquitted, he shall be immediately discharged; and if the justice before whom the trial is had, certifies in his docket that the complaint was wilfull and malicious, and without probable cause, he shall enter judgment against the complainant for the costs of such prosecution, and execution may issue therefor, or such complainant may be committed to jail until such costs are paid, or until otherwise released according to law, and in case he be so committed and be discharged, execution may issue and such judgment be collected, after such discharge.

Provided, That in no case shall any such judgment for costs be entered against any officer of said city who as such may make any such complaint.

SEC. 20. Whenever any person shall be convicted of any violation of this act, or of any ordinance, by-law or regulation of said city, or of any health or police regulation thereof, in addition to the penalty

prescribed, he shall be adjudged to pay all of the costs and disbursements of prosecution, and in default of payment of such fine and costs and disbursements, shall be imprisoned in the city jail or in the common jail of Goodhue county not exceeding three months, or he may be punished by both fine and imprisonment, in the discretion of the justice.

SEC. 21. The justices of the peace shall on the first Monday of each month report to the city council a list of all proceedings instituted before them in the name of the city, or in which the city is in any manner interested, and shall at the same time account for and pay over to the city treasurer all fines, penalties and costs collected, which may by law accrue to said city, and also file with such report the receipts of said treasurer of the moneys paid to him.

SEC. 22. Whenever a vacancy shall occur in the office of any such justice of the peace the city council shall have power to fill such vacancy by appointment for the unexpired term thereof.

SEC. 23. The constables of said city shall be entitled to the same fees as like officers in towns receive for similar services under the laws of this state.

CITY OFFICERS TO TURN OVER CITY PROPERTY.

SEC. 24. Any person having been an officer of said city, shall within ten (10) 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 fails so to do after such notification and request, he shall forfeit and pay to the use of the city five hundred dollars (\$500), besides 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.

NO ALDERMAN TO BE INTERESTED IN ANY CONTRACT.

SEC. 25. No alderman shall be a party to or interested in any job or contract with the city, and any contract in which any alderman shall be interested shall be null and void, and in case any money shall have been paid on any such contract, the city council may sue for and recover the amount so paid from the parties to such contract, and the alderman interested in the same.

OTHER DUTIES MAY BE REQUIRED AND OTHER OFFICERS APPOINTED BY THE CITY COUNCIL.

SEC. 26. The city 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 and fix their compensation unless herein otherwise provided for.

SALARIES OF OFFICERS.

SEC. 27. The mayor shall receive a salary of one hundred dollars (\$100) per annum, the city treasurer a salary of one hundred dollars (\$100) per annum, the city clerk a salary of five hundred dollars (\$500) per annum, and the aldermen each fifty dollars (\$50) per annum.

No other or further compensation shall be paid to such officers or either of them for any services performed by them as such officers.

But this shall not prevent the members of the board of equalization of taxes or aldermen acting as judges of election from receiving special compensation for such services.

EXEMPTION FROM JURY DUTY.

SEC. 28. The mayor, aldermen, all city officers and all the men employed in the several departments of said city while holding such office or engaged in the service of the city, shall be exempt from serving as jurors in any court.

CITY COUNCIL TO FIX SALARIES.

SEC. 29. The city council shall have power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act.

Such compensation shall be fixed by resolution, at the time the office is created, or at the commencement of the year, and shall not be increased nor diminished during the term for which such officer shall have been elected or appointed.

OFFICERS TO MAKE RETURNS OF PROPERTY.

SEC. 30. All officers of the city having charge of any city property, shall, at the close of said fiscal year, make and return to the city council a full inventory of all public property in their hands or control respectively.

Such inventory shall be filed by the city clerk, and kept open to the inspection of all parties interested, but need not be printed in the proceedings unless the council shall so specially direct.

CHAPTER IV.

THE CITY COUNCIL, ITS GENERAL POWERS AND DUTIES—QUORUM AND PRESIDING OFFICER.

SECTION 1. The aldermen shall constitute the city council.

A majority of the aldermen shall constitute a quorum.

The president or vice-president of the council shall, when present, preside at all meetings.

In their absence the council may elect a president *pro tem.* who shall, for such meetings, have the same power as the president.

STATED AND SPECIAL MEETINGS OF THE COUNCIL.

SEC. 2. The city council shall hold stated meetings, and the mayor, the president of the council, or any three (3) of the aldermen may call special meetings, by notice to each of the members, to be delivered personally or left at their usual places of abode.

At such special meetings no other business shall be transacted than such as is designated in the call.

In case of the attendance of less than a quorum at any stated meeting, the members present may adjourn to any special time they may designate, of which time the absent members shall be notified, in manner as above provided, and all business transacted at such adjourned meeting shall have the same validity as if done at a stated meeting.

If at any special meeting a quorum of the aldermen shall be present, they shall be authorized to transact the business for which the meeting was called; *Provided*, that affirmative action must be by a vote by yeas and nays, to be entered upon the record, and shall require an affirmative vote of a majority of all the members of the council.

CITY COUNCIL JUDGE OF ELECTION OF ITS MEMBERS—RULES OF PROCEDURE.

SEC. 3. The city council shall be the judge of the election of its own members, and in such case shall have the power to send for persons and papers. It shall determine the rules of its own proceedings, and have power to compel the attendance of absent members, and may provide for the punishment of such absent members.

POWER TO REMOVE OFFICERS, AND HOW EXERCISED.

SEC. 4. The city council shall have power to remove from office any officer of said city, whether appointed by the city council or elected by the people, except as otherwise provided in this charter; but no officer elected by the people shall be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall have had reasonable opportunity to be heard, in person or by counsel, in his own defence.

Continued absence from the meetings of the council, in the case of aldermen, for six regular consecutive meetings, and neglect of duty, in case of other officers, unless for good reasons, shall be deemed a good cause of removal.

The city council shall fix a time and place for the trial of such officer, of which not less than ten days' notice shall be given, and the acting president, for the purpose of the trial, is authorized to administer oaths, and the council shall have power to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall refuse or neglect to appear and answer such charges the city council may declare the office vacant.

Provided, That no officer of said city shall be removed from office except upon an affirmative vote by yeas and nays, to be entered upon the record, of a majority of all the members of said city council.

POWER TO ENACT ORDINANCES, RULES AND BY-LAWS, AND THEIR FORCE.

SEC. 5. The city council shall have full powers and authority to make, ordain, adopt, establish, publish, enforce, alter, amend or repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime as they shall deem expedient, and in and by the same to declare and impose penalties and punishments, by fine, imprisonment, or both, and to enforce the same against any person or persons who may violate the provisions of any ordinance, rule or by-law ordained or adopted by them, and such ordinances, rules and by-laws are hereby declared to have the force and authority of law.

Provided that they be not repugnant to the constitution of the United States, or of this state; and for these purposes the said city council shall have authority by such ordinances, by law or resolution,

First—To license and regulate the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, menageries, circuses, concerts, roller skating rinks, museums, places of amusement and theatrical performances; also to license and regulate all auctioneers, pawnbrokers, billiard tables, pigeon hole tables, bagatell tables, nine or ten pin alleys, bowling saloons, shooting galleries, taverns, victualing houses, and to regulate and license hacks, carts, omnibuses, and the charges of hackmen, draymen, carmen and omnibus drivers in the city.

Second—To license and regulate all persons vending, dealing in or disposing of spirituous, vinous, fermented, malt, mixed or intoxicating liquors within said city, and to restrain, prevent and prohibit any person or persons from vending, dealing, giving or disposing of, within said city of any such liquors, unless thereto duly licensed by the city council, and to revoke any license granted by said council for any malfeasance, misfeasance or nonfeasance of the person holding the same.

Third—To restrain and prohibit all description of gambling, and all 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 provide by ordinance for the seizure, condemnation and destruction of any device, apparatus or other thing used for gambling or gambling purposes.

Fourth—To prevent any riots, noise, disturbance and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof.

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

Sixth—To direct the location and management of stock yards, slaughter houses and markets, breweries and distilleries, and to establish rates for and license venders of gunpowder and regulate the storage, keeping and conveying of gunpowder or other combustible materials, and to direct the place where and the manner in which, kerosene oil and other explosive or combustible materials or articles shall be stored or kept or conveyed within said city.

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

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

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

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

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

Twelfth—To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for the erection of water works for the supply of the inhabitants and for protection against fire.

To provide for sprinkling any street or part of a street within said city, and upon the petition of the owners of two-thirds of the amount of frontage and of assessed value of real property abutting upon any such street or part of a street, to assess the expense of such sprinkling upon the real property abutting upon such street or part thereof.

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

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

Fifteenth—To prevent any person or persons from riding, driving, or leading any horse, mule, ox, cow, or any other animal on any sidewalk in said city or in any way doing any damage to any such sidewalk.

Sixteenth—To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fire works in any situation which may be considered by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

Seventeenth—To prevent drunkenness or obscenity in any street or public place within said city, and to provide for the arrest and punishment of all persons guilty thereof.

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

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

Twentieth—To license and regulate butcher's stalls, shops and stands, for the sale of game, poultry, butchers' meat, butter, fish and other provisions, and also to license and regulate all peddlers doing business within said city.

Twenty-first—To provide market places for the sale of hay, straw, firewood, lime and other commodities, to designate the places within said city where any such property may be stored, to prevent the selling or storing of any such articles at any place other than such market or other designated place, to provide the manner of weighing or measuring any such articles or commodities, and to appoint suitable persons to superintend and conduct such weighing and measuring.

Twenty-second—To compel the owners or occupant of any building lot or grounds to remove snow, ice or rubbish from the sidewalk opposite such building lot or grounds, and to compel such owner or occupant to remove from such building lot or grounds all such substances as the board of health may direct to provide for the punishment of any person who shall fail or neglect to remove any such snow, ice, rubbish or other substances, and in default of any person to make such removal, to authorize the removal or destruction of any such matter or substance above mentioned at the expense of such owner or occupant, and also to assess the expense of such removal or destruction against or upon any such building lot or grounds.

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

Twenty-Fourth—To regulate, control and prevent the landing of persons or animals from boats, vessels, railroad cars, or other con-

veyances whereon are contagious or infectious diseases or disorders,—to prevent the bringing or carrying into said city of any person or animal who has or who may have been exposed, to any such disease or disorder—to make such regulations as they may deem proper to prevent the introduction of contagious or infectious diseases or disorders into said city—to make quarantine ordinances or regulations and enforce the same—to prevent the landing or bringing of paupers into said city, and to remove them to the place where they properly belong.

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

To license and regulate transient traders, and fix by ordinance, by-law, or resolution the amount of such license, and to provide for the punishment of any such traders who shall within said city vend, sell or dispose of, or offer to vend, sell or dispose of any goods, wares or merchandise without first having obtained such license.

To license and regulate all insurance offices or agencies, or persons doing or attempting to do any insurance business within said city—and to provide for the punishment of any person who shall do or attempt to do any insurance business within said city, either by the solicitation of risks or otherwise without first having obtained such license—and *provided*, That no general law of this state shall be construed to prevent the licensing or regulation of insurance agencies or persons doing or attempting to do any insurance business within said city.

Twenty-Sixth—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-Seventh—To provide by ordinance for a standard of weights and measures, for the appointment of a city sealer, and to provide for the punishment of the use of false weights and measures.

Twenty-Eighth—To regulate the inspection of flour, pork, beef, mutton, veal, and other kinds of meat, poultry and game, fish, salt, whiskey and other liquors and provisions.

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

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

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

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

Thirty-third—To do all acts and make all regulations which may be necessary and expedient for the preservation of health and the

suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws, and enforce the same within the city.

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

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

Thirty-sixth—To regulate the construction of buildings, to prescribe the depth of cellars, the material and method of construction of foundations and foundation walls, the manner of construction of drains and sewer pipes, the thickness, material and construction of party walls, partitions and outside walls, the size and material of floor beams, girders, piers, columns, roofs, chimneys, flues and heating apparatus, to apportion and adjust such regulations to the height and size of the buildings to be erected, to regulate the construction and location of privies and vaults in such buildings, to prohibit the construction of buildings, not conformatory to such prescribed standard either in the whole city or within such building limits as it may prescribe, to establish, alter or enlarge such building limits from time to time, to appoint an inspector or inspectors of buildings, or to devolve the duties of such inspector on any city officer to give such inspector or other officer authority to enter upon, examine and inspect all buildings in process of construction in said city or within such building limits, and to direct the suspension of any such building operation as shall not conform to such regulations. *Provided, however,* that neither said city council, nor any inspector or other officer of said city shall have control or regulation of any building erected by the United States or the state of Minnesota.

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

Thirty-ninth—To establish or change the names of streets and public grounds in said city, and to regulate the numbering of houses and lots, and to compel the owners of houses and other buildings to have the numbers of such houses or other buildings designated thereon.

Fortieth—To compel railroad companies to grade the crossings the full width of the streets and alleys and length of right of way in said streets or alleys where the railroads cross the same in said city, and

to keep the same in repair, and to build and maintain suitable walks across the right of way in said streets for the accommodation of foot passengers, and to build and maintain bridges, culverts, drains and sewers, over, under, upon, across or along such right of way within said city.

Forty-first—The city council may at any time by resolution carried by a two-thirds ($\frac{2}{3}$) vote of the council elect, call a special election for any purpose, said resolution to contain the object or proposition for which such special election is called.

Notice of such special election to be given the same as at the general election, and to be governed by laws applicable to the general election.

Provided, That this subdivision shall not apply to elections called for the purpose of filling any vacancy in any office.

Forty-second—The city council may permit the laying of gas pipe in any and all streets and alleys, highways and public grounds of the city, but in all cases the city 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 pipes and mains.

Forty-third—The city council may permit the laying of street railway tracks in the streets of said city, and authorize and regulate the operation of street cars thereon.

Forty-fourth—To regulate and control or prohibit the placing of poles therefor, and the suspending of electric and other wires along or across any street, alley or public ground of said city, and to require any or all already placed or suspended, either in limited districts or throughout the city, to be removed or to be placed in such manner as the said council may designate beneath the surface of the street or sidewalk.

Forty-fifth—To appropriate money and provide for the payment of the debts of the city, and by a two-thirds ($\frac{2}{3}$) vote of all of the members of the city council negotiate loans for the use of and in the name of said city, for a term not exceeding one year, at a rate of interest not exceeding six per centum per annum.

Provided, That the aggregate amount of all such loans outstanding at any one time shall not exceed the sum of ten thousand (10,000) dollars.

Forty-sixth—To provide for the taking from time to time the enumeration of the inhabitants of said city.

Forty-seventh—To establish the land boundaries of said city on the Mississippi river, and to provide that no filling shall be made in said river, nor building, bank, dirt, stones, spiles or any obstructions or things whatever, shall be placed within said river, in front of said city, beyond the limits that may be prescribed by the city council of said city; and the said council may require the removal, and in case of a refusal, may cause to be removed any such obstructions or

things placed in said river, in front of said city, and if necessary may maintain actions against any persons responsible for such obstructions, in any court of competent jurisdiction, to compel such removal.

Forty-eighth—The said council may take possession of, by condemnation or otherwise, and appropriate and therein and thereon contract, establish and maintain within the Mississippi river, beyond low water mark, public wharves and levees and may condemn so much of the property abutting thereon as shall be necessary, and thereon may construct, in whole or in part, such wharves and levees.

Forty-ninth—To require any railway company owning, operating or using any line of railroad within said city to maintain flagmen or construct and maintain gates at the crossings of railway tracks over such streets, alleys, or public grounds as said city council shall deem to require such protection, to regulate or prohibit the whistling of locomotive engines; to regulate or prohibit the unnecessary discharge of steam therefrom and the causing or permitting steam to escape therefrom unnecessarily, and to require the use thereon of such safety valves or other practical appliances as it may designate for the purpose of preventing or lessening the noise from the discharge or escape of steam.

Fiftieth—To require the owner or lessee of any building or structure, now or hereafter built or constructed in said city, to place therein such fire escapes, and such appliances for protection against and for the extinguishment of fire, as it may direct. And also to require such owner or lessee to construct provide and furnish each and every other thing, and do each and every other act which it may deem necessary or advisable to lessen the danger to human life in case of fire or accident.

Fifty-first—To regulate or prohibit the location in and use of such steam boilers, in size and construction as it may designate as being dangerous to life or property, or to prohibit the location of any such steam boiler except permission therefor is first given by the city council, specifying the location and prescribing the regulations for its use.

Fifty-second—To regulate and control the quality and measurement of gas; to prescribe and enforce rules and regulations for the manufacture and sale of gas; to provide for the inspection of gas and gas meters, and to appoint an inspector and other officers if needed for the purpose, and prescribe their duties.

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

Fifty-fourth—To provide for requiring the owners of buildings or other structures, which shall have been destroyed or partially destroyed by fire or otherwise, to take the same or any part thereof

down to prevent accident; and in case of refusal or neglect of said owner to so take down the same, when ordered by the officer designated by said city council, then to cause the same to be done at the expense of the owner, the cost thereof to be made by special assessment on the land on which the same stands.

Fifty-fifth—To designate where lumber piles and mill wood piles shall not be maintained, and to regulate the piling of lumber in said city, and to require any person maintaining any lumber pile in said city to remove the same when the same is or may become dangerous to any building or buildings or other property near the same; also to regulate and designate where the following kinds of business or amusement may be hereafter located or carried on, to-wit: mill wood yards, founderies, tanneries, dye houses, boiler shops, rendering houses, store houses for oil and powder, glue factories, soap houses, store houses for hides, stables, roller rinks and base ball grounds.

Fifty-sixth—To grant a yearly license to the owner or lessee of any building authorizing him to use the same as a theatre, concert hall, museum or other place of public amusement, recreation or instruction.

PUNISHMENT FOR BREACH OF ORDINANCE.

SEC. 6. The city council may impose punishment for the breach of any ordinance of the city to the extent of a fine not exceeding one hundred dollars (\$100), and imprisonment in the city prison or county jail not exceeding ninety (90) days, or both such fine and imprisonment, and may provide that the offender during such imprisonment be fed on bread and water, at the discretion of the justice of the peace, before whom the same may be tried, and offenders against such ordinances may be required to give security to keep the peace, and for good behavior, for a period not exceeding six (6) months and in a sum not exceeding five hundred dollars (\$500).

OFFENDERS MAY BE PUT TO LABOR.

SEC. 7. The city council may also provide by ordinance that any one convicted of an offence before any justice of the peace of said city, subjecting such offender to imprisonment under the charter or ordinances of said city, may be kept at hard labor in any workhouse established for that purpose, or in case of a male offender, may be kept at hard labor during his term of punishment in such workhouse or upon the public streets or improvements of said city, or both; and may also provide by ordinance that any one convicted of an offence before any such justice, 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 public streets or improvements of said city, or both, until such person shall work out the amount of such fine, at such rate of compensation as such council may prescribe, for a time not exceeding said commitments; and the city council shall have full power to establish by ordinance all needful regulations for the security of such persons thus employed, and to prevent escape and

to secure proper discipline, and shall have power to establish a proper workhouse in said city for the purpose aforesaid, and under such regulations as said city council may prescribe.

Provided, That in case the city prison is for any reason unavailable for the purpose of confining or punishing offenders, the county jail of Goodhue county may be used for that purpose. When said jail is so used the prisoners therein shall be under the control and custody of the sheriff of Goodhue county.

Provided further, That the police of said city are authorized to take any person from said jail who has been sentenced to work upon any public streets, works or improvements of said city, for the purpose of carrying said sentence into effect.

STYLE OF ORDINANCES.

SEC. 8. The style of all ordinances shall be "The city council of the city of Red Wing do ordain."

ORDINANCES AND RESOLUTIONS, HOW PASSED AND PUBLISHED.

SEC. 9. All ordinances of the city council shall be passed by an affirmative vote of a majority of the members of the city council, by ayes and nays, which shall be entered in the records of the council.

No ordinance shall be passed at the same meeting of the council at which it shall have been presented, except by the unanimous consent of all the members present, which shall be noted in the record, but this shall not preclude the passage of ordinances reported by any committee of the council to whom the subject of such ordinance shall have been referred at any previous meeting.

When approved, they shall be recorded by the city clerk in books provided for that purpose, and before they shall be in force they shall be published in the official paper of the city.

ORDINANCES AND RESOLUTIONS, HOW AUTHENTICATED — JUSTICES OF THE PEACE OF THE CITY TO TAKE JUDICIAL NOTICE OF ORDINANCES.

SEC. 10. A copy of the record of any ordinance or resolution heretofore passed and recorded, or that may hereafter be passed, certified by the clerk and verified by the seal of the city, any copy thereof published in the official paper of the city or recorded in the books containing the official proceedings of the city council, or contained in any book which is or purports to be a record of the ordinances of said city, or published in any compilation of ordinances, purporting to have been made under direction of the city council, shall be *prima facie* evidence of the contents of such ordinances, and of the regularity and legality of all proceedings relating to the passage, adoption and approval thereof, and shall be admitted as evidence in any court in this state without further proof. In all actions, prosecutions and proceedings of every kind before any justice of the peace of said city, such justice shall take judicial notice of all ordinances, by-laws, and regulations of said city, and of the health and police departments thereof, and it shall not be necessary to prove or plead any such ordinance, by-law or regulation in any such action, prosecution or proceeding.

MAJORITY OF WHOLE COUNCIL REQUIRED TO MAKE APPROPRIATIONS.

SEC. 11. No appropriation shall be made without a vote of a majority of all the members of the city council in its favor, which shall be taken by ayes and nays and entered among the proceedings of the council. No money shall be appropriated or expenditures be made by said council for defraying the expenses of any reception, parade, show or celebration, or any public dinner, or for any similar purpose.

ABATEMENT OF NUISANCES BY SUIT NOT PREVENTED.

SEC. 12. 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 under any general law of this state.

CITY COUNCIL TO ADJUST ACCOUNTS OF CITY OFFICERS.

SEC. 13. The city council shall examine, audit and adjust the accounts of the clerk, street commissioner, justices of the peace and all other officers and agents of the city at such times as they deem proper and also at the end of each year, and before the term for which the officers of said city were elected or appointed shall have expired; and the city 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 of this section or shall neglect or refuse to render his accounts or present his books or vouchers to said council or a committee thereof, it shall be the duty of the city council to declare the office of such person vacant, and the city council shall order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

COUNCIL TO HAVE CHARGE OF FINANCES AND PROPERTY OF CITY.

SEC. 14. The city council shall have the management and control of the finances and all property of the city, and may provide for the sale of any such property, in such manner as it shall consider for the interest of the city.

Provided, That no such property shall be sold except upon vote of two-thirds ($\frac{2}{3}$) of all the members of said council to be taken by yeas and nays, and entered upon the record.

COUNCIL MAY APPOINT PURCHASING COMMITTEE.

SEC. 15. The city council shall have power to designate such of its own members or other person or persons as may be selected for that purpose, as a purchasing committee; and after the appointment of such committee, no material or supplies for any of the departments of the city shall be purchased in behalf of the city without the approval of such committee, and no bill for any such purchase shall be allowed by the council until approved by such committee.

CHAPTER V.

ASSESSMENTS OF TAXES AND FINANCES. APPOINTMENTS OF ASSESSORS.

SECTION 1. The city council shall on or before the first (1st) day of April in the year one thousand eight hundred and eighty-eight (1888) and on or before the first (1st) day of April in every second year thereafter appoint a city assessor who shall hold his office for the term of two (2) years and until his successor is elected and qualified.

Said assessor may appoint a deputy to be approved by said council.

DUTIES OF ASSESSORS.

SEC. 2. In all respects not herein expressly provided for, said assessors shall in making assessments 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 in other parts of the state, and shall return his assessments to the city clerk on or before the first (1st) Monday of July in each year.

BOARD OF EQUALIZATION AND DUTIES.

SEC. 3. The standing committee on taxes of the city council shall constitute a board of equalization, who shall be sworn according to law as such board, and meet at the city council room in said city on the first (1st) Monday of July of each year, and revise, amend and equalize the assessments on the roll of said assessors.

It shall be the duties of the assessors to be present at all meetings of the said board of equalization, to present before the board all facts relating to the assessment.

Such board of equalization is vested with all the powers which are or may be vested in county boards of equalization under the general laws of the state, so far as applicable, but shall not be restricted by any limitation in respect to reducing aggregate sums of real or personal property as returned by the assessors.

FURTHER DUTIES OF BOARD OF EQUALIZATION AND CITY ATTORNEY.

SEC. 4. Such board of equalization may set from day to day or adjourn from time to time as it shall deem proper, or until it shall have completed the equalization of such assessments. It shall complete such equalization on or before the second (2d) Monday of July of every year, and shall have power to employ such clerk or clerks as shall be necessary to complete the revision of such assessment rolls within said time.

Every person aggrieved by any assessment shall have the right to appear before such board and present his grievance for consideration. It shall be the duty of the city attorney to attend the hearing of such grievances before such board, and whenever it appears upon the

hearing of such grievances that any property is listed or assessed at less than its true value, to call the attention of said board to such under valuation and to make application in behalf of the city for the correction of such undervaluation.

ASSESSMENT ROLLS TO BE CONFIRMED BY CITY COUNCIL AND RETURNED TO COUNTY AUDITOR.

SEC. 5. When the assessment rolls shall have been revised by the board of equalization, they shall be returned to the city council, who may confirm the same or return the same to said board for further revision, to be again reported to the city council.

When the city council shall have confirmed the assessment, the city clerk shall enclose therein a memorandum of such confirmation, and such rolls shall then be returned to the county auditor, as other assessment rolls.

In case said city council shall neglect to take final action on such rolls on or before the third Monday of July of every year, it shall be the duty of the city clerk to return them to the county auditor with a certificate of the fact, and in such case the assessment rolls as revised or equalized by such board, shall have the same validity as if confirmed by said city council.

COMPENSATION OF ASSESSOR, CLERKS AND BOARD OF EQUALIZATION.

SEC. 6. The assessor shall be paid a stated annual salary to be fixed by resolution of the city council. All deputy assessors, clerks of assessors or of the board of equalization shall be paid such reasonable compensation as shall be determined by the city council.

ESTIMATE OF RECEIPTS AND EXPENSES.

SEC. 7. The city treasurer shall on the first (1st) day of September of each year report to the city council the amount of all revenues received by the city for the year ending on the first (1st) day of September and in detail the source from which received. The finance committee shall on or before the first (1st) day of September in every year report to the council an estimate of the amount required by the city for all purposes for the then next ensuing fiscal year of said city.

LEVY OF TAXES FOR CURRENT EXPENSES.

SEC. 8. After the making of the reports provided for in section seven (7) hereof, the city council shall levy such tax on all the taxable property in said city as it shall deem necessary in addition to the other revenue of the city, applicable thereto, to defray the current expenses of the city for the next fiscal year.

CITY CLERK TO REPORT EXPENSES OF FIRST QUARTER OF FISCAL YEAR—
DUTY OF COUNCIL TO REDUCE EXPENSES.

SEC. 9. The city clerk shall, as soon as may be after the first (1st) day of August in each year, make report to the city council of the actual expenses of the city for the first quarter of the then current

fiscal year, the amount of taxes collected and outstanding, and of the revenues received from other sources; and if, upon the making of such reports, it shall appear that the current expenses for such quarter have exceeded the estimate upon which the tax levy therefor was based, or that the revenues of said city are likely to fall short of their estimated amount at the time of making such tax levy, the city council shall forthwith proceed to reduce the current expenses of said city in such manner as may be deemed advisable.

In all future contracts for lighting the streets, the right of the city to reduce the amount of service on account of deficiency of revenue shall be reserved.

LEVY OF TAXES TO PAY INTEREST AND PRINCIPAL OF CITY DEBT.

SEC. 10. The city council shall also at the same time, levy upon all the taxable property of said city, such taxes as shall be sufficient to pay the interest to become due during such next fiscal year, upon all the bonds or debt of said city, hereafter issued or contracted, and an additional tax of one mill on the dollar of the assessed valuation of all such taxable property, to provide for the principal of said bonds or debt when the same shall become due; and the amount collected pursuant to this section, shall not be applied to any other purpose than herein named, but this restriction shall not prohibit the investment of the sinking fund hereinafter provided for.

PROVIDING FOR THE CREATION AND MAINTENANCE OF A SINKING FUND.

SEC. 11. In order to provide for the certain payment of the bonds and debts of the city, the city council is authorized to create and maintain a sinking fund.

The mayor, the president of the city council, and the chairman of the finance committee of said city council, shall constitute and be known as "the commissioners of the sinking fund of the city of Red Wing."

The city council shall by ordinance or resolution, define the duties of said board not herein enumerated.

SEC. 12. Any two (2) of the officers above named are hereby authorized and required to discharge the trusts and duties vested in them in the succeeding sections of this chapter, but shall not be entitled to receive any additional salary or compensation for such services.

SEC. 13. The said commissioners shall from to time invest the money which shall constitute the sinking fund for the redemption of the city debt or any surplus of interest to the credit of the interest fund, or as much as they can, in the purchase of bonds issued by said city, or bonds issued by Red Wing school district, at the market value thereof, and the said commissioners shall be authorized to invest the said moneys or such part thereof as they see fit, either in the purchase of said bonds or in the bonds of the state of Minnesota, or in United States bonds, notwithstanding the said state or United States bonds may be above the par value thereof, or deposit the same in a designated depository, as hereinafter provided. *Provided*, That they

shall at all times give the preference to the purchase of city bonds if the same can be procured at reasonable rates.

SEC. 14. In case said city bonds cannot be purchased at par value, and said commissioners shall deem it desirable, they may deposit a part or all of said sinking and interest fund in one (1) or more designated national banks, savings banks, state or private bank in the name of the city of Red Wing, such bank, banks or banker shall be designated by the said commissioners after advertising in one or more newspapers published in the city of Red Wing for at least one (1) week for proposals, which proposals shall state what security will be given to said city for such funds as deposited, and what interest will be paid on the amount so deposited, and said funds with the accrued interest shall be held subject to a draft, and payment from and after a time to be designated by said commissioners at the time of depositing said funds.

SEC. 15. Before any national, state, private or savings bank or bankers shall be designated as such depository, each bank or banker shall deposit with the city clerk of the said city a bond payable to the said city of Red Wing, and signed by not less than six (6) freeholders of said city as sureties, which bond shall be approved by the city council of said city, and shall be in such an amount as said council shall direct, which amount shall be at least double the amount of funds to be deposited with such bank or banker; said council may at any time require from any such depository further or additional security, and in case of the neglect or refusal to furnish such security, to be approved by said council, said commissioners shall withdraw the amount deposited in any such depository—and such depository shall pay interest upon the amount so deposited up to the time of such withdrawal.

SEC. 16. Whenever the said commissioners shall have invested any part of said funds in the purchase of any of the several description of bonds mentioned in this act and shall at any time thereafter deem it for the best interests of said city that any part or all of the bonds of any such description be sold—and the proceeds invested in any other description of such bonds, or such proceeds covered into the city treasury, or deposited as hereinbefore provided, they shall have power to sell any such bonds at not less than the market value thereof, and reinvest or deposit the proceeds thereof.

SEC. 17. Whenever any of the moneys constituting the sinking fund for the redemption of the city debt shall be required for any such purchase, or investment, deposit or for the redemption of the city bonds at their maturity, the amount of money so required shall be paid by the city treasurer upon the warrant of said commissioners or any two of them, the mayor being one; the city clerk shall attest said warrant and affix the seal of the city thereto.

SEC. 18. Whenever any of the moneys constituting said sinking fund is on deposit in a designated depository, the same shall be paid by said depository upon the warrant of said commissioners or any two of them, the mayor being one; the city clerk shall also attest said warrant and affix the seal of the city thereto.

SEC. 19. It shall be the duty of the city clerk to attend all of the meetings of said commissioners and to keep a correct journal of all their proceedings, which said journal shall be verified by at least two of said commissioners and attested by said clerk, and once in each year, and oftener if required by the city council, said commissioners shall render to the said city council a full and detailed report of the proceedings of said commissioners, and all investments, or other acts of said commissioners shall be based upon resolutions duly entered in said journal.

SEC. 20. In the event of a vacancy in office or inability of any of said commissioners to attend to the trust hereby imposed, it shall be the duty of the city council by resolution to designate one or more of their number to supply the place of such commissioner for the time being.

The said commissioners shall meet upon the call of any one of their number; the mayor or in his absence the president of the city council shall preside at all meetings of such commissioners.

SEC. 21. All bonds and securities purchased by said commissioners shall be held in safe keeping by the city treasurer.

Whenever city bonds are paid by the warrant of said commissioners, a record thereof shall be made in the books of said commissioners, and the said bonds shall be carefully canceled and burned by said commissioners in the presence of the city council.

SEC. 22. It shall be the duty of said commissioners to protect the credit of the city, and direct and superintend the admission of funds for the payment of interest on the bonded indebtedness of the city to the place where such bonds or interest may be payable, and if at any time said commissioners shall find that the interest fund for the payment of the interest upon the bonded indebtedness of said city, shall not be sufficient to meet and pay such interest, the commissioners may by resolution to be entered upon their records and signed by any two of said commissioners, recommend to the city council that any surplus balance to the credit of the sinking fund, or so much thereof as may be necessary to meet and pay said interest, may be transferred to the credit of said interest fund, or in case of a surplus of the interest fund for any one year, they may recommend in like manner that said surplus be transferred to the credit of the sinking fund.

Provided, That before the said resolution and recommendation shall become operative, the same shall be reported to the city council and shall be approved by a resolution thereof, and the said resolution shall be certified by the city clerk to the commissioners and entered upon the records of said commissioners, and the same shall authorize said commissioners to make said transfer.

Provided, further, That this section shall not be so construed as to permit the transfer of funds from the interest or sinking fund to the credit of any other funds of said city, and that any other transfer of said funds is hereby forbidden.

MAY REFUND DEBT NOT PAID BY SINKING FUND—NO OTHER BONDS TO BE ISSUED OR DEBT CONTRACTED.

SEC. 23. Whenever the sinking fund, provided for in section ten (10) hereof, shall be insufficient to pay all the bonds or debts of the city that may at any time become due, the city council may issue the bonds of the city, to run not to exceed thirty (30) years, on such terms as to place of payment and rate of interest as may be deemed advisable, to such amount as may be necessary to meet such deficiency, but neither said city council, nor any officer or officers of said city, shall otherwise without special authority of law, have authority to issue any bonds, or create any debt, or any liability against said city in excess of the amount of revenue actually levied and applicable to the payment of such liability.

PERMANENT IMPROVEMENT FUND—HOW ESTABLISHED AND MAINTAINED.

SEC. 24. The city council of said city, for the purpose of defraying the cost and expense of making such local improvements within said city as may from time to time be hereafter determined to be made by said council, may from time to time issue the bonds of said city to be designated as "city of Red Wing improvement bonds" to an amount not exceeding in the aggregate of such bonds outstanding at any one time the sum of fifty thousand dollars (\$50,000); such bonds to bear interest at such rates, payable annually or semi annually, either in said city, or in the city of New York, and the principal thereof to mature at such time or times and to be payable at such place as may in each case be determined by said city council. The several installments of interest accruing upon any such bonds shall be evidenced by coupons thereto attached. All such bonds and coupons shall be signed by the mayor and city clerk of said city, and sealed with the corporate seal thereof.

No such bonds shall be sold or in any manner disposed of by said city, or said city council, at less than their par value. *Provided*, that this section shall not be so construed as to authorize the issue of any such bonds to an amount, which, with the unissued bonds authorized by chapter one hundred and eighteen (118) of the special laws of this state for the year one thousand eight hundred and eighty-three (1883), will in the aggregate exceed the sum of fifty thousand dollars (50,000), and *Provided further* that no such bonds shall be issued until the legal voters of said city of Red Wing shall, in the manner hereinafter provided, determine that the same be issued, and *Provided further*, that the provisions of this section shall not apply to the construction of any railroad within said city, nor shall any bonds or other evidences of indebtedness of said city be issued to any railroad or railroad company under the provisions of this section.

SEC. 25. Whenever the said city council shall determine to make any such improvement and issue any such bonds, it shall adopt and enter upon its records a resolution setting forth the purpose for which such bonds are to be issued, the amount of such bonds to be issued, the rate of interest thereon, and how payable, the time

or times when the principal of such bonds will become due, the place where such bonds are to be made payable, and all other conditions of the issue of such bonds; and shall also determine the time when the question of the approval or rejection of such resolution, and the issuing of such bonds, will be submitted to the legal voters of said city for their determination, and shall, if such question is not so submitted at a general election, or the annual city election of said city, order a special election to be held within said city upon a designated day, for the purpose of submitting such question to such voters.

And thereupon the city clerk of said city shall cause a copy of such resolution together with a notice of the time of holding the election at which the question of approval or rejection of such resolution and of the issuing of such bonds will be submitted to the legal voters of said city of Red Wing for their approval or rejection, to be published in two (2) successive issues of the official paper of said city, the last of which publications shall be at least thirty (30) days prior to the day of such election.

The voters at any such election casting their ballots in favor of the approval of any such resolution, and for the issuing of any such bonds, shall use ballots having distinctly printed or written, or partly printed and partly written thereon, the words: "For approval of the resolution of the city council of the city of Red Wing, authorizing the issue of the bonds of said city for (state object for which the bonds are to be issued) and for issuing such bonds, Yes." And those casting their ballots against the approval of any such resolution, and the issuing of any such bonds, shall use ballots having distinctly printed or written, or partly printed and partly written thereon, the words: "For approval of the resolution of the city council of the city of Red Wing, authorizing the issue of the bonds of said city for (state purpose for which the bonds are to be issued), and for issuing such bonds, No."

If three-fifths ($\frac{3}{5}$) of the votes cast at any such election shall be in favor of the approval of [any] such resolution and the issuing of such bonds, then said city council may issue such bonds in the amount and upon the terms and conditions in such resolution specified. If three-fifths ($\frac{3}{5}$) of such votes shall be against such approval and issuing of such bonds, then the said council shall not issue any such bonds.

Provided, That if three-fifths ($\frac{3}{5}$) of such votes shall be against the approval of such resolution and the issuing of such bonds, the same or any other resolution for the issuing of any amount of such bonds for the purpose of defraying the cost and expense of the improvement in such defeated resolution specified, may at any time after the expiration of six (6) months be submitted in the manner herein provided to the legal voters of said city for their approval or rejection.

SEC. 26. From said fund shall also be paid all such portions of the expenses of such assessable improvements as shall devolve on said city, and also the expense of all bridges, buildings, water works and other permanent improvements not otherwise specially provided for by law.

All sums collected upon special assessments whose costs shall have been advanced out of such funds, shall be returned to said fund.

The city council may annually, at the time of making the other tax levies of said city, levy a tax sufficient to replace all expenditures made from said fund not provided for by such special assessments, and may by tax levy provide for the increase of such fund to such amount as may be deemed necessary; *provided*, that the whole amount of tax levied in any year, on account of such fund, shall not exceed one-fourth ($\frac{1}{4}$) of one (1) per cent. of the assessed valuation of the taxable property in said city. Whenever special authority shall be given for the issue of bonds of said city for the construction of any specific improvements, and the avails of such funds are more than sufficient for the purpose specified, the excess of such avails shall be paid into such fund.

CITY CLERK TO REPORT DEFICIENCIES, AND WHEN NOT TO COUNTER-SIGN CONTRACTS.

SEC. 27. Whenever the amount contracted or appropriated to be expended out of such permanent improvement fund shall be greater than the amount of such fund actually on hand and one-third ($\frac{1}{3}$) of the amount of uncollected tax for the current fiscal year as aforesaid, and applicable to such fund, or when the amount called for by any proposed contract shall, together with the amounts previously appropriated or contracted for, exceed the amount of such fund on hand, and such one-third ($\frac{1}{3}$) of the uncollected taxes, the city clerk shall forthwith notify the city council of such fact, and he shall not countersign any contract payable out of such fund until the amount of such fund on hand, with one-third ($\frac{1}{3}$) of the amount of uncollected taxes, aforesaid, shall be sufficient to meet the liabilities created by such contract in addition to all liabilities previously contracted for. He shall countersign no order upon the treasury until there shall be money in the treasury belonging to the said fund wherewith to pay the same, and all orders shall be countersigned in the order in which the claims are allowed.

HOW TAXES LEVIED.

SEC. 28. All taxes shall be levied by resolution of the city council, and no taxes 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 sum is levied; but in such case the surplus shall go into the fund to which such tax belongs and may be applied to the further uses of such fund.

STATEMENT OF TAXES LEVIED TO BE RETURNED TO COUNTY AUDITOR.

SEC. 29. The city council shall cause to be transmitted to the county auditor of Goodhue county, on or before the tenth (10th) day of October of every year, a statement of all taxes by it levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes are paid and the payment thereof enforced.

AVAILS OF TAXES TO BE PAID TO CITY TREASURER.

SEC. 30. The county treasurer of Goodhue county shall pay over such taxes, together with all interest and penalties which shall be collected on account of the same, when collected, to the treasurer of said city, and in the several settlements of the funds to be paid over as provided for by the general law, said county treasurer shall account for and pay over to the city treasurer such portions of the interest paid by bankers with whom funds of said county are deposited, as have accrued upon funds arising from city taxes and assessments so deposited, with such county funds or as parts thereof.

Whenever, previous to any of the settlements provided for by law, there shall be a lack of funds in the city treasury for any purpose, and there shall be funds in the county treasury which shall have been collected on account of city taxes or assessments, the county treasurer shall, on the application of said city treasurer, advance and pay over such sums as shall be estimated to be the amount collected on account of such city taxes or assessments, and such advances shall be accounted for and adjusted at the next regular settlement of said city.

The city treasurer shall also forthwith, after such settlement, adjust and apportion the funds so advanced among the several city funds in his hands.

NO MONEY TO BE PAID OUT OF CITY TREASURY EXCEPT ON ORDERS.

SEC. 31. No money shall be paid out of the city treasury, except for principal or interest of bonds, unless such payment shall be authorized by a vote of the city council, and shall then be drawn out only upon orders signed by the mayor and countersigned by the clerk, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and shall be made payable to the order of the person in whose name the same are drawn.

ORDERS TO BE CANCELLED.

SEC. 32. When any such order shall have been paid by 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.

EXAMINATION AND DESTRUCTION OF CANCELLED ORDERS.

SEC. 33. The city council may provide for the examination from time to time of such cancelled orders, and also of cancelled bonds or other obligations in the hands of the treasurer, and for their destruction, preserving such record or voucher thereof as the city council or any committee thereof may deem proper.

APPROPRIATIONS, FROM WHAT FUND PAID.

SEC. 34. All appropriations and expenses of the city not otherwise provided for, shall be paid out of the fund for the current expenses of the city.

LEVY OF TAXES FOR PAYMENT OF JUDGMENT.

SEC. 35. No limitation or restriction shall be construed to prohibit the levying of taxes to pay any final judgment that may at any time be recovered against said city, but in case of such judgment the city council shall at the time of making the next annual tax levy after the rendition of such judgment levy and assess a special tax upon all the property in the city sufficient to pay such judgment.

In case of failure to collect taxes or other cause such levy shall prove insufficient, new taxes shall be levied until the whole of such judgment is paid.

Any excess of the amount so levied and collected over the payment of such judgment shall be credited to the current expense fund of the city.

CHAPTER VI.

POLICE DEPARTMENT.

SEC. 1. The mayor shall have control and supervision of the police of the city, and shall appoint all police officers and watchmen including the chief of police, but the appointing power herein conferred shall not be exercised to remove by implication any policeman of said city serving at the time when such appointment be made, but such officers shall hold their offices until removed therefrom by a majority vote of all the members elected to the city council of said city.

Provided, The appointment of all police officers, including the chief of police, shall be subject to the confirmation of the city council; *and provided further*, that the mayor shall have the power to suspend any police officer from duty for official misconduct until the next meeting of the city council thereafter, when he shall report such suspension, with his reason therefor in writing to the city council to be then dealt with as the city council may in the premises deem proper.

POLICEMEN FOR LIMITED DISTRICTS.

SEC. 2. The mayor may likewise at the request of any person, or watchman, firm, society, or organization, appoint policeman who shall serve without expense to the city, and have police powers to preserve the peace and protect property within such limits and at such places as may be designated in such appointment, but such limited policemen or watchmen shall not exercise any authority nor wear any badge of office outside of the limits named in such appointment.

SPECIAL POLICEMEN.

SEC. 3. The mayor may in case of riot large public gatherings or other disturbances, appoint such numbers of special or temporary police officers as he may deem necessary, but such special or temporary appointments shall not continue more than one (1) week without consent of the city council.

OFFICERS OF THE POLICE AND THEIR RANK TO BE DESIGNATED BY THE
MAYOR.

SEC. 4. The mayor shall in his appointments designate one officer to be chief of police, and such other officers for the performance of special duties, and with such control over other officers or watchmen as may be deemed necessary, and may designate the rank of such police officer by such proper title as he shall select.

POLICE POWERS.

SEC. 5. All police officers and watchmen of the city shall possess the powers of constable at common law or by the laws of the state, and in addition thereto shall have the power, and it shall be their duty, to execute and serve all warrants, process, commitments, and writs whatsoever issued by any justice of the peace of the city; and they shall have power to pursue and arrest any person fleeing from justice in any part of the state.

They shall also have power and it shall be their duty, to serve all summons or subpoenas, in behalf of said city, within their jurisdiction.

When such officers perform the duties of constables for private parties, the city shall be entitled to like fees for their services, to be taxed and collected in like manner.

POLICE REGULATIONS.

SEC. 6. The mayor shall, with the consent and approval of the city council, from time to time make such regulations for the control of the police force, and the powers and duties of the several officers thereof, as he may deem necessary, and in like manner alter the same.

Such regulations may designate the uniforms, badges, arms, discipline, drill and exercise of the police force, as well as the conduct of the officers and men of said force when on or off duty, and all other matters deemed necessary to promote the efficiency of the force.

OFFICERS OF THE PEACE.

SEC. 7. The mayor, acting mayor, chief of police, the officer of the police next in rank to the chief, the sheriff of Goodhue county and his deputies, the justices of the peace of said city, the coroner, and all police officers and watchmen shall be officers of the peace and may command the peace, suppress in a summary manner all rioting or disorderly behavior within the city limits, and for such purposes may command the assistance of all bystanders, and if need be, of all citizens and military companies, and in case when the civil authorities may be required to suppress riot or disorderly behavior, the superior or senior officer present in the order mentioned in this section, shall direct the proceedings.

PENALTIES FOR REFUSING TO AID IN KEEPING THE PEACE.

SEC. 8. If any person, bystander, military officer or private shall refuse to aid in preserving the peace when thereto required as designated in the foregoing section, every such person shall forfeit and

pay a fine of fifty (50) dollars to be recovered by prosecution before any justice of the peace of said city.

PENALTY FOR ASSUMING TO ACT AS A POLICEMAN WITHOUT AUTHORITY.

SEC. 9. If any person shall without authority assume to act as a policeman or pretend to have such power or wear the badge of a policeman within said city he shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace of said city, he shall be fined or imprisoned in the discretion of said justice.

CHAPTER VII.

FIRE DEPARTMENT.

SEC. 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or buildings of any other materials that shall not be considered 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 with such precaution against fire as the city council shall by ordinance prescribe, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits and to prescribe the manner of obtaining the consent of the city council to make repairs in such fire limits, and to prevent the removal of any building not constructed of fire proof materials from any one place within to any other place within such fire limits.

POWER OF THE CITY COUNCIL TO PREVENT FIRE.

SEC. 2. The city council shall have power to prescribe in what manner and of what material chimneys shall be constructed and to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and cause the same to be removed or placed in secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, and the throwing of ashes in the streets, alleys or public grounds of said city; to compel the use of spark arresters in all smoke-stacks connected with any apparatus where light fuel is consumed; to regulate and prevent the carrying on of *manufactories dangerous in causing or promoting fires* and the storing of inflammable or explosive materials, and the use of fireworks and firearms; and to regulate and prevent the sale, or keeping for sale, of any fireworks, Chinese crackers, rockets, torpedoes or other explosive contrivances, and to provide for the seizure and destruction of the same. Also to compel owners of buildings to have scuttles in roofs and stairs and ladders to the same, and compel owners of buildings of three (3) or more stories in height to maintain ladders or fire escapes and to regulate the number and location thereof; to regulate the location and construction of smoke houses, and prohibit

them when they shall be deemed dangerous to other buildings, and to make any other provisions to guard against fire or to prevent the spreading of fires, which the city council may deem proper.

CITY COUNCIL TO HAVE POWER TO PURCHASE FIRE APPARATUS.

SEC. 3. The city council shall have power to purchase, keep and maintain fire engines and other fire apparatus, and to build and maintain engine houses, hose houses, and such other buildings as may be necessary or convenient; also to erect and maintain fire alarm telegraphs and boxes or any other means for giving notice of fires.

CITY COUNCIL MAY PROVIDE FOR A PAID FIRE DEPARTMENT.

SEC. 4. The city council may by ordinance or resolution duly passed, two-thirds ($\frac{2}{3}$) of all the members voting in the affirmative thereof, create, establish and maintain a paid fire department within said city.

CHIEF ENGINEER AND OTHER OFFICERS.

SEC. 5. The city council shall at its first meeting in May in the year eighteen hundred and eighty-seven (1887) and at the same time in each second year thereafter, appoint a chief engineer and one assistant engineer of said fire department, each of whom shall hold his office for the term of two years and until his successor is appointed, and said council shall by ordinance or resolution provide for such other officers and men as may be deemed necessary for the fire department of said city, and define the respective rank and duties of such engineers and other officers and men and their compensation.

APPOINTMENT AND REMOVAL OF OFFICERS AND MEN.

SEC. 6. Whenever a paid fire department shall be established the chief engineer shall nominate for the approval of the city 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 city council remove or discharge such officers or men as he may deem for the interest of the city to discharge, and in all cases whenever the council shall deem it necessary to reduce the number of men employed, said chief engineer shall upon the direction of the city council recommend the discharge of such officers or men as can be released without impairing the working efficiency of such department.

REGULATION OF FIRE DEPARTMENT.

SEC. 7. The city council shall have power and authority to make by ordinance, by-law or resolution all needful rules for the government of the fire department and for the protection and use of all engine houses, telegraph lines and other property and apparatus pertaining thereto, and of the water works, mains, pipes, cisterns and hydrants in said city, and by such ordinance provide for the punishment of any persons injuring or interfering with such property or any portion thereof, and may also by such ordinance, by-law or resolution

make provision to keep away from the vicinity of any fire all idlers and suspected persons, and to compel all bystanders to aid in the preservation of property exposed to danger by such fire.

FIRE MARSHALL.

SEC. 8. The city council may appoint a fire marshal of said city, to see that the ordinances of the city relating to the building and care of the chimneys and respecting 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 buildings, and see that the ordinances of the city respecting the same are enforced.

It shall further be the duty of 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 council at its first regular meeting in every month.

FIRE POLICE.

SEC. 9. Whenever the city council shall deem it necessary it may provide for a fire police of such numbers and with such powers as it may determine, and for that purpose it may either give police powers to such of the officers or men of the fire department as may be necessary, or authorize the appointment of the necessary policemen in the same manner as other policemen are appointed.

In all cases all fire policemen present at any fire shall be subject to the orders of the ranking officer of the police force of said city present at such fire.

PENALTY FOR REFUSING TO OBEY ORDERS AT FIRES.

SEC. 10. If any person shall at any fire refuse to obey the orders of the chief engineer of the fire department or other officer vested with authority at such fires, such person may be arrested by the direction of the officer whose orders are so disobeyed, and upon complaint made before any justice of the peace of said city, shall be punished by fine not exceeding fifty dollars (\$50) and costs of prosecution, and imprisonment until such fine and costs are paid, not exceeding sixty (60) days.

EXPENSES HOW PAID.

SEC. 11. All expenses of the fire department and all amounts paid for the purchase of fire apparatus or any property for use of the fire department or the erection of any telegraph or fire alarm system, shall be paid out of the funds devoted to payment of current expenses of the city. The construction of engine houses or other buildings for the use of such department may be paid out of the permanent improvement or general fund of the city.

MAY PROHIBIT WOODEN SIDEWALKS.

SEC. 12. The city council shall have power to prohibit the construction of wooden sidewalks within the fire limits of the city, whenever they shall deem the safety of the city to require it.

CHAPTER VIII.

LICENSES.

SEC. 1. The sum required to be paid for a license authorizing the licensee to vend, sell or dispose of any spirituous, vinous, malt, fermented, mixed or intoxicating liquors within the limits of said city, shall be the sum of five hundred dollars a year.

SEC. 2. The sum to be paid for any license other than such as above mentioned shall be fixed and determined by the city council.

All licenses except as may be issued to showmen, shows, caravans, circuses, menageries, concerts, theatrical performances, transient traders, peddlers or auctioneers, shall expire on the first day of June next succeeding the day which the same is issued. No license shall be granted or issued until the sum required for such license has been paid to the officer authorized to receive the same.

The city council may at any time revoke any license granted by it for any malfeasance, misfeasance or nonfeasance on the part of the person to whom the same was issued.

Before any license shall be revoked the city council shall investigate the facts constituting the so challenged malfeasance, misfeasance or nonfeasance, of the time and place of which investigation they shall give the person holding such license notice of not less than three days.

The determination of the council made after such investigation shall be final, and shall not be called in question in any action, proceeding or court whatever.

In all cases where a license shall be revoked, no part of the fee or money paid therefor shall be refunded to the licensee or any other person, and no license shall be granted to the person whose license is thus revoked for the term of one year after such revocation.

CHAPTER IX.

LOCAL IMPROVEMENTS AND ASSESSMENTS THEREFOR.

AUTHORITY TO LEVY ASSESSMENTS.

SEC. 1. The city council of the city of Red Wing is hereby authorized to levy assessments for local improvements upon the property fronting upon such improvements, or upon the property to be benefited by such improvements, without regard to a cash valuation.

FOR WHAT ASSESSMENTS MAY BE MADE.

SEC. 2. Such assessments may be made for filling, opening, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing, planking, opening, extending, widening, contracting, altering or straightening any street, lane, alley or highway, and for keeping the same in repair; also for filling, grading, protecting, improving or ornamenting any public park, square or grounds, now or hereafter laid out; also for planting and protecting shade trees and ornamental trees; and also for constructing, laying, relaying and repairing sidewalks, area walls, gutters, sewers and private drains.

GROUND TO BE GRADED.

SEC. 3. It shall be the duty of the city council before ordering the construction of any new sidewalk to cause the ground upon which it is to be built to be promptly graded.

SIDEWALKS AND STREET SPRINKLING—SIDEWALKS HOW CONSTRUCTED AND MAINTAINED.

SEC. 4. It is hereby made the duty of all owners of land adjoining any street, lane or alley in said city, to construct, reconstruct and maintain in good repair such sidewalks along the side of the street, lane or alley next to the lands of such owner respectively as may have been heretofore constructed, or shall hereafter be constructed, or directed by the city council to be built, and of such material and width, and upon such place and grade as the city council may by ordinance or otherwise prescribe. Whenever the city council shall deem it necessary that any sidewalk in the city of Red Wing shall be constructed or reconstructed, it shall by resolution direct such construction or reconstruction, specifying the width thereof and the material of which the same is to be constructed.

The publication of such resolution twice in the official paper of the city shall be sufficient notice to the owner of the land along which such sidewalk is to be built, to construct the same and unless such owners shall each along his respective land construct and fully complete such sidewalk within two weeks after the last publication of such resolution as aforesaid, the city council shall forthwith proceed to ascertain the expense of constructing the same and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front.

Such assessment shall be collected in the same way in all things as is provided for the collection of special assessments under the provisions of this charter.

And the city council may either before or after making such assessment cause such portion of such sidewalks as have not been built by the owners of such lands fronting on the same, and all street crossings, to be built by the proper street commissioner, or upon contract, or in any other manner as the council may determine.

REPAIR OF SIDEWALKS.

SEC. 5. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the proper street commissioner to immediately repair the same in a good, substantial and thorough manner and to report to the city council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which repairs are made, and such report shall be carefully filed and preserved by the city clerk and the city council shall once in each year, at or as near as conveniently may be, the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired by any street commissioner, the cost of making such repairs.

In each case such assessments for all such repairs within the city may be combined in one assessment roll and be collected as provided for in this act for the collection of other assessments.

In case any such sidewalk shall become so out of repair as to become dangerous, and cannot be made safe without being rebuilt, and there are no funds to defray the expense of such re-building, it shall be the duty of the proper street commissioner to remove the same entirely, and the expense of such removal shall be added to the cost of rebuilding when the same shall be reconstructed and collected with the assessment for such reconstruction.

COST OF SIDEWALK, FROM WHAT FUND ADVANCED.

SEC. 6. Money to rebuild or repair sidewalks, when the same shall be done by the street commissioner under this act or in case of building by a contractor, may be advanced from the general fund or permanent improvement fund, to be reimbursed by the special assessment when collected.

STREET SPRINKLING.

SEC. 7. Whenever the owners of two-thirds of the amount of frontage, and of assessed values of lots or lands, and the buildings and improvements thereon fronting on any continuous portion of any street in this city, not less than one full block, shall petition the city council to provide for sprinkling such portion of said street, the city council may make a contract for sprinkling such portion of such street for any time not exceeding five years, upon such terms and conditions, and for such portion of each year as shall be deemed advisable.

Water for such sprinkling shall be furnished from the city water works, free of charge.

The supply of such water shall be deemed the proportion of the expenses for such sprinkling, for the street crossings and all parts of such street fronting on land exempt from assessment.

The whole cost of sprinkling such portion of the street shall be levied and assessed upon the lots and lands fronting upon that part of the street so sprinkled and which are subject to assessment, and the buildings and improvements thereon by an equal rate on the assessed value of such lots, lands, buildings and improvements with-

out regard to the number of front feet. Such levy to be made annually at the time of making the general city tax levy.

ASSESSMENT FOR BUILDING SIDEWALKS.

SEC. 8. Whenever the city council shall have ordered the construction of any sidewalk, and the owners of the land along which such sidewalk is to be built shall refuse, or for the space of two weeks neglect to construct the same according to the order of the city council, the street commissioner shall report to the city council a description of each lot or parcel of land along which such sidewalk has not been built, and his estimate of the cost of building such sidewalk along each of such lots and parcels of land, such estimates shall not be binding upon the city council, but advisory merely, and the council may obtain any other information as to such cost, and the council shall fix upon and designate the cost of building such sidewalk in front of each lot and parcel of land; and thereupon the city council shall assess and levy upon and against such lot and parcel of land so reported (after correcting mistakes, if any) along which such sidewalk has not been built, such sum as will cover the cost of building such sidewalk along and fronting upon the same lots and parcels of land respectively, and cause to be made an assessment roll of the same, which shall be in the following form, or any other form which the city council may adopt:

The city council of the city of Red Wing 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 cost of a sidewalk along the side of from to in accordance with a resolution of the city council, passed day of A. D., 18.... and duly published in the official paper of said city on the day of A. D. 18.... The amount assessed against and levied upon each lot or parcel being the amount necessary to build such sidewalk along and fronting upon the same lot or parcel of land.

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

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

[ATTEST.]

.....
President of the council.

.....
City Clerk.

ASSESSMENT FOR REPAIRING SIDEWALK.

SEC. 9. Assessments for repairs of sidewalks, may be in the following form, or any other form which the city council may adopt:

The city council of the city of Red Wing 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 cost of repairs of sidewalk fronting upon each lot or parcel, which the respective owners have neglected to make, and which have been made by the proper street commissioners since the day of A. D., 18. . . . The amount assessed against and levied upon each of said lots and parcels of land is the actual cost of the repairs of sidewalks abutting upon such lot or parcel, and so repaired by such commissioners:

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

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

[ATTEST.]

.....
President of the council.

.....
City Clerk.

ASSESSMENT FOR SPRINKLING STREETS.

SEC. 10. Assessments for sprinkling streets may be in the following form or any other form which the city council may adopt:

The city council of the city of Red Wing doth hereby assess and levy upon and against the several lots and parcels of land below described, and the buildings and improvements thereon, the respective sums of money set opposite each lot or parcel.

This assessment is levied to defray the expense of sprinkling the streets fronting the said lots and parcels of land from A. D., 18. . . . to A. D., 18. . . . according to a contract for sprinkling from to for the term of years from and the said lots and parcels of land, buildings and improvements assessed by an equal rate upon the assessed value of the lots, lands, buildings and improvements fronting on the portion of the street so sprinkled.

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

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

Attest.
 President of the Council.
 City Clerk.

CHAPTER X.

CITY COUNCIL TO HAVE CONTROL OF STREETS, SIDEWALKS AND BRIDGES.

SECTION 1. The city council shall have the care, supervision and control of all highways, streets, alleys, wharves, levees, public squares and grounds within the limits of the city, and may lay out and open new streets and alleys and extend, widen and straighten the same and may build, maintain and repair bridges across streams, railway tracks and elsewhere, may provide for the pavement of gutters or the road-bed of any street or alley.

ESTABLISHMENT AND CHANGE OF STREET GRADES.

SEC. 2. The city council shall have power to establish the grade of any street when such grade has not been established, and may by vote of two-thirds ($\frac{2}{3}$) of the members of the council, change the grade of any street after such grade has been established.

It shall cause accurate profiles of the grades of all streets to be made and kept in the office of the city engineer.

VACATING STREETS.

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

HOW WORK MAY BE DONE.

SEC. 4. All work done, or constructions made pursuant to the provisions of this chapter, may be done by the direct employment of labor and purchase of materials by said city, or the same may be let by contract to the lowest responsible bidder therefor, as the city council may in each case determine; if let by contract the city council shall require of the bidder a bond in such sum and with sureties, to be approved by said council for the faithful performance of the contract, to the satisfaction and acceptance of said council.

When the council determines to let any work by contract they shall advertise for bids for doing such work, by publication for two weeks in the official paper of the city.

If in the opinion of said council no just, reasonable or sufficient bid shall have been received for any such work after advertising as aforesaid, or if the person to whom the same is let shall fail in any particular to duly perform the same, the city council may have such work or any part thereof done by the direct employment of labor and purchase of materials by said city.

STREET COMMISSIONER.

SEC. 5. The city council may at its first meeting after each annual election appoint one street commissioner for the city, whose term of office shall be one year.

It shall be the duty of such street commissioner to see that all streets and sidewalks under his charge which have been graded and opened for travel are kept clear of obstruction and in such repair as to be safe and passable; also to superintend, subject to the direction of the city council, the grading of streets and laying of sidewalks; and to carry into effect all orders of the city council.

But no street commissioner shall do any work upon streets except such as is necessary to keep traveled streets and improved sidewalks in repair and passable condition, unless such work is specially ordered by the city council.

The street commissioner shall keep accurate accounts of all his work and expenditures, and make detailed and itemized reports thereof to the city council at least once in two (2) months, and oftener if ordered by the city council.

And no bill for compensation to such street commissioner shall be allowed unless the same shall be accompanied 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 council shall determine for the time actually by him given to such services to be paid upon bills thereof audited, or other claims against said city.

In all cases when any work or constructions shall have been let by contract, said street commissioner shall have the power to suspend any such work or constructions, as shall not conform to such contract or the requirements of the city council, and shall within twenty-four hours after any such suspension report the same with his reasons

therefor to said council—and he shall in all cases take care that all contracts for any work or constructions on behalf of the city are fully complied with.

NO STREET COMMISSIONER TO HAVE ANY INTEREST IN ANY WORK.

SEC. 6. No street commissioner shall be interested in any contract for any work 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.

PENALTIES.

SEC. 7. If any city engineer, street commissioner or any other officer of the city shall have any interest in any contract work or construction done pursuant to this chapter, all such contracts shall be void, and such work done, material furnished or applied for the use of the city shall be forfeited, and every such engineer, street commissioner or other officer who shall accept any gift or gratuity or any commission from any person having contracts with said city or furnishing material or performing labor under the provisions of this chapter, which contract, material or labor shall be under the charge or supervision of such engineer, commissioner or other officer, or subject to acceptance by them, or either of them, or shall fail to account for any moneys or property coming into his hands or possession, shall be punished in the same manner as provided by law for the acceptance of bribes by public officers.

BRIDGES AND STREETS—FROM WHAT FUND MAINTAINED.

SEC. 8. All public bridges crossing any river or water course in said city, or crossing any street or railroad track, whatever the form or material used in the construction thereof, shall, together with the guards and embankment connected therewith, and the immediate approaches thereto, which form a necessary part of the same, be built, maintained and kept in repair by the city as a general city charge, except where other provision is made therefor.

GRADING AND PAVING OF STREETS.

SECTION 9. Whenever the city council shall determine to cause to be graded, paved, repaved or macadamized any street, lane or alley in said city, or any gutter or gutters along any such street, lane or alley, it shall determine and designate in a general way as nearly as may be convenient, the character and extent of the improvements, and the materials to be used therein, and thereupon it shall be the duty of the city engineer to make and present to the city council an estimate of the cost of such improvements, stating therein the proportions of such estimated cost which will be required to construct such improve-

ments in front of abutting lands, and the proportion thereof required to construct the same across streets, lanes and alleys and in front of lands not subject to assessment, also a list of the several lots and parcels of lands fronting upon such proposed improvements, with number of feet front of each extending along such improvements, and the names of the owners of the several parcels, or nearly as the city engineer can readily ascertain the same; a brief minute of the reception of such report shall be recorded in the record of the proceedings of the city council and be published only in the official paper of said city, and which shall be held to be sufficient notice to all persons concerned; and such report shall lie over without any assessment being made until the next regular meeting of the city council, which shall occur at least one week after the reception of such report; but the city council in its discretion may direct the city engineer to advertise for and receive in the meantime bids for doing the work and furnishing the materials required to construct and complete such improvement, and report the same to the council at the meeting of the city council to which such report is laid over, or at any subsequent meeting; the city council may consider such estimate and list, and any further communications from the city engineer respecting the matter, and under such rules as it may make shall hear all persons interested in the matter of such improvements who may desire to be heard, and the council may adhere to its resolution of making such improvements, or may modify the character of the same, or abandon it.

If the city council shall determine to go on with such improvements, whether modified or not, it may, either before or after having contracted for the construction of such improvements, estimate and fix upon the cost of such improvements, and the proportion or amount of such cost which is required to construct such improvement, and may assess and levy such proportion or amount of such cost upon the same lots and parcels of land upon the basis of an equal sum per front foot of each lot or parcel, measuring along the line of such improvements; and the city council shall cause to be made, and adopt an assessment roll thereof, which may be in the following, or any other form which the city council may deem proper:

The city council of the city of Red Wing doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set opposite each lot or parcel.

The assessment is levied to defray the expenses of.....
in the city of Red Wing along..... and said lots and parcels of land are assessed upon the basis of an equal sum per front foot along the line of such improvement.

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

Dated at a meeting of the city council, this.....day of.....
 A. D. 188....

Attest,
 President of the Council.

City Clerk.

CHAPTER XI.

POWER TO CONDEMN PRIVATE PROPERTY AND AWARD DAMAGES THEREFOR.

SEC. 1. The city council shall have and possess the power to acquire and hold by purchase, gift or condemnation such private property as may be necessary for sites for public buildings, for the use of the city or any department thereof, for all structures connected with any department of the city, for the water works of said city, for any sewer, for all streets, alleys, levees or public grounds in the city, or for any other purpose required for the public use of said city or the inhabitants thereof, and to ascertain and determine the value of all such property taken for any such use, and the amount of all damage occasioned to any private property by reason of any public works or structures, and for that purpose may appoint commissioners to appraise such value or damages, or acquire information thereof in any other manner it shall deem advisable.

POWER TO OPEN NEW STREETS AND ASSESS EXPENSES.

SEC. 2. Whenever the city council shall determine to lay out or open new streets or alleys in said city, or to widen, straighten or extend any that now exist or may hereafter exist, it may for such purposes, purchase or condemn any real estate or interest therein which is private property, and provide for the payment of the value of such property as may be taken for such improvement, and all damages done to any private property by reason of such improvement, and the expense of making such improvement, by assessing, levying and collecting the whole expense of such improvement, or such parts thereof as may be considered equitable, upon the property to be benefited by such improvement, without regard to cash valuation; but no assessment for such improvement shall exceed the actual benefit to the property upon which the same shall be assessed, and in case the whole expense of such improvement shall exceed the benefit accruing therefrom to any specific property, the excess of such expense shall be made a general city charge and be paid as current expenses of the city. Nothing in this section shall be construed as permitting the condemnation of any ground of any cemetery or burial place and occupied for such purposes, without the consent of the owner of such ground.

MODE OF PROCEEDURE.

SEC. 3. Whenever the city council shall consider it necessary to procure grounds for any of the purposes mentioned in section one of

this chapter, it shall appoint a committee of not less than three of its members who, with the city engineer, if thereto directed by said council or committee, shall make examination and propose to the city council a location and description of land suitable or necessary for the required purpose, and the most convenient manner of taking and using the same, and present to the city council a plat of the land proposed to be taken, and in their report shall show, so far as the committee shall deem necessary, what buildings or structures can be used in the appropriation, and any other matter which the committee shall deem proper for the information of the council, and such committee may present for the consideration of the council more than one location or plat.

HEARING ON REPORT OF COMMITTEE.

SEC. 4. Such committee shall file their report with the city clerk of said city, who shall give notice by publication twice in the official paper of said city, that such report is on file in his office for 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, which shall be the regular meeting of said council which shall occur next after one week from the second publication of such notice.

At the meeting named in said notice, the city clerk shall next after the reading of the minutes of the previous meeting, present such report, and the matter may be acted upon by the council, at the same or any subsequent meeting.

The council, under such rules as it may prescribe, may hear any person interested in the matter, or refer the matter to a committee to hear such persons and report.

COMMISSIONERS TO MAKE AWARD.

SEC. 5. Whenever the city council shall determine upon the lands or other property to be taken and appropriated, it shall designate the same as nearly as may be convenient, and shall cause such plat or survey as may be necessary to show or explain the same, to be made and filed therewith with the city clerk, and the city council shall then or afterwards appoint three commissioners who shall be freeholders of said city, and no two of whom shall reside in the same ward, to view the lands or other premises to be taken and appropriated, and ascertain and award the amount of damages or compensation to be paid to the owners of the property so to be taken and appropriated.

A majority of such commissioners shall constitute a quorum, and be competent to do any act required of such commissioners. They shall be notified by the city clerk by notice to be served on them severally, either personally or through the mail, to attend at his office on or before a day fixed by him, not less than two (2) days after the service or mailing of such notice, to qualify and enter upon their duties; and if any commissioner shall refuse or neglect to attend as aforesaid, he shall forfeit and pay to the city of Red Wing the sum of fifty dollars (\$50); to be recovered to the use of said city in a civil ac-

tion before any justice of the peace of said city; and in case a quorum of such commissioners shall not so attend at the time and place designated in said notice, the mayor or acting mayor of said city may, in writing, appoint one or more commissioners in the stead of any such absentees.

The commissioners shall be sworn by the clerk or any officer authorized to administer oaths, to discharge their duties as such commissioners in the matter with fidelity and impartiality, and make the return of their action to the city council.

They shall give notice by two 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, on or near the premises proposed to be taken and appropriated, and view the property proposed to be taken and appropriated and ascertain and award therefor compensation and damages, and that they will there and then hear such allegations and proofs as interested persons may offer. Such commissioners shall meet and view the premises pursuant to such notice, and may from time to time, and after having viewed the premises, may adjourn for the hearing of evidence and preparation of their award, adjourn, or go to any other convenient place in said city, and such commissioners shall make a true and impartial appraisement and award of the compensation and damages to be paid to each person whose property is to be taken or appropriated, and report the same to the city council, 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 award, at which or at any subsequent time the city council may act on such award and hear any objection made thereto, or may refer the matter to a committee to hear such objection and report thereon. The council may confirm such award or annul the same, or send the same back to the same or a new board of commissioners for further consideration, and such commissioners may in such case, again on giving notice, published once in the official paper of said city, meet at a time and place to be designated in said notice, which shall be at least two (2) days after the publication of such notice, and hear any further evidence that may be adduced by interested persons and may adjourn from time to time and correct any mistakes in such award, and reverse and alter the same as they may deem just, and again report such award to the city council, who may confirm or annul the same.

When any such award shall be confirmed by the city council, the same shall be final and conclusive upon all parties interested, except as hereinafter provided.

PAYMENT OF AWARDS.

SEC. 6. 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 from the general or permanent improvement fund of said city to the owners of such property the amount awarded to each severally.

In case such payment is not made within one year after the confirmation of the award or determination of the appeal thereupon, the proceedings shall be deemed to be abandoned. Before payment of such award the owner of such property or the claimant of the award shall furnish an abstract of title showing himself entitled to all of the compensation and damages claimed.

In case of neglect to furnish such abstract, or if there shall be any doubt as to who is entitled to such compensation or damage or any part of the same, the amount so awarded shall be by the city council appropriated and set apart in the city treasury for whosoever shall show clear right to receive the same.

The city council may, in its discretion, require of such claimant a bond with good and sufficient sureties conditioned to indemnify and save the city harmless against all other claims for such compensation or damages, or for the property for which the same was awarded, and all loss, costs or expenses on account of such claims.

Upon the payment of such award or appropriation, or the setting apart of the money in the city treasury to pay the same as aforesaid, the city shall become vested with the title in fee simple absolute to the property taken and condemned 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 chapter.

LAYING OUT OR WIDENING STREETS—COMMISSIONERS AND THEIR DUTIES

SEC. 7. Whenever the city council shall vote to lay out or open any new street or alley, or to straighten, widen or extend any that now does or hereafter may 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 further 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 city council may cause such plat and survey to be modified, amended or changed as it may deem proper, and shall estimate and fix upon the cost of making such improvement.

When such plat and survey shall be finally adopted by the city council, it shall be filed with the city clerk, and it shall be held to show correctly the character and extent of the improvement actually agreed upon and ordered by the city council.

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

The city council shall then or afterwards appoint three free holders of said city, no two (2) of whom shall reside in the same ward as commissioners to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of the property which is to be taken or injured by such improvement, and at the same time determine what real estate will be benefited by such improvement, and 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 a cash valuation. A majority 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 section five (5) of this chapter. They shall give notice by two (2) publications in the official paper of said city that such survey and plat is on file in the office of the city clerk for the examination of all persons interested, and that they will on a day designated in such notice, which shall be at least ten (10) days after the first publication of such notice, meet at a place designated in said notice on or near the proposed improvement, and view the property proposed to be taken or interfered with for the purpose of such improvements, and ascertain and award therefor compensation and damages, and view the premises to be benefited by such improvement, and assess thereon in proportion to benefits, the amount necessary to pay such compensation and 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.

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 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 appraisal 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 improvements; 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 bene-

When completed said commissioners shall file their report in the office of the city clerk.

The city council shall at the next meeting thereof held after the filing of such report, give notice by two (2) publications in the official paper of the city, to the effect that such assessment has been completed, and that at a time and place therein specified which shall be not less than ten (10) days after the last publication of such notice, the said council will meet for the purpose of hearing objections, and that all such objections must be filed in writing with said clerk at least one day prior to the time specified for such meeting.

Any person interested in any building standing in whole or in part upon any land required to be taken shall, at least one (1) day prior to the time so specified, notify the city council in writing of his election to remove such building (if he so elect) according to the award of the commissioners—at the time so specified—the city council may act upon such report and hear complaint touching such award or assessment, or it may refer the matter to a committee of the council to hear such complaints and report thereon.

The council may confirm such award 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 ten (10) days after the first publication of such notice, 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 city council, who may thereupon confirm or annul the same.

Whenever the city council shall confirm any such award and assessment such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as hereinafter provided, and the city council shall proceed, at the same or any subsequent meeting to levy such assessment upon the several parcels of lands described in the assessment list reported by the commissioners, in accordance with the assessment so confirmed, and cause to be made and adopted an assessment roll of the same, which may be in the following form, or in any other form the council may adopt:

The city council of the city of Red Wing doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set against each lot or parcel. This assessment is made to defray the compensation and damages awarded for the taking of an injury to private property and estimated cost of improvement, in and about the..... as shown on the plat and survey of the same on file in the office of the city clerk of said city. This levy is made conformably to the report and assessment of commissioners duly appointed to make such 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 city council this.....day of
 A. D. 18....

Attest.
 President of the Council.
 City Clerk.

In case any owner or owners of buildings as aforesaid shall have elected in manner as aforesaid, to remove his or their buildings, he or they shall so remove them within thirty (30) days from the confirmation of said report, or within such further time as the city council may allow for the purpose, and shall thereupon be entitled to payment from said city of the amount of damages, awarded in such case, in case of removal.

When such person or persons shall not have elected to remove such buildings or shall have neglected (after having elected to remove) to remove the same, within the time prescribed, such buildings or so much thereof as may be necessary, upon the payment or depositing the damages awarded for such taking in manner aforesaid, may then be taken and appropriated, sold or disposed of as the city council shall direct, and the same or the proceeds thereof shall belong to said city.

APPEALS.

SEC. 8. Any person, whose property is proposed to be taken, interfered with or assessed for benefits 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, by reason of which the award of the commissioners ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of or interfering with his property or with the amount of the assessment for benefits to any property affected by such proceedings, may at any time before such award or assessment shall be confirmed by the city council, file with the city clerk in writing, his objection to such confirmation, setting forth therein specifically the particular irregularities complained of, and containing a description of the property affected by such proceedings, and if notwithstanding such objections, the city council shall confirm the award or assessment, such person so objecting shall have the right to appeal from such order of confirmation of the city council to the district court of the county of Goodhue, at any time within ten (10) days after such order of confirmation.

Such appeal shall be made by serving a written notice of such appeal upon the city clerk of said city, which notice shall specify the property of the appellant affected by such award and refer to the objection filed as aforesaid, and by also delivering to said city clerk a bond to the city of Red Wing, executed by the appellant, or by some one on his behalf, with two 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 clerk, upon being paid his fees therefor, 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 clerk to be true copies, and shall so make and transmit the same within ten (10) days after the taking of such appeal.

If more than one appeal be taken from any award, it shall not be necessary that the clerk in appeals subsequent to the first, shall send up anything except a certified copy of the appellant's objection. Such appeal shall bring before the appellate court for its determination the following and no other questions whatever, to-wit:

First—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 or assessment of the commissioners ought not to stand, and whether such commissioners had jurisdiction to take action in the premises, which question shall be determined by the court.

Second—The amount of damages awarded or assessment made for benefits, if the amount of such assessment for damages or benefits is complained of by the appellant, which question shall be tried by the court or a jury, as in other civil cases.

There shall be no pleading on such appeal, but the court shall first determine the first of the above questions.

The case may be brought on for hearing on eight (8) days' notice, and the judgment of the court shall extend to and affect only the property of the appellant proposed to be taken, damaged or assessed for benefits, and as described in said written objection.

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

COUNCIL MAY ABANDON PROCEEDINGS.

SEC. 9. The city 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, on any appeal from such proceedings, to abandon all such proceedings whenever it shall deem it for the interest of the city to do so.

ASSESSMENTS—HOW COLLECTED.

SEC. 10. All assessments made under the provisions of this chapter, shall be returned and collected as hereinafter provided.

PROCEEDINGS WHEN AWARDS ARE SET ASIDE.

SEC. 11. Whenever any portion of any award made by commissioners and confirmed by the council under the provisions of this chapter shall be annulled by the court upon appeal, as hereinbefore provided for, the city council may again appoint commissioners to view the property, which was affected by such appeal, and appraise and award 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 applicable, as hereinbefore respectively provided, except that such commissioners shall make no new assessment of costs and expenses. They shall, 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 city 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, but no new assessment for benefits shall be made, merely by reason of any change in the amount of the sum awarded for compensation or damages, and any sum which may be lacking to pay the awards, shall be paid from the permanent improvement, or general fund of the city, as the city council may direct.

REASSESSMENT.

SECTION 12. If any special assessment heretofore made by the city council or under its direction to defray the expenses 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 said council shall be satisfied that any such assessment is so irregular or defective that the same cannot be enforced and collected, or if the said council shall have omitted to make such assessment at or before the making of such improvement when it might have done so, the city council shall assess or hereafter compute and determine upon the cost of making such improvement in a gross amount upon such data as it shall deem sufficient, and the city council may then proceed to cause a new assessment of the cost of such local improvements to be made, either upon the property fronting upon such improvements or upon the property benefited by such improvements according to the character of such improvements, following as near as may be the provisions of the city charter in force at the time of making such improvement 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 city 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 the court shall determine that the lots or lands are not subject to assessment.

After such new assessment roll shall have been completed the city clerk 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.

HOW ASSESSMENT ROLLS RECORDED AND RETURNED AND ASSESSMENTS COLLECTED.

SEC. 13. The city clerk shall record all assessment rolls of special assessments in books to be by him kept for that purpose, and shall on or before the first day of October of every year, deliver to the county auditor of said county of Goodhue all such assessment rolls, 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 thereof enforced, and such assessments when collected, shall be paid over by the county treasurer to the city treasurer of said city, together with all costs, penalties and interest collected thereon, at the time of making payment of city taxes to the city treasurer.

NO INFORMALITIES TO AFFECT VALIDITY OF ASSESSMENTS.

SEC. 14. 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 city council, and the assessment roll, and the record thereof kept by the city clerk, 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 clerk 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.

WHEN COLLECTIONS TO BE SUSPENDED.

SEC. 15. In case any special assessment shall in any suit where its validity shall be questioned, be adjudged invalid, the city council may, in its discretion, notify the county auditor and county treasurer 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 clerk, before deliver-

ing such new 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.

EXCESS OR DEFICIENCY OF ASSESSMENT.

SEC. 16. No special assessment shall be questioned or held to be invalid, because the amount of such special assessment shall happen to be either more or less than the amount of money actually required for the improvement for which such assessment shall be made. If the amount raised by such special assessment shall happen to be less than the amount required for such improvement, the balance shall be paid from the general or permanent improvement fund of said city; and if there shall be any surplus from any such special assessment, the same shall be carried to the credit of the same fund, from which a deficiency would have been supplied or be otherwise disposed of, as to the city council shall seem most just towards the persons upon whom such special assessment has been levied; and upon any assessment rolls or other papers made or used in any of the proceedings, it shall not be necessary that words shall be written out in full, but abbreviations, letters, figures and recognized characters may be used, whenever their use shall be convenient, and no error or mistake as to the name of the owner of any property shall be regarded as material in any proceedings under this act.

TWO-THIRDS VOTE REQUIRED FOR IMPROVEMENTS.

SEC. 17. It shall require a two-thirds vote of the members elect of the city council to determine in the first instance, to make any improvement for which a special assessment may be levied, except in respect to sidewalks, when a majority vote shall suffice. But this restriction shall not apply to any subsequent act of the council touching such improvement, or the special assessment to provide means therefor.

IMPROVEMENTS—HOW MADE.

SEC. 18. Any improvements, the means to make or construct which may be raised by special assessment, may be performed by contract let in the ordinary way, or directly by the city by the employment of labor and purchase of material, or in any other manner in which the city council may deem proper in each particular case. And the city council may in its discretion, in any case, instead of causing the special assessment to be made entirely upon estimate, as hereinbefore provided for, wait until the letting of the contract for such improvement, or until such improvement shall be made, before determining and fixing upon the cost and expense of such improvement, and appointing commissioners to make the assessment.

COST OF IMPROVEMENTS MAY BE ADVANCED.

SEC. 19. The city council may at the time of ordering any improvement for which any assessment may be made, determine whether to proceed at once with such improvement or await the collection of such assessment.

MONEY COLLECTED ON ASSESSMENTS TO BE KEPT SEPARATE.

SEC. 20. In case any assessment for improvement is collected before the making of such improvement, the money so collected shall be kept separate from the funds of the city, and not devoted to any other purpose than such improvement, and as soon as a majority of the assessments of such improvement are paid, the city council shall forthwith cause such improvement to be made.

ASSESSMENTS MAY BE PAID TO THE CITY TREASURER.

SEC. 21. After any special assessment roll shall have been adopted by the city council and before the same shall be delivered to the county auditor for collection, any assessment thereon may be paid direct to the city treasurer of said city, and upon the production of the city treasurer's receipt therefor to the city clerk, he shall enter upon such assessment roll, opposite the assessment so paid, the words "paid to city treasurer," which entry shall cancel the assessment so paid. In case interest shall have been included in any such assessment, so much of such interest as shall not have accrued on such assessment at the time of such payment, shall be deducted therefrom.

FORMER ASSESSMENTS NOT SUSPENDED.

SEC. 22. Nothing herein shall interrupt or interfere with any assessments which have been heretofore made, but the collection thereof shall proceed according to the provisions of the charter of said city in force at the time of making such assessments.

ASSESSMENT LIENS TO HAVE PRIORITY.

SEC. 23. No sale under execution or other proceedings upon a judgment decree, foreclosure or lien, and no transfer or mortgage shall divert or affect the lien of any assessment for any tax or for any improvements chargeable to or assessed against the property under this charter, although the confirmation of such assessment may be subsequent to the lien of such judgment, decree or other lien or to such transfer or mortgage.

CHAPTER XII.

BOARD OF WATER COMMISSIONERS.

SECTION 1. There is hereby established in and for the city of Red Wing, a board which shall be styled the "Board of Water Commissioners of the city of Red Wing." Said board shall consist of six (6) persons who shall be residents and qualified electors of said city, and

shall be appointed by the city council at its regular meeting in April of each and every year, and shall hold their respective offices for the term of three (3) years from and after the first (1st) Monday in May next succeeding their appointment and, until their successors are appointed and qualified. *Provided*, That the present members of the board of water commissioners of said city, shall hold their respective offices for the full term for which they were appointed.

In case of any vacancy in the office of water commissioners from any cause, the city council shall appoint a water commissioner for the unexpired term. Said board may consist wholly, or in part, of members of said council, and said council may at any time remove from said office of water commissioner any member of said board, by a two-thirds ($\frac{2}{3}$) vote of all the members of said council. No water commissioner shall be interested directly or indirectly in any contract entered into by said board of water commissioners, and any contract entered into by said water commissioners in violation of this provision, shall be absolutely null and void.

SEC. 2. The said board of water commissioners shall, on the first (1st) Monday of May in each year, meet and elect one of their own members president, some suitable person as secretary, and the treasurer of the city of Red Wing, is hereby declared to be *ex-officio* treasurer of said board.

It is made the duty of the secretary, under the direction of said board, to keep a set of books, which shall contain a full and complete statement of the condition and operation of the water works, of all moneys received and paid out by order of said board, and all debts due and owing said board for any cause whatever, together with an accurate account of all the expenses of said board. A semi-annual financial statement shall, on the first (1st) day of March and September in each and every year, be made out and transmitted to the city council of said city.

It is made the duty of the treasurer of said board to receive all moneys which may be paid into his hands on account of said board of water commissioners, from the sale of bonds, for water taxes or from any sources whatever, and to keep a detailed and exact account thereof, in such manner as to show at all times the exact financial condition of said board.

The secretary shall countersign all warrants or orders drawn upon the treasurer of said board, and all other evidences of the indebtedness of said board, and shall keep an exact account thereof, stating to whom and for what purposes issued.

The books of said board shall be open to the examination of the city council or any of its committees, or any person appointed for that purpose by the city council of said city; and said board shall also, on the first day of April in each year, make a report to the city council of said city, of the condition of the works under their charge, and of the receipts and expenditures on account of the same.

SEC. 3. Said board of water commissioners shall have the charge of the construction, maintenance, repair and management of everything pertaining to the water works of said city, and of all new

constructions, additions and alterations, whether of pump houses, mains, hydrants, reservoirs or other constructions, appliances or machinery connected with said works, and shall have the supervision and direction of the working and operation of the same and shall in the name and on behalf of said city make and execute all contracts for the construction, alteration and repair of pump houses and of all machinery and appliances connected therewith, and for the constructing and repairing of reservoirs, the laying, relaying and construction of water mains and putting in of hydrants and other appliances connected therewith; and for the purchase of all material necessary to be used about said water works, and all extensions thereof, and have the charge, care and supervision of the execution of all such contracts.

Said board shall also have the right to appoint and prescribe the duties of the engineer of the water works and superintendent of the water works, and employ such other persons as in the judgment of said board may be necessary for the successful operation and management of said water works, and to designate and fix subject to the approval of the city council, the compensation of the persons appointed or employed by said board, and may remove such persons at its pleasure. *Provided*, that such compensation shall not exceed the limits fixed by this act. *And provided further*, that said board shall have no power to enter into any contract for, or to order the laying of any new mains, the construction or enlargement of any reservoir, or pump house, or the extension in any manner of the system of water works of said city, except upon the order of said city council.

SEC. 4. All moneys payable for water rates, or other water works accounts, except moneys raised by taxation shall be collected and received by the secretary of said board, who shall receipt therefor and within ten (10) days thereafter pay the same over to the city treasurer taking his receipt therefor. He shall give a bond to the city of Red Wing in such sum and with such sureties as said board may direct and approve, conditioned for the faithful performance of his duties, and the prompt payment by him to the city treasurer of all moneys which may come into his hand as such secretary.

SEC. 5. The treasurer of said board shall execute a bond to the city of Red Wing in such sum and with such sureties as the city council may direct and approve, conditioned that he will faithfully perform the duties of his said office and well and truly account for, and pay over all moneys which may come into his hands as such treasurer.

He shall pay all orders drawn on him by said board.

All orders drawn upon said treasurer shall be signed by the president and countersigned by the secretary of said board.

SEC. 6. The said board shall hold stated meetings at such times as it shall by by-law, resolution or otherwise appoint, and special meetings thereof may be called by the president of said board upon notice thereof either served personally upon each and every member of said board present in the city or addressed to such members respectively and deposited in the post-office in said city of Red Wing, at least

twenty-four (24) hours previous to such meeting; and any business of said board may be transacted at any stated or special meeting.

The board may in its discretion adopt such rules to govern its deliberations and the manner of transacting its business as it shall determine upon, and four (4) members of said board shall constitute a quorum for the transaction of business. And any special meeting of said board which may be organized when all members of said board shall be present and participate, shall be legal, though no notice of such special meeting was given.

It shall be the duty of the city council of said city to provide and furnish, with suitable desks, furniture and fixtures, a suitable room for the meetings of said board and offices for the secretary and superintendent of water works.

SEC. 7. *The said board shall have the right to determine and direct as to the size and quality of all water mains which shall be laid in said city. All petitions or applications for laying of water mains, shall be presented to the city council, and shall be by it referred to said board, who shall report thereon to the council, designating the size of mains to be laid, with such other recommendations as the said board shall deem proper, and shall make and report an estimate of the cost of such work.*

And whenever the laying of mains shall be ordered by the city council the said board shall at once contract for or cause the same to be laid, provided there are sufficient funds pertaining to the water works fund that can be used for that purpose,

SEC. 8. *If at any time in the judgment of said board it shall be necessary to make repairs, additions, or alterations in any pump house machinery, reservoir, water main or other portion of said works, when there shall not be sufficient moneys in said water works fund to defray the cost thereof, said board shall report the facts to the city council who may thereupon if said council shall deem proper appropriate from the general or permanent improvement fund of said city a sum sufficient for such purposes.*

SEC. 9. *All sums required for the maintenance, repair or extension of the water works of said city, after deducting therefrom such sums as may be by said board in any manner received from such works shall be provided by the city council by taxation, or by appropriation from the general or permanent improvement fund of said city.*

It shall be the duty of the city clerk of said city to give the secretary of the board of water commissioners written notice of the appropriation of any and all such sums and the amount of such appropriation.

All expenses of maintaining and operating said water works and of constructing, enlarging, altering and keeping in repair pump houses, machinery, reservoirs, hydrants, and laying of water mains, and everything connected with said water works, shall be paid from said water works fund.

SEC. 10. *It shall be the duty of said board to recommend to the city council from time to time the rates, which, in the judgment of said board, should be fixed by ordinance for the rent of water, and the*

provisions which, in the judgment of said board, are or will be best adapted to secure prompt payment of water rents and prevent injury or misuse of anything connected with said water works; and it shall be the duty of said board and of the superintendent of the water works to see that such ordinances as shall be passed by the city council are obeyed and enforced.

SEC. 11. The owner of private property, which property has upon it pipes connected with the city water works to convey water upon such property, shall, as well as the lessee or occupant of the premises, be liable to the city of Red Wing for the rents or rates of all water from said water works used upon such premises, which may be recovered in an action against such owner, lessee or occupant, or against any or all of them.

The city council may provide by ordinance the rates or rents to be paid for the use of water and the times when the same shall be payable, and from the shutting off of water from any premises when the rates are payable and remain unpaid, and for the punishment of all injuries to or unauthorized interference with said water works or anything connected therewith.

SEC. 12. Any person who shall wilfully or carelessly break, injure, mar or deface interfere with, or disturb any reservoir, building, machinery, apparatus, fixture, attachment or appurtenance of the water works of said city, or any public or private hydrants or water trough or stop cock, metre, water supply or service pipe, or any part thereof, or who shall deposit any matter or thing in any stop cock box, or fill up, or partly fill up any excavation intended for the use of such works, or commit any act obstructing or impairing, or tending to obstruct or impair the use, or intended use, of any of the above mentioned property, or any other property used, or intended to be used, in connection with said water works, shall, on conviction thereof, be punished by imprisonment in the state prison for a term of not more than ten (10) years nor less than one (1) year, or by imprisonment in the county jail of Goodhue county for a term not exceeding one (1) year, or by a fine not exceeding five thousand dollars (\$5,000), or by both such fine and imprisonment.

SEC. 13. Said board shall on or before the first (1st) day of September in every year report to the city council an estimate of the amount of money required for the maintenance, repair and extension of the water works of said city for the next succeeding fiscal year of said city.

The city council shall, at the time of making the annual city tax levy, in every year levy upon all of the taxable property of said city a tax in such amount as in the judgment of said council will be sufficient for the purposes aforesaid. Such levy shall be in addition to the amount levied to defray the general expenses of said city. All moneys received from any such levy shall be paid into and belong to said water works fund and shall not be used or appropriated for any other purpose whatever.

CHAPTER XIII.

SEWERS.

SEC. 1. The city council of said city, in addition to the power conferred on said city council by this act, shall have power to establish and maintain at any time, and from time to time, any general system of sewerage for said city or for any sewerage districts into which said city or any part thereof may hereafter be divided, or for any part or portion of said city, in such manner and under such regulations as said council may deem expedient, and such system or systems of sewerage to alter or change from time to time, as said council may deem proper.

Provided, That the sewerage plans and systems heretofore adopted by the said council shall continue to be the sewerage plans and system of said city until changed or modified by said council.

SEC. 2. The said city council, for the purposes aforesaid, shall have power at any time and from time to time, to divide the said city of Red Wing, or any such part or parts thereof as said council may deem expedient, into sewerage districts, and the same from time to time to change or alter, and to create a district sewerage fund for each or any of said districts, in such manner and under such regulations as said city council may deem expedient.

SEC. 3. The said city council is authorized, whenever it may deem the same necessary, to cause sewers to be constructed in any street or alley within said city, and to levy and collect the cost and expense thereof, excepting street and alley crossings and catch basins, or such portion of such cost and expense as said council may deem just, by an assessment upon the properties bounding or abutting on the portions of such streets or alleys, along which such sewer may be constructed, of an equal sum per foot front of such properties, or such cost and expense may be assessed partly upon such abutting properties, and partly upon property not abutting upon such street or alley but benefited by such sewers; in either case such assessment may be made without regard to the cash or assessed valuation of any such properties, and said council shall determine what proportion of such cost and expense shall be assessed upon such abutting, and what proportion thereof upon such non-abutting property; in either case the assessment per foot front shall be equal upon all property of the same class.

The cost and expense of any such sewer may be assessed partly in the manner aforesaid, upon the two (2) classes of property above named, or either of them, and partly by taxation upon the whole property of the city, or of the sewerage district within which such sewer or sewers may be constructed, or such cost and expense may be wholly paid by taxation upon the whole property of the city, or of the proper sewerage district.

The cost and expense of all street and alley crossings and of all catch basins, shall be paid out of the sewerage or general fund of the city or out of the sewerage fund of the proper district.

SEC. 4. Whenever said city council shall vote to cause to be made any such sewer as is mentioned in this act, it shall determine and designate in a general way as nearly as may be practicable the character and extent of such improvement, and the material to be used therein; and it shall thereupon be the duty of the city engineer of said city or of any other competent engineer by said council designated for that purpose, to make and present to said council an estimate of the cost of such improvement.

Upon the reception of such report, said council may postpone action thereon to any regular or special meeting thereof, and may direct the city clerk of said city to advertise for, and receive in the meantime, bids for doing the work and furnishing the materials, or either; required to construct or complete such improvement, and report the same to said council; or said council may in any other manner obtain information respecting the probable cost of such improvement. Whenever said council shall have obtained such information as it may deem necessary with reference to such improvement, it shall determine the manner in which the cost and expense thereof shall be assessed.

If it shall determine that the whole, or any part of such cost and expense shall be assessed upon any properties bounding or abutting such improvement, or partly upon such properties and partly upon properties not so bounding or abutting, but benefited thereby, it shall determine what properties are within each of said classes, and the proportion of such cost and expense to be assessed upon the properties in each of such classes, and shall appoint a meeting of such council at which all persons interested in such improvement may be heard; and thereupon said city clerk shall prepare a list which shall contain the names of the owners so far as the same are known, and a description of each and all of such properties, which list, together with a notice of the time and place of such meeting, he shall cause to be published once in the official paper of said city, and which publication shall be not less than ten (10) days prior to such meeting.

At the time and place appointed for such meeting, said council shall meet and hear all persons interested in such improvement, who may desire to be heard, and the council may adhere to its resolution to make such improvement or modify the character thereof, or manner of assessing the cost and expense thereof, or may abandon it.

If said council shall determine to make such improvement it shall enter into a written contract for the construction thereof or said council may have such work done without contract by the direct employment of labor and purchase of material by said city.

When such contract shall have been entered into, or such work otherwise ordered to be done, the said council shall proceed to apportion and assess the expense of such improvement, upon the principle, and in accordance with its previous determination in the matter, and shall cause to be made and adopt an assessment of such cost and expense, which may be in the following or any other form which said council may deem proper, viz:

The city council of the city of Red Wing doth hereby assess and levy upon and against the several lots and parcels of land below described and situated in said city, the respective sums of money set opposite each lot or parcel.

This assessment is made to defray the cost and expense of constructing a sewer along.....from.....to..... in said city.

Said lots or parcels of land abutting upon such improvement are assessed upon the basis of.....per foot, front, and said lots not abutting upon, but benefited by such improvement upon the basis of.....per foot, front.

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

Done at a meeting of said council held this.....day of.....

A. D., 18...

Attest

.....
Mayor.

.....
City Clerk.

Such assessment shall be returned to the county auditor of the county of Goodhue, on or before the first (1st) day of September, next after the making thereof.

Said auditor shall extend the said assessment upon the tax list, as a tax upon the several lots or parcels of land in said assessment described, and such taxes shall be collected and the payment thereof enforced in the same manner as may by law be provided for the collection of state and county taxes.

No error or informality in the levy of any such tax or in the making of such assessment, or in any of the proceedings herein provided, shall in any manner vitiate or effect the legality of such tax assessment, or prevent the collection thereof.

SEC. 5. Said city council are hereby authorized to prescribe the conditions upon, and manner in which any sewer that now is, or hereafter may be constructed within said city, may be tapped or connected with, by any person, and also to determine the amounts to be paid said city for permits for so doing, as well as to prescribe such regulations and enact such ordinances in relation to such sewers and sewerage and for the protection and maintenance thereof as said council may deem expedient.

SEC. 6. Said council are hereby authorized in any year, and from year to year, to levy upon the taxable property of the city, or upon the taxable property within any sewerage district of said city, such

tax, not exceeding one-tenth ($\frac{1}{10}$) of one (1) per cent, in any one (1) year, as it may deem necessary for the construction or repair of sewers within said city or district. No money received from any tax levied for such purpose shall be applied or appropriated to any other purpose or purposes whatever.

CHAPTER XIV.

LIABILITY OF AND ACTIONS AGAINST THE CITY.

LIABILITY FOR OBSTRUCTIONS AND EXCAVATIONS IN STREETS.

SEC. 1. All persons or corporations who shall by means of any excavations in or obstruction upon any street, sidewalk, alley or public grounds of said city render such street, sidewalk, alley or public grounds unsafe for travel, or who shall by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guards or lights thereat, render such street, sidewalk, alley or public ground insufficient or unsafe for travel, shall be liable for all damages not caused by the negligence of the party injured, to whomsoever resulting, by reason of such obstruction or negligence, and no action shall be maintained against said city for such damages unless such person or persons or corporation shall be joined as party defendant, and in case of judgment against the defendants in such action, execution shall at first issue only against the defendant causing such insufficiency, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied, and if the city shall pay such judgment it shall become the owner of the same and may enforce payment of the same from the other defendant and shall be entitled to execution therein against him, and to take such other proceedings as judgment creditors are entitled to take.

SERVICE UPON ABSENT DEFENDANTS.

SEC. 2. Whenever any party is joined with said city as co-defendant in any action for the insufficiency of any street, sidewalk, alley, or public ground, and such party is not a resident of and can not be found within the state, service of summons in such action may be made upon such defendant upon like evidence, and in the same manner as prescribed by the general law for service by publication in other actions.

NO ACTION TO BE MAINTAINED AGAINST THE CITY IN CERTAIN CASES.

SEC. 3. No action shall be maintained against the city of Red Wing for the recovery of any damage to persons or property on account of any injuries received or caused by reason of the deposit, accumulation, or condition of any snow, or ice upon any street, sidewalk, lane, alley or public grounds within said city.

LIMITATION OF ACTIONS.

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SEC. 4. No action shall be maintained against the city of Red Wing on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk, or thoroughfare, unless such action shall be commenced within one(1) year from the happening of the injury, nor unless notice shall have first been given in writing to the mayor of said city, or the city clerk thereof, within thirty (30) days of the occurrence of such injury or damage, stating the place where and the time when such injury was received, and that the person so injured will claim damages of the city for such injury; but the notice shall not be required when the person injured shall in consequence thereof be bereft of reason. Nor shall any such action be maintained for any defect on any street, until the same shall have been graded; nor for any insufficiency of the ground where the sidewalks are usually constructed, when no sidewalk is built.

NO RAILWAY TO OBSTRUCT STREETS BY PILING UP SNOW OR OTHER MATERIAL.

SEC. 5. No railway company, or street railway company, shall have any right, in clearing their track, through any part of said city, or otherwise, to pile up snow or other material, and leave the same piled upon any traveled portion of any street or sidewalk in said city. And any such company shall be liable to any person who shall be injured by means of any such obstruction caused by such company, or its servants, for all damages sustained. And in case any damages shall be recovered against the city for injuries caused by such obstructions, the city shall have the right to recover the same again from the company by whom the obstruction was caused.

CHAPTER XV.

MISCELLANEOUS PROVISIONS.

ORDINANCES AND RESOLUTIONS TO CONTINUE IN FORCE.

SEC. 1. All ordinances and resolutions heretofore made, adopted or established by the city council of the city of Red Wing, shall remain in force except as altered, modified or repealed by the city council of said city; and all books and pamphlets heretofore published or which may hereafter be published, purporting upon their title page to be published by authority, order or direction of the city council, and purporting to contain the ordinances of said city, standing rules or orders of said city council, or either, are hereby declared to be competent and *prima facie* evidence of the contents of such ordinances, standing rules and orders of any resolutions or other matters purporting to be the act of said city council, which may be printed therein, and of the due and legal adoption, approval and publication thereof, and the certificate of the city clerk that any printed slip of

paper to which such certificate may be attached, contains a true copy of any ordinance, resolution or proceeding of the city council or other paper, the original of which is presumably in the possession of said city clerk, shall constitute such printed slip of paper competent and *prima facie* evidence of the contents and purport of the ordinance, resolution, proceeding of the city council or other paper, and of the legal passage, adoption, approval and publication thereof.

COMPILATION OF ORDINANCES.

SEC. 2. The city 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 and 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.

INHABITANTS OF CITY NOT DISQUALIFIED IN CASES WHERE CITY IS PARTY IN INTEREST.

SEC. 3. No person shall be incompetent as a judge, justice, 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.

CHARTER NOT REPEALED BY STATE LAW.

SEC. 4. No law of the 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.

PROCESS—HOW SERVED AGAINST CITY.

SEC. 5. When any suit, or action, shall be commenced against said city, service of the summons therein may be made by leaving a copy of the process by the proper officer with the mayor, and city clerk and it shall be the duty of said officers, respectively, forthwith to inform the city council thereof, or to take such other proceedings as by the ordinances, or resolutions of said council may have been in such case provided.

ACTIONS TO BE IN THE NAME OF THE CITY.

SEC. 6. All actions brought to recover any penalty or forfeitures 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.

CITY NOT LIABLE FOR BOARD OF PRISONERS IN STATE CASES.

SEC. 7. The city of Red Wing shall not be liable in any case for the board or jail fees of any person who may be committed by any officer or magistrate of the city to the jail of Goodhue county under the state laws.

NO PENALTY TO BE REMITTED, WITHOUT VOTE OF TWO-THIRDS OF THE
CITY COUNCIL.

SEC. 8. No penalty or judgment recovered in favor of said city shall be remitted or discharged, except by a vote of two-thirds ($\frac{2}{3}$) of the members of the city council.

NO PUBLIC PROPERTY TO BE DISPOSED OF WITHOUT AUTHORITY FROM
CITY COUNCIL.

SEC. 9. No city officer, or employee of the city, shall sell, dispose of or convert to his own use, any city property in his charge without special authority from the city council.

OFFICIAL PAPERS, HOW DESIGNATED.

SEC. 10. The city council shall at its first meeting in April of each year, or as soon thereafter as may be, cause the city clerk to advertise in the official paper of the city, for one (1) week, for sealed proposals for publishing in some newspaper, which shall have been printed, published and of general circulation in said city at least six months prior to the advertising for such proposals, the ordinances, and other matters required in the charter or the ordinances and resolutions of the city to be published in a public newspaper, such proposals to state the price per inch for the first insertion and for each additional insertion of all matter so to be published; said proposals to be marked "proposals for advertising," and addressed to the city council, which proposals shall be opened at the next stated meeting of the council and the contract for such publishing awarded to such newspaper bidding the lowest therefor, which paper shall be declared the official paper of the city. *Provided*; That in determining which is the lowest bidder of the newspapers conforming thereto, regard may be had to the character and value thereof as a medium for advertising and placing before the taxpayers of said city the matters herein provided to be advertised. And in case any two bids are the same, the council may by vote select one of such papers. *Provided, further*; That if each and all of said proposals fix a price exceeding thirty (30) cents per inch for any first or additional insertion of such matters, the council may reject all such proposals, and adopt such other method of publishing such matter as it may, in its discretion, determine. *Provided, further*; That the proprietor or proprietors of such papers shall enter into a written contract for the performance of the duties required of such proprietor or publisher, and give bond in the sum of one thousand dollars (\$1,000) with two satisfactory sureties, to be approved by the council, conditioned for the faithful performance of such contract. The newspaper so designated shall be and remain the official paper of said city, and the contract and bond aforesaid shall remain in force, for the time designated, and until the city council shall designate another paper as the official paper of the city.

AFFIDAVITS OF PUBLICATION.

SEC. 11. The publisher or publishers of said official paper, shall immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

TAXABLE PROPERTY.

SEC. 12. All property real and personal within the city, except such as may be exempt by the laws of this state, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner provided by the general laws of this state.

PROPERTY EXEMPT FROM LEVY AND SALE.

SEC. 13. All property real and personal belonging to the city, or any of the departments or wards thereof, and all public school houses within said city and the furniture and apparatus thereto belonging shall be exempt from seizure or sale under or by virtue of any attachment, execution, or other process.

No property real, personal or mixed belonging to any inhabitant of said city, or to any person or corporation shall be seized, levied upon or sold under or by virtue of any attachment, execution or other process issued to secure, satisfy, or collect any judgment, obligation or contract of said city.

PROPERTY EXEMPT FROM TAXATION.

SEC. 14. All property, real or personal belonging to said city or to Red Wing school district shall be exempt from taxation.

THIS ACT TO BE A PUBLIC LAW.

SEC. 15. This act is hereby declared to be a public act and need not be pleaded nor proved in any court or case.

SEC. 16. This act shall take effect and be in force from and after the first day of April in the year A. D. one thousand eight hundred and eighty-seven (1887).

Approved February 21st, A. D. 1887.