

Penalty for non-payment of judgment.

execution issued upon any judgment recovered therein, for any penalty, may contain a clause directing, in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail for thirty days, if the damages recovered by said judgment shall be ten dollars or less, and sixty days if such damages exceed that sum, and if there be no county jail, then the general laws of this State shall apply in such cases, and the defendant shall be dealt with according to them, in the matter of imprisonment.

SEC. 26. In all respects not herein provided for, the borough of Henderson shall constitute and be a part of the town of Henderson.

To be a public act.

This act shall be considered a public act, and shall be in force from and after its passage.

Approved January 23, 1866.

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## CHAPTER XVII.

March 1, 1866.

*An act to reduce the Special Laws relating to the Town of Minneapolis, in the County of Hennepin, and State of Minnesota, heretofore passed, into one act, and to amend the same.*

- SECTION 1. Supervisors of Minneapolis to have power to enact, repeal, enforce, modify or amend ordinances, rules and by-laws within certain prescribed limits, and to perform all other acts necessary for the government of said town.
2. Powers conferred on Supervisors not to be a bar to any action at law.
  3. What places to be deemed nuisances.
  4. Supervisors may make contracts for certain purposes.
  5. Duty of Board of Supervisors in relation to constructing or repairing sidewalks.
  6. How expense of grading streets, &c., shall be defrayed.
  7. No grading to be done except on petition of a majority of property owners.
  8. When grading to be performed a survey and profile of grade to be filed in Town Clerk's office.

9. Street Commissioner to give notice in newspaper for certain time how expense of grading is to be assessed. Any lot owner thinking himself aggrieved, may, within specified time, file a sworn petition with Street Commissioner, showing that said assessment, in his case, would be unjust. Duty of Street Commissioner in reference to such petition.
10. Informalities not to vitiate assessments. Supervisors may fix time for sale of property for unpaid assessments. Time limited for redemption of property sold for taxes to one year.
11. Amounts collected for assessments—how to be credited.
12. All work, over certain amount, to be let by contract to lowest responsible bidder. How contracts to be let, and when work commenced.
13. Board of Supervisors may levy poll tax.
14. Confers additional powers on Board of Supervisors.
15. Entitles purchasers of property under tax sale to deed of same.
16. Board of Supervisors may purchase property at tax sale when bids do not cover expenses.
17. Tax deeds to be *prima facie* evidence of validity of tax.
18. Duty of officer making tax sale.
19. Township assessors of Minneapolis to make lists of persons and personal property.
20. No sale, under execution or otherwise, to affect the lien of any assessment for any tax, &c.
21. Board of Supervisors may institute suit for recovery of taxes levied for certain purposes. How actions to be conducted.
22. Board of Supervisors to make laws for the prevention of fires.
23. Board to purchase fire engines and organize fire companies.
24. Prescribes penalty for violation of ordinances, rules or by-laws.
25. Board of Supervisors may sue and be sued, and perform other specified acts.
26. How fines and penalties to be disposed of.
27. How offenders to be dealt with when fines not paid. Limits amount of fine.
28. No resident of Minneapolis to be incompetent as juror or witness in cases where town is interested.
29. How fines, &c., to be collected.
30. Specifies what property shall be exempt from sale under execution.
31. Street Commissioner to be appointed. Defines his duties. Board to fix his compensation.
32. Board of Supervisors to appoint a town marshal and assistant marshals who shall give bonds. Defines their powers and duties. How compensated.
33. Duties of Treasurer.
34. Duties of Town Clerk.
35. Board of Supervisors to fix salaries of officers.
36. This act not to prejudice existing contracts.
37. All regulations, &c., made by this act to have full force and effect of law.
38. Repeals all acts heretofore passed having reference to the territory described in this act.
39. Act to be submitted to legal voters at election. How election to be conducted. If carried to go into effect at once—if not to be null and void.

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

Powers of Super-  
visors.

SECTION 1. The supervisors of the town of Minneapolis, in the county of Hennepin, shall have full power and authority to enact, publish, enforce, alter, modify, amend, and repeal, all such ordinances, rules and by-laws, for the government and good order of the town, the suppression of vice and intemperance, and the prevention of crime, as they shall deem expedient, within the limits hereinafter described, and this act shall apply only to said limits, viz: all that district of country in the county of Hennepin, and State of Minnesota, embraced within the following boundaries: Beginning at a point on the Mississippi river where the line between sections ten and fifteen intersects said river, thence west on said line between sections ten and fifteen to the northwest corner of section fifteen, thence south on the section line to the southwest corner of section twenty-seven, thence east on the south line of sections twenty-seven, twenty-six and twenty-five, to the Mississippi river, thence up said river to the place of beginning, all being in the town of Minneapolis, and county of Hennepin; and the words "town," and "district," as herein used, shall be held to apply to and represent only the territory described within the aforesaid limits; and to the ends herein indicated, they shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons, or corporate body, who may violate any of the provisions of any ordinance, rule or by-law passed and ordained by them; and all such ordinances, rules and by-laws are hereby declared to be, and have the force of law: *Provided*, That they be not repugnant to the constitution and laws of the United States, or of this State. And for these purposes the board of supervisors shall have authority by ordinances, resolutions or by-laws—

Powers of Super-  
visors.

*First*—To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, hog yard or hog pen, stable, barn, privy, sewer, hide yard, slaughter house, market or other unwholesome or nauseous place or house, to cleanse, remove, or abate the same from time to time, as may be

deemed necessary for the public comfort and convenience of the inhabitants of said town.

*Second*—To direct the location and management of slaughter houses and markets, distilleries, and pawn-brokers, and to establish rates for, and license venders of gunpowder, and to regulate the storage, keeping and conveying of gunpowder, or other combustible materials.

*Third*—To prevent the encumbering streets, sidewalks, lanes, alleys, or public grounds, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, or any other encumbrances, substances or materials whatever; and also to compel the owner or occupant of any building or grounds, to remove snow, dirt, or rubbish from the side-walk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in default, to authorize the removal or distribution thereof by some officer of the town, at the expense of such owner or occupant.

Powers of Supervisors.

*Fourth*—To prevent and punish horse racing, and immoderate riding or driving in the streets; to compel persons to fasten their horses, or other animals, attached to vehicles or otherwise, while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of the town.

*Fifth*—To restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances, and to enforce and collect the same.

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

*Seventh*—To prevent any person bringing, depositing, or having within said district, any putrid carcass, or putrid or unsound beef, pork, fish, hides, or skins of any kind, 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 by the person who shall have put the same thereon, and to require the removal from any street, lane, pub-

lic square, or alley, of any such substance, by any person who shall have put or allowed the same to be put thereon, and in default, to authorize the removal thereof at the expense of such person or persons.

Powers of Super-  
visors.

*Eighth*—To make and establish public pounds, pumps, wells, cisterns, hydrants, and reservoirs, and to make all needful regulations respecting the same.

*Ninth*—To establish and regulate boards of health, prescribe their duties, and the compensation for their services, and make, in their discretion, any needful rules and regulations in regard to the same, to provide hospitals and hospital grounds, to make provision for the registration of births and deaths, and the returns of the bills of mortality, to regulate the burial of the dead, and to make and enforce by ordinance, and with such penalties as they may see fit to prescribe, not to exceed those hereinafter named, all such sanitary rules and regulations, of whatever nature or character, as they shall deem necessary or expedient for the preservation of health, the suppression of disease, or to prevent the introduction or spread of contagious diseases, and to do and authorize all acts necessary to these ends.

*Tenth*—To prevent all persons doing damage to the side-walks, streets, or public property.

*Eleventh*—To prevent open or notorious drunkenness and brawling, and obscenity in the streets or public places, and to provide for the arrest and punishment of all persons who may be guilty of the same.

*Twelfth*—To license and regulate, in their discretion, the exhibition of common showmen, and shows of all kinds, and the exhibition of caravans, circuses, concerts, and theatrical performances, and also to license and regulate all auctioneers, billiard tables, pigeon-hole tables, nine or ten-pin alleys, bowling saloons, butchers' shops, and butchers' stalls, and venders of butchers' meats, pawn-brokers, groceries, taverns, lager beer saloons, and all persons vending, dealing in or disposing of spirituous, vinous, malt, or fermented liquors: *Provided*, That this clause shall not be so construed as to affect or prevent pork packers disposing of offal or trimmings of hogs, nor shall any person selling game, or who may dispose of any animals raised or fatted by him, or who may sell fresh

meats by the carcass, or in quantities not less than by the quarter, be deemed or held to be a vender of fresh or butchers' meats, under the provisions of this clause. Powers of Supervisors.

*Thirteenth*—To restrain and prohibit all descriptions of gaming, and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gambling; to restrain any person from vending, giving, or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the board of supervisors.

*Fourteenth*—To prevent any riots, noise, disturbance and disorderly assemblages, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses or groceries, and houses of ill fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming.

*Fifteenth*—To regulate the place and manner of weighing hay and selling the same, and the measuring and selling firewood, coal and lime, to appoint suitable persons to superintend and conduct the same, and to make, in their discretion, all necessary rules and regulations in regard thereto, and to impose any necessary fines, penalties or punishments for any violation or evasion of such rules and regulations.

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

*Seventeenth*—To provide by ordinance for a standard of weights and measures, for the appointment of a town sealer, and to require all weights and measures to be sealed by him, and to provide for the punishment of the use of false weights and measures.

*Eighteenth*—To direct and regulate planting and preserving ornamental trees in the streets and public grounds.

*Nineteenth*—To remove and abate any nuisance, obstruction or encroachment on the streets, alleys, public grounds and highways, and to remove and abate any nuisance at any place within said town.

*Twentieth*—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

SEC. 2. The powers conferred upon the board of supervisors to provide for the abatement or removal Powers not to bar suits.

of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law.

Regulates  
nuisances.

SEC. 3. Depots, houses or buildings of any kind where more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time, gambling houses, houses of ill fame, disorderly taverns, houses or places where spirituous, vinous or fermented liquors are sold without license required therefor, are hereby declared and shall be deemed public or common nuisances, and may be dealt with and abated as nuisances, by the laws of this State.

Supervisors to  
make contracts.

SEC. 4. The board of supervisors shall have power to order and contract for making, grading, repairing, and cleaning the streets, alleys, public grounds, reservoirs, gutters and sewers, and to direct and control the persons employed therein, and all such improvements shall be superintended by the street commissioner of said town hereinafter provided for.

Powers of Board  
in reference to  
sidewalks.

SEC. 5. Whenever the board of supervisors shall deem it necessary to construct or repair any side-walk, they shall require the street commissioner to notify the owner or occupant of any lot adjoining such side-walk, to make or repair the same at his own proper cost and charge; said notice to be by publication in a public newspaper of said town, once in each week for six successive weeks. If such work is not done in the manner and within the time prescribed in said notice, the board of supervisors shall order the same to be done at the expense of the lots adjoining such side-walks, and the expense thereof shall be assessed upon such lots so chargeable, in proportion to their fronts thereon, by the street commissioner, and returned to the board of supervisors, and collected as hereinafter provided, with this express provision: That before the said board of supervisors shall order the construction of such side-walk, a petition requesting the same signed by at least a majority of the owners or occupants of the land abutting on the line of such proposed side-walk, shall be filed with the town clerk; and with this further express provision: That said board of supervisors shall have the power, without such petition as is last above provided for, to provide for the construction and maintenance of suitable side-walks and street crossings on one or both

sides of Hennepin avenue and Nicollet street from the suspension bridge to Seventh street, and on Washington avenue from Nicollet street to Ames street, in the manner hereinbefore provided for the construction, maintenance and repair of side-walks.

SEC. 6. The cost and expense of surveying streets, alleys, side-walks, sewers, and estimating work thereon, and of repairing and cleansing streets and alleys, and of constructing and repairing reservoirs and sewers, shall be chargeable to and payable out of any appropriations which the board of supervisors may make for that purpose, graveling, grading, planking, macadamizing, or paving streets and alleys, to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley within the line of improvement, as far as the work shall extend, and the whole expense thereof shall be assessed upon such lots in proportion to their front thereon. Sewers and drains communicating with the main sewers and drains may be built by order of the board of supervisors through any street or alley, for the purpose of draining the lots in the blocks fronting such street or alley, and in such case the expense thereof may be assessed upon the lots so drained and benefited in such block, being within the line of improvement.

Cost of public improvements—how defrayed.

SEC. 7. No grading of streets or alleys to be done at the expense of lots fronting such improvement, or sewers, the expense of which is to be charged to the lots drained or benefited, as before provided, shall be ordered by the board of supervisors, except on the petition in writing of a majority of the owners or occupants of the property residing on the line of the proposed improvement, and chargeable therewith, (unless by a unanimous vote of the board of supervisors,) and whenever they shall determine on a public improvement under this clause, they shall pass a resolution to that effect, and shall require the street commissioner, with the assistance of a surveyor, to examine the premises and report an estimate of the whole expense thereof, and the lots chargeable with the expense, and the owner's name, if known, and the proportion of the expense to be assessed to each lot; and in case of grading a street or alley a proper grade, and the board of supervisors may adopt, revise, correct, or remand the same with instructions.

No grading to be done except on petition.



**Survey to be filed**      **SEC. 8.** Upon such report being adopted, the board of supervisors shall cause to be prepared, if necessary, an accurate survey and profile of such grade, which shall be filed in the office of the town clerk; the board of supervisors may thereupon order the said work to be placed under contract, upon such terms and under such regulations as they may deem advisable.

**Duties of Street Commissioner.**      **SEC. 9.** Whenever any work provided for in this section to be placed under contract, or otherwise to be performed under the direction of the board of supervisors, and not by the person or persons directly interested therein, shall be completed, and the contract performed to the satisfaction of the street commissioners, said street commissioners shall give notice by publication in some public newspaper of said town, once in each week, for four successive weeks, that the expense thereof, in case of streets, alleys and sidewalks, will be assessed on the lots fronting such street or alley, within the line of such improvement, in proportion to their fronts thereon, and in case of sewers chargeable to the lots as hereinbefore provided, that the lots in the blocks fronting such drained or benefited thereby, (which lots shall be designated in the notice,) will be assessed in proportion to their size or area. Any owner of such lot or lots, to be charged as aforesaid, feeling himself aggrieved by such assessment, may, before the expiration of the publication of such notice, file a petition with the street commissioner, showing that such assessment, in his case, would be unequal and unjust, and setting forth the reasons, which said petition shall be sworn to by the petitioner or some one having knowledge of the facts. The street commissioner shall thereupon require the town marshal or his assistants to summon three disinterested freeholders of said town, as commissioners to attend at some convenient time and place, of which at least six days previous notice shall be given, by publication in a public newspaper of said town. At the time of meeting, such commissioners shall be examined under oath touching their qualifications to act, and in case of disqualification, or absence, the street commissioner shall require the marshal, or one of the assistant marshals, forthwith to summon others to supply the vacancy. Said commissioners shall be

**Right of Appeal.**

sworn faithfully and impartially to discharge the trust reposed in them, and shall view and examine the premises in question, and shall have power to hear the parties, administer oaths and examine witnesses. It shall be their duty as early as practicable, and within ten days from the time they shall have entered upon their duties, to report to the street commissioner their decision in writing, accompanied by any testimony or proof, or the substance thereof, taken before them, and they shall in each case determine whether such assessment (in case of the construction or repair of sidewalks, or of grading streets and alleys) would be unequal and unjust, and whether and how much the same will exceed the benefits, and (in case of sewers) whether the lot or lots in question will be drained or benefited by the sewers, and, thereupon, what abatement or exemption, if any, should be allowed. The street commissioner shall thereupon complete his assessment for such improvement, making the necessary abatement or exemptions, in accordance with the report of the commissioners; and in case of grading streets, alleys and sidewalks, the amount deducted for such abatement shall be made up and charged to the said town of Minneapolis, and in case of sewers, the amount deducted for such abatement shall be assessed upon the other lots chargeable with the expense aforesaid, in the manner before prescribed. Such assessment, when completed, shall be returned to the board of supervisors, and the said board shall thereupon fix a time for confirmation of the same, of which notice shall be given in a public newspaper of the town. Upon the confirmation thereof, a warrant for the collection thereof shall issue to the treasurer, and the same shall be levied and collected as other taxes and assessments.

Duty of Commissioners.

SEC. 10. No error or informality in the proceedings shall vitiate the assessments made by virtue hereof, when the notices herein before provided shall have been given; and all assessments for work or expenses chargeable to lots, hereinbefore provided, shall be payable from the time of the confirmation thereof by the board of supervisors, and shall bear interest ten days thereafter, at the rate of thirty per cent. per annum, and the board of supervisors may fix a time

Errors not to vitiate proceedings

for the sale of such premises for the unpaid assessments, not less than three months from the time of the confirmation thereof, to be specified in the warrant, or may order the same to be entered in the annual assessment roll, to be sold at the time of sales for taxes in said town. Sales for such unpaid assessments shall be conducted in the same manner and with the same effect, and under the same regulations as in case of sales for taxes in said town, and shall be subject to the like right of redemption on the payment of such assessment, and interest at the rate of thirty per cent. per annum, and charges; but the time of redemption in sales for assessments under any of the aforementioned provisions, shall be limited to one year, and the notice of such sale shall specify the time of redemption. If the estate of an infant or lunatic be sold, the same may be redeemed on the like terms, at any time within one year after the disability shall have been removed.

Assessments to be credited to general fund.

SEC. 11. All amounts collected from assessments, for improvements as above provided, shall be credited to the general fund, and all contracts and claims for improvements chargeable to lots under the above provisions, shall be credited and adjusted by the board of supervisors as other claims against the town, and shall be paid and discharged as other claims against the town: *Provided*, That during the progress of any work done under the above provisions, the board of supervisors shall have power to pay to the contractors thereof not exceeding seventy-five per cent. of the amount of such work reported to the board of supervisors by the street commissioner.

Work to be let by contract.

SEC. 12. All work for the town exceeding fifty dollars shall be let by contract to the lowest responsible bidder, and notice shall be given of the time and place of letting such contracts, by publication in one of the public newspapers of said town, and every contract so made shall be commenced within one week after the acceptance of the proposal by the board of supervisors, unless they shall otherwise determine: *Provided*, That they shall have power to reject all unreasonable bids.

Powers of Supervisors.

SEC. 13. The board of supervisors shall have the power to levy and collect a poll tax upon every qual-

ified voter of said town: *Provided*, That said tax shall not in any one year exceed the sum of two dollars on each person so taxed.

SEC. 14. In addition to the powers hereinbefore granted, the Board of Supervisors shall have power, Further Powers. and it shall be their duty, to vote a tax upon the taxable property of the town to pay the expenses incurred in carrying out the provisions of this act, and all property, real and personal, within the town, except such as may be exempt by the laws of this State, or the provisions of this act, shall be subject to taxation for the support of the town and the payment of its debts and liabilities, and the same shall be assessed in the manner provided by law. Said tax shall not, in any one year, exceed five mills on the dollar of said taxable property; but this shall not be held to include the poll tax or any assessments or taxes hereinbefore specially provided for. The town clerk shall, on or before the first day of September in each year, file with the County Auditor a certified copy of the record of such vote, and thereupon such tax shall be levied and collected as other township taxes are levied and collected, and the same proceedings shall be had in all respects, except as herein otherwise provided, in the assessment of taxes and in the sale of property, and in all other matters pertaining to the assessment and collection of taxes and the enforcement of the same as would be had but for this act: *Provided*, That any tract of land or real property sold in pursuance of this act, or any part thereof, which shall not be redeemed within one year from the day of sale, shall be conveyed by the officer making such sale to the purchaser or his assigns, as herein provided; but any tract of land sold, or any real property, or any portion thereof, may be redeemed within one year from the day of sale, or at any time before the deed is executed, by the owner or any person interested therein, paying to the officer making such sale, or to his successor, the amount for which the same was sold, with interest at the rate of twenty-five per cent. per annum, and the legal charges thereon. If the estate of an infant or a lunatic be sold, the same may be redeemed, on the like terms, at any time within one year after such disability shall have been removed.

**SEC. 15.** The assignee of any tax certificate, by indorsement thereon, of any premises sold for taxes by virtue of this act, shall be entitled to receive a deed of such premises in his own name, and with the same effect as though he had been the original purchaser.

Deed to be furnished.

**SEC. 16.** If at any sale of real or personal estate for taxes or assessments, no bid shall be made sufficient to cover the amount of taxes or assessments and charges thereon, for any parcel of land, or any goods and chattels, the same shall be struck off to the Board of Supervisors of the town of Minneapolis, for and in behalf of said town, and thereupon said Board of Supervisors shall receive a certificate of the sale thereof, and shall (as also their successors) be vested with the same rights (in behalf of said town) as other purchasers are or would be in their own right. If the Board of Supervisors shall become the purchasers of any personal property by virtue of this act, the Treasurer shall have the power to sell the same at public sale, giving at least six days previous notice by posting written or printed notices in three public places in said town, and in case the Board of Supervisors, as aforesaid shall become the purchasers of any real estate, at any tax sale, the Treasurer is authorized to sell the certificates issued therefor for the amount sold and interest, and to endorse and transfer such certificates to the purchaser.

Supervisors may purchase.

**SEC. 17.** All deeds purporting on their face to have been executed on account of sales for taxes or assessments under this act, shall be in all cases *prima facie* evidence of the validity of such tax, and if the title conveyed by such deed shall come in question, shall be *prima facie* evidence of all facts recited in such deeds, so far as they may affect the validity of the title conveyed by such deed.

Deeds to be received as evidence.

**SEC. 18.** The officer making such tax sale, or his successor, shall receive any moneys that may be legally tendered him for the redemption of lands sold for taxes, and he shall keep an account thereof, and pay the same over on demand to the person entitled to receive the same; he shall cancel all certificates so redeemed, and preserve the same in his office, and at the expiration of his term of office he shall deliver over to his successor all redemption money in his hands,

Officer making sale to receive money.

with a statement of the amount so received and to whom belonging.

SEC. 19. The township assessor of the township of Minneapolis shall make a separate list of the persons and personal property of all persons residing within the town of Minneapolis, in the same manner as he is now required to do by chapter five of the session laws, passed at the extra session of 1862, in case of any residents of any incorporated town, and he shall include in such assessment all the real property and the owners thereof within said town, so far as he may be able, in the manner above provided in case of personal property.

Duties of Assessor.

SEC. 20. No sale under execution or other proceeding, upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment for any tax, or for any improvements, chargeable to, or assessed against the property under this act, although the confirmation of such assessment may be subsequent to the lien of said judgment, decree or other lien, or to said transfer or mortgage.

Sales not to affect liens.

SEC. 21. In addition to the remedies herein provided for the collection of taxes and assessments suit may be instituted by the Board of Supervisors in behalf of said town, in the District Court, in and for Hennepin county, or before any justice of the peace residing in said town, to recover any tax or assessment for work or improvement or benefits chargeable to lots under this act, or for the recovery of any tax or assessment which may be levied or made under this act against the parties liable therefor, or against the owner of such property so taxed or assessed, in the same manner as other suits are instituted under the laws of this State; and in case the parties defendant cannot be found within the county of Hennepin, publication in a public newspaper of said town of the summons for six successive weeks, once in each week, shall be deemed and be equivalent to actual service; and it shall be sufficient to state as the cause of action in the complaint, that the Board of Supervisors of the town of Minneapolis, by virtue of the powers to them given by law, on a certain day made and confirmed a certain assessment on certain property of the defendant or defendants, specifying the amount of the

Powers of Supervisors.

property assessed, and, the nature and purpose of the assessment, and a transcript of such assessment for taxes, improvements or benefits duly certified by the Town Clerk, shall be *prima facie* evidence of the facts therein set forth, and that such assessment was regular, and duly and legally made, and a judgment thereon entered shall bear interest at the rate of thirty per cent. per annum.

Duties of Super-  
visors.

SEC. 22. 1. The Board of Supervisors; for the purpose of guarding against the calamities of fire, shall have the power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire proof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire proof materials, and to prohibit repairing or building any wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

2. The board of supervisors shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe or secure place, when considered dangerous.

Any building erected, placed or repaired, and any chimney, fire place, hearth, stove, stove pipe, oven, boiler, or any other thing or substance placed, used or remaining, and any business or occupation being engaged in contrary to any rule, regulation or ordinance which may be made in pursuance of subdivisions one and two of this section, or of any powers or provisions in this act contained, designed to give effect to said subdivisions, is hereby declared a nuisance, and the board of supervisors are hereby authorized summarily, or in their discretion, to abate the same, or to cause the same to be abated; and all acts and things so done by them or their authorized agent or agents shall be held to be lawfully done and exercised.

3. The board of supervisors shall also have the power to prevent the deposit of ashes in unsafe places, and the throwing of ashes in the streets and highways.

4. To require the inhabitants to keep as many fire buckets, and in such manner and times as they shall prescribe, and to regulate the use of them in time of fire.

5. To regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires.

6. To regulate and prevent bonfires, and the use of fireworks and fire arms.

7. To compel the owners or occupants of buildings to have scuttles in the roofs, and stairs or ladders to the same.

8. To provide for the construction of such reservoir or reservoirs, hydrant or hydrants, as they may deem necessary, and to make and enforce all needful regulations and orders respecting the same.

9. To authorize the marshal and assistant marshals to keep away from the vicinity of any fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires, and in the preservation of property exposed to dangers thereat; and generally to establish such regulations for the prevention and extinguishment of fires, as the board of supervisors may deem expedient.

Sec. 23. 1. The board of supervisors shall have power to purchase fire engines and other fire apparatus, and for the purpose of purchasing for the use of said town a steam fire engine, together with hose for the same, and other necessary fire apparatus, and for building, purchasing, or otherwise providing a convenient and suitable place for keeping the same, and for building suitable cisterns and reservoirs, and for no other purpose, said board of supervisors are authorized to issue the bonds of said town to an amount not exceeding ten thousand dollars, which said bonds shall be issued in amounts of not less than one hundred dollars each, and shall not run over two years from their date, and shall not draw over ten per cent. interest per annum; and should said board of supervisors issue any bonds under the provisions of this section, they are hereby authorized and required to levy upon the property of said town a tax sufficient to pay the same, together with the interest on or before maturity; which said tax shall be in addition to the tax provided for in sec-

May purchase  
fire engines.



tion fourteen of this act, and shall be levied and collected in the same manner as the tax authorized in said section fourteen of this act. And to authorize the formation of fire engine, hook and ladder, and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded, and their meeting to be prohibited and their apparatus to be given up.

Limitation of  
Companies.

2. Any company so formed shall not exceed one hundred able bodied men, between the ages of eighteen and fifty years; such company may elect its own officers, form its own by-laws, not inconsistent with the laws of this State, and shall be formed only by voluntary enlistments. Every member of each company hereby authorized to be formed, shall be exempt from highway work and poll tax, from serving on juries, and from military duty during the continuance of such membership, and any person having served for the term of five years in such company, shall be forever thereafter exempt from serving on juries, from poll tax, and military duty, except in cases of insurrection or invasion.

Duties of Super-  
visors.

3. The board of supervisors may make all such rules and regulations as they shall in their discretion deem suitable, in regard to the officers of such company or companies, may prescribe their powers and duties, and provide for the enforcement of such rules and regulations by penalties or punishments.

4. Whenever any person shall refuse to obey any lawful order of any engineer, or of the marshal, or any of the assistant marshals, it shall be lawful for the officer giving such order, to arrest, or direct any citizen to arrest such person and confine him 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 aid in arresting any such intoxicated or disorderly person, shall be liable to such penalties as the board of supervisors may prescribe, not exceeding twenty dollars.

SEC. 24. Any violation of any of the ordinances,

rules or by-laws enacted under the provisions of this act, are hereby declared to be misdemeanors, and, subject to any limitations in this act contained, may be punished as misdemeanors by the laws of this State, and all prosecutions for any violation of any of the ordinances, rules or by-laws enacted under the provisions of this act, shall be brought in behalf of the town of Minneapolis, and shall be commenced by warrant, upon complaint being made as required by law in criminal cases before justices of the peace. Such complaint may be made by any person, and the same proceedings shall be had therein, when not otherwise herein directed, as are required to be had by the laws of this State, in criminal actions before justices of the peace. The justices of the peace of the town of Minneapolis shall have and possess exclusive original jurisdiction in all cases arising under this act except as herein otherwise provided, and all warrants, processes or writs herein provided for, for violation of any ordinance or by-laws of said town, shall be directed to the marshal or any of his assistants.

How violations  
of ordinances  
punished.

SEC. 25. The board of supervisors may sue and be sued, plead and be impleaded, in any court, in all proceedings to which said town shall be a party, as fully and with the like effect as the said board or town now may or can, and they may purchase, take, hold, and lease and convey such real, personal and mixed estates as the purposes of the town may require, and the same shall be free from taxation; and they shall be capable of contracting and being contracted with, and all pleadings, actions, proceedings, writs, processes, or other writings, things or acts whatsoever, which may be made or issued in behalf of or to the town of Minneapolis, as party, plaintiff or defendant, and in which the name plaintiff or defendant might or could be required, shall be brought by, with, or against the board of supervisors of the town of Minneapolis as the case may require; and the purchase of the fractional part of block twenty-two in said town, heretofore made by said board of supervisors for the purposes of said town, and all acts and things heretofore done by them in relation to the same, are hereby expressly declared to have been legally done and performed, and to have the full force and effect of law.

Powers of Super-  
visors.

How fines dis-  
posed of.

SEC. 26. All fines and penalties imposed under or by virtue of the provisions of this act, shall belong to the said town of Minneapolis, and shall constitute a fund to pay the expenses incurred under the provisions of this act.

Offenders—how  
dealt with.

SEC. 27. In all cases of the imposition of any fine or penalty, or the rendering any judgment by any justice as a punishment for any offence, or the violation of any by-law or ordinance, the offender shall be forthwith committed to the common jail of Hennepin county, and be there imprisoned for a term not exceeding thirty days, in the discretion of the justice, unless the fine or penalty, or judgment with costs (if any are imposed) be sooner paid or satisfied, and in all cases where the punishment of such offender shall be by imprisonment, such imprisonment shall be in the said common jail of Hennepin county; and from and after the arrest of any person or persons for any violation as aforesaid, or for any offence whatever, until the time of the trial or hearing, the person or persons so arrested may be imprisoned in said jail unless admitted to bail. The sheriff of Hennepin county and jailor of said jail, and their and each of their deputies are required to receive such person into custody, and confine him safely in said jail, until he may be discharged in due course of law; and such sheriff and jailor, and their deputies, offending in the premises, shall be liable to the same fines and penalties, and the parties aggrieved shall be entitled to the same remedies against them, or any of them, as if such prisoners had been committed to their custody by virtue of legal process issued under the authority of this State. The town of Minneapolis shall be liable to pay for the support and keeping such prisoners, the same charges and allowances as are allowed for the support and keeping of prisoners committed under the authority of this State: *Provided*, That the town of Minneapolis shall not be liable in any case, for the board or jail fees of any person who may be committed to the jail of Hennepin county for any offence punishable under the State laws: *And provided further*, That no fine or penalty authorized by this act shall exceed in amount the sum of fifty dollars, and that no imprisonment provided for in this act shall be for a longer

The town of Min-  
neapolis to pay  
expenses.

term than thirty days, and the rights and manner of bail and appeal, and the admission to bail which are given by law, are hereby declared to be preserved, and shall be held to apply to offences punishable under this act, except when contravened by the terms hereof: *And provided further*, That nothing herein contained shall be construed to interfere with or prevent the trial of offences declared to be crimes or misdemeanors by the laws of this State, in the manner and subject to the penalties provided by law for such offences.

SEC. 28. No person shall be an incompetent judge, justice or juror by reason of being an inhabitant of the town of Minneapolis, in any proceeding or action in which said town shall be a party in interest. Residence not to disqualify.

SEC. 29. All fines, penalties, judgments and moneys, (except officer's fees,) that may be imposed, levied or collected by any justice of the peace, or that may be collected by any other officer, and all that have been heretofore levied, imposed or collected by any of the town officers, for any violation of any by-law or ordinance, or of any of the laws of the State of Minnesota, shall be vested in and be the exclusive property of said town. Fines to be the property of town.

SEC. 30. The following property now, or at any time hereafter, belonging to said town shall be exempt from sale under or by virtue of any execution: Engine houses, hook and ladder houses, together with the grounds and lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose, or any other fire apparatus used by any company created or authorized by the supervisors of said town. *Provided*, That nothing herein contained shall exempt any of the aforesaid real or personal property from levy and sale by virtue of any execution issued on judgments rendered in favor of any person or persons who may have purchased or sold any such fire apparatus to the credit of said town. Nor shall any real or personal property of any inhabitant of said town, or of any individual or corporation, be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said town. Property to be exempt under execution.

SEC. 31. A street commissioner may be appointed by the board of supervisors, who shall hold his office

Street Commis-  
sioner to be ap-  
pointed.

for one year, and until another shall be appointed and qualified, whose duty it shall be to render his personal services and perform labor in repairing streets, sidewalks and sewers, and to superintend all local improvements, under the direction of the board of supervisors, and to carry into effect all orders of the board of supervisors in relation thereto. The board of supervisors may require the street commissioner to collect the poll tax. Such street commissioner shall have all the powers as road supervisors or overseers of highways, as provided in the revised statutes of this State, and shall report to the board of supervisors when required. He shall also perform such other duties as may be herein prescribed to be performed by the street commissioner or ordered by the board of supervisors. Said street commissioner shall give bond with sufficient security, to be approved by the board, conditioned for the faithful discharge of his duties, in such sum as the Board shall require. Said street commissioner shall receive a compensation, to be fixed by the board of supervisors, not exceeding five hundred dollars per annum. He shall keep accurate account of all expenditures incurred in the discharge of his duties, and shall render account thereof to the board of supervisors quarterly, or oftener if required.

Compensation.

Supervisors to  
appoint town  
officers.

SEC. 32. The board of supervisors shall have the power and authority to appoint a town marshal, who shall hold his office for the term of one year, unless sooner removed by the board of supervisors, and until his successor is appointed and qualified. They shall also have the power and authority to appoint, in their discretion, assistant marshals, not to exceed five, whose terms of office shall close with the expiration of the term of office of the then acting marshal, unless sooner removed by the board of supervisors. Said town marshal and each of the assistant marshals shall give bond, with sufficient surety, to be approved by the board, conditioned each for the faithful discharge of his duties, in such sum as the board shall require, and they shall perform such duties as the board may prescribe under the provisions of this act. They shall each, at any place within the county of Hennepin, have all the powers and be subject to all the duties of constables by the laws of this State; and

they shall each have the power, and it shall be their duty to execute and serve all warrants, process, commitments, and all writs whenever issued by any justice of the peace, for any violation of the ordinances, rules or by-laws enacted under the provisions of this act, and the same shall not be executed or served by any other person, and the same shall be directed to the marshal or any one of the assistant marshals.

Said marshal and the assistant marshals shall be entitled to demand and receive like fees as constables, when performing the duties of a constable, and in addition thereto shall receive such salary as the board may fix, not exceeding in each case five hundred dollars per annum; and the board of supervisors shall fix the salary of the marshal and assistant marshals, and may change the same at any time. Fees.

Sec. 33. The treasurer shall receive all moneys belonging to the town, including license money and fines. He shall keep an accurate and detailed account thereof, in such manner as the board of supervisors shall from time to time direct. He shall exhibit to them, as often as required, a full and detailed account of all expenditures, and also of the state of the treasury, which account shall be filed with the town clerk. He shall hold his office for the time and in the manner and with like privileges, pay or salary provided by law, and shall be subject to all the liabilities and shall perform all the duties now required or which may be required of him by law, and in addition thereto shall perform all the duties hereinbefore prescribed or indicated. Treasurer's duties.

Sec. 34. And the town clerk, in addition to the duties herein above indicated or prescribed, shall be subject to all the liabilities and shall perform all the duties now required, or which may be required of him by law, and shall hold his office for the time and in the manner, and with like privileges, pay or salary provided by law. Duties of Town Clerk.

Sec. 35. The board of supervisors shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and they shall have the further power to remove all officers by them appointed at any time, and to fill all vacancies which may occur, and they Powers of Supervisors.

shall examine, audit and adjust the accounts of all officers and agents of the town at such times as they may deem proper.

Contracts not to be prejudiced.

SEC. 36. Nothing in this act contained shall prejudice any existing or subsisting contracts, or things done by the board of supervisors, or any of the town officers or their agents, under any power or authority heretofore given them by law, or any existing rules, regulations, ordinances or by-laws, till the same shall be changed, altered, modified, enlarged or repealed pursuant to the power and authority herein given, and till such change, modification, enlargement or repeal such rules, regulations and ordinances shall continue to have the full force and effect of law, and all acts and things done or to be done thereunder and in pursuance thereof shall be held to be lawfully done.

Supervisors to make rules and regulations.

SEC. 37. All rules and regulations made pursuant to this act shall have the full force and effect of law; and the board of supervisors are hereby expressly authorized and empowered to make all rules and regulations, of whatever nature, which may be necessary to effectuate any of the provisions of this act, or to give full power, effect and authority to any rule or regulation which they may prescribe, and to enforce the same by appropriate legislation, and by such fines, penalties or punishments as to them may seem proper, and all powers necessary to this end are hereby expressly granted: *Provided*, That such legislation be not repugnant to the provisions of this act, or to the constitution of this State or the United States. The board of supervisors may call a meeting at any time, of the voters residing within said town of Minneapolis, upon the written petition of fifteen freeholders residing within said town, setting forth the object of said meeting. The board of supervisors shall give notice of said meeting by posting notices in the public places in said town, setting forth the objects of said meeting, and no other business shall be considered at said meeting than that set forth in said petition and notice; and any business so done shall have the same force and effect as if transacted at regular annual town meetings.

Repeals former acts.

SEC. 38. All acts and parts of acts heretofore passed, having especial reference to the territory describ-

ed within the herein named limits, are hereby repealed.

SEC. 39. This act shall be submitted to the legal voters residing within the limits of the territory described in this act, for acceptance or rejection, at an election to be held, at the same time and place of holding the annual town meeting, and in the same manner and under the restrictions as apply to said annual town election, on the first Tuesday of April, eighteen hundred and sixty-six, at which the polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon, and at which election the supervisors of the town of Minneapolis shall be judges of election, or in their absence, such other person or persons as may be in the usual manner chosen for that purpose by the legal voters present at the proper time for opening the polls, and the town clerk shall be clerk of election, or in his absence, the legal voters present at the proper time may select another person to act as clerk. The manner of taking the vote shall be as follows: The judges of election shall provide a suitable ballot-box in which to deposit the ballots; the ballots shall have the following words written or printed, or partly written and partly printed on them: "For increased powers of Board of Supervisors;" or, "Against increased powers of Board of Supervisors." If a majority of the votes so cast shall be "For increased powers of Board of Supervisors," then this act shall be in full force and effect at once; but if a majority of the votes so cast shall be "Against increased powers of Board of Supervisors," this act shall be null and void.

Approved, March 1, 1866.