

leges conferred upon such corporations by that certain act of the Legislature of the State of Minnesota approved March fourth (4), one thousand eight hundred and seventy-five (1875), entitled, "An Act to incorporate villages in the State of Minnesota," and the several acts amendatory thereof.

SEC. 4. This act shall be a public act, and need not be pleaded or proven in any court of this State.

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

Approved November 17th, 1881.

CHAPTER 15.

AN ACT TO INCORPORATE THE VILLAGE OF AVOCA.

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

SECTION 1. All that part of the township of Lime Lake, in the county of Murray and State of Minnesota, hereinafter described, shall be known and constitute the village of Avoca, and as such corporation shall have all the powers generally possessed by municipal corporations at common law and in addition thereto shall possess the powers hereinafter granted, and by that name sue and be sued, make contracts, purchase, take and hold real and personal estate, and have a corporate seal, alterable at pleasure. Every grant and devise of lands or right or transfer of property which has been or may be made for the benefit of its inhabitants shall have the same effect as if made to the village by name.

SEC. 2. The territory included in said village of Avoca shall be the north-west quarter of section thirty-four (34), and the north-east quarter and the east half of the northwest quarter of section thirty-three (33), the south-west quarter and the south half of the northwest quarter of section twenty-seven (27), and the southeast quarter and the east half of the southwest quarter of section twenty-eight (28), all in township one hundred and six (106), range forty (40), situate in the county of Murray and State of Minnesota, which shall be known as the village site of Avoca in the county of Murray.

SEC. 3. The government of said corporation and the management of all its municipal concerns shall be vested in one (1) president and three (3) trustees, one (1) treasurer, one (1) justice of the peace, one (1) assessor, one (1) constable, one (1) clerk, who shall be residents of said village. The president, trustees, treasurer, justice of the peace and constable shall be elected by the qualified

voters of the village. The assessor and clerk of said village shall be appointed by the president and trustees of said village, and may be removed at any time by said president and trustees. The president, trustees and treasurer shall hold their office for one (1) year and the justice of the peace and constable for two (2) years, and until their successor is elected and qualified. The president and trustees may fill by appointment any vacancy in any village office.

SEC. 4. The village justice shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in cases arising under any of the ordinances of said village, and in all cases in which said village is a party and shall also have the same powers and authority as other justices of the peace of the county in all respects, and is entitled to the same fees. Provided, the defendant has the right of appeal in all cases from a judgment rendered against him for violating any of the provisions of this charter or any of its ordinances to the same extent as allowed from judgments rendered by justices of the peace under and by virtue of the statutes of the State of Minnesota.

SEC. 5. There shall be an annual election held on the first Tuesday after the first Monday in April in each year, at which the electors of said village qualified to vote at town elections may elect by ballot and plurality of votes, the president, trustees, treasurer, justice of the peace and constable of said village. The president and trustees of said village shall act as judges of election, but in case of absence of either of them any qualified voter of said village may be selected by the voters present, to act as such judges. 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 four (4) o'clock in the afternoon of the same day, and the election shall be by ballot and shall be conducted and governed in the same manner as far as may be, as township elections. The village clerk shall give a notice of such elections, similar to that required by township elections. Provided, that any failure to give the notice aforesaid shall not in any manner invalidate any election. Special elections may be called at any time by the president and trustees or a majority of them, on the petition of five (5) freeholders of said village, and by giving the notice above required, stating the object of said election. The first election under this act shall be held on the first Monday in January, A. D. one thousand eight hundred and eighty-two (1882), and Edwin McMillan, T. O'Leary and A. H. Drucke or any two of them shall act as judges of said election, and shall give ten (10) days notice of the time and place of holding said election, by posting up notices thereof in three (3) public places in said village. They shall canvass the votes and give certificates of election to those receiving the highest number of votes.

SEC. 6. The said village of Avoca, as defined by this act, and the remaining portion of the township of Lime Lake outside of said village, shall for general election and township election purposes constitute as heretofore an election district of Murray county, and the officers of the said township of Lime Lake shall conduct such elections and make returns thereof as prescribed by the laws of the State, and the said township of Lime Lake may hold their township

elections within the corporate limits of the village of Avoca if said township shall desire so to do, and any of the officers elected at the township election of said township of Lime Lake may reside in and execute the duties of their office in said village of Avoca.

SEC. 7. All officers of said village shall enter upon the duties of their respective offices within ten (10) days after their election or appointment, otherwise the office shall be vacant. The justice of the peace, the treasurer, assessor, constable and clerk shall respectively possess all the powers, enjoy all the rights, and be subject to the same 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 official bonds shall run to the president and trustees of said village. *Provided*, That the president and trustees of said village shall receive no compensation for their services. The president shall preside at all meetings of the trustees and president, and sign all orders, commissions, licenses and permits granted by said president and trustees, which shall also be attested by the clerk, and no money shall be paid out of the Treasury of said village except by the affirmative vote of the president and trustees, or a majority of them, and upon a written or printed order signed by the president and clerk. The treasurer of said village shall give to the president and trustees an official bond for such an amount as the president and trustees may require, he shall receive and pay out all moneys belonging to said village, and shall keep a just and true account of all moneys and other things coming into his hands as such treasurer, in a book to be provided by the president and trustees for that purpose, which book shall remain the property of the village; he shall settle with the president and trustees at the end of every year, and oftener if required by them. It shall be the duty of the constable to suppress all riots, disturbances and breaches of the peace, and to arrest all drunken or disorderly persons in said village, and for this purpose he shall have the power and authority of the sheriff of any county of the state.

SEC. 8. A majority of the trustees, including the president, shall be a quorum for the transaction of business. They shall appoint a clerk, assessor, and such other officers as they may deem necessary, and prescribe by-laws for the use of such officers when not defined by law. The president and trustees may enact ordinances and by-laws for all purposes contemplated by this act, and may affix penalties for violating the same and they shall have the force of law, but before they shall become law they shall be signed by the president and clerk and published in a newspaper printed in said county and posted up in a public place in said village ten (10) days, and shall be filed and recorded by the clerk. The style of all ordinances of said village shall be, "The President and Trustees of the village of Avoca do ordain as follows."

The president and trustees shall have exclusive power,

First. To prevent or to license and regulate within the corporate limits of said village according to law or ordinance or both, the selling or vending or dealing in any manner in vinous, spirituous, malt, fermented or intoxicating liquors or drinks.

Second. To license and regulate the exhibition of common

showmen or shows of any kind, or the exhibition of any caravan, circus, theatrical, or slight of hand performances; to license and regulate billiard tables, ten pin alleys, or other ball alleys; to license and regulate auctioneers and peddlers, venders of gunpowder and to revoke any such licenses. All money received for any such license and from all other sources shall be paid to the treasurer of said village for its use. Provided that in no instance shall the sum to be paid for any such license be less than the amount fixed and provided by the laws of this state when the same is established by law.

Third. To restrain and prohibit every description of gaming with cards or otherwise and to authorize destruction of all instruments used for the purpose of gaming.

Fourth. To prevent any riots or disorderly assemblages and to suppress and restrain disorderly houses, groceries, saloons or houses of ill fame.

Fifth. To direct the location and management of slaughter-houses and markets, the storage of gunpowder or other combustible material and to compel the owner or occupant of any cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer or any unwholesome house or place to cleanse, remove or abate the same.

Sixth. To prevent the encumbering 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 of the same or any public property in the village.

Seventh. To restrain the running at large of horses, cattle, mules, swine and sheep, and to authorize the distraining, impounding and sale of the same, and also to prevent the running at large of dogs, to make and establish a pound and appoint a poundmaster, to compel the setting out and to keep growing of shade trees by lot owners in front of their premises, and to protect shade and ornamental trees in the streets and alleys and public grounds, and to compel the owner and occupants of buildings to remove snow, dirt or rubbish from sidewalks, streets or alleys opposite thereto.

Eighth. To authorize fire companies and hook and ladder 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 tax every male resident of said village, over twenty-one (21) and under fifty (50) years of age two (2) days labor, or in lieu thereof three dollars (\$3) per annum to be applied on roads, streets and alleys in said village; to make, keep open and in repair, grade, improve, lay out, alter, widen, vacate or discontinue roads, streets, alleys, sewers and sidewalks in said village; to establish and maintain pumps, cisterns, reservoirs and drains in said village, and purchase and hold any lands necessary for the purposes herein named; to prescribe the limits within which wooden buildings may be erected or repaired; to prevent the dangerous construction or continuance of chimneys, fireplaces, stove-pipes, and cause the same to be removed or made safe.

SEC. 9. Any peace officer may and it shall be the duty of the

constable to arrest without warrant any person found in a state of intoxication, or who shall be guilty of immoderate drinking, improper reveling, obscenity, boisterous or disorderly conduct in the streets or public places, and to take such person or persons forthwith before the justice of the peace who has an office in said village, or keep them until they become sober in confinement, or until such time until such justice can reasonably hear and dispose of such offender.

SEC. 10. The president and 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 for the inspection of all persons.

SEC. 11. The village of Avoca shall constitute one road district, and the highway labor and taxes shall belong to the general fund, and the president and trustees shall appoint one overseer of said road 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 shall be returned to the village clerk. The laws of the State shall apply to warning, working, suing for and collecting the highway taxes, and to returning delinquent taxes; and in all respects, except as herein expressly provided, the president and trustees shall have full power to direct the overseer when where and how to expend such labor and tax, and to remove him, and may direct him to expend the labor in the manner to be directed by them, at any point beyond the limits of the village; and the president and trustees shall perform the duties imposed by law upon the supervisors of towns, in levying highway taxes, and shall be governed and restricted in the amount so levied by the same law applicable to supervisors of towns in levying highway labor and taxes.

SEC. 12. Penalties and forfeitures shall be sued for by the president and trustees in the name of the village of Avoca, and shall belong to said village. The expense of opening and grading new streets, and of paving, or repairing, building and maintaining sidewalks on streets or alleys, may be chargeable to the lots fronting on such improvements, or paid in whole or in part from the general fund, at the discretion of the village president and trustees.

SEC. 13. All property both real and personal, in the village, except such as may be exempt by the laws of the State or as village property, shall be subject to taxation not exceeding five (5) mills on the dollar for any one year for general purposes; and such property shall also be liable for such special taxes as the president and trustees may levy in pursuance of law. And the president and trustees may levy a tax upon the taxable property of said village when authorized by a majority vote of all the legal voters of said village, not exceeding ten (10) mills on the dollar valuation for any one year, to be used for such purposes as a majority of the voters of said village may direct.

SEC. 14. The president and trustees shall report to the auditor of Murray county, by October first of each year, the amount of general and special taxes levied upon any of the lots or portions of lots

or portions of said village, and it shall be the duty of the county auditor to insert such taxes in the assessment roll of said village of Avoca, 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 property shall be the same as in proceedings on account of other taxes under the laws of the State.

SEC. 15. The damages sustained by reason of the laying out, opening or altering of any road, street or alley, may be determined in the same manner as the laying out of a road in a town, under the laws of the State, except the village clerk is substituted for the town clerk, and the president and trustees for the supervisors.

SEC. 16. All actions brought to recover any penalty, sum of money, or for forfeiture under this act or the ordinances or by-laws made by the president and trustees, shall be brought in the corporate name of the village, and it shall be proper to complain that the defendant is indebted for the amount of such penalty or damage, and 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 actions shall be under the direction and control of the president and trustees, and they shall have power to settle, compromise, prosecute and defend all such actions on the part of the village.

In actions against such village, service of process shall be on the president of said village, and the village shall have the right of appeal as individuals have.

SEC. 17. Such actions may be commenced in the District Court or before any justice of the peace in the county of Murray, without being required to give security for costs in any such action, and in no case shall judgment be rendered against said 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 to which said village shall be a party. Every execution issued upon any judgment recovered therein for any penalty, or for violating any of the provisions of this act, or any ordinance or by-law made by virtue thereof, may contain a clause directing that in event of the non-payment of the judgment, the imprisonment of the defendant in the county jail of said Murray county not exceeding thirty (30) days, if the damage or penalty recovered by such judgment shall be ten (10) dollars or less, and not exceeding sixty (60) days if such damage or penalty exceed that sum; and the sheriff of Murray county shall receive and take charge of such defendant committed to said jail. All penalties and judgments shall be paid into the village treasury.

SEC. 18. It shall be lawful for all the legally qualified voters of said village residing within its corporate limits as hereinbefore described, to meet at the Lincoln Hotel in said village on the first Monday of January, A. D., 1882, at one (1) o'clock in the afternoon of that day, to choose viva voce, two (2) Judges and one (1) Clerk of election and the election shall be conducted, at said election the electors shall vote for or against this act of incorporation, and a majority of the votes cast shall decide and be conclusive in receiving or rejecting the same.

SEC. 19. This act shall take effect and be in force from and after its passage, except that the same shall not go in effect in said village until its adoption by the legal voters residing within the corporate limits of said village of Avoca.

Approved November 22, 1881.

CHAPTER 16.

AN ACT TO INCORPORATE THE VILLAGE OF FULDA, IN MURRAY 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 Murray, State of Minnesota, and described as follows, to-wit: The west half ($\frac{1}{2}$) of section twenty-five (25) and the east half ($\frac{1}{2}$) of section twenty-six (26), in township one hundred and five (105) north, of range forty (40), in the township of Bondin in said Murray county be and the same is hereby set apart for an incorporation and incorporated as a village under the corporate name and style of the village of Fulda, to be organized pursuant to chapter one hundred and thirty-nine (139) of the general laws of one thousand eight hundred and seventy-five (1875), and the several acts of the Legislature amendatory thereof.

SEC. 2. That in addition to the officers to be elected under the general law, the said village may elect an assessor, who shall receive the same pay as township assessors.

SEC. 3. That Wm. M. Davis, B. W. Wootslencroff and John G. Burke, are hereby appointed as the persons to act under section nine (9) of said chapter one hundred and thirty-nine (139) of the general laws of one thousand eight hundred and seventy-five (1875) and acts amendatory thereof, to call and give notice of the first election thereof.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved November 21, 1881.