

CHAPTER 8.

AN ACT TO AMEND THE CHARTER OF THE CITY OF BRAINERD.

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

SECTION 1. That section two (2) of chapter two (2), of the charter of the city of Brainerd, is hereby amended by striking out from the eighth (8th) line thereof, and before the word "officers," the word "elective," and by inserting in the ninth (9th) line thereof the word "elected" the words "or appointed," so that said section as amended shall read.

The elective officers of said city shall be a mayor, treasurer, clerk, two (2) justices of the peace, who shall be styled police justices, and two (2) aldermen in each ward who shall be qualified voters in their respective wards. All other officers for said city shall be appointed by the city council, unless otherwise provided. The police justices and aldermen shall hold their offices for two (2) years, and until their successors are elected and qualified; all other officers shall hold their offices for one (1) year and until their successors are elected or appointed and qualified.

SEC. 2. That section three (3) of said chapter two (2) is hereby amended, by inserting, in the second line of said section, after the word "people," the words, "except the mayor," so that said section as amended shall read.

Any officer of said city appointed by the council, or elected by the people, except the mayor, may be removed from said office by a vote of two-third ($\frac{2}{3}$) of all the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him. The city council shall fix a time and place for the trial of such officer, (of which not less than ten (10) days notice shall be given to such officers and each alderman), and have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the case, and if said officer shall neglect to appear and answer the charges against him, the city council may declare the office vacant.

SEC. 3. That section two (2) of chapter three (3), of said charter is hereby amended by striking out from the first line of the last paragraph of said section the word "or" after the word "oppression," and inserting after said word "oppression" a comma, and by inserting in the second line of said last paragraph, after the word "partiality" the words "or other malfeasance," and after the word "hundred," in the fourth (4th) line of said paragraph the word "dollars," so that the last paragraph of said section as amended, shall read.

In case the mayor shall be guilty of willful oppression, corrupt partiality, or other malfeasance in the discharge of the duties of his office, he shall be liable to indictment, and on conviction thereof, shall pay a fine of not more than five hundred dollars (\$500), and the court shall have power (upon the recommendation of the jury in the case) to add to the judgment of the fine that he be removed from office.

SEC. 4. That section nine (9) of said chapter three (3) is hereby

amended by adding to the first (1st) paragraph thereof after the word "dollars" the words "and to issue executions and enforce judgments heretofore rendered by any justice of the peace in the town (now city) of Brainerd."

SEC. 5. That section fifteen (15) of said chapter three (3) is hereby amended by inserting in the first (1st) line thereof after the word "city" the words "and two (2) constables," and in the third (3d) line thereof after the word "police" the words "and constables," and by striking out from the eighth (8th) line thereof after the word "arrest" the word "and," so that the first two (2) paragraphs of said section fifteen (15) shall read: There shall be a chief of police of said city, and two (2) constables, who shall be appointed by the mayor by and with the consent of the city council; and said chief of police and constables shall have all the powers of a constable under the laws of Minnesota, and shall perform such other duties as shall be prescribed by said city council for the preservation of the public peace. All police officers and watchmen of said city shall have authority to arrest any person guilty of any breach of the peace or a violation of any ordinance of said city, or of any law of the state of Minnesota.

SEC. 6. That section two (2) of chapter four (4) of said charter is hereby amended as follows: by striking out from the sixth (6) line of the first (1st) subdivision of said section, after the word "shall" the word "not," and by striking out from said line the comma after the word "of," and also by striking out from the sixth (6th) and seventh (7th) lines of said subdivision, after said word "of," the words "but additional to," so that said first (1st) subdivision as amended shall read: To license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, to grant licenses to and regulate auctions and auctioneers, and all persons dealing in spirituous, vinous, fermented, mixed or intoxicating liquors in said city, which license and the tax or taxes therefor shall be in lieu of any tax or license required by, or in pursuance of any state law.

SEC. 7. That section six (6) of chapter seven (7) of said charter is hereby amended by adding thereto at the end thereof, the words: "Provided, That the fire limits as heretofore established may be once reduced in extent by said city council."

SEC. 8. That chapter nine (9) of said charter is hereby amended by adding thereto, and at the end thereof, the following section:

Section 17. The city council shall have the power to narrow and contract any public street or alley, upon a like petition and in like manner as prescribed in section one (1) of chapter six (6), for the widening and enlarging of the same, and upon the payment to said city, by the parties benefited thereby, of such sum or sums as may be determined by the commissioners appointed as provided in said chapter six (6) to be the value of the benefit so derived by each and every party benefited by such narrowing and contracting. *Provided,* That any person deeming himself aggrieved by the action of said city council hereunder, shall be entitled to the benefit of an action in the proper court to secure the enforcement of his rights.

SEC. 9. That section four (4) of chapter two (2) of said charter is hereby amended by adding thereto, and at the end thereof, the words:

Provided, however, That when such vacancy occurs in the office of alderman or police justice, the person appointed to fill such vacancy shall hold such office until the next city election and until his successor shall be elected and qualified; *And provided further,* That such successor shall hold such office only during such unexpired term.

Approved March 3, 1883.

CHAPTER 9.

AN ACT TO AMEND THE CHARTER OF THE CITY OF BRAINERD.

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

SECTION 1. That section two (2) of chapter (2) of chapter eighteen (18) of the special laws of the extra session of one thousand eight hundred and eighty-one (1881), be and the same is hereby amended by striking out the words and figure "one (1) justice," in the second line in said section and inserting in lieu thereof the words and figure "two (2) justices."

SEC. 2. That wherever the words "police justice" appears in said chapter eighteen (18) of said special laws, the same shall be changed to read "police justices."

SEC. 3. That section seven (7) of said chapter two (2) of said chapter eighteen (18) be amended by striking out all that part of said section after the word "election" in the tenth line thereof.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 17, 1883.