

and sixty-five, at which time there shall be elected, in addition to the officers already named in this act, one alderman in each ward who shall hold his office one year and until his successor is elected and qualified; and the polls shall be held as follows:

Time of holding elections.

In the first ward at the house of A. Chambers.

In the second ward at the school house.

In the third ward at the Baptist church.

The polls shall be opened at one o'clock and close at five o'clock P. M.

The qualified voters present at the time and place of opening the polls shall choose by viva voce vote two inspectors of elections, who shall have all the powers of inspectors under this act.

SEC. 22. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal of inconsistent acts.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved February 23, 1865.

CHAPTER XII.

An Act to Incorporate the Borough of St. Peter.

March 2, 1865.

- SECTION 1. Incorporation of the Borough of St. Peter.
2. Boundary lines of said Borough.
 3. When said Borough may be extended.
 4. Sub-divisions to be termed districts.
 5. Officers of said corporation.
 6. What to constitute the Council—all action of the Council to be by ordinance—what to constitute a quorum—record of all proceedings to be kept—meetings of council—when offices of delinquent members may be declared vacant—how such vacancies may be filled—presiding officer of Council.
 7. Powers of Mayor.
 8. Duties of the City Clerk.
 9. Duties of the Treasurer.
 10. Duties of borough Justices.
 11. Duties of Constables.
 12. Who to be Chief of Police.

13. Duties of borough Attorney.
14. When official year to commence and terminate.
15. Term of office of the respective officers.
16. Eligibility to office—compensation—no officer to be directly or indirectly interested in any contract to which said corporation shall be a party—penalty for violation.
17. Elections to be by ballot—manner of conducting elections—qualifications of electors—when general election to be held.
18. Who to constitute the board of canvassers—duties of—contested elections, how conducted.
19. How improvements of streets, avenues, etc., to be made.
20. Aggregate amount of tax to be assessed for each year.
21. Nothing shall cause the forfeiture of the corporate powers, etc., granted by this act except the failure to organize.
22. The highways and public schools shall be under the management of said corporation.
23. To have the use of the jail of said county, expense to be paid by said corporation—what to be constituted a felony—how punished.
24. Said corporation may be a grantee of a grant of real or personal property—for what purpose.
25. Who to be inspectors of election of the first election under this act.
26. When act to take effect.

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

Incorporation of
the borough of
St. Peter.

SECTION 1. That all that district of country, included within the boundaries in section two of this act described, shall be a borough, by the name of "the Borough of Saint Peter;" and the people who now do, and hereafter may reside therein, are hereby created a corporation for municipal purposes with perpetual succession, under the name and style of "The Borough of Saint Peter," and as such corporation, shall possess and enjoy all the powers, rights and privileges that can now or hereafter be possessed and enjoyed by corporations for municipal purposes, under the constitution and laws of the State of Minnesota.

Boundary lines of
said borough.

SEC. 2. That the boundaries of said borough shall be as follows: Commencing at the northeast corner of section number sixteen, in township number one hundred and ten north, of range number twenty-six west, in the county of Nicollet, and State of Minnesota; thence westwardly along the north line of said section number sixteen and of section number seventeen, in the same township and range, to the quarter post upon said north line of said section number seventeen; thence southwardly along the centre line of said section number seventeen and of section number twenty in the same township and range to the quarter post upon the south line of said section number twenty; thence eastwardly along the south line of said section number twenty and of section number twenty-one, in

the same township and range, to the middle of the Minnesota river; thence down said river, along the main channel thereof, to the east line of section number sixteen, in the same township and range; and thence northwardly along said east line of said section number sixteen, to the place of beginning.

SEC. 3. That whenever two-thirds of the legal voters then resident upon any territory adjoining to said borough, or to any extension thereof under this section, shall in writing petition said corporation to include said territory within said borough, said corporation may extend the boundaries of said borough, so as to include said territory, and when so included said territory and the residents thereon shall become and thereafter be as much a part of said borough and corporation as if said territory had originally been included within the boundaries in the second section of this act described; *Provided*, That the boundaries of said borough shall never be so extended as to exceed four miles, by a right line, between the north and the south, or the east and the west, lines thereof.

When borough
may be extended.

SEC. 4. That all sub-divisions of said borough shall be termed districts and be numbered in order of creation, and until the first sub-division thereof the whole of said borough shall constitute the first district, but no district having less than one hundred legal voters therein shall be created by said corporation.

Sub-divisions to be
termed districts.

SEC. 5. That the officers of said corporation shall be one mayor, one treasurer, and two borough justices, to be chosen from among and by the legal voters of the whole borough; three councilors and two constables, to be chosen from among and by the legal voters of such district in said borough; one clerk and one attorney, to be chosen from among the legal voters of said borough, and one high-constable, to be chosen from among the constables whenever the number thereof shall exceed four, by the council upon the recommendation of the mayor; and such other officers, to be chosen from among the legal voters of said borough, by such modes, and to have such powers and duties, not inconsistent with this act, as may seem meet and proper to said corporation; *Provided*, That no office

Officers of said
corporation.

shall be created by said corporation which shall not be necessary for the best interests of said borough; *And provided further*, That after the sub-division of said borough into districts, the borough justices elected under this section, shall neither be chosen from nor keep their offices in the same district.

SEC. 6. That the mayor and councilors shall constitute the council, to which body shall belong the exclusive right to exercise all the legislative powers granted by this act to said corporation, except as otherwise therein specially provided. All action of the council, intended to have the force of rule or law, or to be the foundation of or authority for contract, shall be by ordinance under the style of "Be it ordained by the council of the borough of Saint Peter:" but no ordinance shall embrace more than one subject which shall be expressed in its title, and no amendment of any ordinance shall be valid unless the ordinance or section thereof as so amended shall be stated in full in the ordinance making such amendment. A majority of the council shall be necessary to constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the attendance of absent members, under such regulations and penalties and by such means as may have been prescribed by ordinance, but no ordinance shall be made except by a vote of the majority of all the members of the council. A record in book form shall be kept of all the proceedings of the council, and the ayes and noes on every ordinance voted upon shall be entered therein. The council shall meet for the transaction of business at least once in every three months, and a failure to do so shall give the power to, and make it the duty of; the borough justices, or either of them, to forthwith declare the several offices of the delinquent members of the council vacant, and to call a special election, upon ten days notice of the time and place thereof, within the several districts of said borough, to fill such vacancies. The mayor shall preside at all meetings of the council when present, and in his absence such councilor as the council may for that meeting select. The council shall have power to punish its members for disorderly conduct, in or out of the meet-

What to constitute the council—all actions to be by ordinance—quorum—record to be kept—meeting of council—vacancies how filled—presiding officer of council.

ings thereof, by fine, and with the concurrence of two-thirds of the members thereof, for cause previously determined sufficient by ordinance, expel a member, after due notice given and an opportunity extended to the accused to be heard by council or otherwise.

SEC. 7. That to the mayor shall belong the exclusive right to exercise all the executive powers granted by this act to said corporation, except such of said powers as are thereby specially vested in, or must from the nature of their several offices necessarily pertain to the other executive officers of said corporation, whether said offices are created by this act or hereafter shall be under section five thereof. He shall have power, and it shall be his duty, to call out and use in such manner as to him may seem most proper, the constabulary or police force, or any organized or unorganized force of armed citizens of said borough, or the whole or any part thereof, whenever he may deem the same necessary to quell or prevent riot, but he shall forthwith report to the council the fact of such call or use, or both, together with the reasons therefor and the circumstances connected therewith, and upon the action of the council on such report shall depend the length of time which said force or forces, or any part thereof, shall continue on such duty. He shall have power to call a meeting of the council, by giving such notice thereof as may have been provided therefor by ordinance, or in default of such provision, as he may deem meet and proper.

Powers of mayor.

SEC. 8. That the clerk shall be the recording officer of the borough and the council, and shall attend at all meetings thereof. He shall have the custody of the seal of said corporation, and of all records thereof not necessarily and specifically appertaining to the other officers thereof. He shall receive all moneys payable to said corporation, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor. He shall keep all the accounts of said corporation, and shall audit all claims against the same, but no claim shall be allowed by him unless he shall have been authorized so to do by some general or special ordinance. He shall draw all orders upon the treasurer for moneys payable by said corporation, but

Duties of the city clerk.

Duties of the city clerk.

no such order shall ever be drawn by said clerk unless the same shall be in full or part payment of a claim against said corporation previously audited and allowed, and there shall be in the hands of said treasurer moneys belonging to said corporation, otherwise unappropriated and undrawn for, sufficient to pay said order. Every order shall bear the seal of said corporation, and be endorsed by the clerk over his official signature, as follows: "Authorized by an ordinance entitled (here insert the title) ordained on the (here insert the day and year of the passage of said ordinance.)" The clerk shall levy or assess all taxes or assessments authorized by ordinance of the council, and for that purpose, or in connection therewith shall have access to, and the right to make copy of, all or any records pertaining to taxes, kept or made by the several officers, or any of them, in and for the townships surrounding, or the counties including said borough. He shall make at the close of each official year, to the council, a condensed report of all his doings as such officer during such year, which report shall be published in such manner and to such extent as may be provided by ordinance of the council; and he shall with all reasonable despatch make such other reports and at such times as the council shall require.

Duties of the treasurer.

SEC. 9. That the treasurer shall be the depository of all moneys belonging to said corporation, and shall receipt to the clerk therefor. He shall from such moneys pay upon presentation all orders therefor drawn by the clerk; *Provided*, That no order shall be paid by him unless first indorsed in writing thereon with the name of the payee therein, and the party receiving the money therefor.

Duties of borough justices.

SEC. 10. That to the borough justices elected under the provisions of this act shall belong, separately and concurrently as to each other, but exclusively as to all other officers or courts, the right to exercise originally all the judicial powers granted to said corporation by this act, except as elsewhere therein specially provided; but the council shall fix the kind and amount of compensation of said borough justices, except as in this section hereinafter provided. Said borough justices shall, each within the county in which he shall reside

and keep his office as such, also have and exercise all the powers and jurisdiction of, and when acting as such, receive the same compensation as justices of the peace elected under the general laws of the State of Minnesota; but all portions of said general laws relating to trial by jury, change of venue, appeals writs of certiorari, in and from justices' courts, shall apply to the entire jurisdiction of said borough justices; *Provided*, That in matters arising solely under this act, or under the ordinances made in pursuance thereof, no change of venue shall be taken from one of said borough justices, save to the other; and *provided further*, that all writs and processes of said borough justices in relation to such of the matters arising solely under this act, or such ordinances as shall be of a penal nature, may be issued to, and within their several bailiwicks, shall be served by the sheriffs of the counties adjoining said borough. The borough justices shall keep a record of all their official doings, and they shall forthwith pay over to the clerk of said borough all fines collected by them.

Duties of borough
justices.

SEC. 11. That the constables elected under the provisions of this act shall be the ministerial officers of the council, and of the several courts in and for said borough, or the several districts thereof, and part of the police force of said borough, but the kind and amount of compensation for their services as such, except as in section ten of this act is otherwise provided, shall be fixed by ordinance of the council; and each of said constables during his term of office as such shall reside in the district from which he was chosen. Said constables shall, each within the county in which he resides, also have and exercise all the powers and perform all the duties of, and when acting as such, receive the same compensation as constables elected under the general laws of the State of Minnesota.

Duties of constables.

SEC. 12. That the high constable shall be chief of the entire police force of said borough, but as such shall be subordinate to the mayor.

Who to be chief of
police.

SEC. 13. That the attorney shall be the legal adviser of the officers and the council of said corporation in all matters relating to their several official duties, and he shall render such legal counsel to them or any

Duties of borough
attorney.

of them whenever, but only when, the application therefor is made in writing signed by the applicant, which writing shall contain the points upon which such counsel is asked, and all opinions by him shall be made in writing, copies of which together with the original applications therefor shall be preserved in his office and delivered to his successor in office: He shall be and act as the attorney of said corporation in all actions to which said corporation may be a party.

When official year
to commence and
terminate.

SEC. 14. That the official year of said corporation shall commence with the first day of July and end with the thirtieth day of June next thereafter; the first one of which shall commence with the first day of July in the year of our Lord one thousand eight hundred and sixty-five; and all the business of said corporation shall be done by said year.

Term of office of
the respective of-
ficers.

SEC. 15. That the term of office of the respective officers of said corporation shall be as follows: of the councilors and clerk, each three official years; of the borough justices, constables, and high-constables, each two official years; and of all other officers, each one official year; and all official terms shall succeed each to its next preceding one without lapse of time from any cause; *Provided*, That at the first general election under this act, one councilor and one constable from each district of said borough, and one borough justice, shall be elected for a short term to end with the first official year of said corporation, and one other councilor from each district of said borough for a short term to end with the second official year of said corporation; *And provided further*, That every officer shall hold over his official term until his successor is chosen and qualified.

Eligibility to office.

SEC. 16. That no person shall be eligible to any office of said corporation unless he shall have the qualifications of an elector and have been a resident of said borough for one year next preceding the day of his election to such office; and no person chosen to any office under this act shall enter into possession of the same until he shall have taken an oath in writing to support the constitution of the United States and the constitution of the State of Minnesota, and to faithfully and impartially perform all and singular the du-

ties of such office, whether the same be directly or collaterally given, by or under this act, or necessarily appertain, to said office, and excepting the first mayor and councilors, shall have given such official bond as may have been, and in the manner, previously prescribed by ordinance of the council, all which official bonds shall be filed with the clerk save and except the the official bond of the clerk which shall be filed with the treasurer. And all officers of said corporation shall receive for their services as such only the kind and amount of compensation which may be prescribed and provided for by ordinance of the council, except as otherwise in this act specially provided; and no officer thereof shall be directly or indirectly interested in any contract, express or implied, to which said corporation shall be a party either on its own behalf or on behalf of any member or members thereof, and in any such case the officer so interested shall forfeit his office, and the contract in which he is so interested shall be void, and may be so declared by any court in and for said borough, or any court of record of the State of Minnesota, upon the application, sustained by sufficient testimony, of any citizen of said borough. The mayor, councilors, borough justices, high-constable, constables, and every police officer hereafter created under the provisions of section five of this act, shall, within said borough, be conservators of the peace, but every arrest or attempted arrest made under this provision shall be forthwith reported to, and investigated by, one of the borough justices, and if only one of said borough justices be engaged in or connected with such arrest or attempted arrest, such report and investigation thereof shall be to and by the other. And all officers of said corporation shall, on demand, deliver each to his successor in office all books, papers and other property in any wise appertaining to such office or belonging to said corporation.

Compensation.

No officer to be directly or indirectly interested in any contract to which said corporation shall be a party.

Penalty for violation.

To deliver to successors in office books, etc.

SEC. 17. That all elections under the provisions of this act shall be by ballot, only one of which shall be used by each voter for all purposes, and shall be held at such places within the several districts of said borough as shall be prescribed by ordinance of the council. The councilors in each district of said borough

Elections to be by ballot.

Manner of conducting elections.

Qualifications of electors.

Who to be judges of elections.

Duties of judges of elections.

shall be the inspectors of election therein, except in case of an election called by the borough justices, or one of them, under section six of this act, in which case three inspectors of election for each district shall be chosen from among the legal voters thereof by the borough justices, or the one of them, calling such election. All elections shall be upon ten days notice published in such manner as shall be prescribed by ordinance of the council, which notice shall state the purpose of any such election, the day upon which, the several places at which, and the names of the inspectors of election for the several districts in which the same shall be held. At all elections the polls shall be opened at nine o'clock in the forenoon and kept open until five o'clock in the afternoon of the same day, and shall then be closed. No person shall be entitled to vote at any election under the provisions of this act, unless he be an elector of the State of Minnesota, and shall have been a resident of said borough for the ten days next preceding the election at which he desires to vote, and to constitute any one such a resident, an unmarried man must have his boarding place, and a married man his family home, within said borough. The inspectors of election shall be judges of election and shall possess all the powers and authority conferred upon judges of general elections by the laws of this State and not inconsistent with the provisions of this act. They shall keep a correct list of the names of the voters as they deposit their ballots, and immediately after the closing of the polls shall correctly count, and make a true tabular statement of all the votes given in said district. They shall then carefully string together all the ballots and place them, together with such tabular statement and said list of voters names, in a secure envelope and closely and securely seal up the same, each one thereof writing his name across the place of sealing said envelope. This sealed package shall be termed and endorsed over the signature of the inspectors of election for said district: "The election returns from ——— district," (filling the blank with the proper number of said district;) and shall upon the day succeeding said election be delivered, by said inspectors of election in person, to some

member of the board of canvassers provided for in section eighteen of this act. A correct copy of the tabular statement hereinbefore mentioned shall, before the sealing up of the same as aforesaid, be taken by each one of said inspectors of election, and carefully preserved by him until the meeting of said board of canvassers, and shall then and there, and before said returns are opened, be verified as such preserved copy by the affidavit in writing attached thereto of the inspector of election who has so taken and preserved the same, and after such verification be delivered by such inspector of election to said board of canvassers. There shall be a general election under this act on the second Tuesday in May of each year, commencing with the year of our Lord one thousand eight hundred and sixty-five, and a special election may at any time be called under the provisions of this section by ordinance of the council. Any ordinance, which under the provisions of this act shall before going into effect require approval by vote of the electors of said borough, may be submitted for such approval at any election; *Provided*, That the notice of such election shall contain a statement that such ordinance, cited by its title and the day of its passage, will be submitted at such election for such approval. At such election the ballots shall each have thereon the following question: "Shall an ordinance entitled—(insert title)—and ordained on the—(insert day, month and year)—be approved?" All voters at such election desiring the approval of such ordinance will each deposit his ballot with the word "yes" written immediately under such question, and all opposed thereto, with the word "no" written in the like place. *Provided*, That a minority of the council may call a special election to fill any vacancy or vacancies therein, and for the purpose of such election may fill the vacancies among the inspectors of election; *And provided further*, That in case of any election there shall be any inspector of election absent at the hour for the opening of the polls, or shall be a candidate for election to office thereat, an organized meeting of the electors then and there present shall appoint an inspector of election in place of such absentees or candidates, by a viva voce vote of a major-

When general election to be held.

When council may call special election.

ity thereof; *And provided further*, That no general election of officers under the provisions of this act shall be invalid for want of notice thereof as provided by this act.

SEC. 18. That the borough justices and the attorney shall constitute the board of canvassers which shall meet at such place within said borough, as shall have been prescribed therefor by ordinance of the council, on the first Monday, after the first Thursday, after any election, at nine o'clock in the forenoon of said day, which meeting and all other meetings of said board of canvassers shall be open to any resident of said borough. Each and every member of said board of canvassers shall receive from the inspectors of election all election returns delivered by them to him as provided in section seventeen of this act, and he shall carefully preserve and faithfully deliver the same, sealed as he so received them, to the board of canvassers at their meeting aforesaid. Said election returns shall remain so sealed until after the several inspectors of election shall have delivered to said board of canvassers at said meeting, or shall have had three hours time in which to so deliver, the verified copies of the tabular statement provided to be so delivered in section seventeen of this act, after which delivery or time, the said board of canvassers shall open all of said election returns and proceed to canvass the same in connection with such copies of said tabular statement as may have been so delivered to them. Immediately after such canvass the said board of canvassers shall execute and deliver a certificate, signed by each of them, to the clerk, of the result as shown by said canvass of the vote at such election upon any and every ordinance submitted thereat, and a certificate of election, signed by each of them, to the several persons shown by such canvass to have received the highest number of votes given at such election for the several officers voted for thereat, each and every of which certificates, so as aforesaid made and delivered by said board of canvassers, shall be conclusive evidence of the facts therein stated, except as hereinafter provided. If any resident of said borough shall, within ten days after the date of any such certificate, give notice, by attorney or otherwise,

Who to constitute
the board of can-
vassers.

Duty of board of
canvassers.

To deliver a certifi-
cate to clerk show-
ing result of elec-
tion.

to said board of canvassers, by leaving a written copy of such notice with any member thereof, that such resident will contest said certificate, stating in said notice, in general terms, the grounds of said contest, said board of canvassers shall, within ten days after said service upon them, meet at the place and hour aforesaid for the hearing and decision of said contest: *Provided*, That public notice of such meeting shall be given in such manner as may have been provided by ordinance of the council, and, in case of contest of a certificate of election, a copy of such notice be served, as provided for service of summons in civil actions, upon the person to whom such certificate was issued, at least five days before such meeting, which said notice shall be caused to be so given and served by said board of canvassers. Said contest shall be conducted in all respects as the trial of a civil action by the court in the district court, and any member of said board of canvassers is hereby authorized to administer oaths to witnesses produced upon said trial, and wilful false swearing upon such trial shall be perjury and be punishable as such. The issue to be tried shall be made by the said notice of contest upon the one side and the said certificate on the other, and the contestant shall be plaintiff. The decision of said board of canvassers, or a majority thereof, upon such trial shall be final, and shall be in writing and filed with the clerk of said borough. In case of a contest of any certificate of the vote upon any ordinance, any elector or resident taxpayer of said borough may appear, by attorney or otherwise, and support such certificate, but this corporation as such shall not be a party to such contest. *Provided*, That the failure of said board of canvassers to meet and act in accordance with the provisions of this section shall not invalidate any election or impair any of the rights of any person or persons arising under or by virtue thereof; *And provided, further*, That in case of any such failure by, or of any vacancy among the members of said board of canvassers, the inspectors of election, for the several districts of said borough, at said election, shall forthwith meet at the place appointed for the meeting of said board of canvassers,

Contested elections
how conducted.

The decision of
said contest by
said board to be
final.

How board to be appointed in case of refusing to serve.

and, by a majority vote of an organized meeting thereof, appoint, from among the electors of said borough, a competent person, not a candidate at said election nor one of said inspectors of election, to fill such vacancy in said board of canvassers, and also appoint a person of like qualifications to act in place of any member of said board of canvassers who was a candidate for office at said election or otherwise interested in such canvass, and in case all the members of said board of canvassers shall have refused or neglected to meet at the time and place appointed for such canvass, or having met shall have refused or neglected to make such canvass, said inspectors of election met and organized as aforesaid shall in like manner appoint three persons of like qualifications to constitute the board of canvassers for such election; and the persons so appointed by said inspectors of election shall possess all the powers, perform all the duties, and be subject to all the obligations and liabilities of members of the board of canvassers as prescribed in this act, and such board of canvassers shall forthwith proceed to perform the duties appertaining thereto or incumbent thereon for such election.

How improvements of streets, avenues, etc. to be made.

SEC. 19. That all improvements of streets, avenues, alleys, lanes, or public grounds, squares or levees, in said borough, shall be made under the provisions of this section and in no other way. Whenever the owners of two-thirds of the real estate, measured by superficial feet, owned, in any two or more of the half-blocks, whole or fractional, including any portion in length or the whole of any street, avenue, alley, or lane, or in any one or more of the half-blocks, whole or fractional, fronting upon, including, or surrounding any public grounds, square or levee, therein, by residents of said borough, shall petition in writing signed by them to the council for the improvement, by a tax upon all the real estate in said half-block or half-blocks, of the portion in length or whole of said street, avenue, alley or lane, so included by said half-blocks, or of said public grounds, square or levee so surrounded or included thereby, or of such portion of the same as may be so fronted upon by any one or more thereof, describing in said petition the style and extent of the

improvement desired, the council shall forthwith cause a notice to be given, by publishing the same for six successive weeks, at least once in each week, in a newspaper printed and published in said borough, if there be one, if not in the one nearest thereto, to the owners of real estate in said half-blocks who are not signers of said petition, naming them if their names can be ascertained by due diligence of the clerk, and describing the lot or parcel owned by each, that such petition has been made stating the name or description of the street, avenue, alley, lane, or public grounds, square or levee, or portion thereof proposed to be improved, and the style and extent of the improvement asked thereby, and that they are required to appear in person or by attorney at a stated time and place within said borough before the council to show cause why the prayer contained in said petition should not be granted, and that in case of their default the same will be granted and such improvement so made; and if after a due and impartial hearing and consideration of all the reasons first against and then for the granting of the prayer contained in said petition, given upon oath or affirmation, or by affidavit, and of the argument of counsel made thereon, at such meeting of the council, it shall appear therefrom that no good cause, founded upon the best interests of said protestants and petitioners as such owners and of the whole people of said borough taken in connection, has been shown why the prayer contained in such petition should not be granted, the council shall forthwith proceed to contract by public letting for the making of such improvement, and levy therefor an ad valorem tax upon all the real estate situate in said half-block or half-blocks, which tax, together with all the costs and charges of assessment and collection thereof and the interest thereon as herein-after provided, shall be a lien upon the real-estate assessed therewith. The assessment of said tax shall be by publication, at the expense of the contractor or contractors for the making of such improvement, in some newspaper printed and published within, or in case there is none, in the one nearest to said borough, for five successive weeks, at least once in each week, of a notice thereof, which notice shall contain an accu-

How improve-
ments of streets,
avenues, etc. to be
made.

rate description of each parcel or tract of real estate assessed, and a statement of the amount of such tax assessed upon each thereof and of the purpose for which such assessment is made; and the clerk shall forthwith mail, postage paid, a copy of the newspaper, containing such published notice, to the address of each of the owners, non-resident in said borough, of any portion, parcel or tract of the real estate so assessed, so far as he may by due diligence be able to ascertain such address. Said assessment shall be complete with the close of the day upon which the sixth insertion of said publication shall have been made, and said non-resident owners shall each have four months thereafter in which to contest before the council the correctness of the amount of such assessment upon the real estate owned by him; *Provided*, That three days notice, to be published in such manner as the council by ordinance shall prescribe, shall be given of every such contest. Immediately after the completion of such improvement in accordance with, and the acceptance thereof under, the contract therefor or for any portion thereof, and not less than five months after such assessment, the clerk shall make under the seal of said corporation and deliver to the contractor in said contract, or to his assignee, each as such, a certificate that there is due and unpaid upon each lot or parcel of real estate so assessed the proportionate amount, and for account of said tax, payable for the work done and accepted under said contract, and of the cost of assessment thereof. Such certificates shall be received by said contractor or his assignee, in and as full payment for the work done and accepted under said contract, and they shall be assignable by, and only by, indorsement, and shall draw interest at the rate of twelve per centum per annum from the date thereof until paid. *And if after the one year from the date thereof, any such certificate shall not have been paid, or the amount of principal and interest thereof, at date of such deposit, shall not have been deposited with the clerk for the payment of the same, then upon presentation of any such certificate to the clerk he shall forthwith execute under the corporate name and seal of said corporation, and acknowledge and deliver to the then owner and holder of*

How improve-
ments of streets,
avenues, etc. to be
made.

such certificate a deed in fee simple for the whole of the real estate described in said certificate, or for such undivided portion thereof as the amount of said tax named in said certificate is of the whole tax assessed at the same time and for the same purpose thereon; and such deed shall vest in the grantee named therein a title in fee simple to the premises conveyed thereby.

Provided, That nothing in this section heretofore contained shall ever be construed to make said corporation in any wise liable, except for the correct assessment of said tax, for the proper execution and delivery, upon demand, of said certificates and deeds; and for the due payment, to the proper owner and holder of any such certificate, of all moneys received by the clerk thereon as aforesaid; *And provided further*, That in case of the loss of any such certificate, the council shall, upon sufficient and satisfactory evidence of such loss thereof shown by affidavit, and upon the execution and delivery to said corporation of a bond, with sufficient security to be approved by the council, in double the amount of the value of the property upon which said lost certificate was a lien, conditioned for the holding said corporation free from all damage by reason of a re-issue of said lost certificate, cause the clerk to issue and deliver to the claimant therefor, making such proof of the loss of said certificate and delivering such bond to said corporation, a duplicate, marked as such, of said lost certificate, which duplicate shall have all the qualities of its original; *And provided further*, That the word "half-block," as used in this section shall be construed to mean all that half of any block lying nearest to the street, avenue, public grounds, square or levee mentioned and referred to, or either of the two portions, without regard to the relative size thereof, of any block, including any alley or lane mentioned and referred to; *And provided further*, That any two half-blocks situate upon the same street or avenue and opposite to each other shall be construed to include said street or avenue from the centre of one cross street or avenue to the centre of the other bounding said half-blocks. *And provided further*, That whenever the council shall deem it best for the interests of said borough that any street, avenue, or public grounds,

How improvements of streets, avenues, etc. to be made.

square or levee, or any portion thereof, in said borough should be improved by a general tax upon all the property, real and personal, taxable by said corporation, then the council shall make an ordinance providing for such improvement and tax, and shall submit said ordinance to the legal voters of said borough as provided in section seventeen of this act, and if upon such submission said ordinance be approved, as provided in said section seventeen, by two-thirds of the legal voters voting at such election upon the question of such approval, then said tax shall be forthwith levied and collected, and said improvement be made with the proceeds thereof.

Aggregate amount of tax to be assessed for each year.

SEC. 20. That the aggregate amount of all taxes and assessments, of every kind and for all purpose, save and except licenses and fines, levied and assessed, or either, for any one official year, shall not exceed the sum of five hundred dollars, unless the ordinance authorizing any such excessive tax or assessment shall, before the levy or assessment thereof and at the general or special election in and for said borough next after the date of making such ordinance, be approved, as provided in section seventeen of this act, by two-thirds of the legal voters voting upon the question of such approval at such election; *Provided, however,* That nothing contained in this section shall be construed to conflict with the provisions of section nineteen of this act.

What to cause the forfeiture of corporate powers, etc.

SEC. 21. That no grant or investiture of specific powers, rights or privileges in this act shall be construed to limit any grant or investiture of general powers, rights or privileges therein; and nothing shall cause a forfeiture of the corporate powers, rights and privileges, or any of them, granted by this act to said corporation, save and except the failure on the part of the corporators thereof, for five successive years, to organize, or when so organized, to keep up such organization, as provided in this act.

To have the management of highways and public schools.

SEC. 22. That the highways and public schools within said borough, and the assessment and collection of all taxes upon persons or property therein for the construction or repair of such highways, and all taxes collected and funds appropriated for the support of such public schools, shall be under the exclusive manage-

ment and control of said corporation; and all moneys levied and collected for either of said purposes shall be appropriated and expended within the said borough by said corporation.

SEC. 23. That said corporation shall have the right to use the jail of the county of Nicollet, in the State of Minnesota, but all prisoners placed therein under the provisions of this section, shall be while there, in the custody of the jailor of said county and at the expense of said corporation. That any wilful neglect or malfeasance on the part of any one of the inspectors of election or of any member of the board of canvassers, provided for in this act, in the discharge of any of his duties as such, shall be a felony under the general laws of the State of Minnesota, and be punishable by imprisonment in the penitentiary of said State for a term not less than one nor more than five years.

To have use of jail of said county—what to be constituted a felony—how punished.

SEC. 24. That this corporation may be the grantee of a grant of real or personal property, or the trustee or beneficiary of an express trust, for educational, charitable or other municipal purposes.

May be a grantee of real or personal property—for what purpose.

SEC. 25. That for the purposes of the first election under this act, Benjamin Sylvester, George Hezlep and Marshall B. Stone, shall be inspectors of election, and also the board of canvassers for such election, and shall perform all the duties and possess all the powers of inspectors of election and board of canvassers, prescribed by this act; they shall appoint the place of holding the polls of such election, and post a public notice thereof ten days before the same.

Inspectors of first election—who.

SEC. 26. That this act shall take effect immediately.

Approved March 2, 1865.