

CHAPTER XIII.

March 2, 1905.

An Act to Incorporate the Village of Mankato.

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

SECTION 1. All of lots one, two and three and the southwest quarter of the southeast quarter of section seven and the northwest quarter and the west half of the northeast quarter and the northwest quarter of the southeast quarter and the northeast quarter of the southwest quarter of section eighteen, all in township one hundred and eight and range twenty-six and the southeast quarter of the northeast quarter of section thirteen and lot five of last named section, in town one hundred and eight and range twenty-seven, in the county of Blue Earth and State of Minnesota, shall be known as the village of Mankato, and by that name may sue and be sued, make contracts, purchase, take

Boundary lines—
corporate name.

and hold real and personal property, and may have a corporate seal, alterable at pleasure. Every grant or devise of lands or right or transfer of property, which has been or may be made for the benefit of its inhabitants, shall have the effect as if made to the town by name.

SEC. 2. Lots one, two and three and the southwest quarter of the northeast quarter of section seven and the north half of the northwest quarter and the northwest quarter of the northeast quarter of section eighteen, township one hundred and eight of range twenty-six, entered at the United States land office, by the judge of the county courts of the county of Blue Earth, in trust for the use and benefit of the several occupants thereof according to their respective interests, under and by virtue of an act of Congress, entitled, "An act for the relief of citizens of towns upon lands of the United States under certain circumstances," shall hereafter be known and recognized as the original town of Mankato, and the starting point in the survey and location of said original town shall be the brick building erected by Messrs. Prael & DuBuisson, in eighteen hundred and sixty-four, on lot five in block fourteen, at the corner thereof cornering on Front and Walnut streets, according to the survey and plat of said town, made by S. P. Folsom, in eighteen hundred and fifty-two, and plat thereof made by E. D. Bruner, in eighteen hundred and fifty-seven, and that all distances, measurements, angles, and bearings, by all and every plat, survey or description of any part or portion of the lands included in said original town, shall be calculated from said starting point, and all conveyances of lots, blocks, parts, portions or descriptions of said lands heretofore made by the trustee, by all and every plat, map, survey or description, shall conform to said starting point, and they are so recognized, acknowledged and confirmed, and all surveys, locations, and measurements of lots, blocks, streets, alleys, descriptions or any part or portion of said lands shall be calculated from and conform to said starting point; and all additions to Mankato included in the descriptions in the first section of this act shall be considered as additions to said original town.

Original town of
Mankato.

Officers of said corporation—term of office—to take oath for faithful discharge of duty.

SEC. 3. The management of its municipal concerns shall be vested in three trustees, one of whom shall be selected by them as president, a clerk, treasurer and marshal, and such other officers as the trustees may create and appoint. The term of all officers shall commence on the third Monday of May, and shall continue for one year, (unless elected or appointed to fill a vacancy,) and until their successors are elected and qualify. All officers shall be residents of the village, and the trustees and treasurer must be freeholders thereof, and all officers shall before entering upon the discharge of the duties of their respective offices, each take and subscribe an oath to faithfully and honestly discharge the duties of their office, which said oath of office shall be filed with the clerk of said village.

When annual election to be held—how conducted.

SEC. 4. There shall be an annual election held on the first Tuesday in May of each year, at which the electors of said village qualified to vote at town elections, may elect by ballot, and by plurality of votes, the trustees, clerk, treasurer and marshal. The trustees shall give ten days notice of the time and place of holding said election, by posting up written notices thereof, in three public places of the village, or by causing such notice to be published in one or more of the newspapers printed and published in said village. *Provided*, That the first election of officers in said village shall be held on the first Tuesday in May, eighteen hundred and sixty-five. The elections shall be held and conducted in the same manner as town elections, and the laws of this State applicable to elections generally, shall apply as far as consistency will admit, and the oath of a voter shall be the same as at town meetings, and false swearing shall be perjury.

Inspectors of first election—who.

SEC. 5. That for the purposes of the first election under this act, John J. Shaubhut, John Q. A. Marsh and George Maxfield, shall be inspectors of election and also the board of canvassers for such election, and shall perform all the duties and possess all the powers of inspectors of election and board of canvassers, prescribed by this act; they shall appoint the place of holding the polls of such election and post or publish notice thereof ten days before the same; at said elec-

tion all the officers provided for by this act shall be elected, provided in case any of the foregoing board of canvassers should not be present or should fail to act as such inspectors, then and in that case it shall and may be lawful for the bystanders to fill any such vacancy that may occur in said board.

SEC. 6. No officers shall receive compensation except the treasurer and marshal, and such other officers as shall be created and appointed by the trustees, and in all cases such compensation shall be fixed by the by-law.

Who to receive compensation.

SEC. 7. A majority of the trustees shall be a quorum for business, and may remove the other officers at pleasure, and fill vacancies by appointment; and may by by-law prescribe the kind of security, and the mode of giving the same, for the other officers, and may prescribe the duties of all officers. The marshal shall have the same powers, and his duties shall be the same as a constable elected in a town, and the same fees for the same kind of service.

What to constitute a quorum—powers of trustees.

SEC. 8. Any person having been an officer of the village, who shall not within six days after requested by his successor in office, deliver all books, papers, property or effects in his hands, pertaining to such office, or belonging to the village, shall forfeit to the use of the village one hundred dollars, and shall be also liable for all damages caused by such refusal or neglect, and such successor may recover possession of such books, papers, property or effects, in the manner prescribed by the laws of this State for other officers.

Penalty for refusal to deliver to successor in office books, etc.

SEC. 9. The Trustees may enact ordinances and by-laws for all purposes contemplated by this act, and may fix penalties for violating the same; and they shall have the force of law. Before they shall become laws they shall be signed by the President and published ten days in at least one newspaper printed at Mankato, and proof of such publication shall be filed and recorded by the clerk. They shall have power

Powers of the trustees.

1. To license common showmen or any public exhibition, billiard tables, bowling saloons and all persons to vend or deal in spirituous, vinous, fermented, mixed intoxicating or any kind of liquors or drinks, to be used or sold in the village of Mankato.

2. To restrain the running at large of hogs, cattle or other animals.

3. To prescribe what shall constitute nuisances, and provide for the removal or abatement thereof, either under the ordinances or at common or statute law.

4. To suppress or restrain disorderly houses or groceries or saloons, or tipping or gambling houses, and to authorize the destruction of all instruments used for the purpose of gaming.

5. To direct the location or management of slaughter houses, markets, tanneries, the storage or keeping of gun powder or other combustible materials.

6. To compel the owner or occupant of any cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewers or any unwholesome, nauseous house or place, to cleanse, remove or abate the same.

Powers of the
trustees.

7. To prevent the incumbering of streets, sidewalks, lanes, public grounds and alleys, and to define the same.

8. To prosecute immoderate riding or driving in the streets, and riding or driving on the sidewalks, and to regulate the places of bathing or swimming.

9. To prevent any damage to the sidewalks, cross walks, fences, buildings, shade or ornamental trees, or any public improvements or property in the village.

10. To establish and create pounds, pumps, water cisterns, reservoirs, drains or ditches.

11. To lay out, alter, open, widen, extend, establish, grade, repair, or otherwise improve or keep in repair, streets, avenues, lanes, alleys, commons, parks, sidewalks, culverts and public grounds, and they may establish and record with the clerk, grades of streets or walks to which buildings and erections shall conform.

12. To prescribe the limits within which wooden building or buildings of other materials and not deemed to be fire-proof may or may not be erected, placed or repaired.

13. To prevent the dangerous construction, placing or continuance of chimneys, fire-places, hearth-stones or stove pipes, or any pipes or instruments for the conducting of fire, heat or smoke, ovens, boilers or appurtenances, and to cause the same to be removed or made secure, and to prosecute the deposit of ashes in

any unsafe place, and to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fires.

14. The trustees shall have power to enact any other by-law, or to do any other act necessary and proper to perform the duties contemplated by this act.

15. They may erect suitable buildings for village purposes.

SEC. 10. They shall have power to purchase fire engines and other fire apparatus; to organize hook and ladder, and hose and fire companies, and to provide for the support and regulation thereof, and to order such companies to be discharged and their apparatus to be delivered up, and they may appoint a chief engineer to take charge of the fire department, fire wardens to inspect chimneys and all places dangerous on account of fire, and to perform such duties as may be prescribed by by-laws, foreman and other officers of said companies, and they shall have power to compel citizens to work at fires.

May organize a fire department and furnish fire apparatus.

SEC. 11. The members of all such hook and ladder, hose, fire engine and other fire companies accepted by and under the control of said trustees, shall be exempt from serving on juries and from doing highway labor, except on property tax, so long as they shall continue active members of such fire company.

Exemptions.

SEC. 12. They may appoint any number of special constables for extraordinary occasions, and they shall constitute a village police, and shall have the usual powers, and shall be under the immediate control of the marshal, who shall be the chief of police, and the whole shall be under the control of and subject to said trustees.

May appoint additional police force.

SEC. 13. The costs and expenses of surveying the streets, lanes, alleys, sidewalks, sewers, public grounds, reservoirs, cisterns and drains, and the erection of buildings for village purposes, and of cleansing and repairing the same, and constructing and repairing reservoirs and sewers, street crossings and cross walks, may be paid out of the general fund; or reservoirs may be built by districts designated by the trustees, but the expense of opening, grading, graveling, paving or repairing streets or alleys to the centre thereof, and also

Costs of surveying streets, etc., how paid.

of sidewalks, shall be chargeable to the lots fronting on such improvements. The trustees shall not improve streets or walks, except by a petition in writing, signed by two-thirds of the owners and occupants that are living opposite such improvements. Sewers may be built, and the expenses apportioned by the trustees among the lots and parcels of land benefitted thereby. All resolutions or orders directing such improvements shall be filed and recorded by the clerk.

May be divided in-
to road districts.

SEC. 14. Mankato may be constituted one or more road districts, to be defined by the trustees, and the highway labor and taxes shall belong to the general fund.

Overseer to be ap-
pointed by the
trustees—how gov-
erned in the collec-
tion of taxes, etc.

SEC. 15. The trustees shall appoint one overseer of each road district, and they shall issue a warrant to him containing the whole amount of highway labor and taxes assessed and levied in his district, which said warrant shall be returned by him to the clerk of said village. The laws of the state shall apply to warning, working, suing for and collecting highway taxes, and to returning delinquent taxes, and in all other respects, except as herein expressly provided. The trustees shall have full power to direct the overseer when, 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 points beyond the limits of the village. The trustees shall perform the duties imposed by law on 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 supervisors of towns, in levying highway labor and taxes.

All work to be let
by contract to the
lowest responsible
bidder.

SEC. 16. All work by the village (except the highway taxes) shall be let by contract to the lowest bidder, and the trustees may require a bond with surties for the faithful performance of the contract, not less than ten days notice shall be given of the letting of the contract, by the posting of notices by the clerk in two public places in the village, to be signed by the president, and also filing said notice with the said clerk at the same time.

SEC. 17. All property, real and personal, in the village, except such as may be exempt by the laws

of the State, or is village property, shall be subject to taxation, not exceeding three mills on the dollar per year, for general purposes, except for the purchase of fire engines or a cemetery, which is not limited; such property shall also be liable for such special taxes, as the trustees shall levy. Property exempt from taxation shall be liable to assessment for building and repairing sidewalks.

What property liable to taxation.

SEC. 18. The trustees shall report to the auditor of the county of Blue Earth, the amount of general taxes levied on the village, and the amount of special taxes levied upon any of the lots or portions of said village, and shall certify to him the lots, or portions of the property upon which such special taxes are so levied, and it shall be the duty of the county auditor, to insert such taxes in the assessment roll of the town of Mankato, and the same shall be collected by the county treasurer, or returned by him as delinquent, and all proceedings in relation thereto including the selling, conveying and redeeming property, shall be the same, as in proceedings on account of other taxes. The village shall be a town so far as the collection of taxes will admit. All residents of the village shall pay a village tax on their personal property, wherever situated, proportionally with their real estate tax.

To report amount of taxes levied—duty of county auditor—how collected.

SEC. 19. The damages sustained by reason of laying out, opening or altering any road, street or alley, may be agreed on in the same manner as in a town, under the laws of the State, and the State laws shall apply in all respects, in relation to the releases of damages, the filing thereof, or the assessing thereof by the trustees, and appealing therefrom to the county commissioners, except the village clerk is substituted for the town clerk, and the trustees for supervisors. All such damages and repairs shall be levied as a tax on the village at large.

Damages for laying out streets, etc. how paid.

SEC. 20. In any action, brought to recover any penalty or damages under this act, or the by-laws made by the trustees, it shall be proper to complain that the defendant is indebted for the amount of such penalty or damages, and to refer to the act or by-law under which the same is claimed, and to give the special matter in

How actions may be brought to recover penalties and damages.

evidence under it, and all civil cases shall be under the direction and control of the trustees, and they shall have power to settle, compromise, or prosecute all such actions, on the part of the village, when said village shall be a party or interested in such action.

Before whom actions may be brought—imprisonment.

SEC. 21. Such action may be commenced in the district court, or before any justice of the peace of the county of Blue Earth and no person shall be an incompetent judge, justice or juror, by reason of being an inhabitant of such village, in an action to which the village shall be a party. Every execution issued upon any judgment recovered therein for any penalty, may contain a clause, directing in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail for thirty days, if the damages recovered by such judgment shall be ten dollars or less, and sixty days if such damages exceed that sum, and for that purpose the village shall have the use of the jail of the county of Blue Earth, and persons thereto committed, shall be under the charge of the sheriff of said county. All penalties and judgments shall be paid into the village treasury.

To constitute a part of the town of Mankato.

SEC. 22. In all respects not herein provided for, Mankato Village shall constitute and be a part of the Town of Mankato.

SEC. 23. This act shall be considered a public act, and shall be in force from and after its passage.

Approved March 2, 1865.