

it shall be the duty of the secretary of state to notify the persons named in section two (2), of the passage of this act and to furnish them with a copy thereof.

SEC. 5. This act to take effect and be in force from and after passage.

Approved February 25, 1881.

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## CHAPTER 25.

### AN ACT TO INCORPORATE THE VILLAGE OF MELROSE IN THE COUNTY OF STEARNS.

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

SECTION 1. That the following described territory in the county of Stearns, State of Minnesota, to-wit: The north-west quarter ( $\frac{1}{4}$ ) of section two (2) and the north half ( $\frac{1}{2}$ ) of section three (3) township one hundred and twenty-five (125) range thirty three (33) the west half half ( $\frac{1}{2}$ ) of section thirty-five (35) and all of section thirty-four (34) township one hundred and twenty-six (126) range thirty-three (22) be and the same is hereby incorporated as the village of Melrose, and the people now inhabiting and those who shall hereafter inhabit the said district of country, shall be a municipal corporation by the name of "The Village of Melrose" and shall have all the rights, powers and duties incident to municipal corporations at common law, with perpetual succession, and shall by its corporate name be capable of contracting and being contracted with, or suing and being sued, of pleading and being impleaded in all the courts of law and equity, and may have a common seal which may be altered at the pleasure of the village council; and shall have full power to take, hold, purchase, lease and convey such real estate and personal property or mixed estate, as the purposes of the corporation may require, within or without the limits of such corporation, and in addition thereto shall have and possess all the powers hereinafter specifically granted.

SEC. 2. The inhabitants of said village having the qualifications of electors of members of the legislature of the State of Minnesota, as hereinafter provided, may elect five (5) trustees and a treasurer, who shall hold their respective offices for one (1) year, or until their successors are elected and qualified; also a justice of the peace, who shall hold his office for two (2) years, or until his successor is elected and qualified, and before entering upon the duties of their respective offices, they shall each take an oath or affirmation to support the constitution and laws of the State of Minnesota, and faithfully perform the duties of his office. The treasurer shall give such bonds as the village council may require. The

treasurer shall keep a true and just account of all moneys by him received, by virtue of his office, and the manner in which the same are disbursed, in a book to be provided for that purpose, and shall exhibit such account, together with his vouchers, to the village council, for adjustment, and shall deliver all books and papers belonging to the office and the balances of all the moneys, as treasurer, to his successor in office. *Provided*, That the treasurer shall not pay out any moneys in his hands for any purpose, except upon the written order of the president of the council and attested by the village recorder. The treasurer shall from time to time draw from the county treasury, such moneys as may be due such corporation, for the use of said village, and on receipt of such moneys give proper vouchers therefor. *Provided, further*, that the said treasurer may receive the same compensation as is allowed by law to the treasurers of townships in this State.

SEC. 3. The village council shall at their first regular meeting after the annual election, or soon thereafter, appoint a recorder who shall hold his office for the term of one (1) year, or until his successor is duly qualified, who shall be the recording officer of said village and of the village council.

He shall have the custody of the seal, if any, and of all the records thereof, except those appertaining to the other officers thereof, and all moneys received by him shall be paid over to the treasurer of said village, taking his receipt therefor. He shall keep a true and correct record of all proceedings of the village council, and of all the village elections, and all matters pertaining to streets, alleys, or public grounds, in books to be provided by said council. He shall attest all orders and contracts and other necessary papers, and shall make a report of the standing and condition of said village to the village council, at its annual meeting, or at any time when required by the said council and he shall discharge all other duties that shall devolve upon him, or required of him by this act, or of any act of the village council, and he shall receive such compensation for his services as is allowed by laws to township clerks in this State. The village council shall also at their first regular meeting after the annual election or soon thereafter, appoint some suitable person as village marshal, whose term of office shall be for one (1) year or until his successor is duly qualified, who shall be the ministerial officer of said village council. He shall have power to appoint a deputy or deputies subject to the approval of the said village council, for whose acts the marshal shall be responsible, and whom he may remove at pleasure. And such marshal and deputies shall, in addition to such duties as may be provided herein or prescribed by the village council, have, possess and exercise all the powers, rights and privileges belonging to constables elected in said township under the general laws of the State, and said marshal and deputies may pursue into any county in this State, and take and bring back for trial, any offender under the ordinances of said village. The village marshal and deputies shall take the same oath of office and shall receive the same fees for services as con-

stables elected in said township under the general laws. *Provided* that the village council may, in their discretion, provide further duties and compensation; and the said village marshal shall before entering upon the discharge of his duties execute the same bond as constables elected in said township; and the said bond shall be filed with the same officers.

SEC. 4. At the first meeting of the trustees they shall elect one of their number president, and they shall constitute the village council of the village of Melrose, any three of whom shall constitute a quorum for the transaction of business, and shall have full power and authority to enact, adopt, modify, enforce and from time to time amend or repeal any or all such ordinances, rules and by-laws as they shall deem expedient for the following purposes, viz:

*First.* To provide for the construction and maintenance of suitable sidewalks and street crossings as they shall deem expedient, out of the general fund of the village.

*Second.* To prevent riots, noise, disturbance of public or religious meetings, and to punish any person or persons who may be so engaged and generally to promote and preserve good order and the public peace.

*Third.* To prevent the encumbering of streets, sidewalks, alleys or public grounds, with any material or substance detrimental to the public good.

*Fourth.* To restrain the running at large of cattle, swine, sheep, horses, mules and poultry, and to authorize the distraining and impounding of the same, and to provide for a village pound, and a pound keeper, and to prescribe his duties and compensation.

*Fifth.* To prevent open or notorious drunkenness, brawling or obscenity in the streets, alleys, or public places, and to provide for the punishment of all persons so violating any ordinance in relation thereto.

*Sixth.* To prevent all persons from doing damage to sidewalks, shade trees, public wells, public grounds, cisterns or pumps.

*Seventh.* To direct the location and management of slaughter houses and markets in said village, and to regulate the sale, storage and conveyance of gunpowder or other combustible materials.

*Eighth.* To compel the owners or agents of any yard, pen, privy, sewer, smoke house or any unwholesome or nauseous place to clean, remove or abate the same.

*Ninth.* To prevent the dangerous construction of chimneys, fire places, hearths, stoves, stovepipes, ovens, boilers, smoke houses, boilers stacks and any apparatus in or about any building, and to cause the same to be placed in a safe condition at the expense of the owner or owners, to prevent the deposit of ashes in unsafe places, or the throwing of them in the streets or alleys, to prevent the building, erection or maintaining within certain limits of said village, any hay or straw barn or stable, hay or straw roof, or hay or straw stack, the limits to be prescribed by ordinance, and to

establish such regulations for the prevention and extinguishment of fires as they may deem expedient and proper.

*Tenth.* To prevent the shooting of fire arms, crackers and other projectiles, and to prevent the exhibition of any fire works in any situation which may be deemed by the council dangerous to the village or any property therein, or annoying any citizen thereof.

*Eleventh.* To license, in their discretion, public shows or exhibitions, billiard tables or bowling alleys.

*Twelfth.* To prevent and punish horse racing and immoderate riding and driving in the streets, and to compel persons to fasten their teams attached to vehicles while in the streets.

*Thirteenth.* To restrain and prohibit gift enterprises, all descriptions of gaming, and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming.

*Fourteenth.* To restrain and punish vagrants, mendicants, tramps, street beggars and prostitutes, and to suppress houses of ill-fame and to punish the keepers thereof.

*Fifteenth.* To establish and regulate boards of health, provide hospitals and pest houses, and to prevent the spread of infectious or contagious disease.

*Sixteenth.* To license, regulate and restrain hawkers, peddlers, auctions and auctioneers.

*Seventeenth.* 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 ordinances in relation thereto.

*Eighteenth.* To provide for watchmen and police, and to prescribe their duties, and to regulate and provide compensation for the same, and to authorize them to arrest any person or persons in the act of violating any ordinance or by-law of the village or any law of the State of Minnesota.

*Nineteenth.* The village council shall have the exclusive right to license any person or persons vending, dealing in, or disposing of spirituous, vinous, malt or fermented liquors within the limits of the village of Melrose, and persons so licensed shall not be required to obtain a license from the board of county commissioners, *Provided,* That no license shall be granted for less than one hundred dollars (\$100) nor for a greater sum than three hundred dollars (\$300) in the discretion of the village council, and that previous to the granting of any such license, a bond shall be executed running to the village of Melrose, to be approved by the village council with the same conditions and with the same penal sum as required by the general statutes in such cases, and all moneys received for such license shall be paid to the treasurer of said village, and to be used to help defray the expenses thereof, and the village council shall have full power to restrain any person or persons from vending, dealing in, or disposing of spirituous, vinous, malt or fermented liquors, unless duly licensed by the village coun-

cil of said village; and *provided further*, that all licenses granted by the village council shall expire within ten (10) days after the next annual election in said village; and *provided further*, that the village council may, in their discretion, grant and issue licenses, for the sale of spirituous, vinous, malt or fermented liquors to any suitable person, upon his complying with the foregoing conditions. And such village council may revoke such license when they may deem it proper; and every license shall be null and void and cease to be in force from and after any violation of any of the conditions of the bond hereby required is proven before any court having jurisdiction either in an action upon the bond or in an action brought to recover a penalty; or to impose a fine or punishment for any offense under any ordinance of of said village regulating the sale of intoxicating liquors, and any violation of the conditions of such bond shall work a forfeiture of the amount of the penalty thereof, in favor of said village, which may be recovered in a civil action in the district courts of this state.

The village council shall have full power and authority to prohibit the selling, giving away, bartering, furnishing or disposing of any spirituous, vinous, malt or fermented liquors in any quantity whatever, to any minor person, or to any student or pupil in any public school or any other institution of learning, or to any habitual drunkard, also to prevent the selling, giving away, bartering, furnishing or disposing of any spirituous, vinous, malt or fermented liquors on the Sabbath day, or on any general or special election day, and to require the person so licensed to keep a quiet and orderly house, and not permit gambling with cards or any other device, for money or representation of money, and to require such person to close his place of business at reasonable hours at night, and also to prevent the use of screens at the front doors and windows of such places of business, and in the matter of prosecution for any violation of any of the provisions of this sub-division of section four (4) of this act, or of the provisions of any ordinance or by-law enacted thereunder, it shall not be necessary to prove the name or kind of intoxicating liquor sold, and in all such prosecutions the finding of intoxicating liquors on the premises in question, shall be *prima facie* evidence of their sale on such premises, and establishing the fact of one's having drunk what appeared to be intoxicating liquors on any premises shall be *prima facie* evidence that such liquor was intoxicating, and shall be taken as proof conclusive, unless defendant furnishes positive proof to the contrary, and the term intoxicating liquors, in all prosecutions under this subdivision or any ordinance enacted thereunder, shall be understood to mean spirituous, vinous, malt and fermented liquors.

SEC. 5. The said village 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 ordinance, rule or by-law enacted by them, and all such ordinances, rules and by-laws are hereby declared to have the force of law, *provided*, they are not repugnant to the

constitutions and laws of the United States and of the State of Minnesota. Fines, penalties and punishments may extend as follows, to-wit: Fines not to exceed one hundred (\$100) dollars, nor imprisonment to exceed sixty (60) days in the village prison or common jail of the county. Offenders may be required to give security for their good behavior and to keep the peace for a period not exceeding one (1) year in a sum not exceeding five hundred dollars (\$500).

SEC. 6. All ordinances, rules and by-laws shall be enacted by a majority of all the members of the village council and shall be signed by the president and attested by the village recorder, and published once in a newspaper published in the said village, and if there be no newspaper, then by posting them conspicuously in three (3) of the most public places in said village for ten (10) days, and shall be recorded in a book provided by the village council.

SEC. 7. All prosecutions for violating any of the provisions of this act or of any ordinance, rule or by-law, enacted under the provisions thereof, shall be brought in the name of the village of Melrose, and shall be commenced by warrant, upon the complaint being made as required by law in criminal cases before justices of the peace, and the same proceedings shall be had therein as are required to be had by the laws of this State in criminal or civil actions before justices of the peace. *Provided*, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or any of the provisions of this act, or of any ordinance or by-law of said village, but in such cases 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 person or persons so arrested may be proceeded against in the same manner as if the arrest had been made by warrant. All process issued by the justice of the peace of said village shall be directed to the village marshal of the village of Melrose. It shall be a sufficient pleading of the ordinances or by-laws of said village to refer to the title number of the ordinance or by-law, and the section thereof, and giving them in evidence under the complaint. The justice of the peace of the said village shall have and possess exclusive and original jurisdiction of all cases arising under the provisions of this act, and in addition thereto he shall have, possess and exercise all the powers and authority possessed by justices of the peace elected in said township under the laws of the State. He shall take the same oath of office, give the same bond, and shall receive the same fees for services as justices of the peace elected in said township, and the said bond shall be filed with the same officer as the justices' are now, or may hereafter be required to do. *Provided further*, that in all cases of a violation of any of the provisions of ordinance or by-law of said village, no appeal shall be allowed by the village justice when the judgment, fine or penalty imposed, exclusive of costs, is less than fifteen dollars (\$15); and *provided further*, that in all cases arising under this act, or any of the provisions of any ordinance or by-law

enacted under and by virtue of any of the provisions of this act, no change of venue shall be granted by the village justice except to the justice of the township of Melrose designated by the village council to act in the disability of the village justice, on the filing of an affidavit, by either the plaintiff or defendant, that the village justice is interested in the case or is prejudiced so as to prevent him from rendering a just verdict, *and provided further*, that the said village justice shall have the same power and authority in cases of contempt as is provided for any justice of the peace elected in said township under the laws of the State; *and provided further*, that in all cases of the imposition of any fine, penalty or judgment, rendered by the said village justice pursuant to this act or to any ordinance or by-law of said village, as a punishment for the violation of any of the provisions of this act or any ordinance or by-law as aforesaid, and the said fine, penalty or judgment and costs not being paid, the offender shall be forthwith committed to the village prison of said village, or, if there be no village prison, then to the common jail of the county, and to be there imprisoned until such fine, penalty or judgment and costs is paid, not exceeding sixty (60) days, in the discretion of the village justice, and from the time of the arrest of any person or persons for any offense whatever until the time of trial, the person or persons so arrested may be imprisoned in the village prison, and in case there is no village prison, in the common jail of the county; *and provided further*, that in case of the absence, sickness or other inability of the village justice, the village council may by resolution appoint any one (1) of the justices of the peace, elected by the township of Melrose, to perform the duties of said village justice, and the justice of the peace so appointed shall for the time being have and possess all the powers, rights and authority herein conferred upon the said village justice.

SEC. 8. All license fees, and all fines and penalties imposed under and by virtue of this act, or any ordinance or by-law enacted thereunder, shall belong to the general fund of said village, and the village justice shall, at least once in six months, make to the village council a full and detailed report of all proceedings in the court, stating money received by him for fines, penalties and judgments, and shall pay the same over to the village treasurer, taking his receipt thereof.

SEC. 9. The first election under this act shall be held on the first (1st) Tuesday of April eighteen hundred and eighty one (1881), and the following named persons to wit: N. M. Freeman, Gerhard Richter, Erick L. Hedin, or a majority of them, shall be inspectors of election, and also the board 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 or publish notice thereof five (5) days previous to the same, and shall conduct the election in the manner prescribed by law for the election of township officers, and the judges of election shall immedi-

ately give to each person elected a certificate of his election, and such officer so elected, after having qualified according to the laws of the state in relation to township officers, shall forthwith enter upon the discharge of their duties; *Provided*, that the first regular meeting of the village council shall be held on the second (2d) Tuesday of April eighteenth hundred and eighty one (1881) at the place of holding the election, at two (2) o'clock in the afternoon.

SEC. 10. After the first election of officers, the village council or a majority of them shall act as judges of election at all elections of said village, and the annual election shall be held on the first (1st) Tuesday of April for the election of officers and at such place as may be directed by the village council, after giving ten (10) days notice thereof, either by posting written notices of the election in three (3) of the most public places in the village or by publishing such notice in a newspaper printed in said village. The polls of such election elections shall be opened at one (1) o'clock in the afternoon and closed at four (4) o'clock in the afternoon of said day. At the close of the polls the votes shall be counted, and a true statement thereof be proclaimed to the voters by one of the judges of election, and the recorder shall make a true copy of the proceedings of such election in a book to be provided, and within five (5) days he shall notify in writing the person so elected of their election, *Provided*, that at all elections of officers under this act, the electors shall vote by ballot, and a plurality of all votes cast shall elect.

SEC. 11. Special elections may be ordered by the village council when petitioned by at least ten (10) legal voters, freeholders, residing in said village, stating the object of said election, but no special election shall be held unless ten (10) day's notice thereof is given, and such elections shall be conducted as provided in section ten (10) of this act, nor shall any subject or question be considered or acted upon unless its objects are clearly set forth and stated in the notice of the call of such election.

SEC. 12. The legal voters of said village may at any annual or special election, authorize the village council to levy a tax for any legitimate object, but in no case shall the tax so voted and levied exceed the sum of three (3) mills upon the dollar valuation for all purposes in any one year, and all taxes levied except for improvement of streets, sidewalks and crossings, and except as provided herein, shall be levied and collected as prescribed by the general law for the levying and collection of township taxes, *Provided*, that the village council shall make an annual return to the county auditor of all taxes levied and assessed by them, and the county auditor shall, upon the receipt of the same, enter and carry out the said tax or taxes against the property within said village, and such taxes shall be collected the same as other taxes are collected, and when collected shall be turned over to the village treasurer.

SEC. 13. The village council shall have the power and authority to open, alter, discontinue or lay out 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, altering, discontinuing or laying out streets and alleys in said village, and the assessment of damages, the village council shall be governed by the general law herein before referred to; *Provided*, that the petition in such cases shall be signed by six legal voters, freeholders, residing within the limits of said village, and that such petitions and all necessary notices shall be posted in said village; *provided further*, that the village recorder and village council are hereby substituted for town clerk and board of supervisors of townships, and shall discharge the duties devolving upon such officers, in such cases, and the supervisors of the townships of Melrose and Grove shall have no authority to lay out, alter or discontinue any road, street or alley within the corporate limits of the village of Melrose. Appeals may be taken in such cases as provided under the general laws.

SEC. 14. Should a vacancy occur in any of the offices provided for in this act, or a failure to elect by reason of a tie vote, the village council, or the remaining members thereof, may fill the same by appointment, and any person so appointed, shall hold his office and discharge the duties thereof until the next annual election, and shall have the same rights and powers, and be subject to the same liabilities as the person whose office he is appointed to fill.

SEC. 15. The village of Melrose shall constitute one (1) road district, to be styled "Melrose road district," and the village council shall at their first regular meeting after the annual election, or soon thereafter, appoint an overseer of highways of said district to be styled "street commissioner," who shall hold office for one (1) year, and who shall enter upon the duties of his office, give bond to the village of Melrose, with at least two (2) sureties to be approved by the village council, the amount and conditions of said bond to be first determined and fixed by the said village council.

It shall be the duty of the said street commissioner to render his personal services, and to perform and superintend labor in repairing the streets, highways and alleys of said village, and to superintend all work and improvements, and to carry into effect all orders of the village council in relation to work and improvements upon the streets, highways, alleys or public grounds of said village, and shall be entitled to such compensation as may be fixed by the village council, not exceeding one dollar and fifty cents (\$1.50) per day while actually employed in the discharge of his duty.

The village council shall levy and assess a tax for highway purposes, of not to exceed three (3) mills on the dollar, against the property of each person or persons within the limits of said village, and shall levy and assess a poll tax against all the male inhabitants of said village between the ages of twenty-one (21) and fifty (50) years, except such as are by law exempted, of not to exceed three (3) days work upon the streets, highways, alleys or public grounds; *Provided*, that such taxes shall be levied at the first (1st) meeting of the said council after the annual election, or soon

thereafter, and the said village council shall as soon thereafter as practicable issue a warrant or warrants to the said street commissioner, containing the amount of property road tax assessed against each person or persons, and each tract of land, lot or portion of lot, and also the names of all persons liable to poll tax, and the number of days each person is assessed, which said warrants shall be returned to the village recorder in the manner and within the time as by general law required of overseers of highways, together with a full and detailed account of all moneys received, and how and for what purpose expended. All persons liable to poll tax may commute and pay the same to the street commissioner; *Provided*, that all persons so assessed and duly notified by the street commissioner, who refuses and neglects to appear and perform such labor, and who does not commute, as herein provided, shall thereupon become liable to be fined in the manner as provided by the laws of this State. All moneys received by the street commissioner for property road tax, poll taxes and fines, shall be accounted for and expended by the street commissioner upon the streets, highways, alleys and public grounds, or otherwise, as the village council may direct. The village council shall have full power to direct the street commissioner when, where and how to expend such labor and taxes, and may direct the street commissioner to expend highway labor and taxes at any point beyond the limit of said village; *Provided*, That the said village council may remove the said street commissioner and appoint another person, whenever they deem it necessary to the best interest of the village, and *Provided further*, That the laws of the State shall apply to warning, working, suing for and collecting such property road taxes and poll taxes, and to returning delinquent taxes, and in all other respects, except as herein expressly provided; *Provided*, That the property road tax and poll tax provided herein to be levied and assessed by said village council, shall belong to the said village, and shall be in lieu of all such taxes heretofore levied and assessed by the supervisors of the townships of Melrose and Grove, and to enable the said village council to assess said tax, the auditor of the county of Stearns shall, on request of the village council, furnish said council with a copy of the last assessment roll of all property assessed within the corporate limits of said village of Melrose, and nothing herein shall prevent the electors of the townships of Melrose and Grove from laying a road and bridge tax upon all the property within their respective townships at the annual town meeting, *Provided*, The amount thereby levied within the corporate limits of said village shall be apportioned by the county auditor of Stearns county to the village of Melrose, and taxes collected therein shall be paid over to the treasurer of said village.

SEC. 16. All legal voters within the limits of said village shall be entitled to vote at general town meetings as heretofore, in their respective townships.

SEC. 17. The village council shall constitute a board of auditors for the purpose of auditing all accounts payable by said village.

Said board shall draw up a report stating in detail the items of accounts audited and allowed, the nature of each account and the name of the person to whom the account was allowed, and which report shall contain a full and complete detailed statement of the financial concerns of said village. Said report shall be filed with the recorder, and a copy thereof shall be posted at the time and place of holding the annual election, or published in a newspaper of general circulation, printed in said village, two weeks before such election.

SEC. 18. The village of Melrose 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, or any magistrate, to the jail of Stearns county, for any offense punishable under the State laws.

SEC. 19. The board of trustees, when acting as inspectors of election, shall receive compensation as fixed by the laws of the State.

SEC. 20. The territory comprised within the prescribed limits of the said village, shall constitute one (1) election district for the election of village officers.

SEC. 21. The said village council is hereby invested with all the rights and powers necessary to carry into full force and effect all and every part of this charter, and shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and intent thereof.

SEC. 22. The village council may designate a newspaper, printed in the village, in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the village council to be published in a public newspaper, and the village printer or printers, immediately after the publication of any notice, ordinance or resolution, or any other matter which by this act are, or by village ordinance shall be required to be published, shall file with the recorder a copy of such publication which shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matters.

SEC. 23. No member of the village council shall be a party to or interested in any job or contract with the village, and any contract in which any member of the village council may be so interested, shall be null and void.

SEC. 24. Any amendment to this act shall be submitted to the legal voters of said village, and if approved by a majority of the legal voters of said village voting thereon, shall thereupon be in full force, otherwise to be null and void.

SEC. 25. This act shall be a public act, and need not be pleaded nor proven in any court in this State.

SEC. 26. This act shall take effect and be in force from and after its passage. *Provided*, that if twenty of the legal voters of the district in the first section of this act, described as the village of Melrose, shall petition the canvassers within this act named, on or before the third (3d) Tuesday of March, A. D. one thousand eight hundred and eighty-one (1881) for an election to determine

whether the people in said district desire this act of incorporation to take effect as, and at the time set forth in the provisions thereof upon presentation of such petition to said canvassers, they shall fix and appoint the fourth (4th) Tuesday of March, A. D. one thousand eight hundred and eighty-one (1881), for such election, and shall give five (5) days notice thereof by posting notices thereof in three (3) of the most public places in said district.

At said election ballots shall be cast and votes counted by said canvassers appointed by this act, the same as for the officers in said village as in this act provided.

The ballots used at such election shall have written or printed thereon, "for village charter," or "against village charter," as the case may be. Said canvassers shall declare the result, and if they declare that a majority of the votes cast were for "village charter" or if the petition in this section referred to and provided for should not be presented to said canvassers as herein provided, then in such case this act shall be and remain in full force and effect.

But if a majority of said votes are against "village charter, then in such case no further action or election under this act shall be taken for one year, when similar proceedings may again be taken. The polls of this election in this section provided for shall be opened at ten (10) o'clock A. M. and closed at four (4) o'clock P. M. of said day.

Approved March 3, 1881.

## CHAPTER 26

### AN ACT TO INCORPORATE THE VILLAGE OF MINNEOTA IN LYON COUNTY.

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

SECTION 1. That all that territory situate, lying and being in the county of Lyon, state of Minnesota, and described as follows to-wit: Section number twenty-five (25), the east one-half ( $\frac{1}{2}$ ) of section number twenty-six (26), the northeast quarter ( $\frac{1}{4}$ ) of section number thirty-five (35), and the north half ( $\frac{1}{2}$ ) of section number thirty-six (36), all in township one hundred and thirteen (113) north of range forty-three (43) west in the township of Eids-wold, in said Lyons county, be and the same hereby is set apart for an incorporation, and incorporated as a village under the corporate name and style of the village of Minneota, to be organized pursuant to chapter one hundred thirty-nine (139) of the general laws of eighteen hundred and seventy-five (1875), and the several acts of the legislature amendatory thereof.

SEC. 2. That N. W. L. Jager, Andrew D. Davidson, Henry L.