

## CHAPTER 36.

## AN ACT TO INCORPORATE THE VILLAGE OF PERHAM.

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

SECTION 1. All that portion of the township of Perham in the county of Otter Tail and State of Minnesota, hereinafter described, shall be known and constitute the village of Perham, and as such corporation shall have all the powers generally possessed by municipal corporations at common law; and in addition thereto, shall possess all the powers hereinafter granted, and by that name may sue and be sued, make contracts, purchase, take and hold real and personal property, and have a corporate seal, alterable at pleasure.

SEC. 2. The territory included in the said village of Perham shall be all that tract of land described as follows, to-wit: The west half ( $\frac{1}{2}$ ) of section No. fourteen (14) and the east half ( $\frac{1}{2}$ ) of section No. fifteen (15), in township No. one hundred and thirty-six (136) N., of range No. thirty-nine (39) W., of 5th P. M.

SEC. 3. The government of said corporation and the management of all its municipal concerns shall be vested in three trustees, one of whom shall be designated on ballots as president, one treasurer, two justices of the peace, one assessor, one marshal and one recorder, who shall be residents of the village. The marshal of said village shall be appointed by the trustees of said village, and may be removed at any time by said trustees. The trustees and treasurer and assessor shall hold their office for one year, the justices of the peace shall hold their office for two years, and until their successors are elected and qualified. The trustees may fill, by appointment, any vacancy which may occur in any of the village offices.

SEC. 4. There shall be an annual election held on the third (3d) Monday of March each year, at which the electors residing within the limits of said village qualified to vote at town elections, may choose by ballot and by plurality of votes the trustees, treasurer, justices of the peace, recorder and assessor of said village. The trustees shall act as judges of election in said village, but in case of the absence of either of them, any qualified voter of said village may be selected by the voters present to act as such judge. At all village elections held under this act, the polls shall be opened at one (1) o'clock in the afternoon and continue open until five (5) o'clock in the afternoon of the same day. The elections shall be by ballot and shall be conducted and governed in the same manner as township elections. The village recorder shall give notice of such elections as is provided by law for notices of town elec-

tions. *Provided*, that any failure of the recorder to give such notice, as aforesaid, shall not in any manner invalidate such elections. Special meetings may be called by the trustees of said village at any time upon the petition of twelve legal and freehold voters of said village by giving the notice above required, stating the object of said meeting. The first election in said village under this act shall be holden on the third (3d) Monday in March, A. D. one thousand eight hundred and eighty-one (1881), and Henry Drahnman, Louis Struett and S. Caughey, who shall act as judges of said election and A. S. Wimer as clerk of said election, and said clerk shall give ten (10) days' notice of such election and the place of holding the same by posting three (3) notices of the same in three (3) public places in said village. Said judges shall canvass the votes and issue certificates of election to those having the highest number of votes.

SEC. 5. Said village of Perham and the remaining portion of the town of Perham, outside of said village, shall, for general election purposes, constitute, as heretofore, an election district of said Otter Tail county; and the officers of said township of Perham shall conduct such election, and make returns thereof as prescribed by the general election laws of this State; and the said township of Perham may hold their general and township elections within the limits of said village of Perham if said township shall desire to do so.

SEC. 6. Each officer, before entering upon the duties of his office, and within ten days after election, shall take and subscribe to an oath, the same as now required of town officers, that he will faithfully perform the duties of his office in accordance with the law and the ordinances of said village, and in addition thereto, the treasurer, recorder, justices of the peace and marshal shall each give a bond with sufficient securities to be approved by the trustees, in a sum not less than two hundred dollars (\$200), conditioned for the faithful performance of the duties of their respective offices, which bond together with the oath of office shall be filed with the recorder of said village. The justice of the peace, recorder and treasurer shall possess all the powers and enjoy all the rights and be subject to all the liabilities, rules, laws and fees as far as the same may apply, as such township officers are by the general laws of the state, and their bonds shall run to the trustees of said village and their successors in office. The marshal shall have all the powers, and perform all the duties, be under the same liabilities, and receive the same compensation for his services as a township constable throughout his county; *Provided*, that the trustees shall receive no compensation for their services. The treasurer shall receive all money belonging to the said village, keep a just and true account thereof in a book provided by the trustees for that purpose, and shall pay out the same only upon the order of the president of the board of trustees, attested by the recorder; he shall settle with the trustees at the close of each year and oftener if required to do so by the trustees. It shall be the duty of the

marshal to suppress all riots, disturbances and breaches of the peace, and to arrest all disorderly or drunken persons in said village; and for this purpose he shall have all the authority and power of the sheriff of his county.

SEC. 7. A majority of the trustees shall be a quorum for the transaction of business. They shall [have power to] appoint a marshal and street commissioner, and to prescribe by by-laws the duties of such officers when not defined by law, and the trustees may enact ordinances and by-laws for all purposes contemplated in this act, and may affix penalties for violating the same, and they shall have all the force of law, but before they shall become law they shall be signed by the president and recorder, and be posted up in three public places in said village ten days, and shall be filed and recorded by the recorder.

The style of all ordinances shall be:

"The trustees of the village of Perham do ordain as follows:"

The trustees shall have exclusive power:

*First.* To license and regulate within the corporate limits of said village according to law or ordinance, or both, the selling, vending or dealing in any manner in spirituous, vinous, malt, fermented or intoxicating liquors or drinks, to license and regulate the exhibition of common show men or shows of any kind, or the exhibition of any caravan, circus, theatrical or sleight-of-hand performances, to license and regulate billiard table, ten pins, pigeon holes, pool tables or other ball allies, to license and regulate auctioneers and peddlers, and to revoke any such at their discretion. *Provided*, that any person paying license as aforesaid shall not be required to pay a county license for the same. All moneys received for any such license and from all other sources shall be paid to the treasurer of said village.

*Second.* To restrain and prohibit every description of gaming with cards or other devices, and all games of chance, and to authorize the destruction of all instruments used for the purpose of gaming, and to license and regulate the keeping of dogs.

*Third.* To prevent any riots or disorderly assemblages, and to suppress and restrain disorderly houses, groceries, saloons or houses of ill fame, and to prevent the discharging of fire arms within the corporate limits.

*Fourth.* To direct the location and management of slaughter houses, the storage of gun powder or other combustible material, and to compel the owners or occupants of cellars, stables, barns, privies, sewers or any unwholesome house or place to cleanse, remove or abate the same.

*Fifth.* To prevent the incumbering of streets, sidewalks, public grounds and alleys, and to define the same, and to prevent racing or immoderate driving or riding on the same, also to prevent injury to the same or any public property in the said village, and

*Sixth.* To restrain the running at large of horses, cattle, mules, swine and sheep, and to authorize the distraining, impounding and sale of the same, also to prevent the running at large of vicious

dogs, to make and establish a pound, and appoint a poundmaster; to protect shade and ornamental trees on the streets, alleys and public grounds, and to require the owner or owners of lots to set out shade or ornamental trees on the street fronting the same, and to compel the owners or occupants of buildings to remove snow, dirt or rubbish from streets, sidewalks or alleys opposite thereto.

*Seventh.* To organize fire companies, and to regulate their government, to restrain drunkards, immoderate drinking or obscenity in the streets, and to punish all persons guilty of the same; to lease, purchase or erect all buildings necessary for the use of said village, as a municipal corporation; to lay out, make, keep open and in repair, grade, improve, alter, widen, vacate or discontinue streets, alleys, sewers or sidewalks in said village, to examine and audit the accounts of all persons against said village; to establish and maintain pumps, reservoirs and drains in said village, and to purchase and hold lands necessary for the purposes herein named; to prevent the dangerous construction of chimneys, fire places or stovepipes and other heating apparatus, and cause the same to be repaired, removed or made safe; to prevent the deposit of ashes in unsafe places, and to prevent and regulate the carrying on of manufactures dangerous in causing or promoting fire within the village limits.

*Eighth.* To prevent any railroad or other company from obstructing the street crossings for a time exceeding ten (10) minutes, accidents accepted; for every such offence a fine of not more than one hundred dollars (\$100) may be imposed and collected.

SEC. 8. The trustees shall on the annual election day make an accurate statement of the finances of the village at that date, including all debts and liabilities, and the means and assets to discharge the same, which statement shall be read to the electors present and recorded by the recorder for the inspection of all persons.

SEC. 9. The village of Perham shall constitute one road district, and the trustees shall have power to assess every male resident of the said village above the age of twenty-one (21) years, and under the age of sixty (60) years two (2) day's labor, or in lieu thereof three dollars (\$3) in money, at the option of him who is assessed, per annum, to be applied on roads, streets and alleys in said village, and all surplus funds arising from such assessments shall belong to the general village fund. The trustees shall appoint one (1) street commissioner of said district, 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 he shall return to the village recorder. The laws of the State shall apply to the warning, working, suing for and collecting highway taxes, and to returning delinquent taxes, and in all other respects except as herein provided. The trustees shall have full power to direct the street commissioner when and where and how to expend such labor and taxes, and to remove him.

SEC. 10. Penalties and forfeitures for the violation of any of the village ordinances shall belong to and be paid into the village treasury, and may be sued for by the trustees in the name of the village of Perham.

SEC. 11. All property, both real and personal, in said village, except such as may be exempt by the laws of the State, or as village property, shall be subject to taxation for village purposes, not exceeding five mills upon the dollar for any one year.

SEC. 12. It shall be the duty of the assessor to assess all property liable for taxation within the limits of said corporation, and in the discharge of his duties he shall be governed by the laws of the State, in the same manner as township assessors.

SEC. 13. The trustees shall report to the auditor of Otter Tail county, on or before the first (1st) day of June, in each year, the amount of general and special taxes levied upon any of the property or lots in said village of Perham, and it shall be the duty of the county auditor to insert such taxes in the assessment roll of said village, and the same shall be collected by the county treasurer, or returned by him as delinquent, and all proceedings in relation thereto, including the selling, conveying and redeeming the same, shall be as in proceedings on account of other property under the laws of the State.

SEC. 14. All actions brought to recover any penalty, sum of money or forfeiture under this act or the ordinances and by-laws made by the trustees shall be brought in the name of the village as incorporated, and it shall be proper to complain that the defendant is indebted for the amount of such penalty or damage and to refer to the act or by-law under which the same is claimed and to give special matter in evidence under it and all civil cases shall be under the control of the trustees and they shall have power to prosecute, defend, settle, or compromise all such actions on the part of the village. In actions against such village, service of process shall be on the president of the board of trustees or the recorder, and the village shall have all and the same right of appeal as individuals have.

SEC. 15. All civil actions may be commenced by said village in district court or before a justice of the peace of Otter Tail county, without being required to give security for costs in such actions, and in no case shall judgment be rendered against such village for costs in criminal actions, and no person shall be an incompetent judge, justice or juror by reason of being an inhabitant of said village in an action in which said village shall be a party. Every execution issued upon any judgment therein for any penalty or for the violation of any of the provisions of this act or any ordinance or by-law made by virtue thereof, may contain a clause directing in the event of the non-payment of the judgment the imprisonment of the defendant in the county jail of Otter Tail county not exceeding thirty (30) days, and the sheriff of said county of Otter Tail shall receive and take charge of such persons so committed.

SEC. 16. In all respects not herein provided for, the village of

Perham shall constitute and be a part of the township of Perham in the county of Otter Tail aforesaid.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved February 14, 1881.

### CHAPTER 37.

AN ACT TO INCORPORATE THE VILLAGE OF PILLSBURY, COUNTY OF SWIFT, STATE OF MINNESOTA, UNDER CHAPTER ONE HUNDRED AND THIRTY-NINE (139) OF THE GENERAL LAWS OF MINNESOTA, OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE (1875).

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

SECTION 1. That the following described territory, in the county of Swift and State of Minnesota, to-wit: The west half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ), the south half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ), the northwest quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ), the northeast quarter ( $\frac{1}{4}$ ) of the southwest quarter ( $\frac{1}{4}$ ), the west half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of the northeast quarter ( $\frac{1}{4}$ ), and the east half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of section number twenty-one (21), town one hundred and twenty (120), range thirty-seven (37) west, be and the same is hereby constituted the village of Pillsbury, by which it shall hereafter be known instead of Kirkhoven, 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 W. W. Woodburn, O. E. Soland and L. P. Anderson 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 3, 1881.