

CHANGES

IN THE

General Statutes of 1878,

OF THE

STATE OF MINNESOTA,

EFFECTED BY THE GENERAL LAWS OF THE EXTRA
SESSION OF 1881, AND THE REGULAR
SESSION OF 1883.

Arranged with reference to the Chapter and Section Amended.

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*§ 272. **Duty of officers where other counties are attached.** It is hereby made the duty of the officers of each county in this state, to which any unorganized or partially unorganized county may be attached for judicial, record, taxation, or other purposes, to keep separate and distinct books of accounts and records for each county so attached, which books of accounts and records shall be chargeable to and paid for by such attached county, and whenever such attached county shall become detached, said books of accounts and records shall be turned over to the proper officers of said county so detached as the property of such county, or to the officers of the county to which said detached county may thereafter become attached. (1883, c. 123, § 1.)

*§ 273. The salaries of the treasurer and auditor of any county in the state, to which any unorganized or partially organized county may be attached for taxation purposes, shall be regulated and computed upon the basis of the taxable valuation of their own county, and upon the basis of the valuation of each county thereto attached separately, as provided by the general laws of the state regulating and fixing the salaries of county auditor and treasurer. (*Id.* § 2.)

See page 164.

CHAPTER X.

TOWNSHIP ORGANIZATION.

Add to *§ 119, p. 183, the following:

And any member of any board of health, or health officer, who shall neglect to perform the duties required of him under the provisions of this act, or any other act relating to the duties of boards of health or health officers of this state, or who shall neglect or refuse to obey any reasonable directions as to infectious diseases as shall be directed by the state board of health, shall be liable, upon conviction in any court having competent jurisdiction, to be fined in a sum not less than twenty-five dollars, or more than one hundred dollars, and shall become disqualified from holding the office of a member of a board of health. (1873, c. 8, § 3, *as amended by* 1881, *Ex. Sess.* c. 11, § 1.)

*§ 121. **Duties of board of health relative to scarlet fever, diphtheria, and small-pox.*** It shall be the duty of any and every member of all boards of health within this state, whenever they are informed that there is a case of scarlet fever, diphtheria, or small-pox within the territory over which the board of health of which he is a member has jurisdiction, to notify a majority of such supposed facts within six hours after such information is received by said member of said board, and they shall immediately examine into the facts of the case, and if the disease appears to be scarlet fever, diphtheria, or small-pox, they shall adopt such quarantine and sanitary measures as may in their judgment tend to prevent the spread of said disease in its locality. (*As amended* 1883, c. 31, § 1.)

*§ 122. **Precautions, preventions, and penalties.** And said board of health shall have power to forbid, by notices posted upon the entrances to premises where there may be a patient sick with scarlatina, diphtheria, or small-pox, any person, except the medical attendant and his advisers, from going to or leaving said premises without their permission, or carrying or causing to be carried any material whereby said disease may be conveyed, until said disease has abated, and the premises, dwelling, and clothing have been rendered free from disease by such disinfecting means as the board may direct; and if said board shall be informed that the above, or any reasonable and sanitary measures which they have adopted and made public, is or has been violated, then the said board may cause said offenders against this act to be apprehended and brought before an officer having jurisdiction, and said offenders shall, upon conviction, be liable to a fine in the sum of not less than five

*NOTE.—These two sections are embodied in and superseded by the health code, viz., Laws 1883, c. 132. (*See infra*, c. CXXIV.)

dollars nor more than twenty-five dollars for any violation under this act. Any member of any board of health who shall neglect his duties under the provisions of this act shall be liable, upon conviction in a court having competent jurisdiction, to be fined in a sum not less than twenty-five dollars nor more than one hundred dollars for the first offense, and for conviction for violation of this act the second time, shall, in addition to the fines already provided, become disqualified from holding the office of, or to which is attached the duties of, a member of a board of health. (*Id.* § 1.)

See page 183.

CITIES.

MISCELLANEOUS PROVISIONS.

*§ 203a. **Pleading ordinances.** It shall not be necessary in any pleading or complaint in civil or criminal proceedings for a violation of any ordinance of any city or village in this state, to set out or recite such ordinance or any section thereof at large. But it shall be sufficient, in all such pleadings or complaints, to state that the offense set forth in such complaint was committed contrary to the form of such ordinance or of any specified section thereof. (1881, *Ex. Sess.* c. 57, § 1.)

See page 204.

VILLAGES.*

*§ 204. **Villages incorporated by special act—how affected.** Every village which has heretofore been incorporated under a special act of the legislature therefor shall continue to exist under such act and amendments thereto, and the provisions of this chapter shall in no manner affect or apply to the same, unless adopted as provided in this section. The trustees thereof may, by resolution, submit at a special village election the question whether such village will so continue, or will become reincorporated under the General Statutes. They shall give notice thereof in the manner required in this chapter for notifying special elections. Ballots shall be written or printed "For reincorporation," and "Against reincorporation," and the election shall be conducted and the result canvassed as provided for an annual village election by such village. If a majority vote for reincorporation, the trustees shall make a certificate setting forth the fact of such submission and the vote thereon in detail, and the result thereof, and cause the same to be recorded in the office of the register of deeds, and thereupon the special act of incorporation shall be deemed surrendered, and such village become incorporated under the General Statutes, but shall, until the next annual village election herein provided to be held in January following, be governed by the officers then in office. (1883, c. 73, § 1.)

See page 204.

*§ 205. **Villages under general law governed by this act.** Every village which has been or shall be organized or incorporated under the General Statutes, shall be hereafter governed according to the provisions of this chapter, to the end that uniformity of village government and equal privileges to all may be secured. (*Id.* § 2.)

*§ 206. **Incorporation of new villages.** Any district, sections or parts of sections, in the state of Minnesota, which has been duly surveyed and platted into lots and blocks, and lands adjacent thereto, which said plat has been duly and legally certified according to the laws of this state, and filed in the office of the register of deeds of the county in which the said lands lie, may become incorporated as a village in the following manner, by application to the judge of the district court of the county in which said lands are situated. (*Id.* § 3.)

*§ 207. **Petition to contain, what.** Such application shall be made by petition, signed by at least twenty-five electors, then residents upon the lands so to

* (An act to provide for the incorporation of villages, and to define their duties and powers, and to repeal certain laws in relation thereto. Approved March 5, 1883. Laws 1883, c. 73.)
(The effect of this act, undoubtedly, is to supersede and repeal *§ 204 to 231, inclusive,—*i. e.*, c. 139, Laws 1875, and amendments thereto,—and also the amendment to *§ 225, made by Laws 1883, c. 49, § 1.)

be incorporated, which said petition shall set forth the boundaries of such territory, with their courses and distances, the quantity of land therein embraced according to such survey, the name of such village, and the resident population, as near as may be, of said territory. (*Id.* § 4.)

*§ 208. **Petition to be posted.** A copy of said petition, together with the names of the petitioners attached thereto, shall be posted in three of the most public places in said territory so to be incorporated, at least three weeks prior to its presentation to said court, together with a notice giving the time and place when and where said petition will be presented to said court for his action thereon. (*Id.* § 5.)

*§ 209. **The court to hear proofs.** At the time and place fixed in said notice, upon the filing of said petition and proof of posting as aforesaid, and the map or plat of said premises, the court may proceed to hear proofs for or against the incorporation of said village, and upon such hearing may take such evidence as he shall deem necessary. (*Id.* § 6.)

*§ 210. **The court to make order—notice of election.** If the court, after such hearing, shall be satisfied of the correctness of such survey, and of the legality of said plat, and that all of the requirements of the statutes have been complied with, that the lands embraced in such petition or any part thereof ought justly to be included in said proposed village, that the interests of the inhabitants will be promoted thereby, it shall make an order declaring that such territory, the boundaries of which shall be therein set forth by metes and bounds, and which may be enlarged or diminished by such court, from the boundaries specified in said application, as justice may require, shall be an incorporated village by the name specified in said application, and in such order it shall designate three persons, electors residing on said territory, whose duty it shall be to give notice of election in said incorporated village, as provided by section ten of this act. (*Id.* § 7.)

*§ 211. **Petition and order to be filed with clerk of court.** Such petition and order shall be filed in the office of the clerk of the district court of the county in which such land lies, and the clerk shall forthwith notify the persons designated in said order of the filing thereof, and a certified copy thereof shall be filed in the office of the register of deeds of said county, and be by him recorded, and thereupon said village shall be duly incorporated by the name designated in said order. (*Id.* § 8.)

*§ 212. **District incorporated to have powers of municipal corporations.** Any district, section or sections, or parts of sections, in the state of Minnesota, which may be hereafter set apart by an order of the district court of this state, and shall organize as such municipal corporation by the action of the inhabitants thereof in the manner and form hereinbefore provided, shall thereupon be endowed with all the rights, powers and duties incident to municipal corporations at common law, with perpetual succession, and shall, by the corporate name and style adopted, be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded in all courts of law and equity, and have a common seal, which may be altered at the pleasure of the village council, and shall have power to take, hold, purchase, lease and convey real estate and personal property, or mixed estate, as the purposes of the corporation may require, within or without the limits of said corporation. (*Id.* § 9.)

*§ 213. **Meeting for organization of villages.** Whenever the persons designated for that purpose in any order of the district court shall receive notice from the clerk of the said court of that county of the filing of an order incorporating any village in said county, the said persons shall post notices in three of the most public places in the village, giving at least ten days' notice to the legal voters residing in said incorporated village to meet to organize under the provisions of this act, and elect officers for the ensuing year. The action of a majority of said persons shall be considered the action of the whole number, and the electors present at the time and place designated in said call may organize such meeting by choosing *viva voce* two judges of election and one clerk, who, before entering upon the discharge of their duties, shall take and subscribe an oath or affirmation to

faithfully discharge the duties required of them, and said judges and clerk, being duly qualified, shall forthwith open the polls by proclamation, and conduct the election in the manner provided by the statutes of the state for the election of township officers, and the judges of election shall give to each person elected a certificate of his election, and such officers shall, after having qualified according to law, forthwith enter upon the discharge of their duties. (*Id.* § 10.)

*§ 214. **Alteration of boundaries.** Additional territory may be annexed to any village upon the application therefor of at least five inhabitants of such territory, to be preceded by the like proceedings and notice thereof, and to be heard and in all respects governed by the foregoing provisions, properly applied to such subject, except that the order for annexation shall direct special village election to be called by the trustees of such village, as well as an election in such additional territory, by three persons to be appointed by the court for that purpose. The village trustees of such village shall, without unnecessary delay, give notice of a meeting of the electors of such village, to be held within thirty days of the date of such order, at some convenient place therein, to be specified in such notice, for the purpose of determining whether or not such territory shall be annexed to such village. And in like manner the persons so appointed by the court in said proposed additional territory shall give notice of a meeting of the electors thereof to be held within thirty days of the date of said order, at some convenient place therein to be named in such notice, for the purpose of determining whether or not such territory shall be annexed to such village. At such meetings the polls shall be opened at ten o'clock in the forenoon, and shall be kept open until four o'clock in the afternoon, when they shall be closed. The time of opening and closing the polls shall be specified in the notice of such meeting. (*Id.* § 11.)

*§ 215. **Notice to be published in newspaper.** If there be a newspaper printed in such village or additional territory, such notice shall be published therein once in each week for two successive weeks prior to such meetings, and posted in three of the most public places in such village and territory at least two weeks previous to such meetings; and, if there be no newspaper so printed, copies of such notices shall be posted in at least three of the most public places in such village and additional territory, at least three weeks previous to such meetings. (*Id.* § 12.)

*§ 216. **Who to be judges of election—ballots.** Such trustees, and persons named in the order of the court, shall preside and act as judges of election at such meeting, and the persons named as judges of election in said additional territory may designate one of their number or some other person as clerk thereof. Every qualified elector resident in such village and additional territory, in their respective localities, may vote by ballot, having thereon the word "Yes" or the word "No." And such election shall be held and votes canvassed according to the statutes regulating town meetings; and all laws relating to elections for town officers shall apply to and govern such meetings, and the proceedings thereof, and the persons voting thereat, so far as properly applicable and consistent with this chapter. (*Id.* § 13.)

*§ 217. **Judges to record statement of election—when—where.** If a majority of the ballots given at such meetings in such village, or in such additional territory, shall have thereon the word "No," the electors of such territory shall be deemed not to have assented to the addition of such territory, and no further proceeding shall be had in respect to such annexation of territory under such application and order; but if a majority of such ballots at such election in each locality affected shall have thereon the word "Yes," the inhabitants of such territory shall, from the time of recording of the order of the court aforesaid in the office of the register of deeds, be deemed to be a portion of such village, and the judges of election who shall have presided at such meetings shall cause a statement of the holding of such meetings to be made, showing the whole number of ballots given thereat, the number having thereon the word "Yes" and the number having thereon the word "No," which statement shall be verified by an affidavit of said judges, written thereon or annexed thereto, to be likewise recorded in the office of the register of deeds as hereinafter provided. (*Id.* § 14.)

*§ 218. **Petition and papers to be recorded—when.** The petition and all accompanying papers, and all such as have been added under direction of the court, the order of the court for annexation of such territory, and the statement and affidavit of the judges of election aforesaid, shall be recorded at length by the register of deeds, within ten days after such election, and be recorded at length in the office of the village clerk, by him, within ten days after such election, and all necessary and proper expenses and charges attending upon the annexation and such records thereof shall be paid by such village. (*Id.* § 15.)

*§ 219. **Annual election—when held—how conducted.** After the first election of officers, the village council, or any two of them being present, shall act as judges of election; and the annual meeting shall be on the first Tuesday of January for the election of officers, and at such place as may be directed by the village council after giving ten days' notice thereof, either by posting written notices in three of the most public places in the village, or by publishing such notice in a newspaper printed in such village. The polls shall be open at ten o'clock A. M., and close at four o'clock in the afternoon of said day. At the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters by some one of the judges of election, and the recorder shall make a true copy thereof in a book kept for such purposes, and within five days notify, in writing, the persons so elected of their election. All elections shall be by ballot and all votes for elective officers, and all questions to be submitted to the people thereof at any election, shall be upon one ballot, and be deposited in one ballot-box. A plurality of votes shall elect, and if two or more persons receive an equal number of votes for the same office, the election shall be forthwith determined by lot in the presence of the judges of election in such manner as they shall direct; and every qualified elector, then actually resident in such village, may vote at any election. (*Id.* § 16.)

*§ 220. **Special elections.** Special elections may be ordered by the council, but no special election shall be held unless ten days' notice thereof is given, nor shall any subject or question be considered or acted upon, unless its objects are clearly set forth and stated in the notice for the call of such meeting. (*Id.* § 17.)

*§ 221. **Village elections—how conducted.** All village elections shall be, except as hereinbefore provided, conducted, and the result canvassed and certified, as in the case of town meetings; and, except as modified in this chapter, every statute relating to holding town meetings, canvassing and certifying the result thereof, and relating or applicable to the duties of judges of election and clerks, the challenging of votes and to voting thereat, and every statute prescribing and punishing offenses for illegal voting, bribery, fraud, corruption, official delinquency or other offense at or concerning elections, which is applicable to town meetings, is hereby extended and applied to village elections. (*Id.* § 18.)

*§ 222. **Elective officers of—term of office—oath—bond and duties of treasurer.** The inhabitants of said village, having the qualification of electors of members of the legislature of the state of Minnesota, as hereinafter provided, may elect a president, three trustees, a treasurer, and a recorder, who shall hold their respective offices for one year, or until their successors are elected and qualified; also two justices of the peace and a constable, who shall hold their respective offices for two years, or until their successors are elected and qualified; and, before entering upon the duties of their respective offices, they shall each take an oath or affirmation to support the constitution and laws of the state of Minnesota and faithfully discharge the duties of his office. The treasurer shall give such bonds as the village council may require. The treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided for that purpose, and shall exhibit such account, together with his vouchers, to the village council at its annual meeting, or at any time when called for by resolution of said council, for adjustment, and shall deliver all books and papers belonging to the office, and the balance of all moneys, as such treasurer, to his successor in office: *provided further*, that the treasurer shall not pay out any moneys in his hands except upon the written order of the president of

the council, attested by the recorder. The treasurer shall, from time to time, draw from the county treasurer such moneys as may be due said corporation, for the use of said village, and, on receipt of said moneys, give proper vouchers therefor. (*Id.* § 19.)

*§ 223. **Annual statement by treasurer.** The treasurer shall, one week previous to the annual election of village officers, make a detailed statement in writing of the moneys received by him, and the sources from which the same were received, and their respective amounts; and also the amounts paid out by him, and the purposes for which they were paid. Such statement shall be filed by him in his office, for the inspection of any tax-payer residing within the corporate limits of said village. *Id.* § 20.

*§ 224. **Village council—powers.** The president, the three trustees, and the recorder shall be the village council of said village, any three of whom shall constitute a quorum for the transaction of any business, and shall have full power and authority to enact, adopt, modify, enforce, and, from time to time, amend or repeal all such ordinances, rules, and by-laws as they shall deem expedient, for the following purposes, viz.:

First. To regulate the mode of, and establish rules for, their proceedings.

Second. To adopt a corporate seal, and alter the same at pleasure.

Third. To receive, purchase, and hold for the use of the village any estate, real and personal, and to sell and convey the same.

Fourth. To limit and define the duties and powers of officers and agents of the village, fix their compensation, and fill vacancies when no other provision is made by law; to call special elections, and to designate trustees to act as judges of elections.

Fifth. To procure the books and records required herein to be kept by village officers, and such other furniture, property, stationery, and printing as shall be necessary for village purposes.

Sixth. To provide for the prosecution or defense of all actions or proceedings in which the village is interested, and employ counsel therefor.

Seventh. **To appoint village officers.** To appoint a village attorney, a pound-master, one or more sextons or keepers of cemeteries, one or more fire wardens, and one or more street commissioners, whenever they deem necessary. Every street commissioner, when, by resolution, the village board shall require it, shall take and file his oath of office, and execute a bond conditioned for the faithful discharge of his duties, and the proper application and payment of all moneys that may come into his hands by virtue of his office.

Eighth. To control and protect the public buildings, property, and records, and insure the same.

Ninth. To renumber the lots and blocks of the village or any part thereof, and to cause a revised and consolidated plat of the same to be recorded in the office of the register of deeds.

Tenth. **Fire department.** To establish a fire department, to appoint the officers and members thereof, and prescribe and regulate their duties; to provide protection from fire by the purchase of fire-engines and all the necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water-mains, reservoirs, or other water-works; to erect engine-houses; to compel the inhabitants of the village to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of fire as shall be directed by them or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits or the limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire-buckets, which shall be appurtenances to the realty and exempt from seizure and forced sale; and after reasonable notice to such owner or occupant, and refusal or neglect by him to procure and deliver the same to him, and in default of payment therefor, to levy the cost thereof as a special tax upon such real estate, to be assessed and collected as other taxes in such village; to regulate the storage of gunpowder and other dangerous materials;

to require the construction of safe places for the deposit of ashes; to regulate the manner of putting up stove-pipes, and the construction and cleaning of chimneys; to prevent bonfires and the use of fire-works and fire-arms in the village, or any part thereof; to authorize fire-wardens at all reasonable times to enter into and examine all dwelling-houses, lots, yards, inclosures, and buildings of every description, in order to discover whether any of them are in dangerous condition, and to cause such as may be dangerous to be put in safe condition; and generally to establish such necessary measures for the prevention or extinguishment of fires as may be necessary and proper.

Eleventh. **To lay out, open, grade, and improve streets.** To lay out, open, change, widen, or extend streets, lanes, alleys, sewers, parks, squares, or other public grounds, and to grade, pave, improve, repair, or discontinue the same, or any part thereof, or to establish and open drains, canals, or sewers, or alter, widen, or straighten water-courses; to make, alter, widen, or otherwise improve, keep in repair, vacate, or discontinue sidewalks and cross-walks; to prevent the incumbering of streets, sidewalks, and alleys with carriages, carts, wagons, sleighs, sleds, buggies, railway cars, engines, boxes, lumber, fire-wood, or other substances or materials; to prevent horse-racing or immoderate riding or driving in the streets of the village; to prevent the riding or driving of animals or the driving of vehicles of any kind on the sidewalks of the village, or the doing of damage in any way to such sidewalks; and to require the owners or occupants of buildings to remove snow, dirt, or rubbish from the sidewalks adjacent thereto; and, in default thereof, to authorize the removal of the same at the expense of such owner or occupant.

Twelfth. **Cattle pounds, etc., etc.** To restrain the running at large of cattle, horses, mules, sheep, swine, poultry, and other animals, and to authorize the distraining, impounding, and sale of the same; to establish pounds and regulate and protect the same; to require the owners or drivers of horses, oxen, or other animals, attached to vehicles or otherwise, to fasten the same while in the streets or alleys of such village; to prohibit the hitching of horses, teams, or animals to any fence, tree or pump, and to prevent injury to the same; to regulate and control the running of engines and cars through the village, and rate of speed of the same; to prevent the running at large of dogs, and authorize the destruction of the same in a summary manner when at large contrary to the ordinances; and license public porters, solicitors, or runners, cartmen, hackmen, omnibus drivers, and guides, and to establish rules and regulations in regard to their conduct as such, and to prevent any unnecessary noise or disturbance during the arrival or departure of persons in public conveyances.

Thirteenth. **Markets.** To establish and regulate markets, and restrain sales in the streets.

Fourteenth. **Cemeteries.** To purchase and hold cemetery grounds within or without the village limits; inclose, lay out, and ornament the same, and to sell and convey lots therein by deed; to establish public parks and walks, inclose, improve, and ornament the same, and prevent the incumbering and obstruction thereof; and provide for and regulate the setting out of shade and ornamental trees in the streets, and in and around the cemeteries and public parks and walks of the village, and for the protection thereof.

Fifteenth. **License for shows, etc.** To prevent, or license and regulate, the exhibition of caravans, circuses, theatrical performances, or shows of any kind; to prevent, or license and regulate, the keeping of billiard tables, pigeon-hole tables, and bowling saloons; to suppress and restrain, or license and regulate, mountebanks and auctioneers; and in all such cases they may fix the price of such license and prescribe the term of its continuance, and may revoke the same at pleasure; but the term of no such license shall extend beyond the annual election of officers next after the granting thereof.

Sixteenth. **Planting trees.** To provide for the planting and protection of shade trees and monuments in said village.

Seventeenth. **Frauds, gaming, sale of liquors, etc.** To restrain and prohibit gift enterprises, all description of gaming, and all playing of cards, dice, and

other games of chance, for the purpose of gaming; and to license, or restrain and prohibit, any person from selling, bartering, disposing of or dealing in spirituous, malt, fermented, vinous, or mixed intoxicating liquors of any kind, and to punish any violation of law or of the village ordinances relating thereto, and to revoke, for any cause, any license for the sale of intoxicating liquors granted by the village council, whenever the council, after a hearing of the case, shall deem proper.

Eighteenth. Marshal. To choose a village marshal and to remove him at will; to prescribe his duties and to fix his compensation for services.

Nineteenth. Public libraries. To establish and maintain public libraries and reading rooms, purchase books, papers, and magazines therefor, and make all needful rules and regulations for the safe-keeping and handling of the same.

Twentieth. Street commissioner, etc. To appoint a street commissioner, regular and special policeman, and a chief of police, and to fix their compensation and prescribe their duties.

Twenty-first. Removal of officers. To remove any officer appointed or elected by such council, whenever, in the judgment of such council, the public welfare will be thereby promoted.

Twenty-second. Watch-house. To purchase, build, or lease and maintain and regulate a watch-house or place for the confinement of offenders against the ordinances and by-laws, and for temporary detention of suspected persons.

Twenty-third. Board of health—powers. To appoint a board of health, which shall have all the powers of such boards under the general laws of the state; to provide hospitals and regulate the burial of the dead, and return of bills of mortality; to declare what are nuisances, and to prevent or abate the same; to require the owner or occupant of any grocery, cellar, tallow chandler's shop, factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house, building, or place to remove or abate the same, or to cleanse it as often as may be deemed necessary for the public health; to direct the location and management of slaughter-houses, and to prevent the erection, use, or occupation of the same, except as authorized by them; to prevent persons from bringing, depositing, or leaving within the village any putrid carcass or other unwholesome substance; to require the owners or occupants of lands to remove dead animals, stagnant water, or other unwholesome substance from their premises, and to provide for the cleaning and removal of obstructions from any river, stream, slough, or water-course within the limits of the village, and to prevent the obstruction or retarding of the flow of waters therein, or the putting of anything into the same which may be prejudicial to the health of the village.

Twenty-fourth. Public cisterns. To make and regulate the use of public wells, cisterns, and reservoirs.

Twenty-fifth. Lamps. To erect lamp-posts and lamps, and provide for lighting any portion of the village or streets thereof by gas or otherwise.

Twenty-sixth. Docks, wharves. To establish harbor and dock limits, and to regulate the location and construction and use of all piers, docks, wharves, and boat-houses on any navigable waters, and fix rates of wharfage.

Twenty-seventh. Collection of taxes. To levy and provide for the collection of taxes, including poll tax and assessments, audit claims and demands against the village, and direct orders to issue therefor in the manner prescribed in this chapter; to refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; to authorize bonds of the village to be issued in the cases provided by law, and generally to manage the financial concerns of the village; and they shall cause to be prepared and read, at each annual village election, a true, detailed, and itemized statement by them of the finances of the village, showing the amount in the treasury at [the] commencement of the year, when and from what sources all moneys paid into the treasury during the preceding year were derived, and the whole amount thereof, and when, to whom, and for what purpose all money paid from the treasury during the same period was paid, and the whole amount thereof, with the balance then in treasury, which statement shall be recorded in the minute-book, and filed and preserved in the clerk's office.

Twenty-eighth. **To enact ordinances.** To ordain and establish all such ordinances and by-laws for the government and good order of the village, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of trade and commerce, and the promotion of health, not inconsistent with the constitution and laws of the United States or of this state, as they shall deem expedient; and to determine and establish by ordinance the mode of procedure, and what it shall be sufficient to allege and prove in order to make out a *prima facie* case of violation of any ordinance.

Twenty-ninth. **To prescribe penalties.** To prescribe penalties for the violation of any ordinance or by-law, to be not less than one dollar nor more than one hundred dollars in any case, besides the cost of suit in all cases, and in default of payment provide for committing the person convicted to the watch-house or place of confinement in the village or to county jail until payment be made, but not to exceed ninety days in all; and to modify, amend, or repeal any ordinances, resolution, by-law, or other former determination of the board. (*Id.* § 21.)

*§ 225. **Auditing accounts.** No account or demand against such village shall be paid until it has been audited and allowed, and an order drawn on the treasurer therefor. Every such account shall be made out in items, and verified by affidavit indorsed or annexed that the same is just and correct and no part thereof paid. After auditing, the board shall cause to be indorsed by the clerk, over his hand, on each account, the words "allowed" or "disallowed," as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed, if disallowed in part only. The minutes of the proceedings of the board shall show the amount. Every such account or demand allowed, in whole or in part, shall, with the affidavit thereto, be filed by the clerk, and those of each year consecutively numbered, and have indorsed the number of the order on the treasurer issued in payment, and the clerk shall take a receipt thereon for such order. No village, or any officer thereof, shall have power to issue at any time any negotiable order or borrow money, except in the manner and for the purposes expressly declared by statute. (*Id.* § 22.)

*§ 226. **Laying out or altering streets, alleys, etc.** Whenever the village council shall intend to lay out and open, change, widen, or extend any street, lane, alley, public grounds, square, or other places, or to construct and open, alter, enlarge or extend drains, canals, or sewers, or alter, widen, or straighten water-courses therein, or take ground for the use or improvement of a harbor, and it shall be necessary to take private property therefor, they shall cause an accurate survey and plat thereof to be made and filed with the recorder, and they may purchase or take by donation such grounds as shall be needed, by agreement with the owners, and take from them conveyances thereof to the village for such use or in fee; but otherwise they shall by resolution declare their purpose to take the same and therein describe by metes and bounds the location of the proposed improvements, and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by each distinct owner, mentioning the names of owners or occupants so far as known, and therein fix a day, hour, and place when and where they will apply to a justice of the peace, resident in such village, for a jury to condemn and appraise the same. They shall thereupon cause to be made by the recorder a notice of the adoption of such resolution, embracing a copy thereof, and notifying all parties interested that the council will, at the time and place named, apply to the justice named for the appointment of a jury to condemn and appraise such land. A copy of such notice shall be served by any constable on the owner of each such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons in justice court, and the return of the officer shall be conclusive evidence of the fact stated therein. If the notice cannot be so given as to all the parcels, then the same shall be also published once in each week for three successive weeks in a newspaper published in such village or county; and the affidavit of the printer or foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served and such publication made for three weeks, complete at least one week before the time fixed therein for such application. If any person so served with notice [shall] be

a minor or of unsound mind, the justice, before proceeding, shall, on the day fixed for hearing such application, appoint for him a guardian for the purpose of such proceeding, who shall give security to the satisfaction of the magistrate, and act for such ward. (*Id.* § 23.)

*§ 227. **Juries for condemning lands—how selected.** At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and by proof of service of the notice, as provided in the last section, shall be filed with the justice, who shall thereupon make a list of twenty-four competent jurors, not interested; but residents of the village shall not be disqualified. He shall hear and decide any challenges for cause or favor, made to any one, and, if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under directions of such magistrate, each party—the village council by its representative on one side, and owners of land or their agents present, or if none be present, or they disagree, a disinterested person appointed by the justice, on the other—shall challenge six names, one at a time, alternately, the village council beginning. To the twelve jurors remaining, such justice shall issue a *venire*, requiring them at an hour on a day named, not more than ten nor not less than three days thereafter, to appear before him to be sworn and serve as a jury, to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named. Such *venire* shall be served by any constable, at least one day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode, in the presence of a member of his family. The jurors summoned shall appear at the time and place named; and if any be excused by the justice, or fail to attend, he shall direct other disinterested persons to be forthwith summoned in their stead until twelve be obtained. The magistrate shall then administer to them an oath that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and, if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law. (*Id.* § 24.)

*§ 228. **Duties of jurors.** Under the direction of such magistrate the jury shall view the lands to be taken, and shall then sit before him, to hear such competent evidence as shall be produced by any party; and for such purposes such magistrate shall possess the same powers as a court in session with a jury, and if there be necessity may adjourn the sitting from day to day. The jury shall render a separate verdict in writing, signed by them, in which they shall find whether it be necessary to take such lands, or any part thereof, for such purposes, describing such as they find necessary to be taken; and if any be found necessary to be taken, then a verdict or appraisalment of damages, specifying therein the damages of each owner, and separately the value of the land taken for each, and the damage otherwise sustained by each by reason of the taking thereof, in estimating which they shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvements; and a majority of such jury may render such verdict or appraisalment of damages and shall sign the same. Any technical error in such verdict may be immediately corrected, with the assent of the jury, and they shall be thereupon discharged, and their verdict filed by the magistrate. In case the jury shall fail to find a verdict, another jury shall be selected, summoned, sworn, and proceed in the same manner. (*Id.* § 25.)

*§ 229. **Appeal from the award—how taken.** Within ten days after verdict any land-owner whose land has been found necessary to be taken may appeal from the award of damages to him, in such verdict, to the district court, and the village may likewise appeal from the award of damages to any owner by filing with such magistrate a notice of appeal, specifying whether the appeal is from the whole award to him or a part, and, if a part, what part, and therewith an undertaking with two sufficient sureties, to be approved by the magistrate, to pay all costs that may be awarded against such appellant on the appeal, and paying the magistrate for his return thereof. Any party not so appealing shall be forever concluded by such verdict or appraisalment. Upon an appeal being taken, the magis-

trate shall transmit to the clerk of the district court, within ten days, the notice of appeal and undertaking, and thereto annexed a copy of all papers and proceedings before him, with his certificate thereof. He shall, after the time for appealing is expired, file with the village recorder, annexed together, all the original papers, including the verdict, with a certificate by him thereof, and that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify; and the clerk shall record all such proceedings. Upon filing such transcript in the district court, the appeal shall be considered an action pending in such court, and be so entered, the land-owner as plaintiff, the village as defendant, and be subject to trial and appeal to the supreme court. The case shall be tried by a jury, unless waived, and costs shall be awarded against the appellant, if more favorable verdict be not obtained; otherwise, against the respondent. Upon entry of judgment, the clerk of the district court shall transmit a certified copy thereof to the village recorder. (*Id.* § 26.)

*§ 230. **Payment before entry on lands—may discontinue proceedings before judgment.** If the verdict of the jury first called find it necessary to take such land or any part thereof, the village board may, upon return thereof to the recorder, enact an ordinance in accordance therewith, for laying out, changing, widening, or extending and opening any such street, lane, alley, public ground, square or other public place, or constructing and opening, altering, enlarging or extending any such drains, canals or sewers, or altering, widening or straightening any such water-course, or for the use or improvement of a harbor, but shall not enter upon any such land therefor until the owner be paid in full or the damages be set apart for him in the hands of the treasurer, and an order therefor lawfully executed to him be deposited with the clerk to permanently remain subject to his order. At any time before causing any such land to be actually taken or put to public use, and before the rendition of a judgment in the district court for damages, the village board may discontinue all proceedings theretofore taken, and the village shall in such event be liable for the costs only. All the costs of every such proceeding shall be paid by the village, except when it recover costs in the district court. (*Id.* § 27.)

*§ 231. **Assessment of benefits for costs and expenses—Notice—Hearing.** For the purpose of payment of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in the last preceding section, the village council may, by resolution, levy and assess the whole, or any part not less than half of such expenses as a tax upon such property as they shall determine is specially benefited thereby, making therein a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such resolution, signed by the president and recorder, shall be published once in each week for two weeks in a newspaper printed regularly in such village, or, if there be no such newspaper, three copies thereof shall be posted by the recorder in three of the most public places in such village, and a notice therewith that at a certain time therein stated the said council will meet at their usual place of meeting and hear all objections which may be made to such assessment, or to any part thereof. At the time so fixed the said council shall meet and hear all such objections, and for that purpose may adjourn from day to day not more than three days, and may by resolution modify such assessment in whole or in part. At any time before the first day of September thereafter any party liable may pay any such tax to the village treasurer. On such first day of September, if any such tax remains unpaid, the recorder shall certify a copy of such resolution to the county auditor, showing what taxes thereby levied remain unpaid; and the county auditor shall put the same upon the tax roll, in addition to and as a part of all other village taxes therein levied on such land, to be collected therewith. (*Id.* § 28.)

*§ 232. **Proceedings discontinued, when.** Upon the petition in writing of all the owners of lots or land on any street or alley in such village, and not otherwise, the board of trustees may discontinue such street or alley or any part thereof. At least one week before acting on such petition, the council shall cause a writ-

ten or printed notice to be posted in three public places in such village, stating when the petition will be acted on, and what street or part thereof is proposed to be vacated. (*Id.* § 29.)

*§ 233. **Street grading, paving, etc.** The village council may cause any street, or any part of any street, not less than sixteen rods in length, to be graded, paved, macadamized or otherwise improved, or any sidewalk or gutter to be built, upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides, and of the owners of at least one-half the frontage of such street or part of street to be improved; or order any sidewalk or gutter on one side of a street to be built, on the petition of a majority of such owners, and of the owners of at least one-half the frontage on such side; and may order any sidewalk or gutter previously built to be put in repairs, when necessary, without petition. For the purpose of so improving any street or building, or repairing any sidewalk or gutter, the village council may levy and cause to be collected upon the lots, tracts or parcels of ground on such street or part of street improved, or on the side thereof, where only such sidewalk or gutter is to be built, and upon the owners thereof, a tax sufficient to pay the expense of constructing such improvement as ordered opposite such property to the center of the street, or such proportion thereof, not less than one-half, as they shall deem justly assessable to such property, if they shall think the whole ought not to be so assessed, in which case the remainder shall be paid from the village treasury. Every such tax for repair shall be for the entire cost of repairs in front of the property so assessed. If any tax levied under this section shall prove insufficient to pay the cost or proportion thereof assessed to such property, the village council may levy an additional tax thereon to make good such deficiency. (*Id.* § 30.)

*§ 234. **Assessments, how collected.** Whenever the council shall levy any such tax as specified in the preceding section, they shall make out and deliver to a street commissioner of such village a list of the persons and a description of the property taxed, together with a warrant for the collection and expenditure of said tax, and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice two weeks in some newspaper published in said village, if there be one, or by posting up notices in three or more public places in such village, and shall specify in such notice a time or times, not less than twenty days nor more than forty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials, or money; and the persons charged with such tax may, at such time and place as may be required by the said street commissioner, pay their taxes in labor or materials: *provided*, the labor and materials offered in payment of such taxes are such as may be required by the said street commissioner, and done and furnished to his satisfaction. The street commissioner shall be provided with a book or memorandum by the village recorder, in which he shall keep an accurate account of all moneys coming into his hands by virtue of his office; the amount received and disbursed by him; the name of every person from whom money or labor is due; the amount paid in money or labor; and a correct account of all expenditures by him made as a street commissioner. The book containing the account so kept shall, at all times when required, be furnished for the inspection of the village council, and ten days before the expiration of his term of office shall be handed to the village recorder, to be filed in his office for the inspection of the tax-payers in his district. (*Id.* § 31.)

*§ 235. **Proceedings in relation to unpaid assessments.** At the expiration of forty days from the date of said notice given by the said street commissioner, he shall make out and deliver to the recorder of such village a certified list of the lots, pieces, or tracts of lands in said village upon which any such tax remains unpaid, with the amount of such delinquent tax upon each of said lots or parcels of land; and at any time before the first day of September any party liable may pay any such tax to the village recorder, who shall thereupon pay the same over to the village treasurer, taking his receipt therefor. And such recorder on the first day of September, or within five days thereafter, if any such tax remains unpaid, shall certify a copy of such delinquent taxes to the county auditor of

his county, and the said auditor shall, upon the receipt of said statement and list, enter and carry out the same upon the proper tax lists, and they shall be collected the same as other taxes are collected, and, when collected, pay over the same to the village treasurer. Every county treasurer who shall collect or receive any moneys on account of such delinquent taxes shall pay the same to the treasurer of the proper village and take duplicate receipts therefor, and file one of said receipts with the recorder of said village. (*Id.* § 32.)

*§ 236. **Streets and highways not under control of town officers—poll tax.** No part of the streets or highways of any village shall be in any road district established by the town board, nor be under the control of town officers; nor shall the town be liable for any damages occasioned by any insufficiency or want of repair thereof; and all bridges in such village shall be built, maintained, and repaired by the village in which the same are situated. No overseers of highways shall be elected in or for any such village, but the poll tax shall be collected as hereinafter provided, and shall be expended, and the streets, highways, and public places governed, by the village council and officers of their appointment. (*Id.* § 33.)

*§ 237. **Village council to make tax levy.** The village council shall, on or before the fifteenth day of August in each year, by resolution, to be entered of record, determine the amount of corporation taxes to be levied and assessed on the taxable property in such village for the current year, which shall not exceed in any one year two per centum of the assessed valuation of such property. Before levying any tax for any specific purpose, the board may, in their discretion, submit the question of levying the same to the village electors, at any special or general election, and in such manner as they may prescribe; when so submitted they shall be bound by the vote thereon. On or before the first day of September, in each year, the village recorder shall deliver to the county auditor a copy of all such resolutions, certified under his hand and the corporate seal of such village, and such auditor shall enter such taxes upon the tax books in the same manner as he is required to do in levying town taxes. (*Id.* § 34.)

*§ 238. **Prosecutions for violation of ordinances.** All prosecutions for violating any of the ordinances, rules, or by-laws enacted under the provisions of this act, shall be brought in the corporate name of said village, and shall be commenced by warrant, upon complaint being made as required by law in criminal cases before justices of the peace; and the same proceedings shall be had therein as are required to be had by the laws of this state in criminal or civil actions before justices of the peace: *provided*, that no warrant shall be necessary in any case of the arrest of the person or persons while in the act of violating any law of the state of Minnesota, or ordinance of said village; but in such cases a complaint shall be made, which the justice shall reduce to writing, and the party be required to plead thereto, as to warrant in other cases; and the person or persons so arrested may be proceeded against in the same manner as if the arrest had been made by warrant. All processes issued by the justice of the peace of said village shall be directed to any constable of said village or county. It shall be a sufficient pleading of the by-laws or ordinances of said village to refer to the chapter and section thereof, which are hereby declared to have all the force and effect of general laws within the jurisdiction of said village, and it shall not be necessary to read or give them in evidence upon the trial of any proceeding or action, criminal or civil. (*Id.* § 35.)

*§ 239. **Commitment on failure to pay fine, etc.** Judgment shall be given, if for the plaintiff, for the amount of fine, penalty, or forfeiture fixed by such ordinance, resolution, or by-law, or such part thereof, if a discretion be given, as the court shall deem proportionate to the offense, together with the costs of suit; and shall in all cases further adjudge and order that in default of payment thereof the defendant be committed to the common jail of such county for such time not exceeding ninety days as the court shall think fit. If such payment be not forthwith made the justice shall make out a commitment stating the amount of judgment and costs and the time for which committed, and in the usual form of commitments by justices of the peace. Every person so committed shall be received and committed to prison by the keeper of the county jail, and kept at the expense

of the county until the expiration of the time; but he shall be released by order of the justice on payment to him of such fine and costs, or by due course of law. (*Id.* § 36.)

*§ 240. **Appeals.** Appeal may be taken to the district court in the same manner as from judgments in civil actions by justices of the peace, except that, if taken by the defendant, he shall, as a part thereof, execute a bond to the village, with surety to be approved by such justice, conditioned that if judgment be affirmed in whole or in part, he will pay the same, and all costs and damages awarded against him on such appeal; and in case such judgment shall be affirmed in whole or in part, execution may issue against both defendant and his surety. Upon perfection of such appeal, the defendant shall be discharged from custody. (*Id.* § 37.)

*§ 241. **Fines—justices to report quarterly.** All fines, forfeitures, and penalties recovered for the violation of any ordinance, rule, regulation, resolution, or by-law of any such village, and all moneys paid for licenses and permits shall be paid into the village treasury for the use of such village. The justices of the peace shall report and pay into the treasury, quarterly, all moneys collected by them belonging to such village; which reports shall be verified by affidavit and filed in the office of the treasurer; and such justice shall be entitled to duplicate receipts for such moneys, one of which such justice shall take and file with the village recorder. (*Id.* § 38.)

*§ 242. **Judgments against village—how collected.** Whenever a final judgment shall be obtained against any village, the judgment creditor, his assignee or attorney, may file with the village recorder a certified transcript of such judgment, or of the docket thereof, together with his affidavit, showing the amount due thereon, and all payments, if any, and that the judgment has not been appealed from or removed to another court, or, if so appealed or removed, has been affirmed; and thereupon the village council shall assess the amount thereof, with interest from date of its rendition to the time when the same shall be paid, as near as may be, upon the taxable property of such village, and the village recorder shall return and certify the amount of such tax to the county auditor, to be collected the same as other taxes levied upon said village. (*Id.* § 39.)

*§ 243. **Fines—how disposed of.** All fines and penalties imposed under or by virtue of the provisions of this act, shall belong to the village, and shall constitute a fund to pay the expenses incurred under the provisions of its charter. (*Id.* § 40.)

*§ 244. **Justices and constables.** The justice of the peace and constable of said village shall have and may exercise, in addition to the powers and authority herein specially granted to such officers, all the powers, authority, and jurisdiction in any case possessed by a justice of the peace or a constable elected in the county or counties in which such village is situated. The village justices and constables shall take the same oath of office, and execute, before entering upon the discharge of their duties as such officers, the same bond as township justices of the peace and constables, and file their bonds with the same officers as justices of the peace and constables elected elsewhere in the state are now or hereafter may be required to do, and shall receive the same fees for their services as justices of the peace and constables elected elsewhere in the state are allowed under the general statutes of the state now or hereafter in force; and in all cases where a village is situated in more than one county, the justice of the peace and constable of such village shall have and possess all the powers and jurisdiction conferred by this act in each of the counties in which such village is situated, and shall file their bonds in each of said counties. (*Id.* § 41.)

*§ 245. **Vacancies—how filled.** Should a vacancy occur in any of the offices other than justices of the peace provided for in this act, the village council, or the remaining members thereof, may fill the same by appointment. (*Id.* § 42.)

*§ 246. **Roads.** The village so organized shall constitute one road district, and the street commissioner or roadmaster thereof be appointed by the village council, and all taxes raised within the limits of said village for road purposes shall be expended under the direction of the village council. (*Id.* § 43.)

*§ 247. **Board of auditors.** The village council shall constitute a board of

auditors for the purpose of auditing all accounts payable by said village. Said board shall draw up a report, stating in detail the items of accounts audited and allowed; the nature of each account, and the name of the person to whom the account was allowed, and also including a detailed statement of the financial concerns. Such report shall be filed with the recorder, and a copy thereof shall be posted at the time and place of holding the annual election, or published in a newspaper of general circulation in said village two weeks before such election. (*Id.* § 44.)

*§ 248. **Levy and collection of taxes—no tax levy to exceed five mills.** The legal voters of said village may, at any annual or special meeting, authorize the village to levy a tax for any legitimate object, but in no case shall the tax so levied exceed the sum of five mills upon the dollar valuation in any one year; and all taxes levied, except for improvement of streets, sidewalks, and crossings, shall be levied and collected as prescribed by the statutes of this state for the levying and collection of township taxes: *provided*, that the village council shall, on or before the first day of September in each year, make and certify to the county auditor of the county in which any of the lands or village lots within the corporate limits of such village are situate, a statement of all taxes levied and assessed by them, and shall also, at the same time, make and certify to the auditor of the proper county 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 said statement and list, enter and carry out the said tax or taxes against the property within such village, and the same shall be collected as other taxes are collected, and when collected paid over to the village treasurer. (*Id.* § 45.)

*§ 249. **Recorder's bond and duty.** The village recorder shall give a bond in form similar to that required of town clerk. It shall be his duty:

First. To perform the duties of clerk of election, and keep a record of all proceedings at the annual and special elections of the village; to give notice of such elections as required by law, and to notify persons elected or appointed to office thereof.

Second. To transmit to the clerk of the district court within ten days after election and qualification, a certified statement of the name and term for which elected of all the officers elected at such election; and in case of the appointment or election of any justice of the peace, constable, treasurer, or recorder of said village to fill a vacancy a like notice shall be so filed within ten days after such election or appointment.

Third. To attend all meetings of the village board; to record and sign the proceedings thereof, and all ordinances, rules, by-laws, resolutions, and regulations adopted, and to countersign and keep a record of all licenses, commissions, and permits granted or authorized by them, and for such purposes to keep the following books:

A minute book, in which shall be recorded in chronological order all the papers mentioned in section twenty-two of this act; full minutes of all elections, general or special, and the statements of the judges thereof; full minutes of all proceedings of the village council; the titles of all ordinances, rules, regulations, and by-laws, with a reference to the book and page where the same may be found.

An ordinance book, in which shall be recorded at length, in chronological order, all ordinances, rules, regulations, and by-laws.

A finance book, in which shall be kept a full and complete record of the finances of the village, showing the receipts, the date, amount, and source thereof, and the disbursements, with the date, amount, and object for which paid out, and to enter in it such other matters as the council shall prescribe, and keep such other books as the council direct.

Fourth. To countersign and cause to be published or posted every ordinance, by-law, or resolution, as required by law, and to have proper proof thereof made and filed.

Fifth. To be the custodian of the corporate seal, and to file, as required by law, and to safely keep, all records, books, papers, or property belonging to, filed or deposited in his office, and deliver the same to his successor when qualified; to per-

mit any person, with proper care, to examine and copy any of the same, and to make and certify a copy of any thereof when required, on payment of the same fees allowed town clerks therefor.

Sixth. To draw and countersign all orders on the village treasury ordered by the council, and none other.

Seventh. To file, when presented, all chattel mortgages and affidavits relating thereto, and to enter at the time of filing, in a book properly ruled and kept therefor, the names of all the parties, arranging mortgages alphabetically, the date of each mortgage, and the date of filing the same and of each affidavit relating to it, for which he shall receive the same fees allowed town clerks.

Eighth. To perform all other duties required by law or by any ordinance or other directions of the village council. (*Id.* § 46.)

*§ 250. **Constable—duties of.** The constable shall give a bond similar to that required of constables elected by towns, and shall be deemed included and governed in every respect by the law prescribed to them. It shall be his duty to obey all lawful written orders of the village council, to arrest with or without process, and with reasonable diligence to take before the village justice, every person found in such village in a state of intoxication, or engaged in any disturbance of the peace, or violating any law of the state or ordinance of such village. He may command all persons present in such case to assist him therein, and if any person being so commanded shall refuse or neglect to render such assistance, he shall forfeit not exceeding ten dollars. He shall be entitled to the same fees allowed to constables for similar services; for other service rendered the village, such compensation as the council may fix. (*Id.* § 47.)

*§ 251. **Sale of intoxicating liquors—voters to decide as to—vote, how taken.** The legal voters of any incorporated village shall have the power and authority to vote upon and determine for themselves the question whether license for the sale of intoxicating liquors as a beverage shall be granted by the council of said village or not; and it shall be the duty of the recorder of any such village, upon receiving a petition for that purpose of ten or more legal voters of his village at any time not less than fifteen days before any annual election of such village, to give at least ten days' notice that the question of granting license for the sale of intoxicating liquors, as a beverage in said village, will be submitted to the legal voters thereof at the next ensuing annual election, which question shall be determined by ballots containing the words, "In favor of license," or "Against license," as the case may be: *provided*, however, that the neglect of the recorder to give the required notice shall not invalidate the vote and determination made under the provisions of this act, if the petition named shall have been duly filed. The votes upon said question shall be taken, canvassed, returned and announced in the same manner as is prescribed by law for taking, canvassing, returning and announcing the votes for the election of village officers, which determination so made shall continue until the same shall be reversed at a subsequent annual election in the same manner; and, if such returns show that a majority of the votes cast at such election on said question shall be "against license," no license for the sale of intoxicating liquors shall be granted by the authorities of such village, except for medicinal or mechanical purposes; but if such returns show that a majority of the votes cast at such election, on said question, shall be in "favor of license," then the village council may grant license to any suitable person of lawful age for the sale of intoxicating liquors. The village council shall have the exclusive right to license persons vending, dealing in or disposing of intoxicating liquors within the limits of such village, and persons so licensed shall not be required to obtain a license from the board of county commissioners, nor shall said commissioners have authority to license any person to vend, deal in or dispose of, or sell intoxicating liquors in any such village. And no person shall be licensed by such village council to deal in or sell intoxicating liquors as a beverage in such village, unless he shall fully comply with all the requirements and be subject to all the penalties as provided in the General Statutes of the state relating to the sale of intoxicating liquors, except as herein provided: *and provided*, that no license shall be granted by such village for a less sum than one hundred dollars,

nor for a greater sum than five hundred dollars, at the discretion of the village council, and that previous to granting any such license a bond shall be executed with the same conditions and with the same penal sum as required by the General Statutes of this state; and the moneys received for such license shall be paid to the village treasurer for the use of such village; and all licenses granted by any such village council shall expire within ten days after the annual election in and for said village. (*Id.* § 48.)

*§ 252. **Ordinances, etc.—how enacted and published.** All ordinances, rules and by-laws shall be enacted by a majority of all the members of the village council, and shall be signed by the president, attested by the recorder, and published once in a newspaper published in the county in which said village shall be situated; and if there be no newspaper published in said county, then by posting them conspicuously in three of the most public places in said village for ten days, and shall be recorded in a book kept for that purpose. Proof of such publication by the affidavit of the printer or foreman of the office of such newspaper, or of such posting, by the certificate of the village recorder, shall be attached to and filed with such ordinance or by-laws, and noted on the record thereof, and shall be conclusive evidence of the facts stated. All ordinances shall be suitably entitled, and in this style: "The village council of——do ordain as follows." All authorized ordinances and by-laws shall have the force of law, and remain in force until repealed. (*Id.* § 49.)

*§ 253. **Violation of ordinances.** Said village council shall have power and authority to declare and impose fines, penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by law enacted by them; and all such ordinances, rules and by-laws are hereby declared to have the force of law: *provided*, they are not repugnant to the constitution and laws of the United States and the state of Minnesota. (*Id.* § 50.)

*§ 254. **Trustees prohibited from being interested in contracts.** No member of the village council shall become a party to or interested, directly or indirectly, in any contract made by the village council of which he may be a member; and every contract or payment voted for or made contrary to the provisions hereof, is void; and any violation of the provisions of this section, hereafter committed, shall be a malfeasance in office, which shall subject the officer so offending to removal from office. All contracts for village improvements, except expenditures of road and poll tax, shall be let to the lowest responsible bidder, after public notice of time and place of receiving bids therefor. (*Id.* § 51.)

*§ 255. **Powers of president and trustees.** The president and each trustee shall be officers of the peace, and may suppress in a summary manner any riotous or disorderly conduct in the streets or public places of the village, and may command assistance of all persons under such penalty as may be prescribed by the by-laws and ordinances. (*Id.* § 52.)

*§ 256. **Books to be delivered to successor in office.** Every village officer shall deliver to his successor, when qualified, all the books, records, papers, property and money in his hands as such officer; and if a vacancy happen before such successor is appointed or elected and qualified, then to the village clerk, who shall demand and receive all such property, and deliver the same to the person who shall be selected to fill such vacancy, when qualified. (*Id.* § 53.)

*§ 257. **The village council—meetings of, etc.** The trustees of each village shall constitute a council, designated the village council of, (name of village,) in which shall be vested all the powers of the village not specifically given some other officer. Three trustees shall constitute a quorum, but a less number may adjourn from time to time. The president shall preside at all meetings when present; in his absence the council may select another trustee to preside. Regular meetings shall be held at such times as may be prescribed by their by-laws. Special meetings may be called by any two trustees in writing, filed with the recorder, who shall thereupon seasonably notify all the trustees of the time and place thereof, in the manner directed by the by-laws. All meetings shall be open to the public. The council shall keep a record of all its proceedings, shall have power to preserve

order at its meetings, compel [the] attendance of trustees, and punish non-attendance; and it shall be judge of the election and qualification of its members. The president and trustees shall be entitled to receive as compensation the sum of one dollar each per day for time actually employed as such officers, not to exceed ten dollars each in any one year. (*Id.* § 54.)

*§ 258. **Contracts, etc.—how executed.** Every contract, conveyance, commission, license or other written instrument shall be executed on the part of the village by the president and clerk, sealed with the corporate seal, and in pursuance only of authority therefor from the village council. (*Id.* § 55.)

*§ 259. **Dissolution of village corporation—how effected.** Whenever an application in writing, signed by one-third as many electors of any such village as voted for village officers at the last preceding election therefor, shall be presented to the village council, praying for a dissolution of the village corporation, such council shall submit to the electors of such village, at an annual election, or special election called by them therefor, the question whether or not such village corporation shall be dissolved. The form of the ballot shall be, "For dissolution," or "Against dissolution." Said ballots shall be deposited in a separate box, and such election shall be conducted, the votes thereat canvassed, and statement thereof made, filed and recorded as in other cases. (*Id.* § 56.)

*§ 260. **In case of dissolution, village property, how disposed of.** If a majority of the ballots cast at such election, on such proposition, shall be for dissolution, such village shall, at the expiration of six months from the date of such election, cease to be an incorporated village. Within six months the village council shall dispose of the village property, and settle, audit, and allow all just claims against the village. They shall settle with the village treasurer and other officers of the village, and shall cause the assets of the village to be used in paying the debts thereof. If anything remain after paying the village debts, they may designate the manner in which the same shall be used. If they have not sufficiency of funds to pay the debts of the village, they may levy a tax to cover such deficiency, which shall be collected as other taxes, and shall be paid out by the town treasurer in payment of the outstanding village orders or bonds. (*Id.* § 57.)

*§ 261. **Repeal of inconsistent acts.** All acts or parts of acts inconsistent with this act are hereby repealed. (*Id.* § 58.)
See page 204.

CHAPTER XI.

TAXES.

*§ 145. **Tax to pay interest—how levied and collected.** When the bonds of any county, city, village, or township shall be so registered, the state auditor shall annually ascertain the amount of interest for the current year due and accrued and to accrue upon such bonds, and shall make a certificate showing such amount, and transmit the same to the county auditor, at the same time with other taxes to be levied for that year, and the county auditor, from the basis of the valuation of property in such county, city, village, or township, shall estimate and determine the rate per centum on the valuation of property within said county, city, village, or township voting bonds, requisite to meet and satisfy the amount of interest due and to become due for that year, together with the ordinary cost to the state of collection and disbursement of the same, and the amount so certified by the state auditor, and the cost of collecting the same, shall thereupon be deemed added to and a part of the per centum or amount which is or may be levied as provided by law for purposes of state revenue, and shall be so treated by any and all officers or authority in determining levies and making estimates, duplicates, and books for the collection of taxes, and the said tax shall be collected with the state revenue, and all law relating to the collection of state revenue shall apply thereto, except as herein otherwise pro-