

one hundred dollars (\$100), and under such regulations as such council may, by ordinance establish, provided that the provisions of section thirteen (13), of chapter one hundred and thirty-nine (139) of the general laws of one thousand eight hundred and seventy-five (1875) be extended to licenses granted under this act.

SEC. 9. The village council may annually levy a tax upon the taxable property of said village, sufficient to defray the expenses of said village and pay off the floating debt of the same, provided that the rate of such tax shall not exceed seven (7) mills upon the dollar, and on or before the first (1st) day of October of each year the village council shall make and certify to the county auditor of the county statement of all taxes levied and assessed by them and also a list of the names of the owners of personal property subject to taxation within such village, and the county auditor shall upon the receipt of such statement and list enter and carry out the said tax or taxes against the property the property within such village and the same shall collected in the same manner and by the same officer as other taxes are collected, and when collected, paid over to the village treasurer.

SEC. 10. This act is a public act and need not be pleaded or proved in any court of this State, and shall be in force from and after its passage.

Approved February 18, 1881.

CHAPTER 72.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF MARSHALL.—(APPROVED FEB. 17, 1876).

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

That chapter 13 of special laws of A. D., 1876, entitled "An act to incorporate the village of Marshall," approved February 17th, 1876, be amended to read as follows:

CHAPTER 1.

SECTION. 1. That sections four (4), five (5) and (9), in township one hundred and eleven (111), of range forty-one (41), in the township of Lake Marshall, in the county of Lyon, state of Minnesota, be, and the same hereby are set apart and incorporated as a village, under the corporate name and style of "The Village of Marshall," 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 Mar-

shall, and shall have all the powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially 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 the limits thereof, as the purposes of said village may require.

SEC. 2. The territory constituting said village shall be known and designated, and shall be Road District Number One of said township of Lake Marshall.

CHAPTER 2.

SECTION 1. There shall be an annual election for elective officers hereinafter provided, held on the first (1st) Tuesday of January, of each and every year, at such place in the village as the common council shall designate, and the polls shall be kept open from one (1) o'clock in the afternoon until four (4) o'clock in the afternoon, and ten (10) days previous notice shall be given by the common council of the time and place of holding such election, and of the officers to be elected, by publishing the same in the official paper of said village.

SEC. 2. The elective officers of said village shall be one (1) president, one (1) recorder, three (3) trustees, one (1) treasurer and one (1) justice of the peace, and each, except the justice of the peace, shall hold their respective offices for the term of one (1) year, and until their successors are elected and qualified. The justice of the peace shall hold his office for the term of two (2) years, and until his successor is elected and qualified. *Provided*, that [the] persons now holding the offices of president, trustees, recorder, treasurer and justice of the peace in said village shall hold their respective offices for the full term for which they were elected.

SEC. 3. Every person appointed to any office by the common council or elected to any office by the people, may be removed from said office by a vote of two-thirds of the common council; but no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense. The common council shall fix a time and place for the trial of such officer, of which not less than ten (10) days notice shall be given, and have power to compel the attendance of witnesses, and the production of books and papers, and to hear and determine the case, and if said officer shall neglect to appear and answer the charges against him, the common council may declare the office vacant.

SEC. 4. Whenever a vacancy shall occur in the office of presi-

dent, trustee, recorder, treasurer or justice of the peace, by death, removal, resignation or otherwise, the common council shall have power and it shall be their duty to declare the office vacant by resolution entered upon their minutes. Such vacancy shall be filled by a new election, which shall be ordered by the common council within ten (10) days after the said vacancy is declared, and held within twenty (20) days after such declaration; and notice of such election shall be given, the same as of the general election of said village. Any vacancy happening in any other office shall be filled by the common council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof, for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SEC. 5. All elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for, with a proper designation of the office written or printed thereon; and plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as they shall direct.

SEC. 6. All persons entitled to vote for state or county officers, and who shall have resided ten (10) days next preceding the election, in the village, shall be entitled to vote for any officer, or any matter to be voted upon under this law, and to hold any office hereby created. The village shall be and constitute one election district for village elections.

SEC. 7. The election in said village shall be held and conducted by any two members of the council who shall be the judges of the election, and the recorder shall act as clerk of election, and the judges of election may appoint one (1) additional clerk. The judges shall take the usual oath or affirmation as prescribed by the general laws of the state to be taken by the judges of election, and shall have power to administer oaths. Said election shall be held and conducted in the same manner and under the same penalties as required by the laws of the state regulating elections.

SEC. 8. When the village election shall be closed, and the number of votes for each person voted for shall have been counted and ascertained, the said judges shall make returns thereof, stating therein the number of votes for each person for each and every office, and shall deliver, or caused to be delivered, such returns to the village recorder within three (3) days after any election, and the common council shall meet and canvass said returns and declare the result as it appears from the same within three (3) days thereafter. The recorder shall forthwith notify the officer or officers elected of their election, by written notice served upon such officer in person, or left at their usual place of abode with some person of suitable age and discretion. Special elections to fill vacancies or for any other purpose, shall be held and conducted in

the same manner, and the returns thereof made in the same form and manner as in general and annual elections, and within such time as may be prescribed by resolution.

SEC. 9. Any officer removing from the village, or any officer who shall refuse or neglect for ten (10) days after notice of election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed. The term of every officer elected under this law shall commence on the second (2) Tuesday of January of the year in which he is elected.

CHAPTER 3.

DUTY OF OFFICERS.

SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office conditioned to support the constitution of the United States, the State of Minnesota and the laws thereof, and file the same duly certified by the officer taking the same, with the recorder of the village; and the treasurer and marshal and justice of the peace, and such other officers as the common council may direct, shall severally, before entering upon the duties of their respective offices, execute to the village a bond, with at least two sureties, to be approved by the common council, who shall make affidavit that they are each worth the penalty specified in said bond over and above all debts, exemptions and liabilities, and such bond shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

SEC. 2. The president shall take care that the laws of the State and the ordinances of the village are duly observed and enforced, and that all other executive officers of the village discharge their duties; he shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the village. The president shall be the chief executive officer and head of the police of the village, and shall appoint such police officers and watchmen, except when otherwise provided for; and in case of a riot or other disturbances, he may appoint as many special or temporary police as he may deem necessary, and any police officer or watchman appointed by the president as aforesaid, may be discharged by him whenever, in his opinion, the welfare of the village may demand it, or a reduction of their number renders it necessary. The president shall preside at all meetings of the common council, and shall sign all ordinances, by-laws, rules or regulations passed by the common council within three (3) days, and in case of his absence the balance of the common council

present (if there be a quorum) may appoint a temporary president, who shall act and preside instead of the president. *Provided, that* any ordinance, by-law, rule or regulation adopted by a four-fifths vote of the common council, shall become of force without the signature of the president.

SEC. 3. The recorder of said village shall be styled the village recorder; he shall keep his office at the place of meeting of the common council, or at such other place convenient thereto as the council may determine; he shall keep the corporate seal and all the papers and records of the village, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; copies of all papers filed in his office and transcripts from all records of the common council certified by him under the corporate seal, shall be evidence in all courts as if the original were produced; he shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in the books provided for that purpose.

SEC. 4. It shall be the duty of the village recorder to report to the common council the financial condition of the village whenever the common council shall require; he shall report annually, on or about the first (1st) day of January, to the common council, an estimate of the expenses of the village, and likewise the revenue necessary to be raised for the current year; he shall receive all moneys payable to the said corporation, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor.

SEC. 5. He shall make or cause to be made estimates of the expense of any work to be done by the village, countersign all contracts made in behalf of the village, and certificates of work authorized by any committee of the common council or by any village officer, and every contract made in behalf of the village, or to which the village is a party, shall be void unless signed by the recorder. The recorder shall keep regular books of account in which he shall enter all indebtedness of the village, and which shall at all times show the precise financial condition of the village, the amount of orders issued by the common council, the amount of all orders which have been redeemed, and the amount outstanding; and countersign all orders of the village, and keep accurate accounts thereof; and keep accounts with all receiving and disbursing officers of the village, showing the amounts they have received from the different sources of revenue, and the amount [which] they have disbursed under the direction of the common council. He shall on the last day of December annually make a full and accurate statement of the receipts and expenditures of the preceding year, which statement shall contain a full and correct description of each item, from whom and on what account received, to whom paid and on what account expended, together with an accurate statement of the finances of the said village at the end of the fiscal year, including all debts and liabilities of every description, and

the assets and other means to discharge the same, and shall present the same to the common council for their approval, and shall within ten (10) days thereafter have the same published in the official paper of said village for two (2) weeks. He shall keep a list of all certificates issued for work or any other purpose, and before the levy by the common council of any special tax upon the property in the village or any part thereof, shall report to the common council a schedule of all lots or parcels of land which may be subject to the proposed special tax or assessment; and also the amount of such special tax or assessment which it may be necessary to levy on such lots or parcels of land, which such schedule shall be certified by the affidavit of the recorder, and shall be prima facie evidence of the facts therein stated, in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act. If before the first (1st) day of October of any year, the amount expended chargeable to any village fund, (adding thereto the current expenses estimated for the remainder of the fiscal year and chargeable to such fund), shall be equal to three-fourths of the tax authorized to be raised, or revenues estimated for such fund, he shall report at once the same to the common council, and he shall not countersign any contract chargeable to such fund, until the amount of taxes actually collected be ascertained; and during the remainder of the fiscal year he shall not countersign any contract, the expenses of which shall exceed the revenue actually collected for the fund to which the expenses are properly chargeable. All claims and demands against the village before they are allowed by the common council shall be audited and adjusted by the recorder. And he shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto; such record shall be open to the inspection of all parties interested. He shall not be interested directly or indirectly in any contract or job to which the village is a party, or in which the village is interested, and any such contract in which he may be interested shall be null and void.

SEC. 6. The common council shall have power to elect and fix the salary of an attorney for the village, who shall perform all professional services incident to his office, and when required shall furnish opinions upon any subject submitted to him by the common council or its committees.

SEC. 7. The treasurer shall be the depository of all moneys belonging to said corporation and shall receipt to the recorder therefor. The treasurer shall report to the common council at least fifteen (15) days before the annual election, a full and detailed account of all moneys received and paid out by him, after the date of the last annual report, which report shall be filed with the recorder; *Provided*, that no moneys shall be paid out by said treasurer, except on order from the village recorder, as provided by this act, and no order shall be paid by him unless first endorsed in writ-

ing thereon with the name of the payee therein and the party receiving the money therefor.

SEC. 8. There shall be a marshal of said village, who shall be appointed by the president, by and with the consent of the common council, and who shall perform such duties as shall be prescribed by the common council for the preservation of the public peace; said marshal is hereby vested with the powers of a sheriff or constable, in the service of writs as granted them by the laws of this State, and may pursue into any county in this State and take and bring back for trial, any offender against the ordinances of the village, and when performing the duties of sheriff aforesaid he shall be entitled to like fees, and shall give like bonds, and be subject to the same liabilities as the sheriff of Lyon county.

SEC. 9. The common council shall, at the first meeting after the annual election, or an adjournment thereof, elect by ballot an overseer of highways, who in addition to his other duties as overseer of highways, shall superintend all work and improvements on public grounds of the village, and carry into effect all orders and ordinances of the common council in relation to work or improvements upon the public streets, roads and bridges and public grounds of the village; and he shall be required to execute a bond with sureties satisfactory to the common council, conditioned for the faithful performance of his duties, and that he will account for all moneys collected or received by him belonging to the village.

SEC. 10. The justice of the peace shall possess all the power, authority and rights of justices of the peace of the county under the laws of this State, and shall have in addition thereto exclusive jurisdiction to hear and try all complaints for violation of any provisions of the village charter or any ordinance, by-law, rule or regulation, made or adopted under or by virtue thereof, and all cases cognizable before a justice of the peace in which the village is a party, and all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of said village or its charter, and all offenses committed against the same; and the village justice shall have jurisdiction in cases of larceny and may hear and try the same where the amount claimed to have been stolen does not exceed the sum of twenty (20) dollars: in all prosecutions as above and for all other offenses not indictable there shall be no change of venue.

All writs issued by such justice of the peace shall run in the name of the village of Marshall, and shall be directed the village marshal, sheriff or any constable of said county. In all civil suits or proceedings before said justice of the peace the same form and proceedings shall be had or used where not otherwise directed, as are established and required to be had in like actions by the laws of this State before a justice of the peace; and appeals from the judgment and decisions of said justice shall be allowed in all suits, as now provided by law for appeals from judgments rendered by justices of the peace. In all cases of conviction of assaults, bat-

teries or affrays within said village, and in all cases of conviction under any ordinance of the village for breach of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same and of keeping or maintaining disorderly or ill-governed houses, the said justice shall have power, in addition to the fine or penalty imposed, to compel said offenders to give security to be approved by him, to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500), and to commit any person so required to give security, in default of the same, to the village prison or county jail for a period not exceeding three (3) months. The said justice shall have the same power and authority in cases of contempt as a justice of the peace under laws now in force. All fines and penalties imposed by the village justice for offenses committed within the village limits for the violation of any ordinance, by-law or regulation of said village, shall belong to and be a part of the finances of said village.

SEC. 11. The justice of the peace shall, on the first (1st) day of each and every month report to the common council, all the proceedings instituted before him in which the village is interested, and shall at the same time account for and pay over to the village recorder all fines and penalties collected or received by him belonging to said village; and said justice shall be entitled to receive from the county such fees in criminal cases as are allowed by statute to justices of the peace for similar services.

SEC. 12. In all suits brought on behalf of said village for the recovery of any forfeiture, fine or penalty; in all cases arising on complaints for the violation of any ordinance, by-law or regulation of said village, and on complaints for assault, battery or affray, or other misdemeanor or other criminal offense not indictable, committed within said village, the said justice shall be authorized to tax, with the other legal costs, one dollar (\$1) for each trial, and his residence in said village shall not deprive him of jurisdiction of actions brought in favor of or against said village, when said actions are otherwise within the jurisdiction of such justice of the peace. If the village justice is a party at interest or absent or sick or is deprived of jurisdiction in any case under the laws of this State, then the president of the common council shall designate a justice of the peace of Lyon county before whom any case shall be tried in the same manner as before the justice of the peace of said village.

SEC. 13. The common council whenever necessary may appoint a practical surveyor and engineer; and the common council shall fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the village shall be carefully preserved in the office of the village recorder, open to the inspection of persons interested.

SEC. 14. The common council at their first meeting after each annual election shall designate an official paper, published in said village to do the village printing, by resolution entered upon their minutes, and the compensation for such printing shall not exceed

the statute rates allowed ; and in the newspaper designated, shall be published all ordinances, by-laws, rules and resolutions and other proceedings and matters required by this act or by the by-laws or ordinances of the common council to be published in a public newspaper. The village printer or printers, immediately after the publication of any notice or ordinance or resolution, which is required to be published, shall file with the village recorder, a copy of such publication with his affidavit or the affidavit of his or their foreman, of the length of time the same has been published ; and such affidavit shall be prima facie evidence of the publication of such notice, ordinance or resolution.

SEC. 15. If any person having been an officer of said village, shall not within ten (10) days after notification and request, deliver to his successor in office, all property, books, papers and effects of every description in his possession, belonging to the said village or pertaining to the office he may have held, he shall forfeit and pay to the use of the village not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars, besides all damages caused by his neglect or his refusal to so deliver ; and said successor may receive possession of said books, papers and effects, in the manner prescribed by the laws of this State.

SEC. 16. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act or his office, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless otherwise provided for ; but no officer elected or appointed by the common council or appointed by the president as hereinbefore provided, shall be appointed for a longer term than one (1) year, and until his successor is elected or appointed and duly qualified. The common council shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution in the month of April of each year, except for such offices as may hereafter be created, in regard to which the compensation shall be fixed at the time of the creation of such office : nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer elected or appointed to office under the provisions of this charter, shall be party to or interested in any contract in which the village is interested, made while such officer is holding office : *Provided*, that the president and trustees shall receive no compensation for their services as such officers.

SEC. 17. The president, recorder, and each trustee, village justice, marshal, police officers and watchmen shall be officers of the peace, with powers of constables at common law, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the village, and for such purposes may command the assistance of the by-standers, and if

need be of the citizens and military companies ; and if any person, by-stander, military officer or private shall refuse to aid in maintaining the peace when so required, such person shall forfeit and pay a fine of fifty dollars (\$50), and in case where the civil powers may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section shall direct the proceedings.

CHAPTER 4.

THE COMMON COUNCIL, ITS GENERAL POWERS AND DUTIES.

SECTION 1. The president, recorder and trustees shall constitute the common council, and the style of all ordinances shall be, "The common council of the village of Marshal do ordain," &c. The common council shall meet at such time and place as they by resolution may direct. A majority of the common council shall constitute a quorum.

SEC. 2. The common council shall hold stated meetings, and the president may call special meetings by notice to each of the members, to be delivered personally or left at their usual place of abode. The common council shall be the judges of elections and the qualifications of its own members, and in such cases shall have power to send for persons and papers, and shall also determine the rules of its own proceedings, and have power to compel the attendance of absent members.

SEC. 3. The common council shall have control and the management of the finances, of all the property of the village, and shall likewise, in addition to the powers herein vested in them, have full powers and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the village, and for the prevention of crime, and for the suppression of vice and intemperance as they shall deem expedient. They shall have power to establish and maintain a village prison ; *Provided*, That until otherwise ordered by the common council the county jail of the county may be used as a village prison, and it shall be the duty of the sheriff of the county to take into custody and safely keep all persons committed thereto until discharged according to law. The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person who may violate any provisions of any ordinance or by-law passed or ordained by them ; and all such ordinances, rules and by-laws are hereby declared to have all force of law ; *Provided*, that they be not repugnant to the constitution and laws of the United States, or of this State, and for these purposes shall have authority by ordinance, resolutions or by-laws.

First. To license and regulate the exhibition of common showmen and shows of all kinds, or the exhibition of caravans, circuses,

concerts or theatrical performances, billiard tables, pigeon-hole tables, nine or ten pin alleys, bowling saloons ; to grant license to and regulate auctions and auctioneers, peddlers, and all persons manufacturing or dealing in spirituous, vinous, malt or fermented liquors ; *Provided*, That all licenses for so dealing in or manufacturing spirituous, vinous, malt or fermented liquors shall not be less than at the rate of two hundred dollars(\$200) per year, nor more than at the rate of three hundred dollars (\$300) per year, and no license shall be issued for a less sum than fifty dollars (\$50) except that license to druggists and apothecaries to sell for medicinal purposes only, may be granted for not a less sum than at the rate of fifty dollars (\$50) per year, and all licenses of whatever nature shall expire on or before the 15th day of January in each year.

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 the purpose of gambling in said village, and to restrain any person from selling, giving, or dealing in spirituous, vinous, malt or fermented liquors, unless duly authorized by the common council.

Third. To prevent any riots or disorderly assemblages in said village, and to provide for the arrest and punishment of any person who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers and inmates thereof, and to authorize the seizure and destruction of all implements used for the purpose of gambling.

Fourth. To compel the owner or owners of any tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, slaughter-house, cattle yard or hog pen, or other unwholesome structure or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort or convenience of the inhabitants of said village.

Fifth. To direct the location and management of slaughter houses and markets, breweries, distilleries, and to establish rates for and license vendors of gunpowder and regulate the storage, keeping and conveying of gunpowder or other combustible material.

Sixth. To prevent the encumbering of the streets, sidewalks, lanes, alleys, or public grounds with carriages, wagons, carts, sleighs or other vehicles, or with boxes, lumber, firewood, posts, tools, machinery, manure, hay, awnings, or any other materials or substance whatever.

Seventh. To prevent and punish immoderate driving or riding in the streets; to regulate the speed of cars and locomotives in said village, and to prevent their obstructing the streets of said village for more than ten (10) minutes, accidents excepted; and to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets ; and to regulate places for bathing or swimming in the waters within the limits of the village.

Eighth. To restrain the running at large of horses, cattle, swine,

sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of said animals for violation of the ordinance; *Provided*, that when a sale of such animals shall be made the proceeds therefrom after deducting the expense of the distraining, keeping, advertising and selling such animals, shall be deposited in the office of the treasury of said village for the use and benefit of the owners thereof, if called for by such owners within one (1) year from the day of such sale.

Ninth. To regulate or prevent the running at large of dogs; to require license for keeping the same and impose a fee for such license and a tax upon dogs, and authorize the destruction of the same in a summary manner when not licensed or when at large contrary to the ordinance.

Tenth. To prevent any person from bringing, depositing, or having within said village, any putrid carcasses, or other unwholesome substances, and to require the removal of the same by any person who shall have upon his premises any such substance or any putrid or unsound meat, flesh or fish, or hides or skins of any kind, and to authorize the removal of the same at their expense.

Eleventh. To establish and construct public pounds, pumps, wells, cisterns, reservoirs and hydrants; to erect lamps and provide for the lighting the village, and to control the erection of gas works or other works for lighting the street, public grounds and public buildings, and to create, alter and extend districts; to regulate and license drays, hacks, carts, omnibuses, and the charges of draymen, hackmen, cabmen and omnibus drivers in the village.

Twelfth. To establish and regulate boards of health, provide hospitals and hospital grounds, and the registration of births and deaths, and the return of bills of mortality, and to regulate or prevent, if deemed expedient, burials of the dead within the village limits.

Thirteenth. To prevent all persons riding or driving any horses, mules, ox or other animals on the sidewalks in said village, or in any way doing any damage to said sidewalks.

Fourteenth. To prevent the discharging of fire arms or fire 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 of the citizens thereof.

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

Sixteenth. To establish public markets and fairs, and to make rules and regulations for the management of the same; to appoint suitable officers for overseeing and regulating such markets and fairs, and to restrain all persons from interfering with the due observance of such rules and regulations.

Seventeenth. To regulate the place and manner of weighing and selling hay and measuring and selling of firewood and coal.

Eighteenth. To compel the owner of or occupant of buildings or grounds to remove snow, dirt, manure 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; and in his default to authorize the removal or destruction thereof by some officer at the expense of such owner or occupant.

Nineteenth. To regulate, control and prevent the landing of person from the cars or other conveyances whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the village.

Twentieth. To regulate the time, place and manner of holding public auctions and vendues, and sales at public outcry.

Twenty-first. 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 prescribe the number of police officers, their duties and authority, and regulate the same.

Twenty-second. To regulate the planting and preservation of ornamental trees in the streets, alleys, highways and public grounds of the village.

Twenty-third. To declare, remove and abate as a nuisance any manner of thing injurious to the public health or safety, and to remove or require to be removed any building which, by reason of delapidation, defects in structure or other causes, may have or shall become imminently dangerous to life and property; and to provide for the punishment of all persons who shall cause or maintain such nuisances; and to charge and assess the expense of removing or abating the same upon the lot or lots upon which such nuisances or dangerous buildings may be maintained.

Twenty-fourth. To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of said village at the expense of the person causing the same.

Twenty-fifth. To do all acts and make all resolutions which may be necessary and expedient for the preservation of health, or the suppression of disease; and to make regulations to prevent the introduction of contagious diseases into the village, and to make quarantine laws and enforce the same within the village.

Twenty-sixth. To restrain and punish vagrants, mendicants, street begging, and provide for the punishment of the same.

Twenty-seventh. 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 (\$100), or imprisonment in the village prison or county jail, or the jail of some other county in the same judicial district, not exceeding ninety (90) days, or both, and to be fed on bread and water, at the discretion of the justice of the peace, and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500), and the keeper of the jail to which any offender shall

be committed under authority of this act, shall receive and keep the same until discharged by due process of law.

Twenty-eighth. To appropriate money from the general fund, and provide for the debts and expenses of the village, and to provide needful buildings for the use of the village, and for the erection thereof.

Twenty-ninth. To provide for the taking from time to time the enumeration of the inhabitants of the village.

SEC. 4. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the common council by ayes and noes, shall be published in the official paper for two (2) weeks before the same shall be in force, and shall be admitted as evidence in any court in the State, without further proof; they shall be recorded by the village recorder in books to be provided therefor. No appropriation shall be made without a vote of a majority of the members of the council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council.

SEC. 5. The power conferred upon the common council to provide for the abatements of any nuisance shall not bar or hinder suits, prosecutions or proceedings in courts according to law. Depot houses or buildings of any kind within the limits of said village, wherein more than twenty-five (25) pounds of gunpowder, or more than five (5) barrels of thirty-six (36) gallons each (or such greater or less quantity as said common council may direct by ordinance) of petroleum, kerosene, naphtha or other inflammable or explosive oils or substances are deposited, stored or kept at any one time; gambling houses, houses of ill-fame, disorderly taverns or saloons, and houses or places where spirituous, vinous, malt or fermented liquors are sold without the license required therefor, within the limits of said village, are hereby declared and shall be deemed public or common nuisances.

SEC. 6. The common council shall examine, audit and adjust the accounts of recorder, treasurer and overseer of highways wherein he is accountable for moneys received for work done on account of the village, village justice, and all other officers or agents of the village, at such times as they shall 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 orders of said council in discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to the council or a committee thereof upon demand, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall institute 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 or adjustments.

CHAPTER 5.

TAXES.

SEC. 1. The common council shall have power to levy upon all taxable property of said village, taxes to provide for the current expenses of the village government; for the maintaining and improvement of public grounds, and the construction of buildings and improvements of a general character. *Provided*, that such taxes shall in no year exceed 2-10 of one per cent. and the assessed valuation of the property upon which it is levied.

SEC. 2. The common council shall have power to levy a special tax upon all the taxable property of the village for the purpose of constructing and maintaining reservoirs, cisterns, sewers, drains and street gutters and grading of streets, and for other purposes conducive of good order and cleanliness, and to protection against crimes, disease and fire. *Provided*, that such taxes shall in no year exceed one-tenth of one per cent. of the assessed valuation. The common council shall also have the power to levy upon every male inhabitant of said village, between the ages of twenty-one (21) and fifty (50) years, except idiots, lunatics, paupers and such others as are exempt by law, a capitation or poll tax of not less than two (2) or more than four (4) days work upon the streets, highways or other public improvements within said village. All persons liable to pay such poll tax may in lieu of work, pay the overseer of highways one dollar and a half (\$1.50) per day for each day such person is assessed to work. All moneys so received shall be expended upon the streets, highways or other public improvements within said village; said poll tax shall be levied by the common council and shall be collected by the overseer of highways in the manner prescribed by the laws of this State for the collection of highway labor taxes by overseers of highways.

Provided, Any person so assessed and duly notified, who does not commute as hereinbefore provided or who refuses and neglects to appear and perform such labor, shall thereupon become liable to pay the full amount of such assessment in money, at the same rate per day as prescribed in section eighteen (18) of chapter (13) of the general laws of this state.

SEC. 3. Taxes as herein provided shall be levied by resolution of the common council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in such case the surplus shall, if the tax be a general tax, go into the general fund of the village. If it be for improvements it shall be kept and used for future improvements of the same character.

SEC. 4. The common council shall cause to be transmitted to

the county auditor of the county, on or before the first day of September of each year, a statement of all taxes by them levied ; such taxes shall be collected and the payment thereof be enforced with and in a like manner as state and county taxes are paid, and the payment enforced; and the county treasurer of said county shall pay such taxes over, as fast as collected, into the treasury of said village.

SEC. 5. No money shall be paid out of the village treasury unless such payment be authorized by a vote of the common council, and shall be drawn out only upon orders of the president and countersigned by the recorder, which orders shall specify the purpose for which they are drawn, and the fund out of which they are payable, and the name of the person in whose favor the same are drawn, and may be made payable to the order of such person or to the bearer, as the common council may determine.

SEC. 6. When any such order shall have been paid or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same and file the same away in his office, keeping the order drawn upon each fund separate.

CHAPTER 6.

STREETS, GRADES AND SIDEWALKS.

SEC. 1. The common council may cause to be established 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 it shall cause accurate profiles thereof to be made and kept in the office of the village recorder.

SEC. 2. The common council shall prescribe the width of sidewalks, and may establish different widths and kinds for different localities, and determine the kind of material of which the same shall be constructed, and the manner of construction, having regard to the business and amount of travel in the vicinity of each.

SEC. 3. The expenses of constructing or repairing sidewalks in said village, shall include all stone work, excavations or fillings to make the same upon established grades.

SEC. 4. All sidewalks constructed or repaired by the owner or occupant 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 overseer of highways.

SEC. 5. The cost and expenses of grading, paving and building and repairing sidewalks, may be chargeable to the lots fronting on said improvements, when a petition for such improvements shall be made by a majority of the legal voters, residents of said lots to be so improved, said residents being the owners of at least a majority of such lots. Whenever the village council shall resolve or ordain it necessary to construct or repair any sidewalk in said village, they shall notify all owners and occupants of any lot or lots, or parcels of lands, adjoining such sidewalks, to construct or repair the

same at his or their own proper expense and charge, within a certain time designated, by delivering to the owners or occupants of said lot on lots, or parcels of lands, or by publication in the official newspaper of said village, for not less than two weeks, of a notice to said owners or occupants, setting forth what work is to be done, and the character of the same, by such owner or occupant, and the time within which they are required to do it.

SEC. 6. If such work is not done, and the sidewalks not built or repaired, in the manner and within the time prescribed, the village council may order the same to be done at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable, by the village council, and returned by them in their annual return to the county auditor, and said assessment so made and returned shall become a lien upon said lots and parcels, as in case of town, county and state taxes.

SEC. 7. No public streets, alleys or highways within said village shall be discontinued except upon the petition of the majority of the owners of property or residents on the line of such public grounds, streets, alleys or highways, residents within the village. Such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways proposed to be vacated, and shall be verified by the oath of at least two of the petitioners.

CHAPTER 7.

FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power 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 all and any buildings within the limits prescribed, shall hereafter be built or constructed in such manner and of such materials as in the judgment of the common council shall not be dangerous to the 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 thereof, 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 or removed in such manner

as the council may direct. 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 (\$100) which may be imposed by the village justice upon the complaint of any citizen.

SEC. 2. The common council shall have power to prevent the dangerous construction and conditions of chimneys, fire places, 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 or alleys; to prevent the deposit or piling of cordwood in close proximity to buildings or where it endangers any of the surrounding property, and to cause its removal; to require the inhabitants to provide as many fire buckets and ladders 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 the manufactures dangerous in causing or promoting fires; to regulate and prevent the use of firearms and fireworks; to compel owners or occupants of buildings to have scuttles in the roof and stairs or ladders to the same; to authorize the president or any member of the common council or other officers of the village, to keep away from the vicinity of any fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the preservation and extinguishment of fires as the common council may deem expedient.

SEC. 3. The common council shall have power to purchase fire engines 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 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 juries and from military duty during the continuance of active membership; and shall elect their own officers and make their own by-laws, subject, however, to the approval of the common council.

SEC. 4. The common council shall have power 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.

SEC. 5. Whenever any person shall refuse to obey any lawful order of any engineer, fire-warden or member of the common council, or village marshal, or village justice, or police officer at any fire,

it shall be lawful for the officer giving such orders to arrest or direct orally any constable, the marshal, or any police officer, watchmen or any citizen, to arrest such person and confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order or shall refuse to arrest or aid in arresting any person so refusing to obey shall be liable for such penalty as the common council may prescribe, not exceeding a fine of fifty dollars. (\$50.00)

CHAPTER 10.

MISCELLANEOUS PROVISIONS.

SEC. 1. No vote of the common council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there be present as large a number of the members of the common council as were present when the vote was taken.

SEC. 2. No penalty or judgment recovered in favor of said village shall be remitted or discharged except by unanimous vote of the common council elect.

SEC. 3. Whenever the village council shall by resolution or otherwise provide for, or order the doing of any work, or the construction of any improvement of the probable cost of fifty (\$50) dollars or more, at the expense of the village; the recorder shall advertise in the official paper of said village for sealed proposals, for doing the same, giving ten (10) days notice, and upon application shall furnish details and specifications in full, relating to such work or improvements, and the doing of such work or the construction of such improvements shall be let to the lowest responsible bidder, provided, this section shall not apply to the doing of any road work which may properly be done by the working of poll taxes under direction of the town overseer of highways.

SEC. 4. In all prosecutions for any violation of this act, and of the ordinances, by-laws and resolutions enacted under and by virtue of the authority herein granted, the first process shall be by warrant on complaint being made: 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 ordinance or by-law of the village, but the person or persons so arrested, may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant. All warrants, process, or writs by the village justice of the peace for the violation of any ordinance or by-law of the village, may be directed to the marshal or any police officer of said village, or to the sheriff or any constable of Lyon county.

SEC. 5. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by the justice of the peace of

said village, pursuant to any statute of the state of Minnesota or pursuant to any ordinance or by-law of said village as a punishment for any offense, or for the violation of any ordinance or by-law as aforesaid, the offender shall be forthwith committed to the village prison of said village, or if there be no village prison to the common jail of the county as in this act provided, to be there imprisoned for a term not exceeding three (3) months, in the discretion of the justice of the peace, unless, the said fine or penalty be sooner paid or satisfied; 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, or in case there be no village prison, in the common jail of Lyon county, or if there be no village prison or Lyon county jail, then in such other county jail as the justice of the peace may direct, and the keeper of any county jail or prison to which any offender may be committed under authority of this act, shall receive and keep such offender until discharged by due process of law.

SEC. 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said village, in any proceeding or action in which the village shall be a party in interest.

SEC. 7. Such village may purchase and hold real and personal estate for public purposes, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same and the same shall be free from taxation.

SEC. 8. No law of the State shall be considered as repealing, amending or modifying this act, unless such purpose is expressly set forth in such laws, by reference to the title hereto.

SEC. 9. All and every process and notice whatever, affecting such village shall be served upon the president of the common council, or in his absence upon the village recorder, and in the absence of both these officers by leaving a certified copy thereof at the office of the recorder.

SEC. 10. This act is hereby declared to be a public act and may be read in evidence in all courts of law in this State without proof.

SEC. 11. The council of the village of Marshall shall have no authority to, and shall not contract or in any way create any indebtedness on the part of the village, greater in the aggregate, than five hundred (\$500) dollars, without submitting the same to the legal voters of the village at some general or special election held as provided in this act.

SEC. 12. All moneys received from licenses of any kind issued by the council of the village of Marshall; from all fines imposed for the violation of any provision of this act or the ordinances, by-laws or resolutions enacted by and under its authority shall belong to and constitute the general fund of the village, and may be applied at the discretion of the council for any purposes of the village authorized by this act, *provided*, that all present indebtedness of the village shall be first paid therefrom.

SEC. 13. This act shall not be construed to authorize the levying of any general or special tax upon the property of the village of Marshall by the village council, except as herein specifically provided, nor for any amount whatever, greater than two hundred (\$200) dollars, without first submitting the same to the voters of said village, at some regular or special election as herein provided, and all propositions for levying such taxes shall receive the approval of the majority of all the voters of said village voting at such election before the council shall make such levy.

SEC. 14. No person, except as herein provided, shall be eligible to more than one (1) office under the authority of this act.

SEC. 15. The overseer of highways of the township of Lake Marshall for the road district, composing the village of Marshall as herein specified, may at his discretion employ any portion of the poll tax labor, and the money received by him in commutation of poll tax labor, in the construction of crosswalks and culverts upon any of the recorded streets and alleys in the town of Marshall and the additions thereto as recorded in the office of the register of deeds in and for Lyon county, but this act shall not be construed to constitute such overseer of highways to be an officer of the village of Marshall or to make him responsible to the council of said village except as herein specifically provided.

SEC. 16. All acts and parts of acts inconsistent with this act are hereby repealed so far as they may affect the village of Marshall.

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

Approved March 7, 1881.

CHAPTER 73.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF MANKATO.

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

SECTION 1. Section two (2) of chapter two (2) of an act entitled an act to incorporate the city of Mankato is hereby amended to read as follows:

SEC. 2. The elective officers of said city shall be a mayor, treasurer, city recorder and two (2) justices of the peace for the city, who shall be styled the city justice, all of which said officers shall be residents within and qualified voters of said city; each ward shall elect three (3) aldermen who shall be residents within