

CHAPTER 61.

[H. F. No. 233.]

AN ACT TO AMEND CHAPTER EIGHTEEN (18) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881), BEING AN ACT TO INCORPORATE THE CITY OF BRAINERD, IN CROW WING COUNTY.

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

SECTION 1. That section two (2) of chapter one (1) of chapter eighteen (18) of the special laws of the extra session of one thousand eight hundred and eighty-one (1881), being an act to incorporate the city of Brainerd, in Crow Wing county, as amended by chapter thirty-two (32) of the special laws of one thousand eight hundred and eighty-five (1885), be amended so as to read as follows:

Section 2. That the territory included within the following boundaries and limits shall constitute the city of Brainerd, to-wit:

Sections nineteen (19), thirty (30), and thirty-one (31), in township forty-five (45), of range thirty (30), and all of fractional township forty-five (45) of range thirty-one (31), west of the fifth principal meridian, in the county of Crow Wing, and lots one (1), two (2), three (3), four (4), five (5), six (6) and seven (7), and the southwest quarter ($\frac{1}{4}$) of the northwest ($\frac{1}{4}$), and the west half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) of section four (4), and lots one (1), two (2), three (3) and four (4), and the northwest quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$), and the south half ($\frac{1}{2}$) of the northwest quarter ($\frac{1}{4}$), and the northwest quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of section nine (9); all in township one hundred and thirty-three (133) of range twenty-eight (28); also the south-east quarter ($\frac{1}{4}$) of section thirty-three (33), and lots three (3), four (4) and five (5), and the northwest quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of section thirty-four (34); all in township one hundred and thirty-four (134) of range twenty-eight (28), in the county of Cass.

SEC. 2. That section three (3) of said chapter one (1) of said chapter eighteen (18) of said special laws of the extra session of one thousand eight hundred and eighty-one (1881), as amended by section eight (8) of chapter thirty-two (32) of the special laws of one thousand eight hundred and eighty-five (1885), be amended so as to read as follows:

Section 3. The city shall be divided into four (4) wards, to be called the First (1st), Second, (2d), Third (3d) and Fourth (4th) wards, and described as follows:

First Ward—All of the territory south of the main line of the Northern Pacific railroad, on both sides of the Mississippi river, within the city limits, west of the center line of Seventh (7th) street, as said street is described in the original plat of the town of Brainerd, and as the same has since been extended, shall constitute the First (1st) ward.

Second Ward—All of the territory north of the main line of the Northern Pacific railroad, on both sides of the Mississippi river, and west of the center line of the “ravine,” so-called, shall constitute the Second (2d) ward.

Third Ward—All of the territory north of the main line of the Northern Pacific railroad, and east of the center line of the “ravine,” aforesaid, shall constitute the Third (3d) ward.

Fourth Ward—All of the territory south of the main line of the Northern Pacific railroad, and east of the center line of Seventh (7th) street shall constitute the Fourth (4th) ward.

SEC. 3. That section two (2) of chapter two (2) of said act as amended by section one (1) of chapter eight (8) of the special laws of one thousand eight hundred and eighty-three (1883), and by section two (2) of chapter thirty-two (32) of the special laws of one thousand eight hundred and eighty-five (1885), be, and the same is hereby amended so as to read as follows:

Section 2. The elective officers of said city shall be a mayor, a treasurer, a municipal judge, and a special municipal judge, who shall be qualified electors of said city, and two (2) aldermen in each ward, who shall be qualified electors of their wards.

All other officers of said city shall be appointed by the council unless otherwise provided. The municipal judge, the special municipal judge, and the aldermen, shall hold their offices for two (2) years, and all other officers shall hold their offices one (1) year, and until their successors are elected or appointed and qualified.

SEC. 4. That chapter three (3) of said act of one thousand eight hundred and eighty-one (1881), be, and the same is hereby amended by adding at the end thereof the following section:

Section 16. The city council shall annually, in the month of April, elect an assessor, who shall have the same powers and perform the same duties as are or may be required by the laws of this state of town assessors, and shall qualify in the same manner.

Said assessor shall receive as compensation for his services from the city of Brainerd the sum of two hundred (200) dollars in the odd years, and three hundred dollars (300) in the even numbered years.

SEC. 5. That section twelve (12) of chapter three (3) of said act be and the same is hereby amended so as to read as follows:

Section 12. The city council shall have power to require other and further duties of any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act; and to prescribe their duties; and to fix the compensation of all officers not herein prescribed and fixed. *Provided*, That the mayor and aldermen shall receive no compensation.

SEC. 6. That sub-division nineteen (19) of section two (2) of chapter four (4) of said act be and the same is hereby amended so as to read as follows:

Nineteenth—To license and regulate hawkers and peddlers, butchers and butcher-shops, and stands for the sale of game, fish or other provisions.

SEC. 7. That section two (2) of chapter five (5) of said act be and the same hereby is amended so as to read as follows:

Section 2. Every male inhabitant of said city between the ages of twenty-one (21) and fifty (50) years shall pay a capitation or poll tax of one (1) day's work upon the streets, highways or other improvements within the ward of said city in which he resides.

All persons liable to pay such capitation or poll tax may, in lieu of such work, pay to the street commissioner one dollar (\$1), to be expended on the streets, highways or other improvements in the ward where the person paying the same resides. And the city council may, by appropriate ordinances, prescribe the manner in which said tax shall be levied and collected, and impose penalties for refusal or neglect to pay or commute such poll tax.

SEC. 8. That section six (6) of chapter eight (8) of said act be and the same is hereby amended so as to read as follows:

Section 6. All fines, penalties, judgments and monies that may be imposed, levied or collected by the municipal court, or that may be collected by any officer of the city, for the violation of any ordinance or by-law of said city, shall be vested in the property of said city.

All penalties, fines and monies imposed or collected in said municipal court for violation of the laws of the state of Minnesota shall be paid over to the treasurer of the county of Crow Wing, for the use of the common schools of said county.

SEC. 9. That section seventeen (17) of chapter eight (8) of said act as amended by chapter eight (8) of the special laws of one thousand eight hundred and eighty-three (1883), be and the same is hereby amended so as to read as follows:

Section 17. The city council shall have power to vacate any street or alley in said city upon presentation of a petition praying therefor, signed by all the owners of property on both sides of the street or alley proposed to be vacated. When such petition is presented notice shall be given to the public of the time and place when the council will meet to consider and act upon said petition by publication of such notice at least two (2) weeks; the time of meeting to be not more than ten (10) days after the last publication. *Provided;* That if on presentation of such petition the council shall decline or neglect to act on the same, no notice need be given.

SEC. 10. That section ten (10) of chapter thirty-two (32) of the special laws of one thousand eight hundred and eighty-five (1885) be and the same is hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved Feb. 12th, 1887.