

CHAPTER 51.

[H. F. No. 433.]

AN ACT TO AMEND THE CHARTER OF THE CITY OF MINNEAPOLIS
IN RESPECT TO APPOINTMENT OF POLICE COMMISSIONERS AND
CONTROL OF THE POLICE.

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

SECTION 1. That chapter six (6) of the charter of the city of Minneapolis, being that certain act entitled, "An act to amend and consolidate the charter of the city of Minneapolis," approved March eighth (8th), A. D. eighteen hundred and eighty-one (1881) as amended by an act approved March fifth (5th) A. D. eighteen hundred and eighty-seven (1887) entitled "An act to amend the charter of the city of Minneapolis in respect to the appointments and control of the police," is hereby amended so as to read as follows:

Section 1. There is hereby created and established in and for the said city an official board which shall be styled, "The Board of Police Commissioners for the city of Minneapolis," in which shall be vested, subject only to the limitations herein contained, all the powers of said city connected with and incident to the establishment, maintenance, appointment, discipline and control of its police.

Said board shall have the custody and control of all books, records, teams, vehicles, telegraph and telephone lines and instruments, station houses, lockups, and all other public property pertaining to the police department of said city, and may, out of any money appropriated by the city council for that purpose, provide and maintain such other buildings, facilities and equipments as it may deem essential to the efficiency of said police. It shall have authority to appoint and remove at its pleasure all members of the police force, including clerks, detectives, watchmen, jailors, teamsters and other employes, and to prescribe the title, rank and duties of each, and it may require a bond from any such members of said police force, or other officers, and fix the conditions thereof.

It may fix the compensation of all such appointees, subject to the approval of the city council, and may make all needful rules and regulations for the efficiency and discipline of such police force, and may promulgate and enforce general and special orders for its government.

SEC. 2. Said board shall consist of three (3) commissioners, including the mayor of the city of Minneapolis, who shall be ex-officio a member of said board and the president thereof.

Within twenty (20) days after the passage and approval of this act the governor of this state shall select and appoint, from among the residents of the city of Minneapolis, two (2) police commissioners, who, with the mayor of said city, shall constitute the board of police commissioners provided for in this act.

That both of said police commissioners shall be selected or appointed one (1) from each of the two (2) dominant political parties.

That such appointments shall be made in writing, and when made shall be forthwith filed in the office of the city clerk of said city; and

thereupon the city clerk shall forthwith cause to be made and served upon the persons so selected and appointed as aforesaid a certified copy of such appointment.

It shall be the duty of the persons so selected and appointed to qualify as hereinafter provided, within ten (10) days after the receipt of the certified copy of their appointment; and in case such persons or either of them, shall refuse to qualify, or if a vacancy shall occur, at any time, in the board hereby created, by death, resignation or otherwise, it shall be the duty of the city clerk to notify the said governor in writing thereof; and thereupon it shall be the duty of the said governor, and he is hereby empowered, to fill such vacancy by appointment as herein provided for the selection and appointment of commissioners.

It shall be the duty of the persons so selected and appointed to file in the office of the city clerk, within five (5) days after the notice of their appointment, as herein provided, their acceptance or refusal of the appointment, in writing.

That the term of office of the commissioners so selected and appointed as herein provided shall be four (4) years; *provided, however*, that the term of one (1) of the commissioners first selected and appointed after the passage of this act shall expire on the first (1st) Monday in January, eighteen hundred and ninety-one (1891), and of the other, on the first (1st) Monday in January, eighteen hundred and ninety-three (1893), and the said governor shall designate in his appointment which of the persons so first selected and appointed shall serve for the short and which for the long term.

That in the month of December, one thousand eight hundred and ninety (1890), and in the month of December biennially thereafter, the said governor shall select and appoint, as herein provided, one (1) police commissioner for the term of four (4) years.

That whenever an appointment is made as herein provided to fill a vacancy arising from any cause, the person appointed to fill such vacancy shall hold office for the unexpired portion of the term to which he was appointed, and in all cases, appointees under this act shall hold office until their successors are appointed and have qualified.

If for any reason the said governor should fail to make appointments as herein provided, such appointments may be made at any time thereafter, with the same force and effect as if made at the time herein provided. No one appointed under the provisions of this act shall, during his term of office as police commissioner, hold any other office under the government of said city.

All necessary expenses incurred by the commissioners in the discharge of their official duties shall be a valid charge against said city, but all bills for such expenses shall first be approved by the city council.

Said board shall make to said city council a detailed report of its doings and expenditures made or incurred at the close of each quarter, and an annual report at the close of each year; and shall whenever called upon by said council, submit thereto for examination any of its books or papers, and furnish information and estimates as to the needs and requirements of said department. It shall be the duty of the city council of said city to audit, allow, and cause to be paid

the salaries of all employes of said police force and all reasonable and proper charges and expenses incurred by said board in and about its administration of the police department of said city.

SEC. 3. Before exercising the duties of their office they shall severally take, subscribe, and file in the office of the city clerk, an oath that they will support the constitution of the United States and of the state of Minnesota, and faithfully perform the duties of their office, and that in no case will they favor the appointment or removal of any person to or from any position connected with said police force on account of any reason other than his fitness or unfitness, in their best judgment.

SEC. 4. It shall be the duty of the board to provide that, at all times of the day and night, everywhere within the limits of said city and where the jurisdiction of said city shall extend, the public peace and order shall be preserved, crime prevented, offenders arrested, the rights of person and property protected, and all ordinances and by-laws in force in said city duly observed and enforced.

Said board shall have power to issue subpoenas attested in the name of its president, to compel the attendance of witnesses before said board, in any proceeding authorized by its rules and regulations, and any member thereof may administer oaths to such witnesses. Such subpoenas may be served by any police officer.

It shall appoint one of its members as vice president of said board, and fix the term of his office.

SEC. 5. Said board may, in case of any mob, riot, pestilence, invasion, or other emergency, or for election days and days of public celebration or parade, appoint as many special policemen as it may deem necessary, who shall have all the powers and perform all the duties of regular policemen. The board may, likewise, at the request of any person, society or organization, appoint policemen or watchmen, who shall serve without expense to the city and have police powers to preserve the peace and protect property within such limits and at such places as may be designated in such appointment; but such special policemen or watchmen shall not exercise any authority or wear any badge of office outside the limit so designated.

The two (2) police commissioners appointed under the provisions of this act shall serve without compensation.

SEC. 6. Said board shall adopt suitable rules for the government of its meetings and two (2) members thereof shall constitute a quorum for the transaction of business.

SEC. 7. No person shall be appointed a member of said police who cannot read and write the English language understandingly or who has been convicted of any crime. No person shall be appointed a member of said police force who shall not have been a resident and legal voter of said city for at least three (3) years preceding his appointment. Nor shall any person be appointed on the police force who is over thirty-eight (38) years of age, except he be an honorably discharged union soldier or sailor of the United States.

All policemen so appointed shall possess all the common law and statutory power of constables, and any warrant for search or arrest, issued by any magistrate or court of record in Hennepin county, may

be executed in any part of said county by any member of said police force.

SEC. 8. Nothing herein contained shall give said board jurisdiction over such police force as the board of park commissioners, of said city, may, at any time, be authorized by law to organize and maintain; but the creation, management, and direction of such park police shall remain where the same now are, or may hereafter be, vested by law.

SEC. 9. Until the appointment and qualification of the board of police commissioners, herein provided for, the present police commission of said city shall be continued in force, and all the provisions of said charter appertaining thereto, and which are hereby superseded, shall remain in full force and effect, so far as may be necessary for the proper police protection of the said city; but immediately upon its organization under this act, said board shall assume control of said police and thereafter administer the police department of said city under the provisions of this act.

SEC. 10. The said commissioners, or either of them, may be removed from office by the district court of said Hennepin county, after trial and conviction, upon the petition with sworn charges presented by not less than ten (10) reputable freeholders of said city, if it shall appear at said trial that the said commissioner or commissioners, have been guilty of misdemeanor or malfeasance in office under this act.

SEC. 11. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved April 13th, 1889.

CHAPTER 52.

[S. F. No. 433.]

AN ACT ENTITLED AN ACT TO AMEND CHAPTER TWENTY-FIVE (25) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO (1872), THE SAME BEING AN ACT TO INCORPORATE THE VILLAGE OF SPRING VALLEY IN THE COUNTY OF FILLMORE AND TO PROVIDE FOR THE SPRINKLING OF THE STREETS OF SAID VILLAGE.

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

SECTION 1. That section one (1) of chapter four (4) of chapter twenty-five (25) of the special laws for the year one thousand eight hundred and seventy-two (1872), be and the same is hereby amended by adding at the end thereof the following:

Thirty-first—The village council shall have power to provide for the sprinkling of such streets and parts of streets of said village as