

except as herein expressly provided. The common council shall have full power to direct the overseer where and how to expend said 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. The common council 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 laws applicable to the supervisors of said towns in levying highway labor and taxes.

SEC. 31. This act shall not be construed so as to exempt any person or property within the incorporated limits of said village from a just proportion of any indebtedness or taxation heretofore contracted by or on account of the town of Red Rock, as constituted prior to the incorporation of said village.

SEC. 32. That for the purposes of the first election under this act. O. A. Sleeper, J. C. Sanborn, and A. D. Brown shall be judges of election, and board of canvassers for such election, and shall perform all the duties and possess all the powers of judges of election prescribed by this act. They shall appoint the place of holding such election, and post notice thereof in three public places within said village ten days prior to said election.

SEC. 33. This act is a public act and need not be pleaded nor proven in any court in this state, and shall take effect and be in force on and after its passage.

Approved February 16th, 1876.

CHAPTER IV.

AN ACT TO INCORPORATE THE CITY OF NEW ULM.

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

CHAPTER I.

SECTION 1. All that portion of the county of Brown contained within the limits and boundaries hereinafter described, shall be known and called the city of New Ulm, and the persons residing therein are hereby declared to be a municipal corporation by the name of the city of New Ulm, and said corporation shall have and possess all the general powers possessed by such corporations at common law and the powers in addition thereto hereinafter specifically granted, shall have perpetual succession, be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all the courts of this state, shall have a common seal which may be changed at pleasure.

SEC. 2. That the territory included within the boundaries following shall constitute the city of New Ulm, viz: All the territory in the county of Brown lying and being in township number one hundred and ten north, of range thirty west, saving and excepting therefrom section number twenty-seven, section number thirty-four, west half of section number thirty, section number thirty-one, the south half section number thirty-two, and the south half of the north-west quarter of section number thirty-two all in said town and range.

SEC. 3. The style of all ordinances shall be: "Be it ordained by the Council of the City of New Ulm."

CHAPTER II.

SECTION 1. The officers of said city of New Ulm shall be one mayor, five councilors, two city justices, one treasurer, one clerk, one marshal and one constable who shall be elected by the qualified voters of said city, and one attorney who shall be selected from among the qualified electors of said city of New Ulm by the council, upon the recommendation of the mayor.

SEC. 2. The mayor, councilors, city justices, treasurer, clerk, marshal and constable shall each hold their offices for the term of two years and until their successors are elected and qualified, the attorney for one year, unless removed for cause by the council. *Provided*, That the present councilors of the Borough of New Ulm, shall hold their offices for the full term for which they were elected and thereafter it shall be so arranged, as soon as practicable, that alternately every other year there shall be elected three councilors and every other year, two.

SEC. 3. The official term of all officers elected under the provisions of this act shall commence on the third Tuesday of April next succeeding their election.

SEC. 4. The annual election of the officers required to be elected under the provisions of this act shall be held on the first Tuesday of April in each year, at such place within said city as the council may designate, and shall be conducted in all respects in accordance with the general election laws of the state of Minnesota, except as hereinafter qualified.

SEC. 5. All persons entitled to vote for state or county officers and who shall have resided in the city of New Ulm for four months immediately preceding the election, and shall be a *bona fide* resident of said city at the time of election, shall be entitled to vote at any election held under this act, and a plurality of votes shall constitute an election.

SEC. 6. Whenever two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots by the mayor in presence of the city council at such time and in such manner as they may direct, of which time and place said candidates shall have notice.

SEC. 7. The councilors shall be inspectors of election with power, in case of absence, to appoint a clerk of such election and to administer the necessary oaths, said election shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the general laws of this state.

SEC. 8. Special elections for any purpose shall be held and conducted as general or annual elections; and upon a notice of not less than ten days, which notice shall distinctly specify the object of said election.

SEC. 9. Whenever a vacancy shall occur in the office of mayor or councilor, such vacancy shall be filled by a new election. Any vacancy occurring in any other office, shall be filled by the city council. The person so elected or appointed to fill any vacancy, shall hold said office and discharge the duties thereof, subject to the same liabilities as the person whose office he is elected or appointed to fill, and for the unexpired time thereof.

SEC. 10. Any officer removing from the city, or who shall neglect or refuse for ten days after notice of his election or appointment, to qualify or enter upon the discharge of the duties of his office, shall be deemed to have vacated the same, and the city council may proceed to fill such vacancy as herein prescribed.

SEC. 11. Whenever any election shall be closed and the votes cast thereat counted and the result ascertained, the said inspectors shall make return thereof, with an abstract of the whole number of votes cast at such election, stating the whole number of votes for each person for each office, or upon any or all propositions, affirmative and negative of any proposition submitted to the people of said city at such election, and shall deliver or cause to be delivered, by one of their number, into the hands of the city clerk, such abstract and return, who shall thereupon within three days give notice to each of the persons elected of their respective elections.

SEC. 12. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of such office, take and subscribe an oath of office, and file the same duly certified by the officer administering the same, with the clerk of said city, and the treasurer and such other officers as the city council may direct, shall before entering upon the duties of their respective offices, be required to execute such bond to the city of New Ulm, as the council thereof may direct and approve for the faithful performance of the duties of such office, and such bond may be increased or diminished at the pleasure of the council, and any officer failing to give the required bond, at any time, may be removed from said office by the council.

CHAPTER III.

SECTION 1. The mayor shall, when present, preside over the meetings of the city council, but shall have no vote therein; he shall sign and approve all ordinances commended by himself before the same shall have any force or binding effect; shall be vested with the veto power, shall have power to execute all ordinances and enforce all laws that may be required of him by law or the ordinances of said city, and is clothed with power to call upon any male inhabitant over the age of eighteen years, to aid in enforcing the laws, and aid in the suppression of disturbances, and any person when so directed, who shall not obey such call or render such aid, shall upon conviction, before the city justice or any other magistrate having jurisdiction thereof, be fined not less than five dollars nor exceeding one hundred dollars. He may call special meetings of the council, and may communicate to said council

such measures as he may deem advantageous to the welfare of said city. He shall by virtue of his office, nominate and present to the council the names of suitable persons to fill any office which by this act shall be filled by appointment. It shall be his duty in case of the veto by him of any ordinance presented to him for approval, to cause the same to be returned to the clerk of said city, within five days, with the reasons for refusing to approve such ordinance, provided that such ordinances may become effective and in force without such approval if concurred in and passed by a unanimous vote of the council, and in case such ordinance be not signed and approved or returned within five days the same shall be treated as if approved.

SEC. 2. In case of the absence of the mayor or his inability from any cause to act, the council may elect by ballot from their own number, an officer who shall be styled acting mayor, and all duties performed by him shall have the same force and effect as if performed by the mayor. The acting mayor shall have the voting power but not the veto power.

SEC. 3. The city justices shall have concurrent jurisdiction with justices of the peace of the county of Brown, under the general laws of this state, and in addition thereto shall have exclusive jurisdiction to hear and try all actions arising under the city charter and ordinances cognizable before a justice of the peace, and appeals shall be allowed in all cases arising under the ordinances of said city, in criminal as well as civil actions.

SEC. 4. In case of absence, sickness or other inability of said city justices, the council, on the recommendation of the mayor, may authorize any other justice of the peace of the county of Brown, to perform the duties of said city justices, who shall possess for the time being all the authority of said city justices.

SEC. 5. The said city justices shall keep a docket and a fair and true record of all proceedings, judgments, and executions in all cases which may come before them, and shall be entitled to the same fees as are allowed to justices of the peace in similar cases, and shall, as far as practicable, be governed by the same rules and regulations as other justices of the peace in this state. The city justices shall at least once a year and at the expiration of their offices make a correct report to the city council of all fines and other moneys collected and belonging to said city.

SEC. 6. The treasurer shall receive all funds belonging to the city, keep an accurate and detailed account thereof in such manner as the council may direct. Shall pay out money only on orders drawn upon him, duly signed by the mayor and attested by the clerk of said city, and make such reports, exhibits and perform such duties as may be required by the ordinances of said city. The treasurer shall receive such compensation for his services as may be determined by the city council.

SEC. 7. The city attorney shall be a person learned in the law and shall be the legal adviser of the officers of said city upon all subjects arising by virtue of this act. He shall receive a reasonable compensation for his services, to be allowed by the city council. He shall attend and prosecute or defend all suits, actions or prosecutions commenced or prosecuted by said city, either civil or criminal and defend all actions in which the city may be defendant.

SEC. 8. The clerk of said city shall have the care of the seal and records thereof, shall be by virtue of his office, assessor of said city. He shall keep a fair record of all the proceedings of the council, and attend all meetings thereof. He shall do and perform all duties by law required to be performed by township clerks, and all powers and authority vested by law in township clerks shall be vested in said city clerk. He shall draw all orders upon the treasurer, attesting the same and pay over all moneys received by him to the treasurer, taking his receipt therefor. He shall perform the duties of assessor as required by laws of the state regulating the duties of township assessors. He shall annually at the close of each fiscal year report to the council a detailed estimate of the receipts and expenditures for the year preceding, and perform such other duties as may be required of him by the ordinances of said city, for which services he shall receive such compensation as the council may determine.

SEC. 9. The marshal of said city shall have the same power and be vested with the same authority at law and under the statutes as constables. He shall, by virtue of his office be the keeper of the public pound, and by ordinances may be required to perform the duties incident thereto. He shall be a conservator of the peace, and for all services, shall receive such fees as may be established by the council. He shall also perform such duties as may be required of him by ordinances of said city.

SEC. 10. Any person having been an officer of said corporation, shall, within two days after notification and demand, deliver to his successor in office, or other duly authorized person or persons, all property, papers and effects of every description, in his possession belonging to said city or pertaining to his office, and if he fail so to do, he shall forfeit and pay to the use of said city the sum of one hundred dollars to be recovered in a civil action.

SEC. 11. All officers mentioned in this act, shall, when called upon by resolution or otherwise of the council, make a report verified by affidavit, of any or all matters done or performed by them, either or any of them, in their official capacity.

SEC. 12. The city justices may commit any person or persons liable to imprisonment under the ordinances of said city, to the county jail of Brown county, and such persons shall be under the charge of the sheriff of said county as in other cases provided.

CHAPTER IV.

SECTION 1. The mayor and councilors shall constitute the city council. They shall meet at such times and places as may be prescribed by rule, and a majority shall constitute a quorum. The council shall determine the rules of its own proceeding and be judges of the election and qualifications of its own members and shall have power to compel the attendance of absent members, *provided, however,* that the mayor and councilors shall receive no compensation for their services as such officers.

SEC. 2. The councilors shall have the management, and control of the finances and all property belonging to the city, and the said council shall have full power and authority to make, enact, ordain, establish,

enforce, alter, modify and repeal all such ordinances, rules and regulations for the government and guidance of the city as may be deemed expedient, and declare and impose penalties by fine or imprisonment or both and enforce the same, against any person or persons violating the same, and such ordinances and regulations are hereby declared to be and to have the force of law, provided the same be not repugnant to the constitution of the United States nor of this state. The councilors shall have the exclusive power to regulate and license exhibitions, shows of any kind, circuses, caravans, theatrical, and slight-of-hand performances or any other performances or doings for which an admission fee may be charged, billiards, ten pins and pigeon hole tables, groceries, saloons, taverns, and other liquor dealers selling liquors in less quantities than five gallons, and the right of the board of county commissioners of the county of Brown, under the general statutes to grant license for the sale of any quantities of spirituous, vinous or fermented and malt liquors within said county, shall be exclusively vested in the city council within the corporate limits of said city, *provided, however,* that twenty-five dollars shall be the minimum and one hundred dollars shall be the maximum of such license.

They shall have the power to direct the location and licensing of slaughter houses and markets, and regulate the storage and keeping of gunpowder and other combustible materials.

To establish and regulate pounds, boards of health, to establish public markets and regulate the same. To regulate the manner of selling, and providing for the inspection of wood and other fuel, and weight of hay.

To take such necessary measures to prevent and prohibit the introduction of paupers and persons suffering from contagious or infectious diseases, and to provide for the proper care of any person suffering therefrom. To regulate and license auctioneers, hawkers and peddlers. To appropriate money and provide for the expenses of the city government. To alter, vacate, open, widen, extend, grade, repair, pave and lighten or otherwise improve or keep in repair the streets, alleys and public grounds of the city.

To establish and support the police of said city. To provide for taking an enumeration of the inhabitants of said city from time to time, to prescribe fire limits within which wooden buildings or buildings composed of other inflammable materials, may not be erected.

The city council shall have full power and authority to punish by fine or imprisonment or both, any violators of the public peace, keepers of unlicensed saloons or persons selling liquors of any kind without license, gamblers, persons without occupation having no visible means of support, keepers, inmates and frequenters of houses of ill-fame, and all disorderly or intoxicated persons found in any street, alley, store, saloon or other public place, and for the violation of any ordinances whatsoever, duly passed and in force in said city.

Sec. 3. The said city council shall have power and authority, by ordinance, to compel persons present and who are residents of said city to assist in extinguishing fires, and to punish by fine, persons so refusing to assist. *Provided,* that no person so refusing to assist shall be fined more than twenty-five dollars for each offense. The said council shall have power to compel the owners or occupants of any

grocery, soap factory, tannery, slaughter house, stable, barn or privy, to cleanse the same, remove or abate it as may be deemed necessary to public health. To prevent the encumbering of any of the public streets, sidewalks or alleys with wagons, boxes, fire-wood, lumber or any other materials whatever. To restrain the running at large of cattle, horses, swine, goats, sheep and geese, and to authorize the impounding, dis-training and sale of the same, to prohibit the running at large of dogs, to impose fines upon their owners, and to authorize the destruction of the same when at large contrary to the city ordinances, and to license the same to run at large. To compel the owners and occupants of any buildings or grounds to remove snow, dirt, filth and rubbish, wood or any other matter prejudicial to the welfare of the citizens of said city, therefrom, or from the sidewalks, streets or alleys, opposite thereto and to remove from grounds, buildings or inclosures and to abate same, any nuisances injurious to the public health or safety, and to remove any building which by reason of dilapidation, defective construction or other cause may have become imminently dangerous to life and prop-erty, and upon default to cause the same to be done at the expense of such owners or occupants. To prevent the dangerous construction, placing and maintaining of chimneys, fire-places, hearths, stoves, pipes, ovens, boilers and appurtenances and cause the same to be placed in a safe condition when dangerous, to prevent the deposit of ashes in unsafe places and prohibit or regulate the carrying on of manufactories dangerous or promotive of fires within the city limits.

SEC. 4. The council shall have the power to purchase fire apparatus and authorize the formation of fire, hose, and hook and ladder com-panies, provide for the support thereof, and disband the same at plea-sure, and may by ordinance exempt the members thereof from serving on juries or payment of poll tax during the continuance of such membership.

SEC. 5. The city council shall have exclusive jurisdiction over streets and highways within the corporate limits of said city. Shall have power to order and contract for the grading, repairing, cleansing of streets, alleys, public grounds, gutters, sewers and sidewalks within said city.

SEC. 6. The constable shall have the same power and authority as constables under the general statutes and shall have the same power under the city ordinances as the marshal; and in the absence or in-ability of the marshal, shall perform the duties incident to his office.

SEC. 7. All general rules and regulations shall be made by ordi-nance and before taking effect shall be published in some newspaper of the city for two weeks. All proceedings of said city council shall be entered in a book to be called the city record, by the clerk of said city, and the record so made, signed by the mayor and attested by the clerk shall be evidence of the facts therein set forth in any court of law in this state.

SEC. 8. In opening, widening or altering any street, alley or high-way in said city, the council shall appoint three disinterested per-sons who shall act as commissioners after making oath that they will act according to law and according to the best of their judgment and ability, and in all acts be governed by the laws of this state respecting the laying out, altering and vacating of highways and giving the same

right of appeal as in other cases provided by the general statute in relation thereto; *Provided*, that no property shall be taken without payment or tender of payment of the damages assessed by said commissioners to the owner or owners of property so taken for the laying out, or altering of such street, alley or highway.

SEC. 9. All plats, maps, surveys and all other records or papers belonging to or in which said city is interested, shall be filed with the clerk of said city and shall be the property thereof.

SEC. 10. Whenever the owners of two thirds of front footage of any block, shall petition in writing to the city council, asking for the grading and building of sidewalks on any portion of said block, the council shall cause the same to be graded and built at the expense of the owners of the property before which said sidewalk is prayed for to be built, and in case of neglect or refusal to pay for the same, the clerk of said city shall return the same to the county auditor with twelve per cent. penalty added thereto, who shall enter the same upon the tax duplicate, and like proceedings shall be had thereupon as in the collection of delinquent taxes.

SEC. 11. The council shall have power and authority to borrow money and issue bonds, which may be sold at par and to draw no more than twelve per cent. interest per annum, *provided, however*, that no money shall be borrowed and no bonds shall be issued unless a majority of the legal voters of the city shall have given their assent by vote at a general or special election.

CHAPTER V.

SECTION 1. All property, real and personal, within said city, as provided by the laws of the state or by ordinances of the city, shall be liable for the support of the city government and payment of its debts and liabilities, and all taxes shall be assessed and collected in the manner provided for by the general laws of this state for the assessment of taxes, except as provided in section ten, chapter four of this act, but such assessment shall not exceed eight mills on the dollar upon the valuation of real and personal property within said city limits, for all purposes in one year, nor shall any *per capita* tax be levied exceeding two dollars on each male resident over twenty-one years of age; *Provided*, that a larger assessment may be levied, upon the assent of a majority of the legal voters of said city given by vote at a general or special election.

SEC. 2. All funds in the city treasury shall be under the control of the council. All orders shall be drawn upon the treasurer by the clerk and shall specify the object for which drawn, a record whereof shall be kept by the clerk. All orders shall be payable to the order of the person in whose favor drawn. Every person entitled to, and receiving any order properly signed and attested, from the clerk, shall give his receipt therefore.

SEC. 3. The city council shall each year at least two weeks prior to the annual city election, make and publish in one or more of the city newspapers for one week, a full and accurate statement of the receipts and expenditures of the preceding year, which statement shall contain a full and correct account of the items of expenses, and on

what account received and expended, together with an accurate statement of the finances of the city, including all debts and liabilities of every description and the assets thereof.

SEC. 4. All property, moneys, effects and credits of the borough of New Ulm shall be transferred to and vested in the city of New Ulm, and said corporation shall have the power and authority to sue for, ask, demand and receive all debts, demands or liabilities due or owing to said borough of New Ulm by or from any person or persons whomsoever.

SEC. 5. All actions brought to recover any penalty or forfeiture under this act or the ordinances of said city shall be brought in the corporate name thereof. All prosecutions both civil and criminal shall be commenced as in other cases provided by statute. All summons and process shall be directed to the marshal of said city, but may be served by any person authorized by law to serve process in the county. In case of non-payment of any fine imposed by the city justices for the violation of any ordinance of said city, the city justices or appellate court may commit the defendant to the common jail of the county of Brown for a time not exceeding three months unless sooner paid, and the expenses thereof shall be defrayed by the city.

SEC. 6. All fines recovered upon a violation of any city ordinance, shall be paid to the city treasurer by the city justices after deducting therefrom the fees allowed by law, to the court, for which the city treasurer shall issue duplicate receipts, one of which the justice shall file in the office of the city clerk.

CHAPTER VI.

SECTION 1. The council may lease, purchase, hold, sell and dispose of real and personal property for the use of said city, and may exempt the corporate property of said city from taxation. *Provided*, that no real estate of said city can be sold or leased for more than twenty years except by the consent of the inhabitants of the city, given by a majority of votes cast at a general or special election. All contracts for grading streets and all other public improvements exceeding fifty dollars in value shall be let to the lowest responsible bidder or bidders, and notice shall be given of the letting of such contract by publication in some newspaper published in said city for at least three weeks immediately preceding such letting.

SEC. 2. No general laws of this state contravening the provisions of this act shall repeal, alter, modify or amend the same unless such purpose or intention shall be expressly set forth in such law.

SEC. 3. No township organization shall exist within the limits of said city, as hereby incorporated and all powers and duties conferred by the laws of this state, upon township supervisors are hereby conferred upon said council. All powers and duties of justices of the peace, upon the city justices, all powers and duties of township assessors and town clerks are hereby conferred upon the city clerk, and all duties of township treasurers, upon the city treasurer. *Provided*, that said council shall only exercise the power of township supervisors, upon lands not platted, in altering, laying out or opening and repairing of highways within the corporate limits of said city.

SEC. 4. No person shall be an incompetent judge, justice or juror, by reason of being an inhabitant of said city in any prosecution or action in which the city shall be a party or in interest.

SEC. 5. All ordinances heretofore passed and established by the council of the borough of New Ulm, not inconsistent with the provisions of this act, shall by virtue of this act be deemed valid, and be and remain in full force and effect until the same shall have been modified or repealed by the [common] council of said city of New Ulm.

SEC. 6. All process, summons or notices of whatsoever kind affecting the rights of said city of New Ulm, shall be served upon the mayor or in his absence, upon the city clerk.

SEC. 7. This act shall take effect and be in force from and after the same shall have been ratified and adopted by a majority of the legal voters of the borough of New Ulm, present and voting at an election to be held at a place to be designated by the council of the borough of New Ulm on the 21st day of March, 1876, upon at least fifteen days notice given and in all things to be conducted as required by statute in holding general elections. The voters at said election shall use ballots on which shall be written or printed, the words "for the charter" or the words "against the charter" and said election shall be held and conducted by the same officers whose duty it is to hold and conduct elections under and by virtue of the charter of the borough of New Ulm.

SEC. 8. On the first Tuesday in April, 1876, an election shall be held within the corporate limits of said city by the same persons and conducted in the same manner as described in the preceding section, for the election of officers required by the provisions of this act.

SEC. 9. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved February 24, 1876

CHAPTER V.

AN ACT TO INCORPORATE THE VILLAGE OF WYKOFF UNDER THE PROVISIONS OF CHAPTER ONE HUNDRED AND THIRTY-NINE OF THE GENERAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, AND TO CONFER CERTAIN POWERS UPON THE COUNCIL OF SAID VILLAGE AND UPON THE ELECTORS THEREOF.

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

SECTION 1. That the following sections and parts of sections of land situate in the county of Fillmore and state of Minnesota, to-wit: The west half of section twenty-two, and the east half of the east half