

peace and constables elected by the said township of Sand Creek are allowed under the statutes of this state, and the constables may at any time, under the direction of the president or a majority of the village council, call to their assistance or to the assistance of either of the constables any number of citizens, sufficient to aid him or them in the suppression of a riot or any public disturbance, or to aid him or them in making arrests.

SEC. 5. That section twenty-four of said chapter eighteen be amended so as to read as follows:

SEC. 24. The village justices shall report quarterly to the village council all the proceedings instituted before them in which the village is interested, and shall at the same time account for and pay over to the village treasurer all fines and penalties collected by them belonging to said village; and said justices shall be entitled to receive from the county of Scott, such fees in criminal cases, occurring without the village, as are allowed to other justices for similar purposes.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved February 23, 1875.

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## CHAPTER XLV.

### AN ACT TO INCORPORATE THE BOROUGH OF HENDERSON.

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

SECTION 1. That all the district of country known and described as lots one and two, of section number one, lot four and the south half of the northwest quarter of section number twelve, lot number four and the southeast quarter of the southeast quarter, and the west half of the southeast quarter of section number two, the east half of the northeast quarter, and the east half of the west half of the northeast quarter of section number eleven, all the foregoing described land being in town number one hundred and twelve north, of range number twenty-six west, shall be and the same is hereby created a borough, by the name of Henderson.

SEC. 2. That the people who now do, or hereafter may, reside within the said borough, are hereby created a corporation for municipal purposes, with perpetual succession, under the name and title of the "borough of Henderson," and as such corporation, shall possess and enjoy all powers, rights and privileges which are now or hereafter may be possessed and enjoyed by corporations for municipal purposes under the constitution and laws of the state of Minnesota.

SEC. 3. That all subdivisions of said borough shall be termed districts, and be numbered in order of creation, and until the first sub-

division thereof, the whole of said borough shall constitute the first division; but no district having less than one hundred legal voters therein, shall be created by said corporation.

SEC. 4. That the officers of the corporation shall be one mayor, three councilors, one treasurer, one clerk, one attorney, one borough justice, one street commissioner and one borough marshal, all of whom shall be elected from among and by the legal voters of said borough.

SEC. 5. That the mayor and councilors shall constitute the council, to which body shall belong the exclusive right to exercise all the legislative powers granted by this act to said corporation, except as otherwise therein specially provided. All actions of the council intended to have the force of rules, or law, or authority for contract, shall be by ordinance, under the style of "Be it ordained by the council of the borough of Henderson," but no ordinance shall embrace more than one subject, which shall be expressed in its title; and no ordinance shall be amended unless the ordinance or section thereof, as so amended, shall be stated in full in the ordinance making such amendment.

SEC. 6. The council may enact ordinances for all purposes contemplated by this act, and may fix penalties for violating the same, and they shall have the force of law; *Provided*, That no such ordinance shall be in force until the same shall have been posted up for ten days in three of the most public places in said borough, and the certificate of the clerk, entered upon record of said borough, shall be deemed sufficient evidence of the publication of the same.

SEC. 7. The council shall meet for the transaction of business on the first Monday of each month, and a majority of the council shall be a quorum for business, and may remove the other officers for sufficient cause, and the council or the remaining members thereof, shall fill by appointment any vacancy which shall occur in any of the offices provided for in this act, and the council may, by ordinance, prescribe the kind of security and the mode of giving the same for the other officers, and may prescribe, by ordinance, the duties of all officers.

SEC. 8. The mayor shall preside at all meetings of the council unless unable to attend from any cause; in such case, one of the council may be chosen by the rest to preside during his absence, but no ordinance shall be made except by a vote of the majority of all the members of the council present. A record in book form shall be kept by the clerk, in which he shall record all the proceedings of the council, and the ayes and noes on every ordinance voted upon shall be entered therein.

SEC. 9. That to the mayor shall belong the exclusive right to exercise all the executive powers granted by this act to said corporation, except such of said powers as are thereby specially vested in or which, from the nature of their several offices, necessarily pertain to the other executive officers of said corporation, whether said officers are created by this act or hereafter shall be, under section five thereof. He shall have power, and it shall be his duty, to call out and use in such manner as to him may seem most proper, all the constabulary or police force, or any organized or unorganized posse

of armed citizens of said borough, or the whole or any part thereof, whenever he may deem the same necessary to quiet or prevent riot; but he shall forthwith report to the council the fact of such call or use, or both together, with the reasons therefor and the circumstances connected therewith; and upon the action of the council on such report, shall depend the length of time which said force or forces, or any part thereof, shall continue on such duty. He shall have power to call a meeting of the council, by giving such notice thereof as may have been provided therefor by ordinance, or, in default of such provision as he may deem meet and proper.

SEC. 10. That the clerk shall be the recording officer of the borough and the council, and shall attend at all meetings thereof. He shall have the custody of the seal of said corporation, and of all the records thereof not necessarily and specifically appertaining to the other officers thereof. He shall receive all moneys payable to said corporation, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor. He shall keep all the accounts of said corporation, and shall audit all claims against the same, but no claim shall be allowed by him unless he shall have authority to do the same by some general or special ordinance. He shall draw all orders upon the treasurer for money payable by said corporation, but no such order shall ever be drawn by said clerk unless the same shall be in full or part payment of a claim against said corporation previously audited and allowed, and there shall be in the hands of said treasurer moneys belonging to said corporation otherwise unappropriated and uncalled for sufficient to pay said order. Every order shall bear the seal of said corporation and be endorsed by the clerk, over his official signature, as follows: "Authorized by an ordinance entitled, (here insert the title,) ordained on the (here insert the day and year of the passage of said ordinance.)" The clerk shall levy or assess all taxes or assessments authorized by order of the council, [and] for that purpose, or in connection therewith, shall have access to and the right to make copy of all and every record pertaining to taxes kept or made by the several officers, or any of them, in and for the townships surrounding, or the county included in said borough. He shall make, at the close of each official year, to the council, a condensed report of all his doings as such officer during such year, which report shall be published in such manner and to such extent as may be provided by ordinance of the council, and he shall, with all reasonable dispatch, make such other reports and at such times as the council shall require.

SEC. 11. That the treasurer shall be the depository of all moneys belonging to said corporation, and he shall receipt to the clerk therefor. He shall pay from such moneys, upon presentation, all orders therefor drawn by the clerk; *Provided*, That no order shall be paid by him unless first endorsed with the name of the payee therein, and the party receiving the money therefor.

SEC. 12. The borough justice shall have all the authority, rights and powers of justices of the peace, under the general laws of this state, and both civil and criminal jurisdiction, and in addition thereto, shall have sole and exclusive jurisdiction to hear all complaints, examinations and trials, civil and criminal, arising within the limits

of the borough of Henderson, cognizable before a justice of the peace, in which the said borough of Henderson shall be a party, and of all suits, actions, prosecutions and proceedings, for the recovery of any fine, forfeiture or penalty, under any by-laws, ordinances or regulations of said borough, and in cases of absence, sickness or inability of said justice, the council, on recommendation of the mayor, may authorize any other justice of the peace in the county of Sibley, to perform the duties of such borough justice, and said justice shall possess, for the time being, all the power, authority and rights of said borough justice.

SEC. 13. The marshal of said borough shall have the powers, and is invested with the authority at law and under the statutes, as constables. He shall, by virtue of his office, be the keeper of the public pounds, and by ordinance may be required to perform the duties incident thereto. He shall be a conservator of the peace, and for all services shall receive such fees as may be established by ordinance. He shall also perform such duties as may be required of him by ordinance of said council, and he may appoint one or more deputies, but he shall be responsible for all acts performed by them whilst in the discharge of the duties of such deputies.

SEC. 14. That the marshal shall be chief of the entire police force of the borough, but as such he shall be subordinate to the mayor.

SEC. 15. That the attorney shall be the legal adviser of the officers and the council of said corporation in all matters relating to their several official duties, and shall render such legal council to them, or any of them, whenever called upon by the council in session, or any member thereof. He shall be present at the meetings of said council whenever he is desired and requested. He shall be and act as the attorney of said corporation in all actions to which said corporation may be a party.

SEC. 16. There shall be an annual election held in said borough on the first Monday in April of each year, at which the inhabitants having the qualification of electors of the legislature of the state of Minnesota, may elect by ballot and plurality of votes all or any of the officers mentioned in section four of this act. The clerk shall give ten days' notice of the time and place of holding such election, by posting up written notices thereof in three of the most public places in said borough. The election shall be held and conducted in the same manner as town elections, and the law of this state applicable to elections generally shall apply, so far as consistency will admit, and false swearing to any oath administered at the polls shall be perjury and punished accordingly.

SEC. 17. The council shall prescribe by ordinance the place within the borough where the annual elections shall take place. The councilors shall be the inspectors of such elections, and shall constitute the board of canvassers at the closing of the polls.

SEC. 18. Special elections may be called and held whenever the council is so petitioned by ten or more of the qualified electors of the borough, which petition and the notice of election shall state the object thereof, and in all other respects special elections shall be governed by the rules prescribed by section sixteen of this act.

SEC. 19. That the term of office of the respective officers of said

corporation shall be as follows: Of the councilors and clerk, each three official years; of the borough justice and marshal, each two official years; and of all other officers, each one official year; and all official terms shall succeed each to its preceding year, without lapse of time from any cause; *Provided*. That every officer shall hold over his official term until his successor is elected and qualified.

SEC. 20. That no person shall be eligible to any office of said corporation unless he shall have the qualifications of an elector, and have been a resident of said borough for one year next preceding the day of his election to such office, and no person elected or chosen to any office under this act, shall enter into possession of the same until he shall have taken an oath, in writing, to support the constitution of the United States and the constitution of the state of Minnesota, and to faithfully and impartially discharge all and singular the duties of such office, whether the same be directly or collectively given by or under this act as necessarily appertaining to said office, and (excepting the first mayor and councilors,) shall have given such official bonds as may have been in the manner previously prescribed by ordinance of the council, all of which official bonds shall be filed with the clerk, save and except the official bond of the clerk, which shall be filed with the treasurer; and all officers of said corporation shall receive for their services as such only the kind and amount of compensation which may be prescribed and provided for by ordinance of the council, except as otherwise in this act especially provided for; and no officer thereof shall be directly or indirectly interested in any contract, express or implied, to which said corporation shall be a party, either on his own behalf or on behalf of any member or members thereof, and in every such case the officer so interested shall forfeit his office, and the contract in which he is so interested shall be void, and may be so declared by any court in and for said borough, or any court of record of the state of Minnesota, upon application, sustained by sufficient testimony, of any citizen of said borough.

SEC. 21. The mayor, councilors, borough justice, marshal, and every officer, police or otherwise, hereafter created, under the provisions of section five of this act, shall within said borough be conservators of the peace.

SEC. 22. All officers of said corporation shall, on demand, deliver each to his successor in office all books, papers and other property in anywise appertaining to such officer or belonging to said corporation.

SEC 23. The council shall have power—

*First*.—To erect and maintain one or more public pounds in said borough.

*Second*.—To order old and dilapidated buildings, which in their opinion are dangerous to the public safety, to be torn down or removed at the expense of the owner of the lot on which such building stands.

*Third*.—To license and regulate the exhibition of common showmen and shows of all kinds, and the exhibition of circuses, concerts and theatrical performances, auction stores, peddlers and gift enterprises, lotteries, billiard tables, pigeonhole tables, nine or ten pin

alleys, bowling saloons and persons vending, dealing in or disposing of spirituous, [vinous], malt or fermented liquors.

*Fourth.*—To restrain any person from vending or dealing in spirituous, vinous, malt or fermented liquors, unless duly licensed by the borough council. The sale of all intoxicating, vinous, spirituous, malt or fermented liquors within the limits of said borough, is hereby declared to be under the exclusive control of the council of said borough, and all fines imposed for a violation of any ordinances regulating such traffic, shall be paid into the treasury of the borough for the use thereof; *Provided*, That all licenses for so dealing in spirituous, vinous and fermented liquors, shall not be less than fifty dollars nor more than two hundred dollars per year; *Provided*, That persons so licensed shall not be required to obtain a license from the board of county commissioners; *And provided further*, That the persons so obtaining such license shall comply with all the requirements and be subject to all the penalties as provided in the general statutes of Minnesota, and that previous to granting any such license, a bond shall be executed with the same conditions and with the same penal sum as required by the general act, and the moneys received for such license shall be paid to the clerk of said borough, and be used to defray the expenses thereof, and the council shall have full power to restrain any person from vending liquors unless duly licensed by the council of said borough; *Provided further*, All license granted by the borough council shall run and be in force from June fifteenth, and run for one year.

*Fifth.*—To restrain, license or prohibit all description of gambling and all playing of cards or dice, or other game of chance for the purpose of gambling in said borough.

*Sixth.*—To prescribe what shall constitute nuisances, and to provide for the abatement and removal of the same, either under the common or statute law, or the ordinances.

*Seventh.*—To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds, highways and creeks or brooks of the borough, and to impose a fine upon any person who shall place or direct, or allow to be placed any nuisance, obstruction or encroachment upon or within the limits of any street, alley, highway, creek or brook, or public place of said borough.

*Eighth.*—To prevent and punish horse racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or mules, attached to vehicles, while standing in the streets, and to regulate places of bathing and swimming in waters within the limits of said borough.

*Ninth.*—To prevent the incumbering of streets, sidewalks, lanes, alleys, public grounds or wharves, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, goods, awnings or any materials or substances whatever.

*Tenth.*—To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to impose penalties on the owners of such animals for violation of the ordinances, and to impound and sell such animals when found running at large.

*Eleventh.*—To prevent the running at large of dogs, and may im-

pose a tax on the same, and authorize the destruction of the same in a summary manner, when at large contrary to the ordinances.

*Twelfth.*—To prevent all persons riding or driving any ox, mule, cattle, or other animal, on the sidewalks in said borough, or in any way doing any damage[s] to such sidewalks.

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

*Fourteenth.*—To prevent the erection of slaughter houses, coal pits, or burning of coal pits, within the limits of the borough, and to compel the owner or owners of any cellar, tannery, barn, pig yard, privy, or any other unwholesome structure, or place, to cleanse, remove or abate the same under the direction of the council.

*Fifteenth.*—To prevent the discharging of firearms or crackers, and to prevent the exhibitions of any kind of fireworks, in any situation they may deem dangerous to property, or within the limits of said borough.

*Sixteenth.*—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 from the lot owned or occupied by him, and in default, to authorize the removal or destruction thereof at his expense.

*Seventeenth.*—To prohibit the building of all frame buildings in said borough, or in any particular part thereof.

*Eighteenth.*—To provide for watchmen and police, and to prescribe their number and duties, and regulate the same.

*Nineteenth.*—The said council, by ordinances, may punish by fine or imprisonment, or both, any violation of the public peace, keepers of unlicensed saloons, gamblers, persons without occupation, having no visible means of support, and all disorderly or intoxicated persons found in any street, alley, square, saloon, or other public place.

SEC. 24. To prevent, at the expense of the owner, the dangerous construction or contrivance of chimneys, fireplaces, stovepipes, or any pipes or instruments for the conducting of fire, heat or smoke, ovens, boilers, or appurtenances, and to cause the same to be removed, or to be made secure, and prosecute the depositing of ashes in any unsafe place, and to prevent the carrying on of any kind of business or manufactory dangerous in causing or promoting fires, or which might be dangerous to the health of the people of said borough.

SEC. 25. The council shall constitute a board of health, and have power to take care of all sick persons, and to make regulations to prevent the introduction of contagious disease into the borough, to make quarantine regulations for that purpose, and to enforce the same within five miles of the same.

SEC. 26. The council shall have power to purchase fire engines and other fire apparatus, to organize hook-and-ladder, hose and fire companies, and to provide for the support and regulation thereof, and to order such companies to be disbanded, and their apparatus delivered up, and may compel citizens to work at fires.

SEC. 27. The borough council shall have exclusive jurisdiction over highways in said borough, and in laying out, widening or altering any street, alley or highway, or public ground, in said borough.

The council shall appoint by resolution, three disinterested persons, who shall act as commissioners, and in all things be governed by the laws of this state respecting the same, and reserving to the aggrieved party his right of appeal, first to the council, second to the district court of said county; *Provided*, No property shall be taken without payment, or tender of payment, of the damages assessed by said commissioners to the owner of any property so taken for the laying out or altering of such street, alley or highway.

SEC. 28. The costs and expenses of opening, altering, grading or laying out any highway, street, alley or public ground, and the repairing of the same, and also the building and repairing of bridges, levees and the regulating of brooks and creeks running through the borough, shall be paid out of the general fund of the borough; but all costs and expenses of building and repairing sidewalks, if such building or repairing has been ordered by the council, shall be paid by the owners of lots fronting said sidewalks.

SEC. 29. The borough of Henderson shall constitute one road district, and the road taxes shall belong to the general fund.

SEC. 30. The council shall have power to open and grade streets and alleys, to build and repair sidewalks, bridges and levees, and to regulate creeks and brooks running through the borough limits, and keep the channels in repair. The council shall notify the owners of lots where sidewalks are required, and give ample time for building or repairing such sidewalks, and if the owner or owners of such lot or lots does not comply with the request of the board of councilmen within the time specified, then the council shall order said sidewalks to be built or repaired, and the cost for building or repairing said sidewalks shall be charged against the owner or owners of such lot or lots, and the amount shall be collected as other taxes.

SEC. 31. The street commissioner shall have general supervision of all streets, alleys, sidewalks, levees, and creeks and brooks within the borough limits, and it shall be his duty to report to the board of councilmen, at their monthly meeting, the condition of streets, alleys, bridges and sidewalks in the borough, and specify the places where repairing is required, and what the cost of such repairing would amount to. All public work shall be done under the supervision of the street commissioner, and either by contract or otherwise, as the council may direct, and his compensation shall be fixed by the council.

SEC. 32. All property, real and personal, in the borough, except such as may be exempt by the laws of this state, or is borough property, shall be subject to taxation not exceeding ten mills on the dollar per year for general purposes. Such property shall also be liable for such special taxes as the council shall be authorized to levy; *Provided*, That the tax collected for general purposes shall constitute the general fund of the borough, and the council shall have power to expend the general fund for repairing streets, bridges, and making other public improvements, and paying the borough officers.

SEC. 33. The council shall report to the auditor [of the county] of Sibley the amount of special taxes levied upon any of the lots or portions of said borough, and shall certify to him the lots or portions of the property upon which such special taxes are so levied, and it shall



be the duty of the auditor of Sibley county to insert such taxes in the assessment roll of the town of Henderson, and the same shall be collected by the county treasurer or returned by him as delinquent, and all proceedings in relation thereto, including the selling, surveying and redeeming property, shall be the same as in proceedings on account of other taxes. The borough shall be a town, so far as the collection of taxes will admit. All residents of the borough shall pay a tax on their personal property, wherever situated, proportionally with their real estate tax, and the council shall have power to issue orders on the borough treasurer, or certificates of indebtedness, for any public works that may be necessary, and such orders or certificates shall be signed by the mayor and the clerk of the borough, and shall bear interest at the rate of seven per cent. per annum until paid; and when so duly issued for labor performed or material furnished, said orders or certificates shall be received for any borough taxes, or when presented to the borough treasurer, shall be paid by him out of any money in the treasury not otherwise appropriated; *Provided*, That said orders or certificates shall not exceed the amount of one thousand dollars in any one year.

SEC. 34. All actions brought to recover any penalty or forfeiture under this act or ordinances of the borough, shall be brought in the corporate name thereof. All proceedings shall be commenced by warrant, upon verified complaint, as required by law; *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons in the act of violating any law of the state of Minnesota or ordinances of the borough; but in such case a complaint shall be made, which the justice shall reduce to writing, and the party be required to plead thereto, as to a warrant in other cases, and the party so arrested shall be proceeded against as in other cases. All processes shall be directed to the marshal of said borough, but may be served by any officer authorized by law to serve processes in the county. In case of the non-payment of any fine imposed by said justice for the violation of any laws of the state, or any ordinances of said borough, the justices or appellate court may commit the defendant to the common jail of Sibley county for a term not exceeding three months; and if there be no county jail, then the general laws of this state shall apply in such cases, and defendant shall be dealt with according to them in the matter of imprisonment. The expense therefor shall be defrayed by the borough. Appeals shall be allowed in all cases of conviction under the ordinances of said borough, saving when the fine shall not exceed ten dollars and costs.

SEC. 35. All acts inconsistent with this act are hereby repealed.

SEC. 36. No law of this state contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SEC. 37. This act shall take effect and be in force from and after the fourth day of April, eighteen hundred and seventy-five; *Provided*, That the first election shall be held on the first Monday of April, eighteen hundred and seventy-five. That for the purpose of the first election under this act, Herman Matti, Charles. W. Hartman and Paul Krotka, shall be the inspectors of election, and also a board of canvassers for such election, and shall perform all the

duties and possess all the powers of inspectors of election and board of canvassers prescribed by this act. They shall appoint the place of holding the polls of such election, and post public notices thereof ten days before the same; *And provided further*, That all rights heretofore acquired, and taxes levied, under any act hereby repealed, shall not be effected thereby, and all taxes so levied shall be paid to the borough of Henderson, as hereby incorporated, and all officers of said borough who have been elected and qualified, and are now in office, shall hold their said offices under the new charter until such time as such offices would have expired if this act had not passed, and until their successors shall be legally elected and qualified.

Approved March 4, 1875.

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## CHAPTER XLVI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT, GRANTING CERTAIN POWERS TO THE SUPERVISORS OF THE TOWN OF ANOKA, APPROVED FEBRUARY TWENTY-NINTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO, SPECIAL LAWS.

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

SECTION 1. That paragraph sixteen of section one of chapter twenty-seven of the special laws of one thousand eight hundred and seventy-two, be amended so as to read as follows :

*Sixteenth.*—To grant licenses to common showmen on any exhibition, peddlers, billiard tables and bowling saloons, and to require a license fee for the same.

SEC. 2. That section nine of said act be amended by adding thereto the following : Said board of supervisors shall also, at the same time, appoint a street commissioner, who shall hold his office for one year, unless sooner removed ; said street commissioner shall, under the direction of the supervisors, have the care and charge of all the public roads and streets in said town within the limits described in section three of said act, and shall have all the rights and powers which are by law given to overseers of highways, and his duties and liabilities shall be the same as are by law imposed on overseers of highways in their respective road districts, and hereafter no overseer of highways shall be elected in any road district contained within the limits described in said section three. The compensation of said street commissioner shall be fixed by the supervisors.

SEC. 3. That section nineteen of said act, be so amended as to read as follows :

Sec. 19. This act shall take effect and be in force from and after its passage.