

tion of the charter and ordinances of the city, and such resolutions and other matter as may be designated by said common council.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved April 11, 1891.

## CHAPTER 46.

[H. F. No. 1136.]

### AN ACT TO INCORPORATE THE CITY OF NEW PRAGUE, IN THE COUNTIES OF SCOTT AND LESUEUR AND STATE OF MINNESOTA.

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

#### CHAPTER I.

##### CREATION OF CORPORATION—CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the counties of Scott and Le Sueur, hereinafter described, shall be a city by the name of New Prague, and all the people now inhabiting, and those who shall hereafter inhabit the said district, shall be a municipal corporation by the name of the "City of New Prague," and by that name may sue and be sued, plead and be impleaded in any court; make and use a seal and alter it at pleasure; take, hold and purchase, lease and convey all such real, personal and mixed estate as the purposes of the corporation may require, or the transactions or exigencies of its business may render convenient, within or without the limits of such district; shall be capable of contracting and being contracted with, and shall have all the 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.

SEC. 2. The district of country constituting the city of New Prague shall be the following described lands, to-wit:—The south half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) and the south half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section thirty-four (34) in township one hundred and thirteen (113) north of range twenty-three (23) west, and the north half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) and the north half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of section three (3) in township one hundred and twelve (112) north of range twenty-three (23) west, and the north half ( $\frac{1}{2}$ ) of the south half ( $\frac{1}{2}$ ) of section thirty-four (34) in township one hundred and thirteen (113) north of range twenty-three (23) west, and the east ten (10) rods of the south half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of section thirty-three (33) in township one hundred and thirteen (113) north of range twenty-three (23) west, and the south half ( $\frac{1}{2}$ ) of the north half ( $\frac{1}{2}$ ) of section three (3) in township one hundred and twelve (112) north of range twenty-three (23) west, save and except the east ten (10) acres of said south half ( $\frac{1}{2}$ ) last aforesaid, being in the counties of Scott and Le Sueur in said state.

SEC. 3. Said city shall comprise and is hereby divided into two (2) wards, as follows: The first (1st) ward shall comprise all the territory within said limits lying and being in the county of Le Sueur. The second (2d) ward shall comprise all the territory within said limits lying and being in the county of Scott.

## CHAPTER II.

### OFFICERS AND ELECTIONS.

SECTION 1. The officers of said city shall be those mentioned in this chapter, and such additional officers as may be appointed from time to time by the city council, and as herein otherwise provided for.

SEC. 2. The elective officers of the city shall be a mayor, a treasurer, a city clerk and two (2) justices of the peace, who shall be styled city justices, and members of the city council. The city council shall consist of two (2) aldermen from each ward, to be elected by the qualified voters of their respective wards, and one (1) alderman, to be styled alderman at large, to be elected by the qualified voters of said city, who shall be *ex-officio* president of the city council. Each ward alderman shall be a resident and qualified voter of the ward for which he shall be elected, and shall continue to reside in such ward during the time he shall continue to serve as such alderman. All other officers of the city shall be appointed by the city council, unless herein otherwise provided. The appointment of officers by the city council shall be determined by ballot, and it shall require a concurrence of a majority of all members of the city council to appoint any such officer. The city council is authorized to appoint such officers in addition to those mentioned in this charter as it may deem necessary for the proper management of the affairs of the city, and to prescribe their duties and fix their compensation.

SEC. 3. All persons entitled to vote for state or county officers, and who shall have resided for ninety (90) days in the city, and for ten (10) days next preceding the election in the precincts in which they offer their votes, shall be entitled to vote for an officer elected under this charter, and to hold any office created hereby, except as herein otherwise provided.

SEC. 4. Elections for the elective officers provided for by this chapter shall be held biennially on the second (2d) Tuesday of April, and shall be by ballot, and each ballot shall contain the names of the persons voted for, with proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office the election shall be determined by the casting of lots in the presence of the city council, in such manner and at such time as it shall prescribe. The provisions of the general laws of this state, governing elections, shall apply to all elections held under this charter, except as otherwise provided herein, and all special provisions contained in this charter, governing elections, shall also apply to all elections within the city, but the returns for all city elections shall be made to the city clerk, and for all state and county elections to the county auditors of said counties of Scott and Le Sueur. Each ward established hereby shall constitute an elec-

tion precinct, as well for state and county as for city elections, and the city council shall designate the place of holding elections in each election precinct at least twenty (20) days prior to such election, and the place so designated shall remain the place of holding election until a new designation is made.

SEC. 5. The aldermen of the city shall be *ex-officio* judges of elections of the precincts wherein they respectively reside, unless disqualified or declining to serve. At least twenty (20) days before any election, the city council shall appoint such number of additional judges of election as may be necessary to constitute a full board for each election precinct, and such election board shall have power to appoint a suitable number of clerks of elections. No person shall serve as judge or clerk of election who is a candidate for office at such election.

SEC. 6. When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, the said judges of election shall make returns thereof, stating therein the number of votes for each person for each and every office voted for at such election, and shall deliver or cause to be delivered such returns to the city clerk within one (1) day after any election, and the city council shall meet and canvass said returns and declare the result as it appears from the same within three (3) days thereafter. The city clerk shall forthwith notify the officer or officers elected of his or their election by written notice served upon such officer or person, or left at his usual place of abode with some person of suitable age and discretion residing therein.

SEC. 7. Special elections to fill vacancies shall be ordered by the city council at the time such vacancy is declared and shall be held within twenty (20) days thereafter, and reasonable notice by publication in the official newspaper of said city and by posting notice in at least three (3) public places in each ward of said city at least ten (10) days prior thereto, shall be given of such election. Such special elections shall be held and conducted in the same manner and the returns thereof made in the same form and manner as in case of general elections, but it shall not be necessary to appoint judges or to make new registers of votes for such special elections, but the judges of election of the last general election in any precinct shall continue to be judges of election for such special election, and vacancies of judges may be filled as in case of general elections, and such judges shall have the right to take from the city clerk and use at such special elections the register of votes used at the last general election.

SEC. 8. Any officer removing from the city or the 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 elected by the people or by the city council, having entered upon the discharge of the duties of his office, may resign the same with the consent of the city council. Such resignation shall be tendered to the mayor and by him laid before the city council at its next session thereafter. Any officer appointed by the mayor may resign the same with the consent of the mayor. Whenever any vacancy shall occur in the office of mayor, treasurer, city clerk, member of city council, city justice, or whenever there shall be a failure by the people to elect any such officer on the day designated,

the city council shall have power and it shall be its duty to declare such office vacant, by resolution entered in its minutes, and thereupon an election to fill such vacancy shall be called and held as herein provided for.

SEC. 9. Any person holding office under this charter may be removed from such office by the city council. Such removal shall be determined by ballot, and it shall require the concurrence of two-thirds ( $\frac{2}{3}$ ) of all the aldermen authorized to be elected to effect such removal. But no officer elected by the people shall be removed except for cause, nor unless first furnished with a statement in writing of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense, by counsel or otherwise. The city council shall have power to fix a time and place for the trial of any such officer against whom charges may be preferred, of which at least ten (10) days' notice shall be given by the city clerk in the manner prescribed for notices of election to office, and shall have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the case, and if any such officer shall neglect to appear and answer the charges preferred against him, the city council may declare the office vacant.

SEC. 10. Every person elected or appointed to any office under this charter shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the city clerk. The treasurer, clerk, street commissioner and such other officers as the city council shall designate and require so to do, shall severally, before they enter upon the duties of their respective offices, execute to the city of New Prague bonds in such amounts and upon such conditions as the city council may by resolution fix and prescribe, and the city council may from time to time require new bonds and remove from office any officer refusing or neglecting to give the same. The bonds of all city officers shall be approved by the city council and filed with the city clerk, except the bond of said clerk, which, when so approved, shall be filed with the treasurer.

SEC. 11. The city council at its first regular meeting after the general election under this charter, or as soon thereafter as may be, and annually thereafter, shall appoint an attorney, who shall be styled city attorney, a street commissioner, an assessor, who shall be styled city assessor, and a physician, who shall be styled city physician, who shall each be appointed for one (1) year, and who shall each possess the same qualifications for office as are required in cases of elective officers, and shall designate one (1) newspaper printed in said city in which shall be published all ordinances, notices, proceedings and matters required by this act or any law of this state, or which may be required by any ordinance or resolution of the city council to be published in a public newspaper.

SEC. 12. The mayor, treasurer, city clerk, city justices and members of the city council shall each hold office for the term of two (2) years. The term of office of said elective officers shall commence on the third (3d) Tuesday of April following each general election under this charter, and shall terminate on the election and qualification of their successors, and the term of office of any person elected to fill any vacancy under this charter shall terminate on the third (3d) Tuesday of April following the next general election thereafter held under this charter, or when the successor of the person so elected to fill any vacancy shall

have qualified. The term of office of any officer appointed under this charter to fill any vacancy in the appointive officers of said city shall expire at the time of the meeting of the city council at which the term of the officer whose place was so filled by appointment would otherwise have expired.

### CHAPTER III.

#### POWERS AND DUTIES OF OFFICERS.

SECTION 1. The mayor shall be the chief executive officer and head of the police of the city. He shall take care that all laws of the state and all ordinances of the city are duly enforced and observed within the city. 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 approves thereof he shall sign the same, and such as he shall not approve and sign, he shall return to the city council with his objections thereto, by depositing the same with the city clerk to be presented to the city council at its next meeting thereafter, and upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to be reconsidered, and the question shall be again put notwithstanding the objections of the mayor, and if, after such reconsideration, 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, and in such case the vote shall be by ayes and nays, which shall be entered in the record by the city clerk. If an 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 effect as if approved by him. All contracts, appropriations and all orders on the treasurer shall be signed by the mayor.

SEC. 2. During the absence of the mayor from the city, or his inability from any reason to perform the duties of his office, the president of the council shall be styled and be acting mayor. During such absence or inability on the part of both the mayor and the president of the council, the vice president of the council shall be styled and be acting mayor. During such absence or inability on the part of the mayor, president and vice president of the council, any alderman whom the council may elect president *pro tempore* shall be styled and be the acting mayor.

SEC. 3. At the first meeting of the city council after each general election under this charter, the council shall proceed to elect by ballot from its number a vice president. The president shall preside at the meetings of the council. In case the president shall be absent from any meeting of the council, the vice president shall act as presiding officer and discharge the duties of said president. Whenever any official duties devolve upon the vice president and he is absent, or for any reason unable to act, the council shall elect one (1) of its number as president *pro tempore*, who shall perform such duties. The mayor, president and vice president of the city council shall have the right to administer oaths and affirmations.

SEC. 4. There shall be a clerk of said city, styled city clerk, who shall keep his office at the city hall, or such other place convenient thereto as the council may determine. He shall keep the corporate seal and all the papers, books and records of the city, and all the papers required by law to be filed in his office; he shall keep a true record of the proceedings of the city council at all meetings, at which it shall be his duty to attend; he shall make a full and accurate record of all the by-laws, rules, ordinances and resolutions made or passed by the council, and shall draw all orders on the treasurer in pursuance of any order or resolution of the council; he shall keep regular books of account in which he shall enter all the indebtedness and expenditures of the city, and which shall at all times show the precise financial condition of the city, the amount of all bonds, orders, certificates or other evidence of indebtedness of the city, to whom issued, for what purposes, when and where payable, and the rate of interest they respectively bear, and shall show the amount of all bonds, orders, certificates or other evidences of indebtedness which have been redeemed, and the amount of each outstanding; he shall keep accounts with all receiving and disbursing officers of the city, charging them with all amounts received by them from the different sources of revenue, and with all city property in their hands or under their control, and crediting them with all amounts disbursed and property disposed of on proper authority, and with all money or property turned over to the city or to their successors in office. He shall report to the council at the close of each fiscal year a detailed statement of the receipts and expenditures for the year, and also an estimate of the expenses of the city and of the revenue necessary to be raised for the ensuing fiscal year, and shall also report the financial condition of the city at such other times as the council may require. He shall countersign all contracts made on behalf of the city, or to which the city is a party, and all bonds, orders, certificates or other evidences of indebtedness. He shall perform all other duties required by law of clerks of cities and towns within said city, but when services are required of him by law, for which compensation is provided by law, such services shall not be regarded as services rendered for said city, and he may retain such compensation in addition to the salary which he may receive from said city. Said city clerk shall have power to take acknowledgments and administer oaths and affirmations. Copies of any paper filed in his office, and transcripts of any record in his office, certified to by him under the corporate seal of said city, shall be evidence in all courts of said state, to the same extent that the original paper or record might, if produced, and all books, accounts, lists and records of said city kept by him in his said office, as herein provided for, shall be *prima facie* evidence of all matters contained therein.

SEC. 5. There shall be an attorney for the city, styled city attorney, who shall perform all professional services incident to his office, and shall be the legal advisor of all officers of the city upon all matters connected with their respective offices under this charter. He shall attend to and prosecute or defend all suits, actions or proceedings, either civil or criminal, for and in behalf of said city, to which said city may be a party; *Provided*, that said city council may at any time procure such other and additional counsel to act with said city attorney, as it may deem necessary and expedient.

SEC. 6. There shall be a city physician, who shall be a physician in general practice and in good standing in his profession, and a graduate of some well recognized college of medicine. He shall furnish medical and surgical attendance and medicines to all such poor of the city as he may be requested to attend by the proper authorities. It shall be his duty to make a general inspection of the city as to matters affecting the health of its citizens as often and when directed so to do by the city council. He shall make all such reports to the state board of health as are required by law, or by said board. He shall be *ex-officio* health officer and president and executive officer of the board of health of said city, and shall perform all duties required of him, as such, by law or any ordinance of said city.

SEC. 7. There shall be a board of health of said city, consisting of three (3) members, including the city physician, each member of which shall have the authority of a police officer in enforcing any law of the state, regulations of the state board of health, ordinance of said city, or regulations of said board to prevent the spread of contagious or infectious diseases, and for the preservation of the public health. Said board of health shall possess all powers conferred upon local boards of health, and perform all duties required of such boards by the general laws of the state.

SEC. 8. There shall be a city street commissioner, who shall have supervision and take charge of all work done on any street or alley of the city, and the construction of all sidewalks, parks, bridges and improvements in or upon the streets or public grounds. He shall take care that all contracts for any such work or construction in behalf of the city are complied with, and may suspend any work under any such contracts that does not conform to his requirements, until the city council shall direct the continuance of the same.

SEC. 9. The treasurer shall receive all moneys belonging to the city, including all taxes, license moneys and fines, and keep a detailed account thereof in books kept for such purpose. He shall exhibit to the council at the close of each fiscal year, and at such other times as the council may direct, a statement in detail of the resources and expenditures of the city and the state of the treasury; he shall also report to the council at such other times and in such manner as it may require. No disbursement of the funds of the city shall be made by the treasurer except upon orders drawn and countersigned by the city clerk and signed by the mayor or acting mayor of the city.

SEC. 10. All officers of the city having charge of any city property shall, at the close of each fiscal year, and oftener, if required by the council, make and return to the council a complete and verified inventory of all such property in their hands or under their control respectively, and such report shall be kept on file by the city clerk for public inspection.

SEC. 11. If any person, having been an officer of said city, shall not, within ten (10) days after notification or request, deliver to his successor in office all property, books, papers and effects of every description belonging to said city or pertaining to the office he may have held, he shall forfeit and pay to said city five hundred dollars (\$500), and his successor in office may recover possession of such books, property, paper or effects in the manner prescribed by law.

SEC. 12. The city council shall have power at any time to require other and further duties, not inconsistent with this act, to be performed by any officer whose duties are herein prescribed.

SEC. 13. Neither the mayor nor any alderman shall receive any compensation for his services as such officer, but this shall not prevent the members of the board of equalization of taxes, or aldermen acting as judges of election, from receiving the compensation prescribed by law for such services.

The city council shall have power, unless otherwise provided herein, to fix the salaries or compensation of all other officers elected or appointed under this charter. Such compensation shall be fixed by resolution in the month of April of each year, and shall not be increased during the year for which it is so fixed.

SEC. 14. No person elected or appointed to office under the provisions of this charter, while such officer, shall either directly or indirectly be a party to or interested or concerned in any contract or job in which said city is interested, or any work prosecuted by its authority, or any compensation to be received therefor, and any contract or transaction prohibited as aforesaid shall be void, and any city officer offending against the provisions of this section may be removed from office by the council, and in case any money or valuable consideration shall have been paid on any such contract or transaction, the amount so paid may be recovered by the city from the parties to such contract or transaction, and such officer or officers interested therein, either jointly or severally.

## CHAPTER IV.

### THE CITY COUNCIL—ITS POWERS AND DUTIES.

SECTION 1. The aldermen elected under the provisions of this act shall constitute the city council of the city of New Prague, and a majority thereof shall constitute a quorum for the transaction of business.

SEC. 2. The city council shall hold regular meetings at such times as it may determine. The mayor or acting mayor may call special meetings of the council whenever deemed necessary or expedient, by notice to each member, delivered personally or left at the usual place of abode of such member. At such special meetings no business shall be transacted other than that designated in the call.

SEC. 3. The city council shall be the judge of the election and qualification of its own members, and in cases of contest shall have power to send for persons and papers. It shall determine the rules of its own proceedings, and such rules, when adopted, shall not be changed or deviated from, except as therein provided. It shall have power to compel the attendance of absent members. Continued absence from the regular meetings of the council by any member, for three (3) consecutive months, shall be good cause for removal from office, unless prior to such absence said council or the acting mayor of the city shall have granted such member leave therefor.

SEC. 4. The city council, in addition to all powers herein conferred and specifically mentioned, shall have full power and authority to make, enact, ordain, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the city, for the suppression of vice and intemperance, for the prevention of crime and for the general welfare

of the city and the inhabitants thereof as it shall deem necessary or expedient.

The enacting clause of all ordinances shall be: "The city council of the city of New Prague do ordain." The city council shall have full power and authority to declare and impose penalties and punishments, and enforce the same against any person or persons, corporation or associations, who may violate any provision of any ordinance or by-law ordained or passed by it, and all such ordinances and by-laws are hereby declared to have the force of law, provided they be not repugnant to the laws of the United States or of this state.

SEC. 5. The city council shall have full power and authority by ordinance, resolution or by-laws:

*First*—To license and regulate the exhibitions of common showmen and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concerts, theatrical performances, and all other entertainments to witness which a charge is made, and also public halls, concert halls, public buildings and inclosures used for places of resort and amusement; also to license and regulate auctions and auctioneers, insurance agencies and offices, hawkers, peddlers, pawnbrokers, dealers in second hand goods, junk dealers, slaughter houses, butcher shops, butcher stalls and venders of butchers' meat, keepers of intelligence or employment offices, tavern keepers, victualing housekeepers, billiard, pool, pigeon hole and other like tables, nine and ten pin alleys, bowling saloons, shooting galleries; also, to license and regulate canvassing for orders for goods, and selling or contracting for the sale by sample, where such articles are thereafter to be sent or delivered to the purchaser.

*Second*—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gambling in said city, and to prohibit the keeping of and to authorize the seizure and destruction of all instruments and devices used for the purposes of gambling.

*Third*—To prevent any rioting, noise, disturbance, disorderly, noisy or boisterous behavior or conduct, 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 and inmates thereof and persons found therein.

*Fourth*—To compel the owner, occupant or keeper of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, drain or other unwholesome or nauseous house, structure or place, to cleanse, remove or abate the same from time to time as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city, and may regulate and prohibit the erection, operation or maintenance of any of the same in such parts of said city as it may deem necessary for the health and comfort of the inhabitants of the city.

*Fifth*—To regulate and prohibit the slaughtering of animals within said city; to regulate, control and prohibit the location and management of hog pens, poultry yards, stock yards, slaughter houses, market booths, stalls, breweries, distilleries and pawnbrokers' shops, and to establish rules for and license venders of gunpowder, and regulate and control the storage, keeping and conveying of gunpowder, gun cotton, dynamite and other explosive materials, and to regulate

the use thereof for blasting and other purposes within said city, and to regulate and control the storage, keeping, dealing in and conveying of petroleum, gasoline, kerosene and other explosive and inflammable oils or substances within said city, and to compel the removal of all tanks or structures used for the storage of any such oils to any place or places in said city by it deemed least dangerous, injurious or inconvenient to the inhabitants of said city.

*Sixth*—To regulate or prevent the encumbering of streets, sidewalks, alleys, lanes or public grounds with animals, carriages, carts, wagons, sleighs, or any vehicle, boxes, lumber, cordwood, poles, awnings, signs, porches, wires, ropes, building material, buildings, machinery, goods or merchandise for display, or any other substance or thing whatever, and the obstructing of the same in any manner whatever.

*Seventh*—To regulate the movement and speed of railway locomotives and cars within said city, and to require the construction and maintenance of gates at crossings of railway tracks over such streets as the council may designate; to prohibit, regulate and punish for the obstructing of streets with cars or locomotives; to regulate and prohibit the whistling of locomotive engines and the unnecessary escape of steam therefrom.

*Eighth*—To prevent and punish horse racing, immoderate driving or riding in the streets; to compel persons to fasten their horses or animals attached to vehicles or otherwise while standing in the streets; to prevent neglect and exposure of horses and animals while fastened in the streets; to compel the use of sleigh bells during the sleighing season, 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 or other animals, poultry or geese, and to authorize the distraining and sale of the same, and to impose penalties and punishment on the owners or keepers thereof for violation of the ordinances relating thereto; *Provided*, that when sale of such animals, poultry or geese shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling the same, shall be deposited with the city treasurer for the use and benefit of the owner of the property so sold, if called for within one year from the date of sale, otherwise the same shall be paid into and become part of the funds of the city.

*Tenth*—To prevent any person from bringing into the city, placing, burying or having within the city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or any putrid or unwholesome meat, flesh or fish, hides or skins of any kind, and to authorize the removal of the same at the expense of such person or persons.

*Eleventh*—To make and establish ponds, wells, cisterns, hydrants, reservoirs and fountains, and to provide for and conduct water into and through the streets, alleys and public grounds of the city, and to provide for and control the erection of water works in said city for the supply of water for said city and its inhabitants, and to grant the right to one or more private companies or corporations to erect and maintain water works for such purpose, and to authorize and empower such companies or corporations to lay water pipes and mains into,

through and under the streets, alleys and public grounds of said city, and to control the erection and operation of such water works, and the laying of such pipes and mains, in accordance with such terms and conditions as may be agreed upon between said city and such companies or corporations; to provide for and control the erection and operation of gas works, electric lights or other works or material for lighting the streets, alleys, public grounds and buildings of said city, and supplying light and power to said city and its inhabitants, and to grant the right to erect, maintain and operate such works, with all rights incident or pertaining thereto, to one or more private companies or corporations, and to control the construction and operation of such works, and the laying of pipes, mains and wires into, through and under the streets, alleys and public grounds of said city, and the erection of poles and mainstays, and the stringing of wires thereon, over, in, upon and across the streets, alleys and public grounds, and when necessary for carrying out the purposes of said companies or corporations in erecting and operating any of the works or enterprises herein mentioned, it becomes necessary, to appropriate private property in said city to the use of said companies or corporations in the manner provided in this charter for the appropriation of private property for public use.

*Twelfth*—To establish a board of health; to provide for hospitals and hospital grounds; to provide for the registration of births and deaths and the returns of bills of mortality; to regulate and prevent, if deemed expedient, the burial of the dead within the city limits, and to provide for and require the removal of any mortal remains now interred within such limits.

*Thirteenth*—To regulate the size and weight of bread and to provide for the seizure and forfeiture of bread baked for sale contrary thereto; to regulate the inspection of flour, pork, beef, salt, fish, whiskies, liquors, malt liquors and other beverages, and to appoint inspectors, measurers, weighers and gaugers, and to prescribe and regulate their duties and compensation.

*Fourteenth*—To punish and prevent all persons riding or driving any horse, mule, ox or other animal on any sidewalk in said city, or in any way doing damage or injury to any sidewalk, gutter, sewer, street surface, pipes, mains, posts, wires, trees, grass plats, flowers, ornamental shade or other trees or shrubbery in any street, alley or public ground in said city.

*Fifteenth*—To punish and prevent the discharge of firearms, fireworks or crackers in said city, and to prevent the exhibition of any fireworks in any situation which may be considered dangerous to the city or any property therein or annoying to the inhabitants thereof.

*Sixteenth*—To license, regulate and restrain runners, agents or solicitors for public houses or other establishments.

*Seventeenth*—To punish and prevent open and notorious drunkenness, immoderate drinking, brawling and obscenity in the streets, alleys, stores, saloons, public houses and places in said city.

*Eighteenth*—To establish public markets and other public buildings, and make rules and regulations for the government of the same, and to punish for and prevent from interrupting or interfering with the due observance of such rules and regulations or disobedience thereto, and to appoint suitable officers for overseeing and regulating such markets and stands.

*Nineteenth*—To regulate the place and manner of weighing hay and straw, and the weighing, measuring and selling of firewood, coal and other fuel, and to appoint suitable persons to superintend and conduct the same.

*Twentieth*—To license and regulate butchers' shops and stands for the sale of game, butchers' meats, butter, fish and other provisions.

*Twenty-first*—To compel the owner or occupant of buildings or grounds to remove snow and all ashes, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, and all such substances as the board of health may direct, and in the default to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

*Twenty-second*—To prevent, control and regulate the landing of persons from boats, vessels, cars or other conveyances wherein is any infectious or contagious disease or disorder, and to make such disposition of such persons as to preserve the health of the city; and also to prevent, control and regulate the landing or coming into the city of paupers or persons in destitute condition, not having a regular settlement or residence therein, and to require that such persons be taken back to the place from which they may have been brought or where they reside by the persons or corporations bringing them into the city, and to punish any such person or corporation so bringing or attempting to bring such pauper or destitute person into the city.

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

*Twenty-fourth*—To provide for watchmen and prescribe their number and duties and to 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, except as hereinafter otherwise provided.

*Twenty-fifth*—To provide for a standard of weights and measures, for the appointment of a city sealer, and require all weights and measures to be sealed by the city sealer, and to prohibit the use of false weights and measures.

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

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

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

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

*Thirtieth*—To punish vagrants, tramps, mendicants, street beggars and prostitutes.

*Thirty-first*—To provide for and regulate the erection of hitching posts and rings for fastening horses and other animals, or to prohibit them in any part of the city at its discretion.

*Thirty-second*—To provide for and regulate the numbering of houses and lots, and to compel the owners or occupants of houses or buildings to have the number of such houses or buildings designated thereon.

*Thirty-third*—To regulate or prohibit the propelling by steam of motors, traction engines and other vehicles over or upon the streets of said city.

*Thirty-fourth*—To regulate and control the quality and measurement of gas; to prescribe and enforce rules and regulations for the manufacture and sale of gas, the location and construction of gas works, and the laying, maintaining and repairing of gas pipes, mains and fixtures; to provide for the inspection of gas and gas metres, and to appoint an inspector if deemed expedient, and to prescribe his duties.

*Thirty-fifth*—To regulate and control or prohibit the placing of poles therefor, and the suspending of electric or other wires along or across the streets of said city, and to require any and all wires to be placed in such manner as it may designate beneath the surface of the street or sidewalk.

*Thirty-sixth*—To designate where lumber, shingles, laths and other building material shall be piled or stored, and to require any person handling, dealing in or owning any such to remove the same when it may endanger any building or other property near the same by exposing such building or property to risks by fire, and also to regulate and designate where the following kinds of business or amusement may be or may not be hereafter located or carried on, to-wit: Windmills, wood-yards, foundries, machine shops, woodworking shops, tanneries, factories, dye houses, boiler shops, rendering houses, glue factories, soap factories, store houses for oil, gunpowder, dynamite, petroleum, or other dangerous or explosive oils or substances, store houses for hides, stables, roller rinks and base ball grounds.

*Thirty-seventh*—To remove or require to be removed any buildings which by reason of dilapidation or defects in structure or other cause may have or shall become dangerous to life or property, and to provide for the punishment of all persons who shall maintain such nuisances. The expense incurred in making such removal shall be a lien upon the lot or parcel of land on which such building was situated, and may be assessed and collected in the same manner as other special assessments or any tax, or may be enforced by civil action in any court having jurisdiction.

*Thirty-eighth*—To require the owner or occupant of any building or structure in said city to place therein such fire escapes and such appliance for protection against and for extinguishment of fires as it may direct, and also to require such owner or occupant to construct, provide and furnish any building with means of egress, in such manner as it may deem necessary and expedient to lessen the danger to human life in case of fire or accident.

*Thirty-ninth*—To require the owners of buildings or other structures which have been destroyed by fire to take such step as it may deem necessary or expedient to prevent accidents to persons or property from falling walls or other substances or other cause, and in case of the refusal or neglect of said owner to adopt any such means as may be so directed or prescribed, then to cause the same to be done at the expense of such owner and to collect the cost thereof by special assessment on the land on which such structure stood, or to recover the same in a civil action in any court having jurisdiction.

*Fortieth*—To license and regulate hackmen, draymen, expressmen and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor, 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 and all police officers to regulate and direct the location of vehicles at such railroad depot or station.

*Forty-first*—To require and provide for the removal, in such manner and in such streets as it may determine, of any swill, offal, garbage, ashes, barnyard litter, manure, yard cleanings or other foul or unhealthy stuff, and to assess the expense of such removal upon the property from which such above named matter or things shall be taken, and to direct, locate, regulate and prohibit the construction of privies and prescribe the limits within which no privies shall be constructed unless connected with public sewers.

*Forty-second*—To compel railway companies to grade the crossings of streets across all railway tracks in the city the full length of their right of way or of their tracks in or upon said streets, and to keep the same in repair, and to build and maintain suitable sidewalks across the right of way or tracks in said streets for the accommodation of foot passengers, and to build and maintain culverts, drains and sewers across the full width of the right of way or under the tracks in the streets, alleys and highways in the city, when and where the same shall be deemed necessary by the city council, and to regulate and prohibit any railway company, its servants or employes from obstructing the streets or crossings in said city.

*Forty-third*—To regulate the construction and building of chimneys and smoke stacks within the limits of the city; also the emission of dense smoke; to prohibit the erection or maintenance of any insecure or unsafe building, cracked wall or chimney, and to declare the same, or any part thereof, a nuisance, and to provide for its summary abatement.

*Forty-fourth*—To define and declare what shall constitute a nuisance, and to prohibit all persons from committing or continuing such nuisance or suffering the same to exist, and to provide for the removal and abatement of any nuisance, and for the assessment and collection of the expense thereof against the property upon or from which the same is abated or removed.

*Forty-fifth*—To regulate the penning, herding and pasturing of animals within said city.

*Forty-sixth*—To license and regulate all persons vending, dealing in, giving away or disposing of spirituous, vinous, fermented, mixed, malt or other intoxicating liquors within the limits of said city, and to designate the places where and conditions upon which any such liquors may be sold, and to prohibit the sale of such liquors in all or any part of said city, and to restrain or prohibit any person from selling, giving away, disposing of or dealing in any kind of intoxicating liquors in said city unless so duly licensed by said city council, and to prescribe and impose punishment therefor; and in any prosecution under this chapter or under any ordinance of said city for selling, giving away, disposing of or dealing in any kind of intoxicating liquor in said city, without being duly licensed, the finding of intoxicating liquors on the premises in question shall be *prima facie* evidence of their sale on said premises; and establishing the fact of one's having

drank what appears to be intoxicating liquor on any premises shall be *prima facie* evidence that such liquor was intoxicating; and the term "intoxicating," wherever it occurs herein, shall be understood to mean spirituous, fermented, vinous, mixed or malt liquors;

*Provided*, that no license for dealing in such liquors shall be issued for less than the minimum sum fixed by the general laws of the state, and the city council may fix the time not exceeding one (1) year from the date of issuance when any and all licenses issued by it or under its authority shall expire.

*Forty-seventh*—To prohibit the running at large of dogs, and may license and regulate the keeping of the same, and may impose a tax thereon, and to authorize the destruction of dogs, when at large contrary to the ordinances.

SEC. 6. The city council may impose punishment for the violation of any ordinance of the city, or of any portion thereof, to the extent of a fine not exceeding one hundred dollars (\$100), or imprisonment in the city prison or common jail of Scott and Le Sueur counties, not exceeding ninety (90) days, and offenders against such ordinances may be required to give security to keep the peace and for good behavior for period not exceeding six (6) months and in a sum not exceeding five hundred dollars (\$500).

SEC. 7. The city council may also provide by ordinance that any one convicted of an offense before a city justice, subjecting such offender to punishment under the charter and ordinances of said city, may be kept at hard labor in any workhouse established or designated for that purpose, and in case of male offenders, may be kept at hard labor during his term of imprisonment in such workhouse, or upon the streets, highways or public works or improvements of said city, or any or all of them; and may also provide by ordinance that any one convicted of an offense before a city justice, and committed upon non-payment of the fine imposed, may be kept at hard labor in any workhouse of said city as aforesaid, or in case of male offenders may be kept at hard labor either in such workhouse or upon public streets, public works or improvements, or both, until such person shall work out such fine at such rate of compensation as the council may prescribe for a time not exceeding the time for which he is committed; and the city council shall have full power to establish, by ordinance or otherwise, all useful rules and regulations for the security of such persons, and to prevent the escape of such persons.

SEC. 8. The city council shall have power to establish and maintain the city prisons and workhouses, for the imprisonment, custody and safe keeping of all prisoners retained or charged with any offense whatever in any way cognizable before a city justice; to make all proper rules and regulations for the government and management of such prisons and workhouses; to appoint keepers and officers for the same; to prescribe the duties and fix the compensation of the keepers of said prisons and workhouses; and said keepers shall have all the authority of a jailer at common law or the laws of the state.

SEC. 9. Ordinances and by-laws shall be passed by an affirmative vote of a majority of all the members of the city council by ayes and nays, which shall be entered in the record; and every ordinance shall be approved by the mayor and published in the official paper of the city before it shall take effect. No ordinance shall be passed at the same meeting of the council at which it shall have been pre-

sented except by the unanimous consent of all members present, which shall be noted in the record; but this shall not preclude the passage at the meeting at which they are introduced of ordinances reported by any committee of the council to whom the subject of such ordinance shall have been referred at any previous meeting.

SEC. 10. All ordinances, after the same are approved, shall be recorded by the city clerk in a book provided for that purpose, and the affidavit of the publication thereof shall be recorded therewith. The record of such ordinance and affidavit of such publication, or any copy of any such ordinance published in any compilation of ordinances made under the direction of the city council, shall be *prima facie* evidence of such ordinance, and the regularity of all proceedings relating to the adoption and approval thereof, and of the due publication thereof; shall be admitted as evidence in any court of this state without further proof.

SEC. 11. The city council may at any time create and define the powers and duties of such standing committees composed of its own members as it may deem proper, and it may at any time delegate to any such committee such powers and authority as it may deem proper, and may revoke any such power and authority and abolish any such committee at its pleasure. It may from time to time appoint special committees from its own members and prescribe their powers and duties. All acts performed by any committee within the scope of the authority conferred upon it by the council shall be as binding and of the same validity as if performed by the council itself.

SEC. 12. All courts of this state shall take judicial notice of all ordinances of said city, and it shall not be necessary to plead or prove such ordinance in any court.

SEC. 13. No appropriation of the funds of said city shall be made without the vote of the majority of all the members of the council in its favor, which vote shall be taken by ayes and nays, and be entered upon the record among the proceedings of the council.

SEC. 14. The city council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, city justices and all other officers, and the accounts of the city, at such times as it may deem proper, and also at the end of each year, and before the term for which the respective officers were elected or appointed shall have expired; and the council shall require any and every officer to give an account of his books and accounts, and vouchers, for such examination and settlement. And if any such officer shall refuse to comply with the orders of said council in the discharge of his duties, in pursuance of this section, and shall neglect or refuse to return his accounts or present his books or vouchers to said council, or any proper committee thereof, it shall be the duty of the council to declare the office of such person vacant; and the council shall order suits and proceedings at law to be commenced and prosecuted against any officers of said city who may be found delinquent or defaulting in his accounts or his official duties, and shall make a full record of all settlements and adjustments; and neglect of duty by any officer shall be sufficient cause for his removal from office by the council.

SEC. 15. The city council shall have the management and control of all finances and all property of the city, and may purchase any property deemed proper and necessary for the interest and convenience of the city and its inhabitants, and may sell any property of the

city when deemed for the interest of the city or its inhabitants. All the legislative power granted by the charter shall be vested exclusively in the council of the city, except as otherwise provided.

SEC. 16. The city council shall have power to acquire, by purchase or condemnation, such private property as may be necessary for sites for public buildings for the use of the city and all departments thereof, for all purposes connected with any department thereof, and for all streets, alleys, driveways, boulevards, public squares and parks in the city, and to ascertain and determine the value of all such private property taken for such uses, and the amount of all damages occasioned to any private property by reason of any public works, structures or improvements in the manner hereinafter in this chapter provided.

SEC. 17. Any license issued by authority of the city council may be revoked at any time by the mayor or council, and upon conviction before any court of any person holding such license, for a violation of the provisions of any ordinance relating to the existence of any right granted by such license, the said court may revoke such license in addition to the penalty provided by law or by ordinance for any such violation, and the second (2d) conviction of any such violation shall operate to revoke such license without any further act or ceremony.

## CHAPTER V.

### FINANCES AND TAXATION.

SECTION 1. There shall be an assessor for the city, styled city assessor, who may, in the discretion of the council, be authorized, at his own expense, to appoint one or more deputies, subject to the approval of the council, and such deputies may be discharged at the pleasure of the assessor. The city assessor and his deputy or deputies shall qualify in the same manner, and as to all territory within the limits of the city shall perform all the duties now or hereafter required by assessors by the general laws of the state, and shall have all the authority, rights and powers now or hereafter conferred upon assessors by such laws, and any act performed by a deputy shall be as valid as if performed by the assessor. Every deputy shall be under the control and direction of the assessor, and shall perform such duties as may be assigned him by the assessor.

SEC. 2. In all respects not herein expressly provided for, the city assessor and his deputies 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. The assessments shall be completed as soon as may be after the first (1st) day of May, and shall be returned to the city clerk to be by him laid before the council on or before the first (1st) Monday of July of each year.

SEC. 3. The city council shall constitute a city board of equalization, and shall be sworn according to law as such board, and meet in the council room in said city on the first (1st) Monday of July of every year, for the purpose of reviewing the assessment, and shall alter, revise, amend and equalize said assessment as it deems just and

proper. A majority of such board shall constitute a quorum to transact business. It shall be the duty of the city assessor to be present at all meetings of said board of equalization, for the purpose of presenting to said board all facts relating to the assessment. Such board of equalization is vested with and shall perform all the powers and duties which are or may be vested in or imposed upon either town or 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 assessor, and may raise the valuation of any real estate without notice to the owner.

SEC. 4. Said board of equalization may sit from day to day, or adjourn from time to time as it may deem proper, until it shall have completed the equalization of said assessment. It shall complete such equalization on or before the third (3d) Monday of July of each year, and shall have power to employ such clerk or clerks as may be necessary to complete the same within said time. Every person aggrieved by an assessment shall have the right to appear before such board and present his grievance for its consideration. It shall be the duty of the city attorney to attend the hearing of such grievance before said board, and whenever it appears that any property is listed or assessed at less than its true value, to call the attention of said board to such undervaluation, and to make application in behalf of the city for the correction of the same.

SEC. 5. The assessor shall make a separate assessment roll for each county, within which portions of said city may lie, of the property to be assessed by him and taxable in said county. When the assessment rolls shall be revised by the board of equalization, and the proper corrections made therein, the several rolls shall be returned to the auditors of the respective counties in which the property listed therein is taxable, as other assessment rolls. After such equalization the city clerk shall attach to such assessment roll a certificate which may be substantially in the following form:

"I hereby certify that the assessments in the assessment roll to which this certificate is attached have been equalized by the board of equalization of the city of New Prague, and appear therein as so equalized by said board.

Dated.....189.....

.....

City Clerk."

and said assessment so equalized shall be subject to review by the state board of equalization.

SEC. 6. The city council may determine the time of the commencement of the fiscal year of said city, and until otherwise determined such fiscal year shall commence on the third (3d) Tuesday in April of each year.

SEC. 7. All revenues of the city shall be divided into the following funds, and a separate and distinct account shall be kept of each:

*First* — A revenue fund, in which all revenues of the city shall be placed, except such as are directed to be placed in some other fund.

*Second* — A poor fund, in which shall be placed all taxes levied and revenues received for the support of the poor of the city.

*Third* — A fire department and water works fund, in which shall be placed all taxes levied and revenues received for the maintenance of the fire department and for furnishing the city with a water supply.

*Fourth*— An interest fund, in which shall be placed all taxes levied and revenues received for the payment of interest on the bonds and indebtedness of the city.

*Fifth*— A sinking fund, in which shall be placed all taxes levied and revenues received for that purpose.

*Sixth*— A permanent improvement fund, in which shall be placed all taxes levied and revenues raised for that purpose and all sums raised for improvements by special assessments upon the property benefited.

SEC. 8. The revenue fund may be used for any lawful city purpose, and money may be transferred therefrom to other funds by the city council.

SEC. 9. The city council shall have power to, and shall, annually, levy taxes on all taxable property in the city liable therefor, to defray the current expenses of the city for the next fiscal year, for the support of the poor of the city, for the opening, maintaining and improving of streets, highways and public grounds, and the building of bridges and culverts, for the construction of buildings and improvements of a general character, and for the payment of the interest upon and the indebtedness of the city.

SEC. 10. All taxes shall be levied by resolution of the city council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the purposes for which the same is levied; such resolution may be substantially in the following form:

*Resolved*, That for the fiscal year commencing April..... the following sums be and hereby are levied upon the taxable property of the city of New Prague, to-wit:

- For the revenue fund, the sum of.....dollars.
- For the poor fund, the sum of.....dollars.
- For the fire department and water works fund the sum of.....dollars.
- For the interest fund, the sum of.....dollars.
- For the permanent improvement fund, the sum of.....dollars.
- For the sinking fund, the sum of.....dollars.
- Passed this.....day of.....
- Ayes Aldermen.....
- Nays “ .....

*President of the City Council.*

Attest.....*City Clerk.*

Approved.....

*Mayor.”*

SEC. 11. The city council shall cause to be transmitted to the county auditors of Scott and Le Sueur counties on or before the tenth (10th) day of October in each year, a statement of all taxes by it levied, except as otherwise provided in this charter, and such taxes as well as all assessments for local improvements, statements of which shall be therewith transmitted to said auditors, shall be collected and the payment thereof enforced with and in like manner as state and county taxes are paid and the payment thereof enforced, and the county treasurer of said county shall pay over all city taxes by him collected, together with all penalties and interest which shall be collected on account of the same, to the city treasurer at the times provided by law for payment over of town taxes.

SEC. 12. No money shall be paid out of the city treasury unless such payment shall be authorized by a vote of the city council and upon orders signed by the mayor and countersigned by the city clerk. Each order shall specify the purpose for which it is drawn, the fund out of which it is payable, and the name of the person in whose favor it may be drawn, and shall be made payable to the order of such person.

SEC. 13. When any order on the treasurer shall have been paid it shall not again be issued, but shall be immediately canceled and filed away in his office. The council may provide for the examination from time to time of all canceled orders and for their destruction, preserving such records thereof as it may deem proper.

SEC. 14. No limitation or restriction contained in this charter shall be construed to prohibit the levying of taxes to pay any judgment recovered against said city, but in case any such judgment be recovered the 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 taxable property in the city sufficient to pay such judgment. Such judgment shall be paid by the city treasurer, upon presentation to him of a certified copy of the docket entry thereof, if he has in his hands sufficient funds not otherwise appropriated, and in case there are not sufficient funds unappropriated to fully pay the same, he shall pay thereon such amount as may be in his hands so unappropriated.

SEC. 15. The city council may, by a vote of two-thirds ( $\frac{2}{3}$ ) of its members, issue the bonds of said city, bearing interest not exceeding eight (8) per cent per annum, and for a time not exceeding one (1) year, in such amounts and under such regulations as the council may prescribe, in anticipation of the taxes and revenues of such fiscal year; *Provided*, that the amount of such bonds at any one time outstanding shall not exceed one half ( $\frac{1}{2}$ ) of such taxes and revenues; *And Provided*, that such bonds or the proceeds thereof shall be applied to the same purposes as the taxes and revenues in anticipation whereof they were issued.

SEC. 16. It shall be lawful for the city council to levy each year a corporation poll tax upon every qualified voter of said city not over fifty (50) years of age, and provide by ordinance for the payment and collection of the same; *Provided*, that said tax shall not in any one (1) year exceed the sum of two (2) dollars on each person so assessed and liable therefor.

## CHAPTER VI.

### STREETS, SIDEWALKS, BRIDGES AND PUBLIC GROUNDS.

SECTION 1. *City Council to Have Control.*—The city council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds within the limits of said city, and shall cause all streets that may have been opened and graded to be kept open and in repair and free from nuisances, and shall have power to build and keep in repair bridges, lay out and open, alter and vacate public squares, highways, streets, lanes and alleys, and to extend, narrow, widen or straighten the same, subject to the assessment of damages provided for in this act.

SEC. 2. *Establishment and Change of Street Grades.*—The city council shall have power and may cause to be established from time to

time, whenever they deem it necessary, and as rapidly as the convenience of the inhabitants may require, under the direction of a competent surveyor, or the city surveyor, the grade of all highways, streets, sidewalks, alleys and public grounds within said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city clerk, in a book or books of profiles kept for that purpose, and whenever such grade aforesaid has once been established it shall not be changed unless by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the council elect.

SEC. 3. *Sidewalks—How Built and Maintained.*—It is hereby made the duty of all owners of lands adjoining any highway, street, lane or alley in said city to construct, reconstruct and maintain in good order and repair, such sidewalks along the side of the street, lane, alley or highway next to and adjoining the land of such owners respectively, as may have been heretofore constructed, or as shall hereafter be constructed or directed by the city council to be built, in such manner and of such material and width and upon such place and grade as the city council may by ordinance or otherwise prescribe.

SEC. 4. *Liability for Insufficient Sidewalks.*—It shall not only be the duty of all owners of land within said city to keep in good order and repair all sidewalks constructed or existing, or that shall hereafter be constructed or exist, along or abutting upon their respective lots or parcels of land, but such owners are hereby declared to be liable for all damages to whomsoever resulting arising from their fault or evident neglect in not keeping any such sidewalk in good repair and in a safe, passable condition, and no action shall be commenced or maintained against the city of New Prague by any person injured through or by means of any defect in any sidewalk unless the owner of the land along which such sidewalk is so defective is joined in said suit as a party defendant; and in case of judgment against the defendant in such action execution shall at first issue only against the defendant owning such land, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied; and if such city shall pay such judgment it shall become the owner of the same and may enforce payment thereof 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.

SEC. 5. *Liabilities for Obstructions and Excavations in Streets.*—All persons who shall, by means of any excavations in or obstruction upon any streets of said city, not authorized by law or the ordinances of said city, render such streets 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 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 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 the execution shall be returned unsatisfied; and if the city shall pay such judgment it shall become the owner thereof and may enforce payment of the same from the other defendant or

defendants, and shall be entitled to execution therein against him or them and to take such other proceedings as judgment creditors are entitled to take.

SEC. 6. *Services upon Absent Defendant.*—Whenever any party is joined with said city as codefendant in any action for the insufficiency of any sidewalk or street, and such party is not a resident of and cannot be found within the state, service of the summons in such action may be made upon such defendant upon like evidence and in the same manner as is prescribed by general law for service by publication in other actions.

SEC. 7. *Limitation of Actions.*—No action shall be maintained against the city of New Prague 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 ninety (90) days of the occurrence of such injury or damage, stating the place where and the time when such injury was received, and 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 in any street until the same shall have been graded and open for travel, nor for any insufficiency of the ground where sidewalks are usually constructed when no sidewalk is built.

SEC. 8. *Railroad Company Not to Obstruct Streets.*—No railway company nor street railway company shall have any right, in clearing their tracks 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 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 from the company by whom the obstruction was caused.

SEC. 9. *No Liability for Insufficiency of Streets—When.*—The acceptance of plats of additions of any grounds or subdivision thereof, either within or outside the limits of said city, shall not make the city liable to grade the streets therein designated, nor responsible for any insufficiency of such streets, until the city council shall direct the same to be graded and open for travel.

SEC. 10. *Vacating Streets—Exclusive Power of Council.*—The city council of said city shall have the sole and exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said city. No such vacation or discontinuance shall be granted or ordered by the city council except upon the petition of one (1) or more residents and freeholders in said city; such petition shall set forth the facts and reasons for such vacation, accompanied by plat of such public grounds, streets, alleys or highways proposed to be vacated, and it shall be verified by the oath of the petitioners. The city council shall thereupon order the petition to be filed with the city clerk, who shall give notice, by publication in the official paper of the city for four (4) weeks, at least once a week, to the effect that such petition

has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the city council, or a committee appointed by them, on a certain day and place therein specified, not less than ten (10) days from the expiration of said publication. The city council, or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested. The city council thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may, by an order passed by a two-thirds ( $\frac{2}{3}$ ) vote of all the members elect, declare such public grounds, streets, alleys or highways vacated, which said order, before the same shall go into effect, shall be published as in case of ordinances, and thereupon a transcript of such order duly certified by the city clerk shall be filed for record and duly recorded in the office of the registers of deeds of the counties of Scott and Le Sueur.

SEC. 11. The city council may, by a vote of two-thirds ( $\frac{2}{3}$ ) of all its members, lay out, establish and open any new street, alley or public grounds, or straighten, widen or extend any street or alley that now exists, or may be hereafter laid out and established, upon the petition of five (5) or more residents and freeholders of said city. Such petition shall set forth the facts and reasons upon which the action of the city council may be invoked, and shall accurately describe the alteration prayed for, or the new street, alley or ground proposed to be laid out or extended, and if for a new street, alley or ground, shall contain the names of the owners of all lands which shall be affected thereby. Such petition shall be accompanied by a plat of such proposed street, alley or ground, or alteration of an existing street or alley, which plat shall be filed with the city clerk for the inspection of any and all persons interested in or affected by the proposed action of the city council. The city council shall thereupon order the petition to be filed with the city clerk, who shall give notice, by publication in the official paper of the city for four (4) consecutive weeks, which notice shall contain a statement that such petition has been filed as aforesaid and stating in brief its object, and that said petition will be heard and considered, together with any and all objection thereto by the city council, on a certain day and place therein to be specified, not less than ten (10) days from the expiration of said publication. The city council, or such committee as may be appointed by it for the purpose, at the time and place appointed, shall investigate and consider the said matter and shall hear the testimony and evidence on the part of parties interested. The city council may thereupon, after hearing the same, or upon the report of such committee, make such order upon such petition as it may deem expedient, and if two-thirds ( $\frac{2}{3}$ ) of all the members of the city council vote in favor of granting such petition, such order shall declare such street, alley or public ground laid out and established, or extended or altered, as the case may be; otherwise such order shall declare such petition rejected. The order so made by said city council shall be entered at length in the records kept by the city clerk, and a certified copy thereof shall be filed for record in the office of the registers of deeds in and for said counties of Scott and Le Sueur, and shall be published once in the official paper of said city.

SEC. 12. The damages sustained by reason of laying out, widening, altering or vacating any street, alley or public ground may be ascer-

tained by the agreement of the owners of the lands affected and the city council, and unless such agreement is made, or the owners shall in writing release all claims to damages, such damages shall be assessed in the manner hereinafter prescribed, before the order made by the city council, as hereinbefore provided for, shall take effect. In case the city council and the owners claiming damages cannot agree, or in case the owner of any land affected is unknown, the city council shall assess and award damages, and in its assessment and award of damages the city council shall specify the amount of damages assessed and awarded to each owner, giving a brief description of each parcel of land for injury to which damages are awarded. The city council shall assess the damages at what it deems just and right to each individual claimant with whom it cannot agree, and deposit a statement of its assessment and award with the city clerk, who shall note thereon the time of filing the same. The city council, in all cases of assessing damages, shall estimate the advantages and benefits which may be conferred on any claimants, as well as the disadvantages, and award damages accordingly.

SEC. 13. Any person feeling aggrieved by any order or award of damages made by the city council pursuant to the provisions of the three (3) preceding sections, or any of such provisions, may, within twenty (20) days after the publication of any such order or the filing of any such award, appeal therefrom to the district court of said counties of Scott and Le Sueur, by serving upon the mayor of said city, either personally or by copy left at his office or usual place of abode, a notice in writing specifying what portion of the order or action of the city council is appealed from, and the object of such appeal, and, if from an award of damages, the amount of damages claimed by such appellant, and the ground on which such appeal is taken. Such notice, with proof of service thereof, shall be filed with the clerk of said court, and such appeal may be brought on for trial by either said appellant or the city council, and shall be tried and determined as appeals from the actions of town supervisors and county commissioners respecting the location of public highways are tried and determined. If upon such trial the determination of the city council shall be affirmed, the appellant shall pay all costs, otherwise such costs shall be a charge against and be paid by the city, and upon the determination of such appeal, said city council shall act in accordance with such determination, and proceed to carry out the same as if it had originally so determined.

## CHAPTER VII.

### LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. The municipal corporation of the city of New Prague is hereby authorized to levy assessments for local improvements upon the property fronting upon such improvements, or upon such other property to be benefited by such improvements as it may designate, without regard to a cash valuation.

SEC. 2. Such assessments may be made by the city of New Prague for filling, grading, leveling, sprinkling, curbing, walling, planking, constructing bridges upon or otherwise improving any street, lane,

alley or highway, and for keeping the same in repair; for laying out, opening, extending, widening, straightening or altering any street, lane alley, highway or public grounds and for planting shade trees upon or otherwise ornamenting the same, and for procuring grounds for any public building; also, for filling, grading, protecting, ornamenting or otherwise improving any public square, park or ground now or hereafter laid out; also, for constructing, laying, erecting and repairing cross-walks and sidewalks, gutters, sewers, private drains, and the abatement of any and all public nuisances within said city.

SEC. 3. The city council shall prescribe the width of sidewalks, and may establish different widths in different localities, and determine the kind of material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each.

SEC. 4. 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 street commissioner to immediately repair the same in a good, substantial and thorough manner, and to report to the city council the costs of such repairs, together with a description of the lot or parcel of land abutting which such repairs are made, and such report shall be filed with and preserved by the city clerk. 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 or parcels of land fronting or abutting upon sidewalks which have been repaired by the street commissioner the cost of making such repairs, and the same shall be returned, collected and enforced in the same manner as city taxes.

SEC. 5. The city council may, at any time, for the purpose of anticipating the levy and collection of such assessments and of meeting the demands against the city for such improvements, by a vote of two-thirds ( $\frac{2}{3}$ ) of those present and voting, issue the bonds of said city in such form and amounts, and under such regulations as it may prescribe, for a time not exceeding two (2) years, and bearing interest not exceeding eight (8) per cent per annum, or the city council may issue orders drawn upon the city treasurer therefor, bearing interest not exceeding eight (8) per cent per annum, and the proceeds of such bonds or orders shall be applied to the purposes aforesaid, and the collections from such assessments in anticipation whereof they were issued shall stand appropriated and pledged for the payment of the principal and interest of the same.

SEC. 6. The city council may, by ordinance, prescribe the manner of exercising the powers conferred by sections one (1) and two (2) of this chapter (except as herein otherwise provided), and the manner of condemning and acquiring any private property for public parks or grounds, or the erection thereon of public buildings.

## CHAPTER VIII.

### FIRE DEPARTMENT.

SECTION 1. *Power to Establish Fire Limits.*—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 other buildings, the material or construction of which shall be regarded as not

fireproof or as dangerous to surrounding property, shall not hereafter be erected, enlarged, placed or repaired, and to direct that any and all buildings within the limits prescribed shall hereafter be built and constructed in such manner and of such materials as in the judgment of the city council shall not be dangerous to surrounding property, and to prohibit the repairing or enlarging or rebuilding of wooden buildings within the fire limits without its consent, when the same shall have been damaged by fire or otherwise to the extent of fifty (50) per cent of the value thereof, and to prescribe the manner of ascertaining such damages. Any building hereafter erected, enlarged, rebuilt, replaced or repaired, in violation of the provisions of any ordinance passed pursuant to this act, is hereby declared and shall be deemed a public or common nuisance, and the city council, in addition to other penalties, may provide for the abatement of such nuisance. The jurisdiction of the district court of Scott and Le Sueur counties is hereby extended to enjoin and prohibit any threatened or attempted violation of any ordinance passed pursuant to this section, and it shall be deemed adequate ground for the granting of such remedy that any person is about to violate any provision of such ordinance, notwithstanding that a penalty be provided in such ordinance for any such violation thereof.

SEC. 2. *Powers of Council to Prevent Fires.*—The city council shall have the power by resolution to order any building, structure or materials therefor, hereafter erected or in the process of erection, of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the city, and shall have the power to prescribe the notice to be given to the owner, occupant or agent to remove such building and materials, and in case the same is not removed in pursuance of the notice given, to order the same taken down or removed by the police in such manner as the council may see fit. And the city council may prescribe penalties for the violation of any of the provisions of this section or of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred dollars (\$100), which may be imposed by a city justice upon the complaint of any citizen.

SEC. 3. *Further Powers to Prevent Fires.*—The city council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe or secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, and the throwing of ashes into streets and alleys; to require the inhabitants to provide as many fire buckets and in such manner and time as they shall prescribe, and to regulate the use of them in times of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate and prevent the use of fire arms and fire works; to compel owners or occupants of buildings to have scuttles in the roofs, and stairs or ladders to the same; to authorize the mayor, councilors, fire wardens or other officers of the city to keep away all idle or suspected persons and to compel all bystanders to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

SEC. 4. *Wooden Sidewalks May be Prohibited.*—The city council shall have power to prohibit the construction of wooden sidewalks within the fire limits of said city, and to prescribe other material to be used therefor, whenever they deem the safety of the city requires it.

SEC. 5. *Fire Apparatus and Companies.*—The city council shall have power to purchase fire engines and all other apparatus or material which may be necessary or required for the extinguishment of fires; to erect and maintain fire alarm telegraphs and boxes; to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the proper support, compensation and regulation of the same; and to order such companies to be disbanded, their public meetings prohibited and their apparatus to be given up. Every member of such company which may be authorized to be formed shall be exempt from poll tax and from serving on juries during their continuance of such membership, and shall elect their own officers and make their own laws; subject, however, to the approval of the city council.

SEC. 6. *Chief Engineers and Officers.*—The mayor, with the consent of the city council, shall annually appoint a chief engineer of the fire department of said city to take charge of the same, and provide by ordinance for such other officers and men as may be deemed necessary for such department, and define their respective duties and compensation, and make all needful orders and regulations for the government of the whole fire department. The chief engineer may, at any time, by and with the consent of the city council, remove or discharge any such officer or men, as he may deem for the interest of the city.

SEC. 7. *Penalty for Refusing to Obey Orders at Fires.*—Whenever any person shall refuse to obey any lawful order of any engineer, fire warden or councilor at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally any constable, police officer, watchman or any citizen to arrest, such person and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to obey any such lawful order or who shall refuse to arrest or aid in arresting any person so refusing to obey shall, upon conviction before a city justice, be punished by a fine not exceeding fifty (50) dollars and costs and prosecution, and to be imprisoned until such fine and costs are paid, not exceeding sixty (60) days; *Provided*, that the officers of said city shall be exempt from the provisions of this section.

SEC. 8. *Fire Marshals and Fire Wardens.*—The city council shall have power to appoint a fire marshal of said city and one (1) fire warden for each ward to see that the ordinances of the city relating to precaution against dangers from fires are not violated, and who shall have power and are hereby authorized to enter any dwelling house at all reasonable hours between seven (7) o'clock in the morning and six (6) o'clock in the evening, and to 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. The city council may require the fire marshal to examine particularly into the cause of every fire which shall happen within the city and make report thereof as the council may require.

## CHAPTER IX.

## POLICE DEPARTMENT.

SECTION 1. The police department of the city of New Prague shall consist of the mayor, the chief of police, and such subordinate policemen, watchmen and other officers as may be authorized by the city council and appointed by the mayor. The mayor shall appoint the chief of police, all police officers and watchmen, and all other officers pertaining to each department. The mayor may at any time remove or suspend any officer or member of said department, and no person so suspended shall receive any compensation during the time of such suspension.

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

SEC. 3. The mayor may, in case of any mob, riot, pestilence, large public gathering, great public excitement or other emergency, or for days of election, public celebrations or public parades, appoint such number of special or temporary police officers as he may deem necessary, but such special or temporary appointments shall not continue for more than one (1) week without the consent of the city council.

SEC. 4. All police officers and watchmen and all members of the police force shall possess and may exercise all the powers of constables at common law or by the laws of this state, and when performing any of the duties of constables shall be entitled to like fees to be taxed and collected in like manner, but the city of New Prague shall not be liable to them for any such fee.

SEC. 5. The mayor or acting mayor, chief of police, the sheriffs of Scott and Le Sueur counties and their deputies, the city justices 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 purpose may command the assistance of all bystanders, and, if need be, of all citizens.

SEC. 6. If any bystander or citizen shall refuse to aid in preserving the peace when thereto required as designated in the foregoing section, he shall, upon conviction thereof in any court having jurisdiction, be punished by fine not exceeding one hundred (100) dollars, or by imprisonment not exceeding ninety (90) days.

SEC. 7. If any person shall without authority assume to act as a policeman or pretend to have any 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 a city justice he shall be punished by a fine not exceeding one hundred (100) dollars, or by imprisonment not exceeding ninety (90) days.

## CHAPTER X.

## CITY JUSTICES AND COURT.

SECTION 1. The justices of the peace for the city, styled city justices, and each of said city justices, shall possess all the authority, power and rights of a justice of the peace for the counties of Scott and Le Sueur under the laws of this state, and in addition thereto shall have exclusive jurisdiction to hear all complaints, conduct all examinations and trials for offenses cognizable before a justice of the peace committed in said city, and all such offenses for violation of any provision of the charter or of any ordinance or by-law, rule or regulation made or adopted by virtue thereof, and of all cases cognizable before a justice of the peace in which the city is a party, and of all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the city or its charter. In all prosecutions for assaults, batteries and affrays, and for all other offenses cognizable and triable before a justice of the peace (except as herein otherwise provided), and in all civil suits or proceedings before said city justices, the same forms and proceedings shall be had and used as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace, and removals of any cause from either of said city justices to the other, or as provided by the laws of this state, and appeals from the judgment and decision of said city justice, shall be allowed as now provided by law for removal of causes and appeals from judgments rendered by justices of the peace. In all cases of convictions for assaults, batteries and affrays, and in all cases of convictions under ordinances of the city for breach of the peace, disorderly conduct, keeping house of ill-fame or frequenting the same, and of keeping and maintaining disorderly and ill-governed houses, the said justice shall have power, in addition to the fines or penalties imposed, to compel said offenders to give security for their good behavior and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred (500) dollars. All fines and penalties imposed by the city justices for offenses committed within the city limits, or for the violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city.

SEC. 2. The city justices shall, as often as the city council may require, report to the city council all the proceedings instituted before them in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected or received by them belonging to said city.

SEC. 3. In all prosecutions for offenses cognizable and triable before a justice of the peace, committed in said city, said city justices shall be authorized to tax, in addition to all other legal costs, one (1) dollar for trial fee, but said fee shall in no case be collected from said city; and the residence of said city justices, or of any person summoned as a juror for the trial of any action pending before said city justice, in said city, shall not deprive said city justices of jurisdiction, or disqualify such person from serving as such juror in any action brought by or against said city, when said city justice would otherwise have jurisdiction or such person be otherwise qualified to serve as such juror.

SEC. 4. The said city justices shall, upon complaint made, proceed to hear and dispose of in a summary manner, and without intervention of a jury, all suits, prosecutions and proceedings brought before them or either of them for any violation of an ordinance, by-law or regulation of said city.

SEC. 5. All prosecutions for any violation of this act, or for the violation of an ordinance, by-law or regulation of said city, or police or health regulation of said city, shall be commenced by warrant upon complaint made as required by law in criminal cases before a justice of the peace; *Provided*, that no warrant shall be required in any case of the arrest of any person made while such person is in the act of violating any law of the state, or any 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 so arrested may be proceeded against in the same manner as if the arrest had been made upon a warrant.

SEC. 6. All process issued by a city justice for the violation of any ordinance, by-law or regulation of said city, or any police or health regulation of said city, shall be in the name of the "City of New Prague," and shall be directed to the chief of police or to any police officer of said city.

SEC. 7. 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 said city justice shall certify in his docket that the complaint was willful and malicious and without probable cause, he shall enter judgment against the complainant for costs of prosecution, and execution may issue therefor; *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. 8. 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 for any such violation, he shall be adjudged to pay all costs and disbursements of the prosecution, and in default of payment of such fine and costs and disbursements, shall be imprisoned in the common jail of said counties of Scott and Le Sueur for a period not exceeding three (3) months.

## CHAPTER XI.

### MISCELLANEOUS PROVISIONS.

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

SEC. 2. No penalty or judgment recovered in favor of the city shall be remitted or discharged except the vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen of the city shall so order.

SEC. 3. No person shall be incompetent as judge, justice, witness or juror by reason of his being an inhabitant of said city, in any action or proceeding in which the city shall be a party in interest.

SEC. 4. When any suit or action shall be commenced against said city, service of the process therein may be made by leaving a copy of such process with the mayor or acting mayor, and it shall be the duty of the mayor forthwith to inform the city council thereof, and take such other proceedings as by ordinance or resolution said city council may have or shall in such case provide.

SEC. 5. No law of the state concerning provisions of this act shall be considered as repealing, amendatory or modifying the same unless said purpose be expressly set forth in said law.

SEC. 6. The chief of police shall collect the corporation or poll tax which may be levied by the city council, and said chief of police shall have and possess all the power created by the laws of this state for the collection of said tax.

SEC. 7. All ordinances, resolutions, regulations and by-laws made and adopted by the village council of the village of New Prague, and now in force in said village, not repealed, suspended, modified or made void by any express provisions of this act, shall continue and remain in force and effect in said city until altered, amended, repealed or suspended by or under the authority of the city council or proper authority in pursuance of this act.

SEC. 8. The city council may from time to time provide for the compilation and publication of the charter and ordinances of the city, and such resolutions and other matter as may be designated.

SEC. 9. All claims and demands against the city shall be itemized and duly verified by the claimant or some person having personal knowledge thereof before the same shall be allowed by the city council.

SEC. 10. All records, files and papers of the city shall be deemed to be public records, and at all reasonable times shall be open to the examination and inspection of all persons, and shall be *prima facie* evidence in all courts of the facts stated therein.

SEC. 11. This charter is hereby declared to be a public act, and all courts shall take judicial notice thereof, and it shall not be necessary to plead or prove the same in any court.

SEC. 12. The city of New Prague shall care for and support the pauper poor residing in said city, but no relief shall be granted to any pauper poor person, nor shall the city be liable to pay for or chargeable with the support of, or for any relief to, or for medical or surgical attendance upon, or for medicines prescribed or furnished to any such pauper poor person, unless ordered or contracted for by the proper authorities, and in the manner hereinafter provided. Whenever the mayor or acting mayor of said city shall be petitioned by three (3) or more resident freeholders of said city to grant public support or medical or surgical aid to any person, he shall immediately investigate the matter of such application, and if satisfied that such person is in need of such support or aid, and has a legal settlement in and is a legal charge upon said city, he shall grant such temporary relief to such person as the exigencies of the case may require, until the next meeting of the city council, at which time he shall lay such application, together with such information as he may deem pertinent thereto, before said city council. If said city council shall be satisfied that such person is a proper subject for relief from said city, it shall direct the time and manner in which such relief shall be furnished and the extent thereof.

SEC. 13. For the purposes of the first election under this act, the village council of the village of New Prague shall perform and discharge all duties respecting the designation of places of holding elections, the appointment of judges and clerks of election, the conduct of election, and the canvassing, determining and declaring the result of such election imposed by this charter upon the city council of said city, and in case said election cannot be called and held, pursuant to the provisions of this act, at the time and in the manner by this act provided, then such election shall be called and held at such time as such village council of said village of New Prague may appoint, and within ten (10) days after this act shall take effect, upon at least five (5) days' notice to be given by said village council, by posting in three (3) public places in each of the wards of said city.

SEC. 14. Whenever in the exercise of any of the powers conferred by this act upon the city council it becomes necessary or convenient for said city council to take and appropriate private property, said city council shall have power to, and shall, by ordinance, prescribe the manner in which said private property shall be condemned, and appropriated to such public use, and the manner of ascertaining and determining the damage and compensation therefor and making award thereof.

SEC. 15. The city council may, whenever deemed necessary or expedient, cause to be made, at the expense of the city, repairs upon any public highway leading into said city, beyond the limits of said city.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved April 4, 1891.

## CHAPTER 47.

[H. F. No. 911.]

AN ACT TO AMEND CHAPTER EIGHT (8) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR EIGHTEEN HUNDRED AND EIGHTY SEVEN (1887), ENTITLED "AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF MANKATO, STATE OF MINNESOTA," AS AMENDED BY CHAPTER TWELVE (12) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR EIGHTEEN HUNDRED AND EIGHTY-NINE (1889), ENTITLED "AN ACT ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF MANKATO IN THE STATE OF MINNESOTA."

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

SECTION 1. That Chapter eight (8) of the Special Laws of the state of Minnesota for the year eighteen hundred and eighty-seven (1887), being an act to amend and consolidate the charter of the city of Mankato, state of Minnesota, as amended by Chapter twelve (12) of the Special Laws of the state of Minnesota for the year eighteen hundred and eighty-nine (1889), being "An act entitled an act to amend the charter of the city of Mankato in the state of Minnesota," is hereby amended to read as follows: