

shall thereupon succeed to, and become vested with, and owners of all the property, real, personal and mixed, and all rights of action of every kind and nature whatsoever, which belonged to or was owned by said borough corporation at the time when the same ceased to exist, and said city corporation shall thereupon become and be liable and responsible for all the debts and obligations and liabilities then existing against said borough corporation, for any cause or consideration whatever, in the same manner and to the same extent as if such debts had been originally contracted or incurred by such city corporation.

SEC. 10. All ordinances, by-laws, and resolutions heretofore made and established by the council of the borough of St. Peter, not inconsistent with the provisions of this act, shall be and remain in full force and effect after the establishment of said city corporation, as hereinbefore provided for, until the same shall have been altered, modified or repealed by the common council of said city corporation.

SEC. 11. All and every process and notice whatever, affecting such city, shall be served upon the mayor, or in his absence, upon the president of the council, and in the absence of both of these officers upon the clerk, or by leaving a certified copy thereof at the office of said clerk.

Approved February 28, 1873.

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## CHAPTER II.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF TAYLOR'S FALLS," APPROVED JULY FIFTEENTH, ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT, AND AN ACT TO AMEND SAID ACT, APPROVED MARCH SEVENTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN, AND AN ACT ENTITLED "AN ACT CREATING AN INDEPENDENT SCHOOL DISTRICT IN SAID TOWN, APPROVED MARCH SIXTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

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

## CHAPTER I.

### BOUNDARIES.

SECTION 1. All that district of country in the county of Chisago in the state of Minnesota, contained within the limits and boundaries hereinafter described, shall be a town by the name and style of Taylor's Falls, and the people now inhabiting, and those who shall hereafter inhabit within the district described shall be a municipal corporation by the name of Taylors Falls, and shall have all the general powers possessed by municipal corporations at the common law, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with; suing and being sued; pleading and being impleaded in all courts of law and equity; and may have a common seal, and change and alter the same at pleasure; and may take, hold and purchase, lease and convey such real, personal and mixed estate as the purposes of the corporation may require, within or without the town.

SEC. 2. The territory included within the following boundaries and limits shall constitute the town of Taylors Falls, to-wit: Lot number five in section seven, and all that part of sections eighteen, nineteen and thirty, in township thirty-four of range eighteen, lying west of the St. Croix river, and the east half of section thirteen, all of section twenty-four, and all that part of sections twenty-five and thirty-six lying west of the St. Croix river, and the east half of section twenty-six and the north-east quarter of section thirty-five, in township thirty-four, range nineteen.

## CHAPTER II.

### GOVERNMENT OF THE TOWN.

SECTION 1. There shall be a town council, to consist of a president, recorder and three trustees, and whenever a majority of the qualified electors of said town shall decide in favor of a division of said town into wards, it shall be the duty of the town council to make an equitable division thereof for the welfare of said town, and each ward thereafter shall be entitled to one trustee, who shall be a member of the town council.

SEC. 2. The town council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections for town officers.

SEC. 3. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

SEC. 4. The town council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and

with the concurrence of two-thirds of the members elected expel a member for sufficient cause.

SEC. 5. The style of the ordinances of the town shall be: "Be it ordained by the council of the town of Taylor's Falls."

SEC. 6. The town council shall keep a journal of its proceedings, and ayes and nays, when demanded by any member present, shall be entered on the journal.

SEC. 7. No member of the town council shall be appointed to any office under the authority of the town, which shall have been created, or the compensation of which shall have been increased during the time for which he shall have been elected.

SEC. 8. The members of the town council before entering upon the duties of their office shall take and subscribe an oath that they will support the constitution of the United States, and the constitution of the state of Minnesota, and that they will well and truly perform the duties of their office to the best of their abilities.

SEC. 9. Whenever there shall be a tie in an election there shall be a new election ordered in such manner as shall be provided by ordinance, and whenever a vacancy shall occur by death, resignation, or otherwise, there shall be a new election, which shall be provided for by ordinance.

SEC. 10. The town council shall hold meetings at such time and places as may be prescribed by ordinance.

SEC. 11. The town council shall have power to assess, levy and collect taxes on all property, real, personal and mixed within the limits of the town for the general purposes of the corporation created by this act; *Provided*, That the tax levied for said purposes shall not in any one year exceed twelve mills on the dollar of the assessed value of the property of said town of the last preceding year, unless authorized by a previous vote of the electors of said town. They shall also have power to assess, levy and collect a tax for school purposes not exceeding five mills on the dollar of the assessed value of the property, real, personal and mixed in the independent school district of Taylors Falls, upon the recommendation of the board of education of the town of Taylor's Falls.

SEC. 12. The town council shall have power to provide by ordinance for the manner of assessing and enforcing the collection of all taxes levied under the provisions of this act, but until express provision is made in regard to that subject all taxes shall be collected as follows: The recorder shall deliver to the county auditor of Chisago county a certificate signed by him under the seal of the corporation, setting forth the amount levied upon every dollar in value of the taxable property within the limits of the town of Taylor's Falls as incorporated by this act, it thereupon shall become the duty of the said auditor to add the amount thus levied to the assessment

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rolls of the year in which such levy was made, and it shall become the duty of the county treasurer of said county to collect the amount thus added to the assessment roll, and to enforce the collection of the same in like manner as any other tax of the said county of Chisago is placed in his hands for collection, and to pay the amount so collected to the recorder of the town of Taylor's Falls, incorporated by this act.

SEC. 13. The common council shall have the management and control of the finances, (subject to the provisions of this act,) and all the property of the town, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the town, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient; they shall have the power to establish and maintain a city-prison and watch houses; to make all rules and regulations for the government and management of such prison and watch-houses. The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons 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 shall have authority by ordinances, resolutions or by-laws:

*First*—To license and regulate the exhibition of common showmen, and shows of all kinds, and the exhibitions 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, butcher shops and butcher stalls, and venders of butcher's meat, pawn brokers, insurance offices and insurance agencies, taverns, lager beer saloons, victualling houses, and all persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors. *Provided*, That this act shall not be so construed as to prevent pork-packers from disposing of offal or trimming 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 quantities not less than by the quarter, be denied or held to be a vender of fresh or butchers' meat under the provisions of this act; and also to license and regulate the selling or contracting for the sale of any goods, wares or merchandise by samples, when such goods, wares or merchandise are thereafter to be sent or delivered to the purchaser. *And provided further*,

That not less than five dollars, nor more than five hundred dollars, shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed one dollar; and said common council may at any time revoke any license granted under this act for malconduct in the course of trade, and may regulate or restrain the sale of fresh or butchers' meats within the corporate limits of said town, and punish or restrain the forestalling of poultry, game, eggs or fruit within said town.

*Second*—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 gaming, in said town, and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the town council.

*Third*—To prevent any riots, noise, disturbance and disorderly assemblages in said town, 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.

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

*Fifth*—To direct the location and management of slaughter-houses and markets, breweries, distilleries and pawn-brokers, and to establish rates for, and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials; to erect market-houses, establish markets and market places, and provide for the government and regulation thereof, and direct the location of slaughter-houses; to improve, erect and preserve the landings, public wharves and docks on the St. Croix river, within the limits of the town, and regulate the rates of wharfage thereat.

*Sixth*—To open, alter, abolish, widen, extend, establish, repair or otherwise improve and keep in repair, streets, avenues and alleys, subject to the assessment of damages, as hereinafter provided, and prescribe the width of sidewalks, and establish the grade of the same, and may establish different widths in different locations, and may determine the kind of material of which they shall be constructed and the manner of construction, and shall have power to establish the grade of any street in said town and regulate the grading of the same.

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*Seventh*—To establish, erect and keep in repair bridges.

*Eighth*—To prevent the encumbering of streets, sidewalks, lanes, public grounds or wharves, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings or any other material or substances whatever.

*Ninth*—To prevent and punish horse-racing, 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 within the limits of said town.

*Tenth*—To restrain the running at large of horses, 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 the violation of the ordinances. *Provided*, That when a sale of such animals shall be made, the proceeds thereof after deducting the expenses of distraining, keeping, advertising and selling such animals, shall be deposited in the office of the treasurer of said town for the use and benefit of the owners thereof, if called for within one year from the date of such sale.

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

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

*Thirteenth*—To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for and conduct water into and through said town, and into and through its streets, avenues, alleys, and public grounds, and to provide for and control the erection of waterworks for the supply of water to its inhabitants; to regulate and at a rate to license hacks, carts, omnibusses, trucks, wagons, and other vehicles engaged in hauling or carrying for hire, and the charges of the drivers of such vehicles; to regulate and at a reasonable rate to license second-hand stores and junk-shops, and to erect lamps and to provide for lighting the town, and to control the erection of gas works, or other works for lighting the town, streets, public grounds, and public buildings, and to create, alter and extend lamp districts.

*Fourteenth*—To establish and regulate boards of health, provide hospitals and hospital grounds, the registration of births and deaths,

and the return of the bills of mortality, and regulate or prevent the burial of the dead within the town limits.

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

*Sixteenth*—To prevent all persons riding or driving any ox, mule, cattle, or any other animal, on the side walks or other public grounds or property in said town, or in any way doing any damage to such side walks, grounds or property.

*Seventeenth*—To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the town, or any property therein, or annoying any citizen thereof.

*Eighteenth*—To prevent open or notorious drunkenness and obscenity, blasphemy or swearing, loud and unusual noises, shouting or hallooing in the streets or public places of said town, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

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

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

*Twenty-first*—To provide for the receipt, storage, transportation, safe-keeping and dealing and traffic in gunpowder, petroleum, kerosene, or other dangerous, explosive or inflammable oils or substances, within said town, or within one mile of the corporate limits thereof, and to provide for the summary condemnation or destruction of any of said articles as may be kept or stored, dealt in, transported through or received in said town, contrary to such ordinances as said town may enact for the safety of life and property therein; to regulate the fixing of chimneys, stove-pipes and the flues thereof.

*Twenty-second*—To regulate the place and manner of weighing hay and selling the same, and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

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

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*Twenty-fourth*—To construct or authorize any individual or corporation to construct docks, piers or wharves in the St. Croix river within said town, and to have a general supervision over the same, so as to secure uniformity of construction and freedom of navigation.

*Twenty-fifth*—To regulate, control and prevent the landing of persons from boats or vessels whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said town, and also to regulate, control and prevent the landing and conveyance of paupers and persons in a destitute condition into said town, and not having a legal settlement or residence therein, by any boat or vessel or other means of conveyance, and to require that such persons shall be taken back to the place from whence they may have been brought by the person or persons bringing or leaving them in said town.

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

*Twenty-seventh*—To provide for watchmen, and to prescribe their number and duties, and regulate the same; and to create and establish the police of said town, and to prescribe the number of police officers and their duties, and to regulate the same.

*Twenty-eighth*—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 the town sealer, and to provide punishment for the use of false weights and measures.

*Twenty-ninth*—To regulate the inspection of flour, pork, beef, fish, salt, whisky, and other liquors and provisions.

*Thirtieth*—To regulate the measurement and inspection of lumber, shingles, timber and building materials.

*Thirty-first*—To appoint inspectors, weighers and guagers; to regulate their duties and prescribe their compensation.

*Thirty-second*—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

*Thirty-third*—To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, wharves, public grounds and highways of the town.

*Thirty-fourth*—To remove and abate any nuisance injurious to the public health or safety, and to remove or require to be removed any building which by reason of dilapidation, defects in structure or other causes, may have or shall become imminently dangerous to life and property; and to provide for the punishment of all persons who shall cause or maintain such nuisances, and to charge and assess the expense of removing or abating the same upon the lot or lots upon which such nuisance or dangerous building may be maintained.

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

suppression of disease, and make regulations and to prevent the introduction of contagious diseases into the town ; and to make quarantine laws, and enforce the same within the town limits. The jurisdiction of said town shall extend to and be in force over any lands within the county of Chisago, purchased or used by said town for the purposes of a quarantine, for police and sanitary regulations ; and for the preservation of the health of said town, and the suppression of disease and abatement of public nuisances, and the suppression of any business contrary to the sanitary regulations of the common council or board of health, the jurisdiction of said town shall extend into Chisago county aforesaid.

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

*Thirty seventh*—Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said town may extend to a fine not exceeding one hundred dollars, and imprisonment in the town prison or county jail not exceeding sixty days, or both, and to be fed on bread and water at the discretion of the town justice ; and offenders against the same may be required to give security for their good behavior, and to keep the peace not exceeding six months, and in a sum not exceeding five hundred dollars.

*Thirty-eighth*—The common council of said town may provide by ordinance that any one convicted of an offense before the town justice, subjecting such offender to imprisonment under the charter and ordinances of said town, may be kept at hard labor in any workhouse established by said town for that purpose, or in case of a male offender, may be kept at hard labor during his term of imprisonment, in such workhouse or upon the public streets and improvements of said town, or both ; and may also provide by ordinance that any one convicted of an offence before the town justice as aforesaid, and committed upon non-payment of a fine imposed, may be kept at hard labor in any workhouse of said town as aforesaid, or in case of a male offender, may be kept at hard labor in such workhouse, or upon the public streets and improvements, or both, until such person shall work out the amount of such fine at such rate of compensation as said common council may prescribe, for a time not exceeding the term of such commitment ; and the common council shall have full power to establish by ordinance all needful regulations for the security of such prisoners thus employed, and to prevent escape and ensure proper discipline, and shall have power to establish a suitable workhouse in said town for the purpose aforesaid, and under such regulations as the said common council may provide ; *Provided*, That the common council aforesaid may be and is hereby authorized to use the jail of Chisago county as the workhouse of the town of

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Taylor's Falls, provided for in this act, the prisoners of the town to be at present in the custody of the sheriff of Chisago county, except when employed upon the public streets and improvements of said town.

SEC. 14. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the common council present, by ayes and nays, and published as required by this act, and shall be admitted as evidence in any court of the state without further proof, and they shall be recorded by the recorder in books provided for that purpose, and no appropriation shall be made without a vote of the majority of the members elect of the common council in its favor, which vote shall be taken by ayes and nays, and entered among the proceedings of the council.

SEC. 15. The powers conferred upon the common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind, within the limits of said town, wherein more than twenty-five pounds of gunpowder, or more than five barrels of thirty-six gallons each [or such greater or less quantity as said common council may direct by ordinance], of petroleum, kerosene, naptha, or inflammable or explosive oils or substances are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license required therefor, within the limits of said town, are hereby declared and shall be deemed public or common nuisances.

SEC. 16. The common council shall also have power to condemn private property for public uses within the limits of said town in the manner and form prescribed by this act.

SEC. 17. The common council shall have the exclusive right to license persons vending or dealing in spirituous, vinous, fermented, mixed, malt or intoxicating liquors within the limits of the said town of Taylor's Falls, and persons so licensed shall not be required to obtain a license from the board of county commissioners: *Provided*, That no license shall be granted for less than one hundred dollars nor more than two hundred dollars per year. *Provided further*, That said common council may grant license for the sale of malt liquors, or to any druggist for the sale of spirituous or vinous liquors, for medical or communion purposes, for a sum not less than fifty dollars nor more than one hundred dollars per year. Previous to the granting of any such license a bond shall be filed with the recorder and approved by the common council, with the same penal sum, and with the same conditions as are required by chapter sixteen of the general statutes. The common council shall have full power and authority to declare and impose fines, penalties and punishment,

and to enforce the same against any person or persons who may violate this section of this act and any ordinance or regulation made in accordance therewith, or contrary to any of the conditions of the bond herein required, or who may vend or traffic in spirituous, vinous, fermented, malt or intoxicating liquors unless duly licensed by said common council, said fine to be not less than twenty-five dollars nor more than one hundred dollars for each and every offense; and in case of conviction under this section of this act and any ordinances or regulations made in accordance therewith, there shall be no appeal allowed from the decision of the justice when judgment or fine imposed shall not exceed twenty dollars, exclusive of costs.

### CHAPTER III.

#### OF THE DUTIES OF OFFICERS.

The elective officers of said corporation of Taylor's Falls shall be one president, one recorder, three trustees, one treasurer, one justice of the peace, one assessor, one marshal and one attorney, and shall each, except the justice of the peace, hold their respective offices for the term of one year, and until their successors are elected and qualified. The justice of the peace shall hold his office for the term of two years, and until his successor shall be elected and qualified. In addition to the above mentioned officers, the common council shall have power to appoint and define the duties of such other officers as to said common council may seem necessary, and should any vacancies occur in any of the elective officers in said town, the common council shall have power to fill said vacancy by appointment until the next regular election. *Provided*, That when a member of the common council holds any appointed office, he shall not vote upon any question involving his action as such appointed officer.

#### OF THE PRESIDENT.

SECTION 1. No person shall be eligible to the office of president who shall not have been a resident of the town one year next preceding his election, being a householder, or owner of real estate, and a qualified elector.

SEC. 2. Whenever an election of president shall be contested, the town council shall determine the same in such manner as may be prescribed by ordinance.

SEC. 3. Whenever any vacancy shall happen in the office of president, it shall be filled by the council.

SEC. 4. The president shall hold his office for one year, or until his successor is elected and qualified.

SEC. 5. The president shall preside over all meetings of the town council, and shall sign all town orders, contracts, agreements, commissions, licenses and permits, and shall sign the journals of all the meetings of the town council officially.

SEC. 6. In case of absence of the president at any meeting of the town council, the council shall elect one of their members to preside, *pro tempore*.

SEC. 7. The president, or any two members, may call a special meeting of the town council.

SEC. 8. The president shall from time to time communicate to the council such information, and recommend all such measures as, in his opinion, may tend to the improvement of the finances, the health, the police, the security, the comforts and ornaments of said town.

SEC. 9. He shall have power to administer oaths or affirmations. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

#### OF THE RECORDER.

That the recorder shall be the recording officer of the town and of the common council. He shall have the custody of the seal of said corporation, and all the records thereof, not necessarily and specifically appertaining to the other officers thereof. He shall keep all the accounts of the corporation, receive all claims against the same, and draw orders upon the treasurer for moneys payable by said corporation, but no such order shall ever be drawn by said recorder unless the same shall be in full or part payment of a claim against said corporation, previously audited and allowed by the common council. He shall also certify the taxes levied by the council to the auditor of the county, each year, at or before the time the clerks of towns are required to make such certificates under the general laws of the state. He shall also make to the common council, at the close of each official year, 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; and he shall, with all reasonable dispatch, make such other reports and at such times as the common council shall require. He shall also have all the rights, powers and privileges, and perform all the duties imposed upon town clerks, under the general laws of the state, and shall receive like compensation for like services as they receive under general laws.

## OF THE TREASURER.

That the treasurer shall be the depositary of all moneys belonging to said corporation. He shall from such moneys pay upon presentation all orders therefor, drawn by the recorder and countersigned by the president. *Provided*, That no order shall be paid by him unless first endorsed in writing thereon, with the name of the payee thereon, and the party receiving the money therefor. He shall give a bond in a sum to be fixed by the council, conditioned for the faithful performance of his duties, and the accounting to said town for all moneys, with two sureties to be approved by the council. He shall, at the end of each six months, make a report to the council containing a detailed statement of all moneys received by him, and all moneys paid by him on account of the town. He shall, upon receiving any moneys as treasurer, file with the recorder of said town a duplicate receipt, which receipt shall be filed and numbered by said recorder, and the amount and date thereof entered in a book to be kept for that purpose. He shall, at the close of his term of office, deliver over all moneys and property in his hands to his successor in office.

## OF THE JUSTICE OF THE PEACE.

The justice of the peace provided for and elected under the provisions of this act, shall have and possess all the powers and jurisdiction of justices of the peace provided and elected under the general laws of the state, and in addition thereto shall have exclusive cognizance and jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of said corporation, or under this act, or for the breach or violation of any such by-law, ordinance or regulation; and in all cases of assaults, batteries and affrays, not indictable, and for a breach or violation of any by-law, ordinance or regulation, shall be commenced in the name of the state of Minnesota on behalf of the town of Taylor's Falls, and the same proceeding shall be had in all civil and criminal suits, or prosecutions before said justice, when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the general laws of the state, before justices of the peace, except that no change of venue shall be taken. All fines, forfeitures and penalties imposed by or recovered before said justice in any suit, prosecution or proceeding, had and commenced in the name of said town, shall be promptly paid by said justice to the recorder of said corporation, for the use thereof. The justice of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation,

and it shall be not necessary, in any action civil or criminal before said justice, to plead or refer to the same in any manner whatever, in any pleading or complaint; but said by-laws, ordinances and regulations shall in said justice court be held and deemed to be public law. The justice of the peace shall, at least once in three months, make to the common council a full report of any moneys received by him for fines, forfeitures and penalties, and shall pay them into the hands of the recorder, taking his receipt therefor. In case of prosecutions for a breach or violation of an ordinance, by-law or regulation of said corporation, or of this act, or for an assault, battery or affray, not indictable, committed within the limits of said corporation, no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, is less than ten dollars. All such proceedings shall be in the name of the State of Minnesota on behalf of the town of Taylor's Falls, and in all prosecutions for any violation of this act, or any by-law, ordinance or regulation or rule, the first process shall be a warrant; *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance of the town of Taylor's Falls, but the person or persons so arrested may be proceeded against, tried, convicted and punished, or discharged, in the same manner as if the arrest had been by warrant. The fees of the justice of the peace shall be the same as allowed and fixed by the general laws of the state for justices of the peace. All warrants, writs and processes of every nature issued by such justice shall be directed to the sheriff or any constable of the county of Chisago, and may be executed or served by the marshall elected under the provisions of this act, or by the sheriff or any constable of said county, and for such purpose said marshall, sheriff and constables shall have and possess the power and authority which by the general laws of the state they have and possess in the execution or service of warrants, writs and other processes issued by justices of the peace elected under such general laws.

#### OF THE MARSHAL.

The marshal elected under the provisions of this act, shall be the ministerial officer of the council, and shall have and possess all the powers belonging to constables elected under the general laws of the state, and his compensation shall be fixed by ordinance of the common council, and said marshal shall 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 sheriffs elected under the general laws of the state. He shall also be chief of the police force of said town, but as such shall be subordinate to the president.

## OF THE ASSESSOR.

The assessor shall be a resident freeholder of said town, who shall have the same powers and authority, and perform the same duties which are by the laws of the state required or vested in township assessors. He shall qualify and give bond in the same manner and receive the same compensation. He shall when required by the council return a census of the population of the town in form such as may be required by the council. The books, abstracts, maps, blanks and other papers required by law to be delivered by the county auditors to assessors shall be delivered by the auditor of said county to said assessor as to other assessors in said county.

## CHAPTER IV.

## OF ELECTIONS.

SECTION 1. There shall be an annual election held on the first Monday of December of each year, at which the electors of said town qualified to vote at township elections, may elect, by ballot and plurality of votes, a president, three trustees, treasurer, justice of the peace, marshal, recorder, assessor and attorney of said town. The trustees of said town shall act as judges of election, and the recorder as one of the clerks, but in case of the absence of either of the trustees any qualified voter of said town may be selected by the voters present to act as such judge. At all town elections under this act the polls shall open at ten o'clock in the forenoon, and continue open until four o'clock in the afternoon of said day; and the election shall be by ballot, and shall be conducted and governed in the same manner, as far as may be, as township elections. The town recorder shall give notice of such election, similar to that required by law for township elections; *Provided*, That any failure to give the notice aforesaid shall not in any manner invalidate any election. Special elections may be called at any time by the trustees, on the petition of ten freeholders of said town, by giving the notice above required, stating the object of the election. They shall canvass the votes and issue certificates of election to those receiving the highest number of votes.

SEC. 2. All officers of said town shall enter upon the duties of their respective offices on the first Monday of January immediately following their election, and all such officers are required to qualify within ten days after receiving notice of their election, or appointment, otherwise such office shall be declared vacant by the council.

SEC. 3. When an election shall be closed and the number of votes for each person voted for counted, the said judges shall make

returns thereof, stating the whole number of votes, and the number of votes each person has received for each and every office, and shall deliver or cause to be delivered such returns to the town recorder, who shall, within ten days, give notice to each of the persons receiving the highest number of votes of their election.

SEC. 4. All frauds in conducting elections or making false returns or illegal voting shall be amenable to the state law.

## CHAPTER V.

### OF PUBLIC IMPROVEMENTS.

SECTION 1. That the municipal corporation of Taylor's Falls is hereby authorized to levy assessments for local improvements upon the property fronting upon such improvements, or upon the property to be benefited by such improvements, without regard to a cash valuation.

SEC. 2. That such assessments may be made by the town of Taylor's Falls for filling, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing, planking, opening, extending, widening and straightening any street, lane, alley, highway, wharf, dock, or levee, and for keeping the same in repair; also, for filling, grading, protecting, improving and ornamenting any public square, now or hereafter laid out; also, for constructing, laying, relaying, erecting, cleaning, and repairing cross and sidewalks, area walls, gutters, sewers and private drains.

SEC. 3. The expenses of any improvements mentioned in the foregoing section shall be defrayed, save as herein otherwise provided, by a special assessment upon the real estate benefited thereby, to be levied in the manner hereinafter described.

SEC. 4. Such assessments shall be made by a board of commissioners, to be known as the commissioners on assessments, and to be appointed as follows: The common council of said town shall on the first Monday of March of each year, or as soon as practicable thereafter, nominate three persons, who shall be each reputable freeholders of said town and qualified electors of the town, and none of whom shall be a member of said council. *Provided*, That none of the said commissioners shall act in relation to any assessment upon property in which he is interested, and that the common council may in such case appoint a commissioner *pro tempore*, to act in place of any commissioner who may be disabled from acting, or on account of being interested as aforesaid; but in all cases of such vacancies the party appointed to fill the same shall be a reputable freeholder of said town, and a qualified elector of the town. Each commissioner, before entering upon the discharge of his duties,

shall take and subscribe an oath to the effect that he will faithfully and impartially execute his duties to the best of his ability. Each of said commissioners shall be entitled to receive a compensation for his services, to be fixed by the common council. Meetings of said board of commissioners shall be called by the chairman, whenever required, and in case any such commissioner, upon being so notified of such meeting, shall neglect or refuse to attend, he shall, except in case of sickness or absence from the town, forfeit and pay a fine to said town not exceeding fifty dollars in each case, and shall be liable to be prosecuted therefor before the town justice of said town. A majority of said board shall constitute a quorum for the transaction of business, and they shall keep a record of all their proceedings and report the same to the common council whenever required; and such record, to be kept in the town recorder's office, shall at all times be open to public inspection. The town recorder shall act as secretary of said board of commissioners.

SEC. 5. Whenever an apparent majority of owners of property to be assessed for any improvement, as mentioned in section two of this chapter, shall petition the common council for such improvement, the common council shall refer the same to the board of commissioners as referred to in the foregoing section. Said board shall then proceed to investigate the same, and if they shall determine that such improvement is necessary and proper, they shall report the same to the common council, accompanied with an estimate of the expenses thereof. If they do not approve of such improvement, they shall report the reasons for their disapproval, and the common council may then in either case order the doing of such work, or the making of such public improvement, after having first obtained from said board an estimate of the expense thereof. In all cases the common council, after having obtained from said board of commissioners an estimate of the expense, may make such changes in the proposed plan as may be petitioned for by any of the owners of the property to be assessed, or as the council may think proper.

SEC. 6. Whenever such board of commissioners shall recommend the opening, straightening, widening, extending, or grading of any street, lane, alley or highway in said town, they shall furnish to the common council a plan or profile of the contemplated improvement, and shall also specially report whether, in their opinion, real estate to be assessed for said improvement can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby; and whenever in any case they shall recommend to the common council the doing of any work, or the making of any public improvement, to be paid for by special assessment, they shall with such recommendation certify to the common council whether the contemplated improvement is asked for by the petition of the owners

of a majority of the property to be assessed for such improvement, and if the owners of a majority of the property so to be assessed shall have failed to petition therefor, the same shall be ordered only by the votes of at least three-fourths of all the councilmen elect, such votes to be entered by ayes and nays on the records of the common council. The certificate of said board of commissioners shall be *prima facie* evidence as to the number of said petitioners and of their interest in the property assessed.

SEC. 7. Whenever any order is passed by the common council, by virtue hereof, for the making of any public improvement mentioned in section two of this chapter, save as herein otherwise provided, which shall require the appropriation or condemnation of any land or real estate, the said board of commissioners shall as soon as practicable proceed to ascertain and assess the damages and recompense due the owners of such land respectively, and at the same time to determine what real estate will be benefited by such improvement and assess the damages, together with the costs of the proceedings, on the real estate by them deemed benefited, in proportion as nearly as may be, to the benefit resulting to each separate lot or parcel.

SEC. 8. The said board of commissioners shall then give two weeks' notice by publication in the official newspaper of the town, or by posting, as in the case of ordinances, of the time and place of meeting, for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for, and shall describe the land to be condemned, as near as may be done by general description. The meeting of said board of commissioners when engaged in making such assessment shall be held in the office of the town recorder, to be specified in said notice, and all persons interested in any such assessment, shall have the right to be present and be heard either in person or by counsel. The said board of commissioners shall view the premises to be condemned and receive any legal evidence that may be offered, for the purpose of proving the true value thereof, or the damages that will be sustained, or benefit conferred, by reason of the contemplated improvement; and the said commissioners, for this purpose, are hereby authorized to administer oaths to all witnesses produced before them. They shall permit the council of the town, or the town attorney, to appear before them at such hearing, to represent the interests of the town, and may adjourn from time to time until such assessment is completed.

SEC. 9. The said board of commissioners, in making said assessment, shall determine and appraise to the owner or owners, the value of the real estate appropriated for the improvement, and the injury arising to them, respectively, from the condemnation thereof, which shall be awarded to such owners respectively, as damages, after

making due allowances therefrom from any benefit which said owners may respectively derive from such improvement.

SEC. 10. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damage, in either case the said board of commissioners shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collectable of them or paid to them.

SEC. 11. In the assessment of damages and benefits for the opening of any street or alley, it shall be lawful for the said board of commissioners, in their discretion, in making such assessment where part of the land to be laid out into such street or alley, has been theretofore donated by any person or persons for such street or alley, to appraise the value of the land so donated, and to apply the value thereof, as far as the amount so appraised shall go, as an offset to the benefits assessed against the person or persons making such donation, or those claiming under them; but nothing herein contained shall authorize any person or persons, by whom such donation is made, to claim from the town the amount of such appraisal, except as an affect [offset] as herein provided. And where the assessment is one for the widening of any street which may have been theretofore, either in whole or any part, donated to the public by the proprietors of the adjoining land, it shall also be lawful for said board of commissioners, in their discretion, to make such allowance therefor, in their assessment of benefits, as shall in their opinion be equitable.

SEC. 12. If there should be any building standing, in whole or in part, upon the land to be taken, the said board of commissioners shall add to their estimate of damages for the land the damages also for the building, or part of building, necessary to be taken, if it be the property of the owner of the land. When owned by any other person, the damages for the building shall be assessed separately. The value of such building to the owner to remove, or of the part thereof necessary to be taken, shall also be determined by said board of commissioners, and notices of such determination shall be given by them to the owner, where known, if a resident of the town, or left at his usual place of business, or abode. If the owner is not known, or is a non-resident, notice to all persons interested shall be given by publication for three weeks in the official paper of the town. Such owner may at any time, within twenty days after service, or the first publication of such notice, notify to such board of commissioners, in writing, his election to take such building, or part of building, at their appraisal; and, in such case, the amount of such appraisal shall be deducted by the said board of commissioners from the estimated damages for the land and building, where they

belong to the same owner, and from the estimated damages for the building where they belong to different owners; and the owner shall have such time for the removal of the building, after the confirmation of the assessment, as the board of commissioners may allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the said board of commissioners shall, after the confirmation of the assessment, and after the money is collected or otherwise provided and ready in the hands of the treasurer to be paid over to the owner, for his damages, proceed to sell such building, or part of building, at public auction, for cash, giving at least ten days' public notice of the sale by publication in the official paper of the town, and cause such building to be then forthwith removed. The proceeds of such sale shall be paid into the town treasury to the credit of the special assessment fund raised for said improvement.

SEC. 13. If the lands and buildings belong to different persons, or if the land be subject to lease, the injury to such persons respectively, may be awarded to them by the commissioners, less the benefits resulting to them, respectively, from the improvement.

SEC. 14. Having ascertained the damages and expenses of such improvement, as aforesaid, the said commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto, from the improvement, as nearly as may be, and shall briefly describe the real estate upon which their assessments may be made; and it shall constitute no legal objection to such assessment that the amount thereof either exceeds or falls short of the original estimate of the cost of the improvement, submitted to the common council by the board of commissioners.

SEC. 15. When completed, the board of commissioners shall cause the assessment roll to be entered in a book to be kept for that purpose in the office of the town recorder, and sign the same, and shall file the same in his office. Notice shall be given by said board of commissioners by one week's publication in the official paper of the town of the filing of the assessment roll, and that at the next regular meeting of the common council to be held after the expiration of such publication they will apply to the common council for a confirmation of said assessment. Objections to said assessment may be heard before the common council, but all parties objecting shall file their objections in writing, in the office of the town recorder, at least one day prior to such meeting of the council. Should no quorum be present at the appointed meeting of the council, the matter shall stand postponed to the next regular meeting when there shall be a quorum, or it may be laid over till any subsequent regular

meeting. The council shall have power to adjourn such hearing from time to time, and shall have power, in their discretion, to revise and correct the assessment, and confirm and annul the same, and direct a new assessment to be made. Said assessment, when confirmed by the common council, shall be final and conclusive upon all parties interested therein, except as hereinafter provided; and when said assessment is confirmed, and no appeal is taken, as herein provided, a warrant shall issue for the collection of the same, signed by the president and town recorder. If said assessment shall be annulled by the common council, or set aside by the court, the board of commissioners by whom the assessment was made shall proceed to make a new assessment, and return the same in like manner, and give like notice as herein required in relation to the first; and all parties in interest shall have the like rights, and the common council shall perform like duties and have like powers in relation to any subsequent determination as are hereby given in relation to the first.

SEC. 16. Any person whose property has been appropriated, and who has filed objections to said assessment, as hereinbefore provided, shall have the right at any time within twenty days after the confirmation of the same by the common council, and not after that time, having first given notice of his or her intention to do so, to the common council or town attorney, specifying in such notice the court to which the appeal is to be taken, to pray an appeal to any court of general jurisdiction in Chisago county from the order of the common council confirming such assessment, upon filing a bond to said town, approved by the judge or judges of the court to which the appeal is taken, conditioned to pay all costs which may be awarded against the appellant. In case of appeal, a copy of the assessment roll, as confirmed by the common council, and of the objections to the final order confirming the same, shall be filed in the office of the clerk of the court to which said appeal shall be taken, and the cause shall be docketed by such clerk in the name of the person taking such appeal against the town of Taylor's Falls, as "an appeal from assessments." The said cause shall be then at issue, and shall have the preference in order of trial, over all civil cases pending in said court. Such appeal shall be tried by such court, and on such trial the only questions to be passed upon shall be, whether the common council had jurisdiction in the case, and whether the valuation of the property specified in the objection is a fair valuation, and the assessment, so far as it affects said property, is a fair and impartial assessment. The judgment of the court shall be either to confirm or annul the assessment, from which judgment no appeal or writ of error shall lie.

SEC. 17. When such assessment shall have been confirmed by the common council, and no appeal have been taken therefrom, or if

an appeal shall have been taken, when judgment to confirm the assessment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property ordered to be appropriated. The common council shall thereupon cause to be paid to the owner of such property, or to his agent, the amount of damages over and above all benefits, which may have been awarded therefor, as soon as a sufficient amount of the assessment shall have been collected for that purpose, but the claimant shall in all cases furnish an abstract of title, showing himself entitled to such damages, before the same shall be paid. If in any case there shall be any doubt as to who is entitled to damages for the land taken, the town may require of the claimant a bond with good and sufficient sureties, to hold said town harmless from all loss, costs and expenses, in case any other person should claim such damages. In all cases the title to land taken and condemned in manner aforesaid, shall be vested absolutely in the town of Taylor's Falls, in fee simple.

SEC. 18. As soon as the money is collected and ready in the hands of the treasurer to be paid over to the parties entitled to damages for property condemned, two weeks' notice thereof shall be given by the town treasurer, in the official paper of the town; and the town may then, and not before, enter upon and take possession of and appropriate the property condemned; and whenever the damages awarded to owner of the property condemned by said town for public use shall have been paid to such owner, or his agent, or when sufficient money for that purpose shall be in the hands of the town treasurer, ready to be paid over to such owner, and two weeks' notice thereof shall have been given in the official paper of said town, the town may enter upon and appropriate such property to the use for which the same was condemned.

SEC. 19. When the whole of any lot or parcel of land or other premises under lease or other contract, shall be taken for the purposes aforesaid, by virtue of this act, all the covenants, contracts and engagements between landlords and tenants, or any other contracting parties, touching the same or any part thereof, shall, upon publication of the notice required in the preceding section, respectively cease and be absolutely discharged.

SEC. 20. When part only of any lot or parcel of land or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and agreements and engagements respecting the same, upon publication of the aforesaid notice, shall be absolutely discharged, as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable

for such residue thereof, and no more, shall be paid and recoverable for the same.

SEC. 21. Any proceedings taken by the board of commissioners in carrying out the provisions of this act shall be recorded by said board in a book or books to be kept for that purpose in the office of the town recorder, describing particularly the respective improvement and the real estate taken and assessed.

SEC. 22. All owners of real estate or occupants of such real estate, in front of, or adjacent to, or upon whose premises the common council shall order or direct any sidewalk to be laid, or gutter or curbing to be constructed, relaid or repaired, shall construct, relay or repair such sidewalk, gutter or curbing at their own costs and charges in the manner prescribed by said common council, and within such time as the common council may direct by publication in the official paper of the town, or posting, as in the case of ordinances. If the work be not done in the manner and time so prescribed by the common council, the council may forthwith proceed to assess the amount necessary to be assessed therefor, together with all costs upon the real estate aforesaid, which assessments may be collected in the same manner as other special assessments are collected under the provisions of this act.

SEC. 23. Whenever any order shall be passed by the common council for filling, grading, leveling, paving, walling, graveling, macadamizing, planking, bridging or repairing of any street, lane, alley, highway, wharf, dock, or levee, or for the construction of underground sewers or private drains, the subject shall be referred to the board of commissioners, who shall forthwith proceed to assess the amount directed by the common council to be assessed for that purpose, with the costs of the proceedings therein, upon the real estate by them deemed benefited by any such improvement, in proportion as nearly as may be to the benefit resulting thereto in the manner hereinafter provided. *Provided*, That the repairing of any street, lane, alley, highway, public grounds, bridges, sewers, wharves, docks or levees, the cost of which repairs is estimated not to exceed the sum of two hundred dollars, may be done by the town council under the direction of the common council, and be paid out of the street improvement fund.

SEC. 24. When in any case any portions of the costs and expense of making any improvement mentioned in the foregoing section, shall by virtue of any valid law or ordinance, or by virtue of any valid contract, be chargeable upon any railway company, the amount so chargeable may be assessed upon such railway company, and the balance only upon the real estate benefited thereby, and the town may collect the amount so assessed upon said railway company by distress and sale of personal property, as in other cases, or by suit

brought for that purpose ; *Provided*, That any real estate belonging to such railway company and deemed benefited by the said improvement shall be assessed as in other cases.

SEC. 25. Before proceeding to make an assessment for any improvement mentioned in section twenty-two, said board of commissioners shall give one week's notice by publication in the official paper of the town, or posting, as in case of ordinances, of the time and place of their meeting, for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for, and the amount assessed. All persons interested in any such assessments shall have the right to be present and be heard, either in person or by counsel, and the board of commissioners may, in their discretion, receive any legal evidence, and may adjourn, if necessary, from time to time.

SEC. 26. When the board of commissioners shall have completed their assessment, they shall sign and return the same in like manner, and give like notice of the application to the common council for confirmation, as herein required in relation to assessment for the condemnation of real estate ; and all parties in interest shall have the like rights, and the common council shall perform like duties and have like power in relation to such assessment [as are hereby given in relation to assessments] for the condemnation of real estate. When confirmed by the common council, said assessment shall be final and conclusive upon all parties interested therein, and shall be collected as in other cases, and no appeal shall lie in any case from the order of confirmation. If any assessment be annulled or set aside, the said board of commissioners shall proceed to make a new assessment, and shall return the same in like manner, and give like notices as herein required in relation to the first.

SEC. 27. Whenever any public improvement shall be ordered by the common council, by virtue of this act, and the assessment for the same shall have been confirmed, and one half of such special assessment shall have been paid into the town treasury, the town recorder shall, by direction of the said council, advertise for proposals for doing said work ; a plan and profile of the work to be done, accompanied with specifications for the doing of the same, being first placed on file in the office of the town recorder, which said plan, profile and specifications shall at all times be open for public inspection ; which advertisement shall be continued for at least three weeks in the official paper of the town, or posted as in case of ordinances, and shall state the work to be done. The bids for the doing of such work shall be sealed bids, directed to the common council of the town of Taylor's Falls, and shall be sealed in such a manner that they cannot be opened without detection, and shall be accompanied by a bond to the town in the sum of five hundred dollars,

signed by the bidder and two responsible sureties, conditioned that he shall execute the work for the price mentioned in his bid, and according to the plans and specifications, in case the contract shall be awarded to him; and in case of default on his part to execute the contract and perform the work, said bond may be sued and judgment recovered thereon by the town for the full amount thereof, in any court having jurisdiction of the amount. Said bids shall be opened by the common council at their next regular meeting.

SEC. 28. All contracts shall be awarded to the lowest reliable and responsible bidder or bidders, who shall have complied with the above requisition, and who will sufficiently guarantee to the satisfaction of the common council, the performance of said work to the satisfaction of said council; *Provided*, That the contract price does not exceed the estimate, or such other sum as shall be satisfactory to the common council; copies of which contract shall be filed in the office of the town recorder.

SEC. 29. The common council shall reserve the right in their said contracts, to finally decide all questions arising as to the proper performance of said work, and in case of improper construction, to suspend said work at any time, and re-let the same; or to order the entire reconstruction of said work, if improperly done, with power hereby given to said common council to adjust the difference of damages or price (if any there be) which the contractor or contractors failing to properly construct said work, in such cases of default should, in their opinion, pay to the town, according to the just and reasonable interpretation of such contract; which difference or balance shall be recoverable at law in the name of the town, before any court having competent jurisdiction thereof, against such contractor or contractors. In cases where the contractor or contractors shall proceed to properly perform and complete their said contracts, the common council may, in their discretion, from time to time, as the work progresses, grant to said contractor or contractors, an estimate of the amount already earned, reserving fifteen per cent. therefrom, which shall entitle said contractor or contractors to receive the amount that may be due thereon, when the money applicable to the payment of such work shall have been collected, and the conditions annexed to said estimate, if any, shall have been satisfied. Any person taking any contracts with the town, and who agree to be paid from special assessments, shall have no claim or lien upon the town in any event, except from the collections of the special assessments made for the work contracted for; and no work to be paid for by special assessments shall be let except to a contractor or contractors who will so agree.

SEC. 30. Two or more of the notices required or authorized by this act, to be given by the board of commissioners or the town

recorder by publication in the official paper of the town, or posting, as in the case of ordinances, in any special assessment proceedings, may be comprised in one advertisement; *Provided*, Such notices are of the same general character, or for like objects, and, *Provided*, That in other respects the notice[s] so published shall sufficiently comply with the essential statutory requirements. And the provisions of this section shall extend to and embrace all notices required to be given in the official paper of the town, or posted, by the town treasurer of the delivery to him of all tax and special assessment warrants for collection, and of his intended application to some court of general jurisdiction for judgment thereon, provided by this act.

SEC. 31. When any special assessment shall have been confirmed by the common council, and no right of appeal therefrom is given by this act, it shall be the duty of the town recorder to issue a warrant for the collection thereof, which shall be under the corporate seal, and signed by the president and town recorder, and shall contain a copy of the assessment roll as confirmed by the common council, or so much thereof as describes the real estate and the amount of the assessment in each case. If the right of appeal from the order of confirmation shall exist in any case, said warrant shall not be issued until the expiration of the time limited for the taking of such appeal; and if in any case an appeal should actually be taken, the issuing of the warrant shall be delayed until after the determination of such appeal.

SEC. 32. Upon the issuance of any warrant for the collection of any special assessment, the town recorder shall forthwith give notice by two weeks' publication in the official newspaper of the town, or posting as in the case of ordinances, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payments at his office, and that in default thereof the same will be collected at the cost and expense of the persons liable for the payment of such assessments.

SEC. 33. All warrants issued for the collection of special assessments shall, if not paid within thirty days, be delivered by the town recorder to the county treasurer, taking his receipt therefor as in the manner prescribed in the warrants for the collection of the annual taxes, and all such assessments levied by the council under this act shall be a lien upon the real estate on which the same may be imposed from the filing of such warrant with the county treasurer, and no conveyances of such real estate shall be recorded until such assessments are paid, and if the same are not paid within thirty days after the filing of such warrant then such assessment shall bear interest at the rate of one per cent. per month thereafter for each and every month the same remains unpaid.

SEC. 34. All assessments levied by the common council under

this act, shall be a lien upon the real estate on which the same may be imposed, and said lien shall continue until said assessments are paid.

SEC. 35. It shall be the duty of the town attorney, between the fifteenth day of January and the first day of May of each year, to make report to district court of Chisago county at any general term thereof, of all assessment warrants then remaining unpaid in the hands of the county treasurer, asking for judgment against the several lots and parcels of lands described in such list of warrants for the amount of assessments, damages and costs respectively due thereon. The town attorney shall give one week's notice by publication thereof in the official newspaper of the town, or posting, of his intended application for judgment, which shall briefly specify the nature of the respective warrants upon which such application is to be made, and request all persons interested to attend at such term. The advertisement so published shall be deemed, and taken to be sufficient and legal notice of the aforesaid intended application by the town attorney to such court for judgment, and shall be held as sufficient demand and refusal to pay the said assessments.

SEC. 36. The town attorney shall obtain a copy of the advertisement or advertisements referred to in the preceding section, together with a certificate of the due publication thereof, from the printer or publisher of the newspaper in which the same was published, together with the warrant and a certificate of the county treasurer that the same remains unpaid in his hands at date of making certificate, and shall file the same with the clerk of such court at the said term with said reports.

SEC. 37. The clerk of said court, upon the filing of such reports by the town attorney, shall receive and preserve the same, and shall record thereon all judgments, orders, and other proceedings of said court in relation thereto. Each of said reports shall constitute a separate suit, and shall be docketed by the clerk in the following form as near [nearly] as may be, to-wit:

Town of Taylor's Falls *vs.* —— —— and others —— Suit for assessment on warrants for \_\_\_\_\_.

Or in such manner as will sufficiently indicate the nature of the improvement for which the assessment is due.

SEC. 38. It shall be the duty of the court, upon the filing of said reports, to proceed immediately to the hearing of the same, and they shall have priority over all other causes pending in said court; the said court shall pronounce judgment against the several lots and parcels of land described in said reports for which no objection shall be filed, for the amount of the assessment, costs and

damages due severally thereon, including the fees of the county treasurer as fixed by this act, and the costs as allowed in civil actions under the general laws of the state. The owner of any property described in said reports, or any person beneficially interested therein, may appear at said court at the time designated in the town attorney's notice, and file objections in writing to the recovery of judgment against such property; but no objections shall be sustained founded on any mere formal irregularity or defect. The court shall hear and determine all objections in a summary way, without pleadings, and shall dispose of the same with as little delay as possible, consistently with the demands of public justice, but should justice require that for any cause the suit, as to one or more owners, should be delayed for more than twenty days, judgment shall then be rendered as to the other property and lands, and process shall issue for the sale thereof, the same as in all other cases.

SEC. 39. In all cases where judgment shall be rendered by default against the property described in said reports, the court shall thereupon direct said clerk to make out and enter an order for the sale of the same, which said order shall be substantially in the following form:

"WHEREAS, Due notice has been given of the intended application for a judgment against said lands, and no owner hath appeared to make defence or show cause why judgment should not be entered against the said lands and other property for the assessment, damages and costs due and unpaid thereon: Therefore, it is considered by the court that judgment be and is hereby entered against the aforesaid lots and parcels of land, in favor of the town of Taylor's Falls, for the sum annexed to each lot or parcel of land, being the amount of the assessment, damages and costs due severally thereon; and it is ordered by the court, that the said several lots and parcels of land, or so much thereof as shall be sufficient of each of them to satisfy the amount of the assessment, damages and costs annexed to them severally, be sold as the law directs."

In all cases where a defence shall be interposed and judgment shall be rendered against the property, a similar order, adapted to the circumstances of the case, shall be made and entered of record.

SEC. 40. It shall be the duty of the clerk of such court, within twenty days after such order is granted as aforesaid, to make out, under the seal of said court, a copy of so much of said judgment in such case as gives a description of the land against which judgment shall have been rendered, and the amount of such judgment, together with the order of the court thereon; which shall constitute the process on which all lands, lots, sub-lots, pieces and parcels of land,

shall be sold for the amount of any assessment, damages and costs so levied, assessed or charged upon them; and the sheriff of Chisago county is hereby expressly authorized and empowered to make sale of such lands, lots, pieces or parcels of land or other property, upon thirty days' notice, and to be published at least three times in the official newspaper of said town.

SEC. 41. The advertisement of sale to be published in each case of a judgment upon any special or general collection warrant and report aforesaid, shall contain a list of delinquent lots and parcels of land to be sold, the names of the owners if known, the amount of the judgments rendered thereon, respectively, and the warrant upon which the same was rendered, the court which pronounced the judgment, and a notice that the same will be exposed to public sale at a time and place to be named in said advertisement by said sheriff. The omission of the name of any owner, or any mistake respecting the same, shall not invalidate the sale, if the property be otherwise described with sufficient certainty. The proceedings may be stopped at any time upon the payment of said judgment to the county treasurer.

SEC. 42. In all proceedings and advertisements for the collection of such assessments, and the sale of lands theretofore, letters and figures may be used to denote lots, sub lots, lands and blocks, sections, townships, ranges and parts thereof, the year and the amounts.

SEC. 43. Certificates of sale shall be made and subscribed by the sheriff, which shall be delivered to the purchaser, which certificates shall contain the name of the purchaser, a description of the premises sold, the amount of the assessment, with the amount of the judgment for which the same was sold, and the time when the right to redeem shall expire. The sheriff shall continue such sale from day to day until all the lots or parcels of land contained in his precept on which judgment remains unpaid shall be sold or offered for sale.

SEC. 44. The person purchasing any lot or parcel of land shall forthwith pay to the sheriff the amount of the judgment due thereon, and on failure so to do the said property shall again be offered for sale in the same manner as if no such sale had been made, [and in no case shall the sale be closed until payment shall have been made.] If no bids shall be made for any lots or parcel of land the same shall be struck off to the town and thereupon the town shall receive in the corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sales.

SEC. 45. The sheriff shall make return of his precept to the court from which the same was issued, and said record or copies thereof, certified by the clerk, shall be deemed sufficient evidence to prove the sale of any land or other property for assessments, or any other fact authorized to be recorded therein.

SEC. 46. The right of redemption in all cases of sales for assessments shall exist to the owner, his heirs, creditors, or assigns, to the same extent as is allowed by law in the case of sales of real estate under execution, on the payment of lawful money of the United States of the amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest at the rate of twenty-four per cent. per annum. If the real estate of any infant or lunatic be sold under this act, the same may be redeemed at any time within one year after said disability shall be removed. Redemption shall be made by the payment of the amount of redemption money to the county treasurer and taking his voucher therefor, and filing the same in the office of the clerk, who shall thereupon note the fact of said redemption upon his record of sales; or, any person holding a certificate of sale may surrender the same to the clerk of said court to be cancelled, and the fact shall in like manner be noted upon said record. Upon the return of said certificate, or proof of its loss and the filing with the clerk an affidavit to that effect, if the property shall not have been redeemed according to law, a deed shall be executed to the purchaser [or] his assigns by the sheriff to such purchaser, holder or assigns, of the premises so sold and unredeemed. Such deed shall be recorded, have all the force and effects of sheriffs' deeds under sales on executions in civil actions, and the sheriff shall receive the same fees for his services as he is entitled to for similar services under the general laws of the state.

SEC. 47. Such certificate of purchase shall be assignable by endorsement, and an assignment thereof shall vest in the assignee or his legal representatives, all the right and title of the original purchaser.

SEC. 48. All deeds made to purchasers of lots and lands sold for assessments shall be made *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his or her heirs or assigns to the premises thereby conveyed of the following parts:

*First*—That the land or lot conveyed was subject to assessment at the time the same was advertised for sale and had been listed and assessed in the time and manner required by law.

*Second*—That the assessments were not paid at any time before the sale.

*Third*—That the lot or land conveyed had not been redeemed from the sale at the date of the deed.

And shall be conclusive evidence of the following facts:

*First*—That the land or lot was advertised for sale in the manner and for the length of time required by law.

*Second*—That the land or lot was sold for assessments as stated in the deed.

*Third*—That the grantee in the deed was the purchaser.

*Fourth*—That the sale was conducted in the manner required by law.

And in all controversies and suits evolving the title to the lot or land claimed and held under and by virtue of such deed the person or persons claiming title adverse to the title conveyed by such deed shall be required to prove in order to defeat the said title either that the land or lot was not subject to assessment at the date of the sale, that assessments had been paid, that the land or lot had never been listed or assessed for assessments, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this state; but no person shall be permitted to question the title acquired by said deed without first showing that he, she, or they, or the person under whom he, she or they claim title, had title to the land or lot at time of sale, or that the title was obtained from the United States, or of this state after the sale, and that all taxes due upon the lots or land have been paid by such person, or the person under whom he claims title as aforesaid.

SEC. 49. Any change made in the incumbent of any office during the pendency of any such proceedings, shall not operate to effect or delay the same, but the successor or successors in office shall be authorized to do all acts necessary to complete such proceedings, the same as if his predecessors had continued in office.

SEC. 50. All sales of property for non-payment of assessments for any improvement of what kind soever, shall be held at the same time of the general sale of property for non-payment of taxes in each year, unless in particular cases said sale is stayed or delayed by examination or process of law, the intent thereof being that there shall be but one general collection by sale of all taxes and assessments whatsoever in each and every year, which sale shall take place in the manner hereinbefore provided, and at the same time in each year. *Provided*, That in all cases where judgment shall be delayed in consequence of any appeal or delay of any court in rendering its decision, shall have been rendered upon notice to be given as in other cases.

SEC. 51. No assessment of property, or charge for assessments thereon, shall be considered illegal on account of any irregularity or informality in the assessment rolls, or on account of the assessment rolls not being made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment list without name, or in any other name than that of the rightful owner, and no error or informality in the proceedings of any of the officers entrusted with the levying and collection of

special assessments, or affecting substantial justice of the assessment itself, shall vitiate or in any way effect the assessments.

SEC. 52. If any purchaser of lands, lots or other property sold for assessments shall suffer the same to be sold again for like assessments before the expiration of two years from the date of his or her purchase, such purchaser shall not be entitled to a deed for the property until the expiration of two years from the date of the second sale, during which time the land, lot or other property shall be subject to redemption, and the person redeeming shall only be required to pay for the use of the purchaser at the first sale the amount paid for the property, and the amount paid by the second purchaser for his use as in other cases.

SEC. 53. After any real estate shall have been bid in by or struck off to the town, said town may enter upon such real estate and take possession thereof, and through and by the town treasurer may rent or lease the same until the rent shall pay the amount due on such special assessment, interest, penalty and costs.

SEC. 54. The county treasurer shall receive a fee of three per cent. on all warrants for special assessments collected by him, in compensation of the additional duties imposed upon him by this act.

SEC. 55. All laws inconsistent with this act are hereby repealed.

SEC. 56. The town council shall have power to lay out public squares, grounds, lanes, alleys, docks and wharves, and to widen and enlarge the same as follows: Whenever twenty or more free-holders, residing in said town, by petition represent to the town council that it is necessary to take certain lands within the town for the purpose of laying out public grounds, squares, streets, alleys, wharves, or the enlarging or widening of the same; the courses, distances, metes and bounds of the land proposed to be taken, together with the names and residences of the owners of such premises, if known to the petitioners, to be set forth in the petition; the town council shall thereupon cause notice of such application to be given to the [occupant or] occupants of such lands, if there be any, and if such lands, or any portion of them, shall not be in actual occupancy of any one, then the town council shall cause such notice describing as near as may be the premises proposed to be taken, to be published in some newspaper published in said town, or if there be none published in the town, then in the nearest newspaper published in the state, for three weeks successively, once at least in each week, and the publisher of such, or his foreman, shall make affidavit of such publication, and deposit the same with the town recorder.

SEC. 57. Such notice shall state that on a certain day, therein named, not less than six days from the day of the service of such notice, or the expiration of such publication, as the case may be, the

town council shall appoint three commissioners to review said premises and determine whether it is necessary to take the same for the purposes specified in said petition. And at the time specified the said town council shall proceed and appoint three reputable freeholders, residents of this town, but not interested in the result of said petition, and shall enter an order in their proceedings, requesting the said commissioners within thirty days to view said premises to be specified in said order, and to make return to the town council whether in their judgment it is necessary to take said premises for the public use, for the purposes specified in the petition.

SEC. 58. The recorder shall within three days notify the said commissioners of their appointment, embracing therein a copy of such order, and if any of the said commissioners shall be disqualified from acting, or shall at any time refuse to act, the town council shall appoint others in their places, whom the recorder shall likewise notify, and a memorandum of such substitution shall be endorsed on the notice.

SEC. 59. The said commissioners at such time as they may agree upon, within thirty days of the time of their appointment, shall, after giving three days' notice to all parties whose property is to be taken in the proposed condemnation, proceed to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of their number, and either of the commissioners shall be authorized to administer the necessary oaths to the witnesses. *Provided*, That the said commissioners shall before entering upon the discharge of their duties, take and subscribe an oath faithfully and impartially to discharge their duties as such commissioners.

SEC. 60. After viewing the premises and hearing the testimony offered shall, if they decide that it is necessary to take the premises in question for the public use, proceed to make their assessment of damages and appraise to the owner, or other parties having an interest in the premises, the value of the premises proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, shall be awarded to such persons as damages. If the lands or buildings belong to different persons, or if the lands be subject to lease, mortgage, judgment or lien, or if there be any estate in it less than an estate in fee, the injury done to such person or interest respectively may be awarded to them respectively from the proposed appropriation to the public use.

SEC. 61. Having ascertained the damages and expenses of the proposed improvement as aforesaid, the said commissioners shall thereupon apportion and assess the same upon the real estate by them deemed benefited, in proportion to the benefits resulting from the proposed improvement, as nearly as may be, and shall describe

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the real estate upon which this assessment may be made; the award of said commissioners shall be in writing and signed by them, together with the testimony taken, and returned to the town council, within the time limited in the order of appointment. Should they fail to do so, they shall receive no compensation for their services, and the town council shall appoint new commissioners, which further time the council may by order grant.

SEC. 62. The said assessment shall be inserted in the next annual tax roll, and collected in the same manner as other taxes upon real property.

SEC. 63. The land required to be taken for the purpose mentioned in this chapter shall not be taken till the damages awarded to the owners thereof, for the taking of the same, shall be paid or tendered to the owner, or his agent or attorney, or deposited for his use with the town treasurer in case the owner is unknown, and the said lands and premises so taken and appropriated shall thereafter be subject to all the laws and ordinances of the town in the same manner as streets, alleys or public grounds heretofore opened or laid out, and the damages so assessed shall be paid or tendered or so deposited within three months of the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in such case shall be void from the beginning.

SEC. 64. When any known owner of any lands or premises affected by any proceedings under this act, shall be an infant, or labor under any other legal disability, the judge of probate of Chisago county shall, upon the application of any party interested, appoint a guardian for such person, upon whom shall be served all notices required by this act, and who shall act for and in behalf of such minor.

SEC. 65. Any person whose property is taken, or against whom an assessment is made, may, within ten days after the return of said commissioners to the town council, appeal from such determination of damages or benefits to the district court of Chisago county, when such appeal shall be tried as in ordinary cases in said court, the notice of appeal in such cases to be served upon the town attorney. And the recorder, upon the taking of such appeal, shall within ten days certify all the proceedings to the clerk of the district court, and thereupon all further proceedings in said matter shall be stayed until said appeal is determined.

SEC. 66. Whenever any public ground, street or alley shall be laid out, altered or enlarged under the provisions of this act, the town council shall cause an accurate survey to be made of said grounds, and a plat thereof to be filed with the recorder and the register of deeds of said county.

## CHAPTER VI.

ROAD TAX, IMPRISONMENT, PROPERTY EXEMPT, CONTRACTED  
LABOR, &c., &c.

SECTION 1. All property, real and personal, within the limits of said town, except such as may be exempt by the laws of the state, or by ordinance of the town, shall be subject to taxation for the support of the town government and the payment of its debts and liabilities, including the repairing of sewers, sidewalks, streets, highways, wharves and docks, and the same shall be assessed in the manner provided for the assessment of taxes for town purposes under the general laws of the state for town purposes within the limits here in prescribed. The town council shall have power, for the purpose of keeping the streets, lanes, alleys, avenues, wharves and sidewalks in repair, to require every male inhabitant in said town over twenty-one years of age, to labor on said streets, avenues, alleys, wharves and sidewalks, not exceeding two days in each and every year, and every person failing to perform such labor when duly notified by the supervisors shall forfeit and pay the sum of one dollar per day for each and every day so neglected or refused to work, or commute, and the street supervisor of said town may be authorized by the council to receive said forfeiture.

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

SEC. 3. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the town. All prosecutions for any violations of this act, or any of the by-laws, ordinances or regulations of said town shall be commenced by warrant, upon complaint being made as required by law in criminal cases before justices of the peace. *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance of the town of Taylor's Falls, but in such

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cases a complaint shall be made, which the justice shall reduce to writing, and the party be required to plead thereto, as to a complaint in other cases, and the person or persons so arrested may be proceeded against in the same manner as if the arrest had been made by warrant. All processes issued by the justice of the peace of said town for violation of any ordinance or by-law of said town, shall be directed to the marshal of said town, or the sheriff or any constable of said county. In all cases of the non-payment of any fine or penalty imposed by the justice of the peace of said town for the violation of any ordinance or by-law of said town, the offender shall be forthwith committed to the town prison of said town, or if there be no such prison, to the common jail of Chisago county, and be there imprisoned for a term not exceeding sixty days, in the discretion of the justice, unless the said fine or penalty be sooner paid, and from the time of the arrest of any person for any offense whatever, until the time of his trial, he may be imprisoned in said town prison, or in case there be none, in the common jail of Chisago county. The council of said town may provide by ordinance that any male person convicted of offense before the town justice, subjecting such offender to imprisonment under the charter and ordinances of said town, may be kept at hard labor during his term of imprisonment, upon the public streets and improvements of said town, and may also provide by ordinance that any male person convicted of offense under the charter and ordinances of said town, before the justice as aforesaid, and committed upon non-payment of a fine imposed, may be kept at hard labor upon the public streets and improvements until such person shall work out the amount of such fine, at the rate of compensation as said town council may prescribe, for a time not exceeding the term of such commitment; and the council shall have full power to establish all needful regulations for the security of such prisoners thus employed, and to prevent escape and insure proper discipline. *Provided*, That prisoners of the town when committed to the county jail of Chisago county, shall be as at present in the custody of the sheriff of said county, except when employed upon the public streets and improvements of said town.

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

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

SEC. 6. The following property now, or at any time hereafter, belonging to said town, or any of the wards thereof, shall be exempt from levy and sale under and by virtue of an execution: All engine

houses, hook and ladder houses, together with the grounds and lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose, or any other fire apparatus, used by any company, erected or authorized by the common council of said town, all market houses and the furniture thereof, town hall and furniture of common council rooms, pounds and the lots on which they are situated, and all school-houses and furniture thereof. *Provided*, that nothing herein contained shall exempt any of the aforesaid real and personal property from levy or sale by virtue of any execution issued on judgments rendered in favor of any person or persons who may have furnished or sold any of such fire apparatus to or on the credit of the town, nor shall any real or personal property of any of the inhabitants of said town, or of any individual or corporation, be levied on or sold by virtue of any execution issued to satisfy or collect any debt, judgment, obligation or contract of said town.

SEC. 7. All jobs of work for the town of which the estimated cost shall exceed one hundred dollars, shall be let by contract to the lowest responsible bidder therefor, and the council may require of the bidder a bond, with sureties for the faithful performance of the contract; due notice shall be given of the time and place of letting such contract. *Provided*, That if, in the opinion of the council, no just and reasonable bid shall have been received for any such work, after due notice as aforesaid, the town council may by a four-fifths vote, provide for doing such work without contract, by direct employment of labor and purchase of materials.

## CHAPTER VII.

### IN RELATION TO THE ISSUANCE OF BONDS.

SECTION 1. The council of said town is hereby authorized to issue bonds, as hereinafter provided, to aid in the construction of any railroad running to said town, or the construction of any bridges, roads, wharves, or other public improvement, or in aid of the improvement of the water power of said town.

SEC. 2. Said bonds shall be issued in sums of not less than one hundred dollars, and may bear interest not to exceed twelve per cent. per annum, payable annually. Such bonds may be issued with or without coupons; shall be payable in not less than ten nor more twenty years, from their respective dates, and shall be signed by the president of the council, and countersigned by the recorder, and the seal of the town shall be attached thereto.

SEC. 3. No bonds shall be issued under this act until a majority of the legal voters residing in said town, present and voting, shall have voted in favor of issuing the same, nor shall any greater

amount than ten per cent. of the assessed value of said town for the previous year, be issued by virtue of this act for any one purpose.

SEC. 4. Whenever the town council shall deem it necessary to issue any bonds under this act, they shall call a special meeting of the legal voters of the town, in the usual manner, stating in the notice the time, place and object of the meeting. The voters at such meeting shall vote upon each question separately by ballot. The president shall preside at such meeting, and the trustees shall act as judges of the election, and receive and count the ballots as in case of town elections. Those voting in favor of issuing bonds, shall have written or printed on their ballots the words : " Shall bonds be issued ? Yes." Those opposed to issuing bonds shall have written or printed on their ballots the words, " Shall bonds be issued ? No." And said votes shall be counted, returned and canvassed in the same manner as provided for counting, returning and canvassing votes for town officers.

SEC. 5. If a majority of the votes cast shall be in favor of issuing bonds, the town council shall proceed to cause such amount of said bonds to be issued and delivered as they shall deem advisable, and shall make all needful rules and regulations concerning the same. It shall be the duty of the town council to cause to be levied, from year to year, taxes upon the taxable property of said town to pay the interest on said bonds annually, and to pay the principal at maturity, which taxes may be levied in addition to the taxes which the council may impose for general purposes.

## CHAPTER VIII.

### MISCELLANEOUS.

SECTION 1. If any election by the people for town officers, for any cause, shall not be held in the manner and at the time herein prescribed, it shall not be considered a reason for arresting, suspending and absolving said corporation, but such election may be held any subsequent day ; and if any of the duties enjoined by this act, or the ordinances, by-laws, rules and regulations of said town, to be done by any officer at any specified time, be not done or performed at that time, the council may appoint another time at which the said acts may be done and performed.

SEC. 2. The town may lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants and the due administration of the government of the town, and may sell and convey the same at pleasure, and the same shall be free from taxation.

SEC. 3. No general laws of this state contravening the provisions of this act shall be considered as repealing, amending or modi-

fying the same, unless such purpose be expressly set forth in such law.

SEC. 4. All ordinances and regulations now in force under the acts to which this is an amendment, shall remain in force until modified or repealed by the council, and the present town officers shall hold their respective offices for the term for which they were severally elected, and until their successors are elected and qualified.

SEC. 5. Appeals and certioraries shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinances, rules, by-laws or regulations passed in pursuance thereof, the same as in other cases arising under the general laws of this state; *Provided*, That in all cases of prosecution for a breach or violation of any ordinance, by-law or regulation of said town, or its charter, or for any assault, battery, breach of the peace, or affray, not indictable, committed within the town limits, no appeal shall be allowed when the judgment or fine imposed shall not exceed ten dollars exclusive of costs.

SEC. 6. All acts and parts of acts heretofore passed for the incorporation of the town of Taylor's Falls, and amendatory thereto, not necessary to carry out any of the provisions of this act, nor contained in, or incorporated herein, and all acts inconsistent with this act are hereby repealed; but the repeal of such acts shall not in any manner effect, injure or invalidate any bonds, contracts, suits, claims or demands that may have been duly and lawfully issued, entered into, commenced, or that may exist under or by virtue, or in pursuance of said acts, or any of them, but the same shall exist and be enforced and carried out as fully and effectually to all intents and purposes as if this act had not been passed. And all ordinances, regulations, rules, by-laws and orders of the council of said town, or parts thereof, not repealed, suspended, or made void by this act, shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended by the council in pursuance of this act. And said council may make, ordain and publish such ordinances as may be necessary to carry out the provisions of this act, not inconsistent with the constitution and laws of this state.

SEC. 7. This act is hereby declared to be a public act, and may be read in evidence in all courts of law in this state, without proof.

SEC. 8. This act shall take effect from the passage thereof, and the legislature may alter or repeal the same at any time.

SEC. 9. No township organization shall exist within the limits of said town of Taylor's Falls, and all powers and duties conferred by the laws of this state upon town supervisors are hereby conferred upon the common council of said town, and all powers and duties conferred upon town clerks, shall be performed by the town recorder.

SEC. 10. The town clerk of the town of Taylor's Falls is hereby authorized and required to deliver to the recorder of said town all chattel mortgages, and other papers now on file in his office affecting or concerning any property in the corporate limits of said town, and such transfer shall not invalidate or render necessary any refiling of any paper, but the original filing shall be as valid in all respects as though made by said recorder.

SEC. 11. All ordinances passed by the town council shall be published at least two weeks before becoming operative and going into effect. Such publication may be made by insertion in a newspaper printed at least once in each week in said town for two successive weeks, or else by posting a copy of the same at the front door of the building where the town council held their meeting, or else at some other public place to be designated by ordinance; and the printer's affidavit, or that of the person posting such ordinance, if filed in the office of the recorder, shall be conclusive evidence of the fact of such publication. The town council may by ordinance provide for the punishment of persons who shall tear down, deface or alter the reading of any copy of the ordinance so posted as aforesaid.

SEC. 12. All ordinances passed by the town council shall be signed by the president, and in his absence by the member of the council who shall have presided at the time of their passage as president pro tem., and shall be attested by the recorder. Prior to such signing and attestation they shall be enrolled by, or under the direction of the recorder, either separately or in a book provided for the purpose, and after being signed and attested shall remain in the custody of the recorder, and when so enrolled, signed, attested and produced from the proper custody, shall be received in evidence in all courts and places without further proof; *Provided*, That certified copies of such ordinances, under the hand of the recorder and seal of the corporation, as well as when printed in a book form by authority of the town council, such certified copy or book shall in like manner be received in evidence.

SEC. 13. The president, recorder and other officers of said corporation shall, on demand, deliver to their successors in office, all such books, papers and other property belonging or appertaining in any wise to said corporation.

SEC. 14. Any member of the town council is hereby authorized to call upon every male inhabitant of said town, over the age of twenty-one years, to aid in enforcing the laws and ordinances, and, in case of riot the president shall have the power to call out the militia to aid in suppressing the same, or carrying into effect any law or ordinance, and any person who shall not obey such call shall forfeit to said town a fine not exceeding ten dollars.

SEC. 15. In case the president, or any town officer, shall at any

time be guilty of a palpable omission of duty, or shall willfully or corruptly be guilty of oppression, malconduct, or partiality in the discharge of the duties of his or their office, he or they shall be liable to be indicted in the district court for Chisago county, or shall answer in civil action to such omission, oppression, defalcation, malconduct or partiality, and on conviction, he or they shall be fined not more than five hundred dollars, and the court shall have power (on the recommendation of the jury) to add to the judgment of the court, that he or they be removed from office and have power to increase the fine.

SEC. 16. That section one of the act entitled "An act creating an independent school district in the town of Taylor's Falls," passed March 6th, 1871, be amended so as to read, "That all the territory included within the corporate limits of the town of Taylor's Falls, as fixed by section two of chapter one of this act, shall, from and after the last Saturday in March, A. D. one thousand eight hundred and seventy-three, constitute in law one separate and independent school district." That section eight of said act be amended so as to read, "The said board shall, previous to the first day of August in each year, make an estimate of the amount deemed necessary to be raised to defray all the incidental expenses of maintaining the schools in said district, and to keep in repair and preserve the buildings of said district and other property thereof, and to meet any indebtedness of the district becoming due during the year, and certify the same to the council of the town, with a recommendation that the amount be raised by a tax upon the property of the town, such recommendation to be signed by the president and the secretary of said board, and filed in the office of the recorder of said town.

Approved March 8, 1873.

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### CHAPTER III.

#### AN ACT TO INCORPORATE THE VILLAGE OF MADELIA, IN THE COUNTY OF WATONWAN.

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

SECTION 1. All that part of the township of Madelia, county of Watonwan and state of Minnesota, hereinafter described, shall be known and constitute the village of Madelia, and as such corporation