

fees as are allowed by law to town clerks, and the assessor of the village shall receive for his services the same fees as are allowed by law to town assessors, and each overseer of roads in said village, such compensation as is allowed by law to overseers in towns for similar services; *provided*, the common council may make such other allowance for the services of the officers in this section named, as they may deem necessary.

SEC. 35. The said village of Ada and the remaining portions of the town of McDonaldsville outside of the limits of said village, shall for general election purposes, be and constitute as heretofore, an election district or precinct of said county, and the officers of said town of McDonaldsville, shall conduct such general elections, and make returns thereof, as is prescribed by the general election laws of this State; and the said town of McDonaldsville may hold their general elections and town meetings within the corporate limits of the village of Ada.

SEC. 36. No saloon shall be kept open from (11) eleven o'clock p. m. until four (4) o'clock a. m. or liquor sold therein. No liquor shall be sold on Sunday, nor shall it be sold at all to minors or habitual drunkards.

SEC. 37. 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. 38. This act shall be deemed a public act, and need not be pleaded nor proven in any court in this State.

SEC. 39. This act shall take effect and be in force from and after its passage.

Approved February 9, 1881.

CHAPTER 2.

AN ACT TO INCORPORATE THE VILLAGE OF ALEXANDRIA, IN DOUGLAS COUNTY, AND TO REPEAL FORMER ACTS OF INCORPORATION OF SAID VILLAGE.

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

SECTION 1. All that part of Douglas county, in the State of Minnesota, included within the following described limits, description and boundaries, to-wit: Lots numbered two (2), three (3), four (4), five (5), six (6), and seven (7) of section numbered eighteen (18), the north half, the southeast quarter and the north half of southwest quarter of section numbered nineteen (19), the north-west quarter and west half of southwest quarter of section numbered twenty (20), the west half of southwest quarter of section

numbered seventeen (17), all in township numbered one hundred and twenty-eight (128), north of range numbered thirty-seven (37) west; also east half of southeast quarter of section numbered thirteen (13), and lot numbered one (1) and lot six (6), of section numbered twenty-four (24), all in township numbered one hundred twenty eight (128), north of range numbered thirty-eight (38) west, shall be a village by the name of the village of Alexandria, and the people now inhabiting and those who shall hereafter inhabit the district of country herein described, shall be a municipal corporation, by the name of the village of Alexandria, and shall have all the powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted, and the authorities thereto shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued in all courts, may have a common seal, and change the same at pleasure, and may also take, hold, purchase and lease such real, personal and mixed estate within or without the limits thereto as the purposes of said village may require.

SEC. 2. The village of Alexandria shall be and constitute one election district, for all purposes of general and special elections under the general election laws of this State, and the councilmen of said village of Alexandria shall be and act as judges at all elections held in said village, and shall have power to appoint clerks of such elections, and administer the necessary oaths. Such elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of election filled as required by the election law of the State. The recorder of said village shall give notice of all elections, in the same manner as required by law of town clerks, and the councilmen of said village shall perform all the duties pertaining to registry list in the same way that township supervisors are required to do under the general election law of this State, and chapter one of the general statutes of this state shall apply to and govern the judges and clerks of election at all elections in all cases, wherein the same does not conflict with the provisions of this act, and the common council shall determine in what place in said election district elections shall be held, at least ten (10) days before any election shall be held.

SEC. 3. The elective officers of said village shall be a president, three (3) councilmen, one (1) recorder, one (1) treasurer, two (2) justices of the peace, who shall be styled village justices, one (1) marshal and one (1) assessor. The president, recorder, treasurer, marshal and assessor shall hold their respective offices for the term of one (1) year and until their successors are elected and qualified. The justices of the peace shall hold their office for the term of two (2) years and until their successors are elected and qualified, and the councilmen shall hold their respective offices for the term of three (3) years and until their successors are elected and qualified: *Provided*, that at the first annual election held under this charter, one (1) councilman shall be elected for one (1) year, one (1) for

two (2) years, and one (1) for three (3) years, and on each and every annual election thereafter one (1) councilman shall be elected for the term of three (3) years. All village officers shall have been actual residents in said village for the space of one (1) year immediately preceding their election or appointment, and shall be qualified electors of the State.

SEC. 4. The president, the three (3) councilmen and recorder shall constitute the common council of the village of Alexandria, a majority of whom shall constitute a quorum to do business. The common council shall have power to determine the rule of its proceedings, compel the attendance of its members under such penalties as it may prescribe. It shall meet once in every month, at such time and place as shall be prescribed by rule. Special meetings may be called by the president or the recorder whenever they shall deem it for the interest of the corporation. The common council shall have power to appoint such officers as may be in their opinion necessary for the government of said village, and define their duties and fix their compensation.

SEC. 5. Every person elected or appointed to any office under this act shall, before entering upon the duties of his office, take and subscribe to the oath of office prescribed by general law and file the same with the recorder of the village. The treasurer and marshal shall each execute to the village of Alexandria a bond in a sum to be fixed by the council for each office, with sufficient sureties, to be approved by the common council, conditioned for the faithful performance of the duties of their respective offices, which bond shall be filed with the recorder of said village, and the justice of the peace of said village shall qualify as prescribed for justices of the peace under the general law of the State, except such bond shall be executed to said village of Alexandria, and be approved by the president of the common council of said village, who shall endorse his approval thereon.

SEC. 6. It shall be the duty of the president to preside at all meetings of the common council, but in case of his absence or inability to act, the members present shall choose one of their number to preside during his absence. The president of the council shall see that all the ordinances of said village and the laws of this State are duly observed, and that all other executive officers of said village discharge their respective duties, and shall be the chief executive officer of said village.

SEC. 7. The recorder shall be the recording officer of said village, and of the common council. He shall have the custody of the seal of said corporation (if any), and of all records thereof, not necessarily and specifically appertaining to the other officers thereof. He shall receive all moneys payable to said corporation, except as hereinafter provided, 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 the corporation, receive all claims against the same, and draw orders on 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 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 a manner and to such an 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 may require; and said recorder shall also receive and file and keep record of all chattel mortgages presented to him for such purposes, in the same manner and way as prescribed by law for town clerks, and all chattel mortgages filed in the office of said recorder shall have the same effect, and be notice to the same extent, as chattel mortgages filed in the office of the township clerk; and the election district herein created shall, so far as chattel mortgages are concerned, be construed to mean town or city; and sections two (2), three (3) and four (4), chapter thirty-nine (39), statutes of Minnesota, shall apply to the election district herein created and mentioned, and the aforesaid recorder shall be governed by the next above named sections in said chapter thirty-nine (39) in his official duties as to chattel mortgages; and the said recorder shall have power to administer oaths and affirmations and take the acknowledgement of deeds and all other writings in like manner and to the same extent that town clerks now are or may be hereafter authorized to do by general law.

SEC. 8. The treasurer shall be the depository 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 therein and the party receiving the money therefor.

SEC. 9. The justices of the peace provided for and elected under the provisions of this act, shall have and possess, and may exercise all the powers and jurisdiction of justices of the peace provided for and elected under the general laws of the state, and in addition thereto, shall have cognizance and jurisdiction of all suits, prosecutions and 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 offenses committed against the same, all prosecutions for 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 village of Alexandria, and the same proceedings shall be had in all civil and criminal suits or prosecutions before said justices when not otherwise herein directed as are established and required to be had in civil and criminal actions by the general laws of this state, before justices of the peace. All fines, forfeitures and penalties imposed by or recovered before said justices in any suit, prosecu-

tion or proceeding had or commenced in the name of said village shall be promptly paid by said justices to the recorder of said corporation for the use thereof. The justices of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary in any action, civil or criminal, before said justices 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 justices' court, be held and deemed to be public law. The justices of the peace shall at least once in three months make to the common council a full report of all moneys received by them for fines, forfeitures and penalties, and shall from time to time as same are received pay them into the hands of the recorder, taking his receipt therefor. The fees of the justices of the peace shall be the same as are allowed and fixed by the general laws of the state for justices of the peace, and all warrants, summons, writs and processes of every nature, issued by such justices of the peace shall be directed to the sheriff or any constable of Douglas county, and may be executed and served by the marshal elected under the provisions of this act, or by the sheriff or any constable of said county, and for such purpose said sheriff or any constable of said county shall have and possess the same power and authority, which, by the general laws of the state they have and possess in the execution or service of warrants, summons, writs and other processes issued by justices of the peace elected under the general laws of this state.

SEC. 10. 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 or resolution 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 constables elected under the general laws of the state.

SEC. 11. The assessors of said village shall qualify in the same manner, and perform the same duties within said village as are prescribed for town assessors by general law.

SEC. 12. The term of all officers elected under the provisions of this act shall commence on the third (3d) Tuesday of March of each year (unless elected or appointed to fill a vacancy). All officers shall be residents of the village, and there shall be an annual election for the election of the officers herein provided for, on the second (2d) Tuesday of March in each year, and the polls shall be kept open from ten (10) o'clock in the forenoon until four (4) o'clock in the afternoon, and ten (10) days previous notice shall be given by the recorder of the time and place of holding such election and the officers to be elected, by posting notices in three (3) of the most public places in said village. At the close of the polls the votes shall be counted and a true statement thereof proclaimed to the voters present by one of the judges, and the recorder shall make a true

record thereof, and shall, without delay, notify all persons so elected of their election.

SEC. 13. Whenever a vacancy shall occur in any elective office, such vacancy shall be filled by a new election, which shall be ordered by the common council, and notice of the time and place of holding such election shall be given as hereinbefore provided for other elections. Any person elected to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term.

SEC. 14. All persons entitled to vote for county and state officers, and who shall have resided in said village for ten (10) days next preceding the day of the election, shall be entitled to vote for any elective officer under this act.

SEC. 15. The treasurer of Douglas county shall retain in his hands all taxes collected off from property within the corporate limits of said village, and pay over the same to the treasurer thereof, except such taxes as are assessed for State, county and school purposes.

SEC. 16. The common council shall have the management and control of the finances and all the property of the corporation, and shall also, 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, orders, by-laws and regulations for government and good order of the village, for suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient. The common council shall have full power and authority to declare and impose fines, penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinances, rules, by-laws and regulations which are hereby declared to be and have the force of law: *Provided*, that they be not repugnant to the constitution of the United States or of this State, and for those purposes shall have authority, by ordinances, rules, by-laws or resolutions

First. To restrain or license and regulate the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, concerts and theatrical performances, and also to license and regulate all auctioneers, billiard tables, pigeon hole tables, nine or ten pin alleys, bowling saloons, taverns, lager beer saloons, and also to restrain or license and regulate the vending, dealing in or disposing of, and all persons dealing in or disposing of spirituous, vinous or fermented or malt liquors; *provided*, that not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) shall be required to be paid per annum for any license for the sale of spirituous, fermented, vinous or malt liquors, and for any other license not less than one dollar (\$1) nor more than one hundred dollars (\$100). The common council may, at any time revoke any license granted under this act for the violation of the general laws of this state, this act, or any by-law, rule or ordinance of said village, and upon such revocation all moneys paid for such license shall be absolutely forfeited to said village.

Provided, further, that said common council shall have exclusive jurisdiction and control of all matters in this subdivision specified, to the entire exclusion of any control or right to regulate or restrain, in said matter, by any board, officer, person or municipality of this county, and that nothing herein contained shall be so construed as to prevent the voters of said village from deciding for themselves whether licenses shall be granted in said village, to such persons and in such number as the village council may think proper for the sale of spirituous, vinous, fermented or malt liquors in less quantities than five (5) gallons. And the village recorder is hereby required, upon the petition of twenty (20) or more legal voters and freeholders of said village, at any time not less than twenty (20) days before any annual village election, to give notice, at the time of giving notice of such election, that the question of license will be submitted at said election, which question shall be determined by ballots containing the words "in favor of license," or "against license," as the case may be, which ballots shall be determined and canvassed, as by this act prescribed for canvassing and determining the votes cast at said election for village officers, and if, upon such canvass, it is found that a majority of the votes cast at such election on that question shall be against license a certificate of such result shall be filed with the recorder, and said common council shall not thereafter, until some subsequent contrary vote, grant any license for the sale of spirituous, vinous, fermented, malt or intoxicating liquors.

Second. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for purpose of gaming, in said village, and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

Third. To prevent any riots, noise, disturbance and disorderly assemblages in said village, 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 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's shop, soap factory, tannery, stable, barn, privy, sewer, slaughter-house or other 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 village.

Fifth. To direct the location and management of slaughter-houses and markets, breweries, distilleries and pawnbrokers.

Sixth. To prevent encumbering of the streets, sidewalks, lanes, alleys or public grounds with carriages, carts, wagons, sleighs, boxes, firewood, posts, awnings or any other materials or substances whatever.

Seventh. 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 in the waters within the limits of said village.

Eighth. To restrain the running at large of horses, mules, 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 expense of distraining, keeping, advertising and selling such animals, shall be deposited in the office of the treasurer of said village for the use and benefit of the owners thereof if called for within one (1) year from the date of such sale.

Ninth. 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.

Tenth. To prevent any person from bringing, depositing or having within said village, 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 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.

Eleventh. To make and establish public grounds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for and control the erection of water-works for the supply of water to the inhabitants.

Twelfth. To establish and regulate boards of health, and to provide hospitals and hospital grounds.

Thirteenth. To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said village, or in any way doing any damage to such sidewalks.

Fourteenth. 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 as dangerous to the village or any property therein, or annoying any citizen thereof.

Fifteenth. To prevent open or notorious drunkenness and obscenity in the streets or public places of said village and to provide for arrest and punishment of all persons who shall be guilty of the same.

Sixteenth. To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

Seventeenth. To regulate the place and manner of weighing hay and the selling of the same, and the measuring of and selling fire wood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Eighteenth. To compel the owner or occupants 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 may direct; and in his default to authorize the removal or destruction thereof by some officer of the village, at the expense of such owner or occupant.

Nineteenth. To provide for watchmen, and to prescribe their number and duties and regulate the same, and to create and establish the police of said village, and to establish the number of police officers, and their duties and to regulate the same.

Twentieth. To provide by ordinance for a standard of weights and measures; for the appointment of a village sealer, and to require all weights and measures to be sealed by the village sealer, and to provide for the punishment of the use of false weights and measures.

Twenty-first. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds, and to protect native shade trees.

Twenty-second. To remove and abate any nuisance, obstruction, or encroachment upon the streets, alleys, public grounds and highways of the village, and to regulate and prevent the cutting or removal of ice from any part of any lake, pond or river within the limits of the village, and to compel all persons who shall cut or remove ice from any such place, to keep the place within or from which ice is so cut or removed safely and securely enclosed by a good and substantial fence, and also to compel all persons who shall dig, excavate or maintain or allow the same to be done upon any premises owned or controlled by them, any well, cellar, cistern, sink-hole, ditch, drain or pit in or upon any exposed or unimproved place within the limits of the village to keep the same enclosed in like manner.

Twenty-third. To remove and abate any nuisance injurious to the public health and to provide for the punishment of all persons who shall cause or maintain such nuisance.

Twenty-fourth. 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 to make regulations to prevent the introduction of contagious or infectious diseases into the village and to make quarantine laws and enforce the same within the village.

Twenty-fifth. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Twenty-sixth. To raise money for opening, building, grading, paving or repairing streets and cross-walks, the expense of which shall be charged to all property alike within the incorporated limits of said village.

Twenty-seventh. To provide for the erection of all needful buildings for the use of the village.

Twenty-eighth. To prescribe the limits within which wooden buildings or other buildings, the material or construction of which

shall be regarded as dangerous to surrounding property, shall not hereafter be erected, placed or repaired, and to direct that it and any buildings, within the limits prescribed, shall hereafter be built and constructed in such manner and of such materials, as in the judgment of the common council shall not be dangerous to surrounding property, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits when the same shall have been damaged by fire, or otherwise to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages. The common council shall have power by resolution to order any building, structure, or materials therefor hereafter erected, or in process of erection of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the village and shall have power to prescribe the notice to be given to the owner or agent to remove such building, and in case the same is not removed in pursuance of the notice given, to order the same taken down, removed by the police, or in such manner as the common council may see fit, and the common council may prescribe penalties for the violation of any of the provisions of this section, or of any ordinance made or enacted to carry out the provisions thereof not exceeding one hundred dollars, which may be imposed by the village justice, upon the complaint of any citizen.

Twenty-ninth. To prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe or secure condition, when considered dangerous. To prevent the deposit of ashes in unsafe places and the throwing of ashes in the streets and alleys. To require the inhabitants to provide as many fire buckets and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire. To regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires. To compel all bystanders to aid in the extinguishment of fires and the preservation of property exposed to danger thereat: and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

Thirtieth. To purchase fire engines, hooks, ladders, trucks and all other apparatus which may be required for the extinguishment of fires, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the proper support and regulation of the same, and to order such companies to be disbanded, their public meetings to be prohibited and their apparatus to be given up. Every member of each company which may be authorized to be formed, shall be exempt from highway work and poll tax, from serving on juries and from military duty during the continuance of such membership, and shall elect their own officers, and make their own by-laws, subject, however, to the approval of the village council.

Thirty-first. To appoint a chief engineer and one assistant en-

ginger of the fire department and to prescribe their duties; also, to appoint one or more fire wardens, whose duty it shall be to enter into at reasonable times and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as they may deem dangerous to be put in a safe condition.

Thirty-second. Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said village may extend to a fine not exceeding one hundred dollars, or imprisonment in the village prison or county jail not exceeding ninety days, or both, and to be fed on bread and water at the discretion of the village 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-third. To provide by ordinance that any one convicted of an offence before the village justice, subjecting such offender to imprisonment under the charter and ordinances of said village, may be kept at hard labor in any workhouse established by said village 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 village, or both; and may also provide by ordinance that any one convicted of an offence before the village justice, as aforesaid, and committed upon non-payment of a fine imposed, may be kept at hard labor in any workhouse of said village 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 a 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 village 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 Douglas county as the workhouse of the village of Alexandria, provided for in this act, and prisoners of the village to be in custody of the sheriff of Douglas county, except when employed upon the public streets and improvements of said village. *Provided further*, that the board of prisoners committed to said county jail for violating ordinances of said village, shall be paid by said village.

Thirty-fourth. To establish from time to time and as rapidly as the convenience of the inhabitants may require, the grade of all streets, sidewalks and alleys in said village, and cause accurate profiles thereof to be made and kept in the office of the recorder,

which grade, when once established, shall not be changed except by unanimous vote of the village council.

Thirty-fifth. To prevent the St. Paul, Minneapolis & Manitoba railroad company, or any other railroad company, successors or assigns, from obstructing the street crossings for a time exceeding fifteen minutes, accidents excepted. For every such offense a fine of not more than one hundred dollars may be imposed and collected.

Thirty-sixth. The style of all ordinances shall be: The common council of the village of Alexandria do ordain. And no ordinance shall be passed except by a majority of all the members of the common council. A record in book form shall be kept by the recorder in which he shall record all proceedings of the common council, and the ayes and noes on every ordinance voted upon shall be entered therein.

SEC. 17. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council by ayes and noes, and published at least once in a newspaper published in said village, or posted in three conspicuous places in said village before the same shall be in force, and thereafter shall be admitted as evidence in any court of this State.

SEC. 18. The power 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. Gambling houses, houses of ill-fame, disorderly taverns, and houses and places where spirituous, vinous or fermented liquors are sold without license required therefor within the limits of said village are hereby declared and shall be deemed public or common nuisances.

SEC. 19. The council shall examine, audit and adjust the accounts of the recorder, treasurer, justices and all other officers and agents of the village, at such times as they may deem proper, and also at the end of each year and before the term for which the officers of said village were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the order of said council in the discharge of their said duties in pursuance of this section or shall neglect or refuse to render his account or present his books and vouchers to said council or to a committee thereof, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said village who may be found delinquent or defaulting in his accounts or in the discharge of his official duties and shall make a full record of all such settlements and adjustments.

SEC. 20. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the village. In all prosecutions for any violation of this act, or of

any ordinance of the village, the first process shall be by warrant. *Provided*, That no warrant shall be necessary in any case of the arrest or apprehension of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance of the village, but the person or persons so arrested may be proceeded against, tried and convicted, and punished or discharged, in the same manner as if the arrest had been by warrant.

SEC. 21. When any suit or action shall be commenced against said village the service therein shall be made by copy left with the recorder of said village.

SEC. 22. The common council shall have the power and authority to open, lay out, or vacate streets and alleys within the limits of said village which is conferred by the general laws of the State upon the boards of supervisors of townships to open, alter, discontinue, or lay out roads, and in the matter of opening, laying out, or vacating streets or alleys, and the assessment of damage the common council shall be governed by and act under the general laws of the State providing for altering, discontinuing and laying out roads; and appeals may be taken in the same manner to courts of justice of the peace, or to district court, as appeals are under the general laws taken from the decisions of township supervisors.

SEC. 23. The common council may prescribe the width of sidewalks and may establish different widths in different locations and determine the kind of material of which they shall be constructed, having regard to the business and amount of travel in the vicinity of each. Whenever the common council of said village shall deem it necessary to construct or repair any sidewalk in said village they shall by resolution require the street commissioner to publish a notice to all owners or occupants of any lot or parcel of land adjoining such proposed sidewalk to construct or repair so much of such sidewalk as adjoins their several lots, at his or their own proper expense or charge, within a certain time, designated in such notice, not less than twenty days from the day of the first publication thereof. The said notice shall be published in a newspaper, published in said village not less than two (2) weeks, and shall contain a substantial description of the locality where such sidewalk is to be constructed or repaired, the nature of the work to be done (whether construction or repair) and the time within which the owners or occupants are required to do the same. If any such work or any part thereof, is not done in the manner prescribed by such ordinance and within the time designated in said notice, the common council may order the same to be done at the expense of the lots adjoining such sidewalk and the expense thereof shall be assessed upon such lots so chargeable in such manner that each lot shall be charged with the whole expense of the sidewalk adjoining thereto, and such assessment shall be a lien upon said lot or lots as in the case of village, county and state taxes, and said common council shall cause a statement of such taxes to be returned to the auditor of said Douglas county

at the same time with the village taxes levied by them, and such assessment when so transmitted to said auditor shall be collected and payment thereof enforced in like manner as state and county taxes are collected and payment thereof enforced. No error or informality in the proceedings shall vitiate the assessments made by virtue of this section. *Provided*, The notice hereinbefore provided for shall have been given.

SEC. 24. All side-walks constructed or repaired by the owners or occupants of any lot or parcel of land in pursuance of notice under this act, or without such notice, shall be subject to the approval of the street commissioner of said village.

SEC. 25. All property, real or personal, in the village except such as may be exempt by the laws of this state or is village property, shall be subject to taxation not exceeding two and a half mills on the dollar per year, for general village purposes. Such property shall also be liable for such special taxes as the common council are herein authorized to levy.

SEC. 26. The common council shall have full power to order and direct the levy and collection, within the limitation prescribed by law, of taxes sufficient to give full effect to the powers herein conferred.

SEC. 27. The common 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 Douglas 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 village of Alexandria as incorporated by this act, it thereupon shall become the duty of the said auditor to add the amount thus levied to the assessment 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 Douglas placed in his hands for collection and to pay the amount so collected to the treasurer of the village of Alexandria incorporated by this act.

SEC. 28. In any action brought to recover any penalty or damages under this act, or under any ordinance made by the common council, it shall be sufficient to complain that the defendant is indebted to the village for the amount of said penalty, or damages, and to refer to the act or ordinance under which the same is claimed, and to give the special matter in evidence under it. All civil cases shall be under the control and direction of the council; they shall have power to settle, compromise or prosecute all such actions on the part of the village, when said village shall be a party or be interested in said action.

SEC. 29. No action for violation of any ordinance of said vil-

lage shall be appealed when fine imposed is less than fifteen dollars (\$15) exclusive of cost.

SEC. 30. The village of Alexandria shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the village of Alexandria or any magistrate therein, for any offense punishable under the state laws, nor for the cost and fees in the prosecution of any such offense on the failure to convict thereof or the discontinuance of any such prosecution.

SEC. 31. The president, each and every councilman, the marshal, each and every justice of the peace and constable of the county in which said village is situated, shall be officers of the peace, and may command the peace, and may suppress in a summary manner all rioting and disorderly behavior within the limits of said village and may command the assistance of all by-standers, and if need be, of all citizens, and if any person refuses to aid when so required, every such person shall forfeit and pay a fine of not less than five dollars (\$5) and stand committed until paid.

SEC. 32. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village in any proceedings or action in which the village of Alexandria shall be a party in interest.

SEC. 33. The town clerk of the town of Alexandria is hereby authorized and required to deliver to the recorder of said village all chattel mortgages and other papers now on file in his office affecting or concerning any property in the corporate limits of said village, and such transfer shall not invalidate or render necessary any re-filing of any paper, but the original filing shall be as valid in all respects as though made by said recorder.

SEC. 34. The village of Alexandria shall be constituted one road district, and the highway labor and taxes shall belong to the general fund. The common council shall appoint one street commissioner, and they shall issue a warrant to him containing the whole amount of highway labor and taxes assessed and levied in his district, which said warrant shall be returned by him to the treasurer of said village. The laws of the state shall apply to warning, working, suing for and collecting highway taxes and returning delinquent taxes, and in all respects except as herein expressly provided. The common council shall have full power to direct the street commissioner when, where and how to expend said labor and tax and to remove him, and may direct him to expend the labor and tax in the manner to be directed by them at any point beyond the limits of the village. The common council shall perform the duties imposed by law upon the supervisors of towns in levying highway taxes and shall be governed and restricted in the amount so levied by the same laws applicable to the supervisors of said towns in levying highway labor and taxes.

SEC. 35. The common council of said village are hereby authorized and empowered to expend such sum or sums of money as they shall deem the best interest of the village require, out of the gen-

eral fund of said village in opening, repairing and keeping in repair any or all public highways, within Douglas county, Minnesota, leading directly or indirectly into said village.

SEC. 36. The village council may designate a newspaper printed in said village, if any such there be, in which may be published all ordinances and other proceedings and other matter required by this act or by the by-laws or ordinances of the common council.

SEC. 37. No elective office of the village shall receive any compensation except the recorder, treasurer, marshal, assessor and village justices, and in all such cases compensation shall be fixed by law or resolution where the laws of the state do not define such compensation.

SEC. 38. In addition to other power conferred by this act the village council shall have power and authority to purchase grounds not exceeding, in extent, ten (10) acres, for the purpose of a village park and to improve, lay out and adorn the same.

SEC. 39. For the purpose of raising funds for the purchase of a village park, a site for a town hall, and for the erection and furnishing of said hall, and for the purchase of apparatus to extinguish fires, the common council is hereby authorized and empowered, by a unanimous vote of the members thereof, to issue the bonds of said village, to such an amount as may be necessary, not exceeding five thousand dollars (\$5,000).

SEC. 40. Said bonds shall be issued in denominations of not less than twenty-five dollars (\$25), nor more than five hundred dollars (\$500) and shall be payable in not less than two (2) nor more than six (6) years, and in such place as said village council may designate, and shall draw interest not exceeding eight (8) per cent. per annum, payable annually or semi-annually as said village council may determine.

SEC. 41. Said bonds shall be signed by the president of said village and countersigned by the recorder thereof, who shall keep a record of all bonds thus issued under the provisions of this act, giving the numbers, dates, amounts, rates of interest, to whom issued, and when payable.

SEC. 42. The village council of said village of Alexandria may negotiate said bonds at not less than their par value; and the proceeds thereof shall be used only for the purpose mentioned in section thirty-nine (39) of this act, and said village council is hereby authorized and required to levy an annual tax on the taxable property of said village in addition to all other taxes required by law to be levied, sufficient to pay the interest accruing on said bonds, and the principal of said bonds as they shall mature, which taxes shall be levied and collected as other village taxes, and no part of such tax shall be appropriated for any other purpose than the payment of said bonds and the interest thereon.

SEC. 43. All street grades heretofore established by the village council of the village of Alexandria are hereby declared to be valid and legal grades, and the same together with all money and labor expended under the authority of said council in grading the streets

of said village are hereby confirmed and established as the lawful acts of said council, whether said grades have been heretofore established and such labor or money heretofore expended lawfully or not.

SEC. 44. Any person having an unsettled claim for damages against said village by reason of the establishing of such street grades or the performance of such labor, shall at any regular meeting of the said village council before the regular meeting thereof, in the month of May, eighteen hundred and eighty-one (1881), present such claim in writing to the recorder, who shall lay the same before said village council on or before said regular meeting in May, eighteen hundred and eighty one (1881), and if any person having such claims shall fail to present it as aforesaid he shall forever be debarred from further redress for said damages sustained or labor performed. *Provided*, That nothing in this act shall be construed so as to revive any right or claim for damages or compensation now barred by law or the statutes of limitations.

SEC. 45. The village council shall cause to be published annually the first (1st) Monday in March a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

SEC. 46. General, special and town elections of the town of Alexandria may be held in the village of Alexandria, at the discretion of the legal voters or supervisors of said town of Alexandria, and all transactions of any public business either at annual town meetings or by the officers of the town of Alexandria shall be equally valid when done within the village of Alexandria as though done without the limits thereof and in the town of Alexandria.

SEC. 47. No laws 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. 48. This act is a public act and need not be pleaded nor proven in any court in this state.

SEC. 49. If any election by the people, or village council shall for any cause not be held at the time nor in the manner herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on a subsequent day by order of the village council; and if any of the duties enjoined by this act, or by the ordinances or by-laws of said village, to be done by any officer at any specified time, and the same are not done or performed, the village council may appoint another time at which the said act may be done or performed.

SEC. 50. The village corporation formed under and by virtue of this act shall 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 which belonged to, or was owned by the village of Alexandria, incorporated under chapter fourteen (14), special laws of the year one thousand eight hundred and seventy-

seven (1877), and acts amendatory thereto, hereby repealed, at the time of the passage of this act and shall become and be liable for all its debts, obligations and liabilities.

SEC. 51. The present officers of the village of Alexandria shall hold their respective offices until officers are elected and qualified under and by virtue of the provisions of this act, and no longer, when it shall be and is hereby made their duty to surrender and turn over at once all property, moneys or effects which they hold or have been possessed of by virtue of their respective offices to their successors, elected and qualified under this act.

SEC. 52. The corporation is vested with all powers to carry into full force, virtue and effect all and every part of this charter of said village and acts amendatory thereof, and to carry into execution the same; shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and intent thereof.

SEC. 53. All acts and parts of acts heretofore passed for the incorporation of the village of Alexandria and amendatory thereto and all acts inconsistent with this act are hereby repealed: but said repeal of such acts shall not in any manner affect, injure or invalidate any contracts, licences, claims or demands that may have been duly and lawfully entered into, or that may exist or by virtue, or in pursuance of such acts, or any of them, but the same shall exist and be enforced and carried out as fully and effectually to all intent and purpose as if this act had not been passed, and all ordinances, regulations, rules and by-laws, of the village council, or part 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 village council in pursuance of this act.

SEC. 54. That for the purpose of the first (1st) election under this act, N. J. Trenham, John Sundblad and G. C. Sims shall be judges of election and board of commissioners for such election and shall perform all the duties and possess all the powers of judges of election prescribed by this act. They shall appoint the place of holding such election and post notice thereof in three (3) public places within said village ten (10) days prior to said election.

SEC. 55. This act shall take effect and be in force from and after its passage.

Approved March 5, 1881.