

of said penalty or damages, and to refer to the act or ordinance under which the same is claimed, and to give the special matter in evidence under it. All civil cases shall be under the control and direction of the common council; they shall have power to settle, compromise, or prosecute all such actions on the part of the town, when said town shall be a party, or be interested in such actions, and no person shall be an incompetent juror by reason of being an inhabitant of said town, in an action to which the town shall be a party.

SEC. 17. In all respects not herein provided for, said town shall be and continue a part of the township of Mantorville. Constituted a part of the Town of Mantorville.

SEC. 18. The corporation is invested with all powers to carry into full force, virtue and effect, all and every part of the charter of said town, and the acts amendatory thereof, and to carry into execution the same, shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and intent thereof. Powers of the corporation.

SEC. 19. All previous acts and amendments thereto which in any way conflict with the provisions of this act, are hereby repealed. Repeal of inconsistent acts.

SEC. 20. This act shall take effect and be in force from and after its passage. When act to take effect.

Approved March 5, 1868.

CHAPTER XXXIV.

An Act to incorporate the Village of Reads.

March 5, 1868.

- SECTION 1. What to constitute the Village of Reads—incorporation of said Village—constituted a school district—who to be officers of said school district.
2. In whom management of said Village vested—terms of office—to take oath conditioned for faithful performance of duties.
3. Election of Village Justice—term of office—jurisdiction of said Justice—compensation—to execute a bond—for what purpose.

4. When annual election to be held—how conducted.
5. Who to be inspectors of the first election.
6. What Village officers entitled to compensation.
7. What to constitute a quorum of Board of Trustees—duties of Marshal.
8. Any person refusing to deliver to successor in office all property, books, &c., shall forfeit and pay to the village \$100.
9. Powers of Board of Trustees.
10. Authorized to purchase fire engines and other fire apparatus—to appoint a Chief Engineer of Fire Department.
11. Members of the Fire Department exempt from serving on juries, &c.
12. Trustees to appoint special constables on extraordinary occasions—who to be Chief of Police.
13. Expense of surveying streets, alleys, &c., and repairing same, how paid.
14. May be constituted one or more road districts.
15. Trustees to appoint one Overseer of each road—duties of Overseers.
16. All work to be let to the lowest bidder—exceptions.
17. What property subject to taxation.
18. Disposition of funds arising from the sale of licenses for the sale of intoxicating liquors.
19. Trustees to report to County Auditor—what report to contain—duty of County Auditor.
20. All damages sustained by reason of laying out and opening streets, &c., shall be levied as a tax on the village at large.
21. How actions brought to recover penalties or damages.
22. Before whom such actions may be brought—qualifications of judges, justices, &c.—how punished for non-payment of penalties.
23. Deemed a public act—when act to take effect.
24. Repeal of inconsistent acts.
25. When act to take effect.

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

SECTION 1. That all of lots one, two, three and four, the north half of the south west quarter and the south west quarter of the south east quarter of section twenty-four, town one hundred and eleven north, range eleven west, and the whole of fractional section nineteen, and the west half of section thirty, town one hundred and eleven north, range ten west shall be known as the village of Reads, and as such corporation, shall possess and enjoy all the powers and privileges that can now or hereafter be possessed or enjoyed by any municipal corporations, and by the name may sue, and be sued, make contracts, purchase, take and hold real and personal property, and convey the same, and may have a corporate seal, alterable at pleasure. Every grant or devise of lands, or right or transfer of property which has or may be made for the benefit of the in-

What to constitute the Village of Reads—incorporated—to constitute a school district—officers.

habitants shall have the effect as if made to the village by name. The territory described in this act as the village of Reads, shall be and constitute but one school district, and the trustees of said village shall be the trustees of such school district, and shall be subject to the same regulations, and possess the same powers and authorities under the general laws of this state, as trustees of other school districts possess and enjoy; *Provided*, That the clerk of said village shall be clerk of said school district, and the treasurer of such village shall be treasurer of such district. *Provided*, That so much of this section as relates to schools shall have no force or effect until a majority of the trustees of said village shall at a regular meeting of the board vote to accept and be governed by the provisions of this section relating to common schools of said village.

SEC. 2. The management of its municipal concerns shall be vested in five trustees, one of whom shall be elected by them as president, a clerk, a treasurer and marshal, and as many other officers as the trustees may create and appoint. The term of all officers shall commence on the first Wednesday in April, and shall continue for one year, (unless elected or appointed to fill a vacancy,) and until their successors are elected and qualified. 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 shall be filed with the clerk of said village.

In whom management of said Village vested—
terms of office—
to take oath.

SEC. 3. There shall also, at the first election of officers under this act, be elected by the legal voters of said village and biennially thereafter, one village justice, who shall hold his office for the term of two years and until his successor is elected and qualified, and shall have the exclusive jurisdiction of all the judicial powers granted the said corporation by this act, except as hereinafter provided. Such village justice shall at the time of his election, and during his term of office be a resident of said village, and shall keep his office therein, and shall have and exercise all the powers and jurisdiction of, and when acting as such receive the same compensation as justices of the peace elected under the general laws of this state. Such justice shall execute a bond for the faithful discharge of the duties of his office; which bond shall be affirmed by said trustees and filed with the clerk of said village, he shall

Duties of Village Justice.

take the same oath of office as is required of the other village officers by this act.

SEC. 4. There shall be an annual election held on the third Tuesday of March, 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 such election, by posting up written notices thereof in three public places in such village. *Provided*, That the first election of officers in said village shall be held on the twenty-sixth day of March, eighteen hundred and sixty-eight. 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.

When annual election to be held—how conducted.

SEC. 5. That for the purpose of the first election under this act, William C. Piers, James Pauley and Henry Duene, shall be inspectors of election, and also the board of canvassers of such election, and shall perform all the duties and possess all the powers as 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 election 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 as may occur in said board.

Who to be inspectors of first election.

SEC. 6. No officer shall receive compensation except the clerk, treasurer, village justice and marshal, and such other officers as shall be created and appointed by trustees, and in cases such compensation shall be fixed by the by-laws.

Who entitled to compensation.

SEC. 7. The 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's elected in a town, and shall have the same fees for the same service.

What to constitute a quorum of board of Trustees—duties of Marshal.

SEC. 8. Any person having been an officer of the village who shall not, within six days after requested by his successor, deliver all books and paper property or effects, in his hands, pertaining to such office, or be'onging 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 refusing to deliver books, &c., to successor in office.

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, by three written notices posted in three public places in said village, and proof of such publication shall be filed and recorded by the clerk. They shall have exclusive power—

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

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

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

Fourth—To repress or restrain disorderly houses, or groceries, or saloons, or tippling or gambling saloons and houses, and to authorize the destruction of all instruments used for the purpose of gaming.

Duties of board of Trustees.

Fifth—To direct the location or management of slaughter houses, markets, tanneries, the storage or keeping of gunpowder or other combustible materials.

Sixth—To compel the occupant or owner 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.

Seventh—To prevent the encumbering of streets, sidewalks, lanes, public grounds and alleys, and to define the same.

Eighth—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.

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

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

Eleventh—To lay out, alter, open, widen, extend, establish, grade, repair, or otherwise improve or keep in repair, streets, avenues, lanes, alleys, commons, paths, 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.

Duties of board
of Trustees.

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

Thirteenth—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 ap-purterances, and to cause the same to be made secure, or removed, and to prosecute the deposit of ashes in any un-safe place, and to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fires.

Fourteenth—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.

Fifteenth—They may erect suitable buildings for vil-lage purposes.

Authorized to
purchase en-
gines and other
fire apparatus—
to appoint Chief
Engineer.

SEC. 10. They shall have power to purchase fire en-gines, and other fire apparatus, to organize fire, hose, hook and ladder companies, and provide for the support and regu'ation thereof, and to order such companies to be dis-charged, and apparatus to be delivered up, and they may appoint a chief engineer to take charge of the fire depart-ment, fire wardens to inspect chimneys and all places dangcr-ous on account of fire, and to perform such duties as may be prescribed by by-law, foremen and other officers of said companies, and they shall have power to compel cit-izens to work at fires.

Members of fire
department ex-
empt from serv-
ing on juries, &c.

SEC. 11. Members of all hook and ladder, hose, en-gines, and 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.

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.

Trustees to appoint Constables — who to be Chief of Police.

SEC. 13. The costs and expenses of surveying the streets, lands, alleys, sidewalks, sewers, public grounds, reservoirs, cisterns and drains, and the erection of buildings for village purposes, and the 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 of sidewalks shall be chargeable to the lots fronting on said 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 said improvement, sewers may be built, and the expenses apportioned by the trustees, among the lots and parcels of land benefited thereby. All resolutions, or orders directing such improvements shall be filed and recorded by the clerk.

Expenses of surveying streets, &c., how paid.

SEC. 14. The village of Reads 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, but shall be expended in the road district where same is levied and raised.

To constitute one or more road districts.

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 returning delinquent taxes, and in all respects, except as herein expressly provided. The trustees shall have full power to direct the overseer when, where, and how to expend same 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 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

Overseers of road districts — how appointed — duties.

to the supervisors of said towns, in levying highway labor and taxes.

All work let to lowest bidder—exceptions.

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 sureties 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.

What property to be taxed.

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 a taxation to an amount not exceeding the sum of one thousand dollars in each 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.

Disposition of license money.

SEC. 18. All taxes arising in any way from the sale of licenses for the sale of spirituous, vinous and intoxicating liquors, shall be appropriated to, and paid into the common school fund, for the use of schools in said village.

To report to Auditor—what report to contain—duty of Auditor.

SEC. 19. Trustees shall report to the auditor of Wabasha county 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 tax is so levied, and it shall be the duty of the county auditor to insert so much of such taxes in the assessment roll of the village of Reads as is levied on property in said village, 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 same as in proceedings on account of other taxes. The village shall be a town so far as the collection of taxes is concerned. All residents of the village shall pay a village tax on their personal property proportionately with their real estate tax.

Damages caused by opening streets, &c., to be levied on the village at large.

SEC. 20. 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 release 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.

SEC. 21 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 said penalty is claimed, and to give the special matter in 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.

How actions brought to recover penalties.

SEC. 22. Such action shall be commenced before said village justice, unless he is from some cause disqualified, or unable to try the same, in which case such action may be commenced in the district court, or before any justice of the peace of the county of Wabasha, 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 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 Wabasha, 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.

Before whom action brought—qualifications of judge, justices, &c.—how punished.

SEC. 23. This act shall be considered a public act, and be in force from and after its passage; *Provided*, That if twenty-five of the legal voters of the district in first section of this act described as the village of Reads, shall petition the canvassers in this act named, in writing, on or before the fifth day of March, eighteen hundred and sixty-eight, for an election to determine whether the people of said district desire this act of incorporation, the said canvassers shall appoint and fix the day for said election, which shall not be after the sixteenth day of March, eighteen hundred and sixty-eight, and shall give due notice thereof,

Deemed a public act—when act to take effect.

which notice shall be substantially the same as is required by section four of this act for annual elections. Those voting at such election shall possess the same qualifications, and be subject to the same penalties for illegal voting or false swearing as is provided for, and required by this act for annual elections. The ballots used at such election shall be written or printed on paper, as follows "For village charter" or "Against village charter" as the case may be. The votes at said election shall be canvassed by said canvassers, and the result thereof declared and published by them. If said canvassers shall declare and publish, that a majority of the votes cast at such election for "village charter," or if the petition in this section referred to, and provided for should not be presented to said canvassers as provided herein, then in such case this act shall be and remain in full force and effect, the same as would have been the case had not this proviso been inserted in this act. But if a majority of said votes should be "Against village charter," then in such case, all rights, privileges and powers by this act granted, shall be forfeited, and no further election or action under or by virtue of it, shall be taken or be valid. No irregularity in conducting the proceedings or election in this proviso provided for, shall effect or default this act. The polls of the election in this section provided for, shall be opened at nine o'clock in the forenoon, of the day fixed for said election, and closed at four o'clock in the afternoon of said day.

Repeal of inconsistent acts.

SEC. 24. All acts or parts of acts inconsistent with this act, are hereby repealed.

When act to take effect.

SEC. 25. This act shall take effect and be in force from and after its passage.

Approved March 5, 1868.