

ship of Bird Island, be and the same is hereby constituted the village of Olivia under the provisions of chapter one hundred and thirty-nine (139) of the general laws of the State of Minnesota for the year one thousand eight hundred and seventy-five (1875).

SEC. 2. That Peter Heins, N. Stone and Wm. Christensen are hereby designated commissioners to carry out the provisions of section nine (9) of said chapter, and the secretary of state is hereby directed to issue his official notification of the passage of this act.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 4, 1881.

CHAPTER 33.

AN ACT TO INCORPORATE THE CITY OF ORTONVILLE IN THE COUNTIES OF BIG STONE AND LAC QUI PARLE.

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

SECTION 1. That the following described territory, to-wit: commencing at a point where the township line between townships one hundred and twenty-one (121) and one hundred and twenty-two (122) of range forty-six (46), intersects the State line, thence east on the line between said townships one hundred and twenty-one (121) and one hundred and twenty-two (122) to the quarter ($\frac{1}{4}$) post between sections three (3) in township one hundred and twenty-one (121) of range forty-six, and section thirty-four (34) in township one hundred and twenty-two (122) of range forty-six (46) thence south through the centres of sections three (3), ten (10) and fifteen (15) to the quarter ($\frac{1}{4}$) post between sections fifteen (15) and twenty-two (22), thence due west to the State line, thence along the State line to the point of beginning, containing all of fractional section five (5), all of section four (4), the west one-half ($\frac{1}{2}$) of section three (3), the west one-half ($\frac{1}{2}$) of section ten (10), all of section nine (9), lot one (1) of section eight (8), all of section sixteen (16) and the west one-half ($\frac{1}{2}$) of section fifteen (15), town one hundred and twenty-one (121) of range forty-six (46), in Big Stone and Lac qui Parle counties, Minnesota, is hereby set apart and incorporated as the city of Ortonville, under the provisions of chapter one hundred and thirty-nine (139) of the general laws of the State of Minnesota for the year one thousand eight hundred and seventy-five (1875), and the amendments thereto.

SEC. 2. That Ferdinand Shumaker, Bernhard Dassel, and M. D. Hartnett, are hereby designated commissioners to carry out the provisions of section nine (9) of said chapter, and the secretary of

state is hereby directed to notify said commisssoners of the passage of this act.

SEC. 3. That in lieu of electing one (1) village constable as provided in said chapter one hundred and thirty-nine (139) of the general laws of the year A. D., one thousand eight hundred and seventy-five (1875), the city council be and they are hereby authorized, empowered and directed to appoint a city marshal and assistant marshal, who shall hold their offices at thé pleasure of the council, and whose duties in addition to those now prescribed by law for village constables, shall be prescribed by the city council of said city, and who shall receive in addition to the fees now allowed by law to village constables, such per diem as the city council may ordain, and such marshal and assistant marshal shall qualify in the same way, and shall have all the powers, rights and authority of village constables and shall be subject and liable to the general laws pertaining to the powers and duties of village constables in this State.

SEC. 4. That the justice of the peace to be elected as provided for in said chapter one hundred and thirty-nine (139) of the general laws of the year A. D., one thousand eight hundred and seventy-five (875), shall be styled the city justice, and said justice shall have sole and exclusive 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 city. All prosecutions for assault, batteries and affrays not indictable, and for a breach or violation of any by-law, ordinance or regulation of said city, shall be commenced in the name of the city of Ortonville, and the same proceedings shall be had as are required by law in criminal cases tried before justices of the peace, and all fines imposed or collected in such cases, and in all cases tried before said justice for any violation of law committed within said city shall accrue to the benefit of said city. *Provided*, That an appeal from any judgment or decision of said justice shall be allowed as now provided by law for appeals from judgments rendered by justices of the peace.

SEC. 5. That in all actions or proceedings arising or growing out of this chapter or said chapter one hundred and thirty-nine (139) of the general laws of the year A. D., one thousand eight hundred and seventy-five (1875), or out of or under any ordinance, by-law or regulation of the said city council, all processes issued by the said city justice shall be directed "to the marshal or assistant marshal of Ortonville."

SEC. 6. That in addition to the general powers conferred by the said chapter one hundred and thirty-nine (139), the city council shall have power

First. To prescribe such additional duties for the officers of said city as they may by ordinance direct.

Second. To appoint such additional sepecial officers for said city as may be necessary therefor.

Third. To prevent the obstruction of public streets and public grounds.

Fourth. To provide for the compensation of the officers of said city. *Provided,* That no member of the said city council shall receive any pay or fee, except the city recorder.

Fifth. To provide for the publication in a newspaper of notices and ordinances.

Sixth. To prevent and punish all indecent exposure of the person and disorderly conduct.

Seventh. To regulate bathing in Big Stone lake within the corporate limits of said city.

SEC. 7. The city council of said city may cause to be established from time to time and as rapidly as the convenience of the inhabitants may require, the grades of all streets, sidewalks and alleys in said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city recorder, and all grading of streets and alleys which the said council shall order by ordinance, by-law or resolution, shall be at the expense of the property benefited thereby to the extent of such benefits, the same to be determined by a commission appointed by the council, and the remainder to be paid out of the general fund.

Any person feeling himself aggrieved by the award of the commissioners may appeal to the district court of said county of Big Stone, *provided* that said appeal shall be taken within thirty (30) days after the said award is filed in the office of the city recorder, written notice of such appeal shall be served upon the city recorder or president of the council.

SEC. 8. That nothing herein contained shall in any wise change, alter or effect the township organization of the township of Ortonville, except as provided in said chapter one hundred and thirty-nine (139) general laws of A. D., one thousand eight hundred and seventy-five (1875), and that said city shall continue to be a part of said township of Ortonville, and the said township shall be, as heretofore, one (1) election district for all purposes not in conflict with the provisions of this act; and the township and general elections may be held in said city, and the qualified voters of said city shall be qualified voters of said township.

SEC. 9. This act shall be a public act and need not be pleaded nor proven in any court of this State.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved, January 28, 1881.