

## CHAPTER V.

*An Act to incorporate the village of Lake Crystal.*

Feb'y 24, 1870.

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

SECTION 1. All of section five, of township one hundred and seven, range twenty-eight, and all of the south half of section thirty-two, in township one hundred and eight, range twenty-eight, shall be known as the village of Lake Crystal, and as such corporation shall possess and enjoy all the powers and privileges that can now or hereafter may be possessed or enjoyed by any municipal corporation, and by that name may sue and be sued, contract and be contracted with, purchase, take and hold real or personal property, ever grant or demise of lands, for rights or transfers of property, which be in the name of the village, and convey the same, and may have a corporate seal, and alter the same at pleasure.

Corporate rights.

SEC. 2. The territory described in this act as the village of Lake Crystal, shall constitute but one school district, and the board of trustees of said village shall be 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 recorder of said village shall be clerk of said school district, and the treasurer of said village shall be treasurer of such district; *And provided*, That so much of this section as relates to school officers and their duties, shall have no force or effect until the majority of the legal voters present and voting at a legal school meeting held in said district, shall vote to adopt the provisions in relation thereto, and be governed by the provisions of this act, in relation to school officers.

Boundary lines.

SEC. 3. The elective officers of said village and the management of its municipal concerns, shall be vested in a president and four trustees, which shall be styled the board of trustees of the village of Lake Crystal, a recorder, one assessor, a justice of the peace, who shall be styled police justice, and a treasurer who shall hold their respective offices for one year, except in case of vacancy and until their successors are elected and qualified. All village officers shall have resided in the village four months and be qualified electors of the state.

Term of office of elective officers.

SEC. 4. The term of all officers shall commence on the second Monday in April next after their election, unless elected or appointed to fill a vacancy, and all officers shall before entering upon the discharge of the duties of their

When term of office to begin—to take oath.

respective offices, each take and subscribe an oath to faithfully and honestly discharge the duties of their offices, which said oath shall be filed with the recorder of the village, before they enter upon the discharge of their duties.

What officers  
elected annually  
—jurisdiction of  
justices.

SEC. 5. There shall at the first election of officers under this act, be elected by the legal voters of said village, and annually thereafter, a president and four trustees, a recorder, one assessor, a justice of the peace, to be styled a police justice, and a treasurer, who shall hold their respective offices for one year, and until their successors are elected and qualified; said police justice shall have exclusive jurisdiction of all judicial powers granted the said corporation by this act, also have and exercise all the powers and jurisdiction of justices of the peace, and receive the same compensation as a justice of the peace elected under the general laws of the state of Minnesota, but all portions of general laws relating to trial by jury, change of venue, appeals, writs of certiorari, and all other proceedings which apply to justices courts, shall apply to the entire jurisdiction of said police justice; *Provided*, No change of venue shall be taken or granted when said police justice has exclusive jurisdiction. Such police justice shall, at the time of his election, and during his term of office, be a resident of said village, and shall hold his office therein. Such justice shall execute a bond, with sureties, to be approved by the village board, for the faithful discharge of the duties of his office, which said bond shall be filed with the recorder of said village; he shall also take the same oath of office as is required of the other village officers of this act.

How elections to  
be conducted.

SEC. 6. There shall be an annual election held on the fourth Tuesday of March of each year, at which the electors of said village, qualified to vote at town elections, may elect by ballot, and plurality of votes, a president and four trustees, a recorder, treasurer, assessor and police justice. The board of trustees shall give ten days notice of the time and place of holding such elections, by posting up printed or written notices thereof, in three public places in said village; *Provided*, The first election of officers in said village shall be held the fifth Tuesday of March, eighteen hundred and seventy. The said election shall be held and conducted in the same manner as township elections, except the polls shall be open at one o'clock P. M., and closed at five o'clock P. M., 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 meeting, and false swearing shall be perjury.

SEC. 7. That for the purpose of election under this act, William R. Robinson, L. O. Hunt, H. Humphrey, M. E. Dunn, A. Schmidlin, shall be inspectors of election, and also the board of canvassers prescribed by this act. They shall appoint the place of holding the polls of such elections, and post or publish notices as hereby provided for annual elections; at said elections all the officers provided for by this act shall be elected, provided in case of 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 the said board.

Who to be inspectors of first election—vacancy in board how filled.

SEC. 8. No elective officer shall receive compensation except the recorder, assessor and police justice, and in all cases compensation shall be fixed by the by-laws, except police justice which is fixed by statute law.

Compensation of officers.

SEC. 9. A majority of the board of trustees shall be a quorum for business, and may appoint at pleasure a surveyor, marshal, street commissioner, or any other officer, for specific purposes; fill all vacancies by appointment, and may 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 shall have the same fees for the same services.

What to constitute a quorum—power of board of trustees.

SEC. 10. Any person having been an officer of the village, who shall not in six days after requested by his successor, to deliver all books and 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 also be 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 the state for other officers.

Penalty for refusing to deliver property, &c., to successor.

SEC. 11. The board of 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; *Provided*, That no such ordi-

nance will be in force until the same shall have been posted up ten days prior to its taking effect, in three public places in said village, and the certificate of the recorder entered on the records of said village shall be deemed sufficient evidence of the publication of the same. They shall have exclusive power—

First.—To license common showmen for 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 drink to be used or sold in the village of Lake Crystal.

Powers of board  
of trustees.

Second.—To restrain and regulate the running at large of hogs, cattle or other animals, to build and maintain a pound and appoint a pound keeper, and regulate the fees and charges thereof.

Third.—To describe what will 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 gambling places, and to authorize the destruction of all instruments or devices used for the purpose of gambling.

Fifth.—To direct the location or management of slaughter houses, markets, tanneries, or any combustible materials.

Sixth.—To compel the occupants or owners of any cellars, tallow chandler shop, soap factory, livery stable, barn, privy, or any unwholesome, nauseous house or place, to cleanse, remove or abate the same.

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

Eighth.—To prosecute immoderate riding or driving in the streets, and riding or driving on or across the sidewalks, and to prevent any damage to the sidewalks, crosswalks, fences, buildings, shade or ornamental trees, or any public property or improvements in said village.

Ninth.—To establish and create pumps, water cisterns, reservoirs, streams, ditches or sewers.

Tenth.—To lay out, alter, open, widen, extend, establish, grade, repair, or otherwise improve or keep in repair streets, alleys, commons, sidewalks, ditches, sewers, and public grounds, and they may establish and record with the recorder, grade of streets or sidewalks with which buildings and directions shall conform.

Eleventh.—To prescribe the limits within which limits wooden buildings or other buildings or other material deemed hazardous and not fire-proof may or may not be erected or placed.

Twelfth.—To prevent the dangerous construction or placing of chimneys, fire places or stove pipes or any pipe or instruments for the construction of fire, heat or smoke, open boilers or appurtenances, and to cause the same to be made secure or removed, and to prosecute for the deposit of ashes in any unsafe place, and to regulate the carrying on of manufactories dangerous in causing or promoting fires.

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

Fourteenth.—They may erect or rent suitable buildings for village purposes, and keep the same in repairs.

SEC. 12. They shall have power to purchase fire engines and other fire apparatus, to organize fire, hose, hook and ladder companies, and provide for the support and regulations thereof, and to order such companies to be discharged and the apparatus to be delivered up to the board of trustees or their duly authorized agents, 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 perform such duties as may be prescribed by law—fireman and other officers of said companies—and they shall have power individually to compel citizens to work at fires and make and regulate fines for refusing to work at such fires.

To purchase fire engines, &c.—to appoint chief engineer and fire wardens.

SEC. 13. Members of all hook and ladder, engine and fire companies, shall be exempt from serving on juries so long as they shall continue active members of such companies.

Exemptions of firemen.

SEC. 14. They may appoint any number of special constables for extraordinary occasions, and they shall constitute a village police, and shall have the usual power 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 and subject to the said board of trustees.

To appoint special police.

SEC. 15. The cost and expense of surveying the streets, alleys, sidewalks, sewers, public grounds, reservoirs, cisterns and drains, and the erection of buildings for village purposes, and cleaning and repairing the same, and constructing and repairing reservoirs and sewers,

Expense of surveying and grading streets, &c., how paid.

street crossings and cross walks, may be paid out of the general fund, but the grading and building and repairing of sidewalks, shall be chargeable to the lots fronting on said improvements. The board of 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 improvements. Sewers may be built and the expense 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 recorder.

SEC. 16. The village of Lake Crystal 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 the same is laid and raised.

May constitute one or more road districts.

SEC. 17. The board of trustees shall appoint one overseer for 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 recorder of said village, as the laws of the state direct of overseers of highways, and the laws of the state shall apply to the warning, working, levying for, and collecting highway taxes, and returning delinquent taxes in all respects as therein expressly provided. The board of trustees shall have full power to direct the overseer when, where and how to expend the said labor and tax, to remove him, and may direct him to expend the money at any point within the limits of their respective road districts in the village. The board of trustees shall perform the duties imposed by law upon the supervisors of towns in laying 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 laying highway labor and taxes.

Who to appoint overseers of highways—their duties.

SEC. 18. All work by the village, except the highway taxes, shall be let by contract to the lowest bidder, and the board of trustees may require a bond, with sureties, to be approved by them 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 recorder in three public places in the village, to be signed by the president, and also filing said notice with the recorder at the same time; all property, real and personal, in the village, except such as may be exempt by the

All work to be given to lowest bidder—what property subject to taxation.

laws of the state, or is village property, shall be subject to taxation to any amount not exceeding ten mills on the dollar of valuation in each year, for general purposes, except for fire engineer or a cemetery, which is not limited, such property shall also be liable for such special taxes as the trustees may levy; property exempt from taxation shall be liable to assessment for building and repairing sidewalks.

SEC. 19. All taxes arising in any way from the sale of licenses for the sale of spirituous, vinous or intoxicating liquors, shall be applied for general town purposes

Disposition of certain moneys.

SEC. 20. The recorder shall certify to the auditor of Blue Earth county, on or before the fifteenth day of September, of each year, the amount of general taxes levied in the village, and the amount of special taxes levied upon lots or portions of said village, and the lots or the 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 rolls of the village of Lake Crystal as is levied on property in said village, and the same shall be collected by the county treasurer and returned by him as delinquent, and all proceedings in relation thereto, including the selling, conveying and reducing property, shall be the same as in proceedings on account of other taxes. The village shall be a town so far as 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.

When recorder to report the amount of taxes levied—duty of county auditor.

SEC. 21. The damages sustained by reason of laying out, opening, or altering any road, street or alley, may be agreed upon 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 the appealing therefrom to the county commissioners, except the recorder is substituted for the town clerk, and the board of trustees for the supervisors. All such damages and repairs shall be levied on the village at large.

Damages in opening streets, &c., how ascertained.

SEC. 22. In any action brought to recover any penalty or damages under this act, or the by-laws made by the board of trustees, it shall be proper to complain that the defendant is indebted for the amount of such penalty or damages, and refer to the act or by-law under which said penalty is claimed, and to give the special matter in evidence under it, and in all civil matters shall be under the

How actions to be brought.

direction and control of the board of 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 actions.

Before whom action to be tried—penalty for non-payment of judgments.

SEC. 23. Such actions shall be commenced before said police 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, before any justice of the peace of the county of Blue Earth, and no person shall be an incompetent judge, justice, juror, by reason of being an inhabitant of said village, in any action to which said village shall be a party; every execution issued upon any judgment recovered therein for any penalty, may contain a clause directing in event of non-payment of the judgment, the imprisonment of the defendant in the county jail for thirty days, if the damages to be recovered from such defendant, shall be ten dollars or less; 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.

Declared to be a public act—to be submitted to voters—election] how conducted.

SEC. 24. This act shall be considered a public act and be in force from and after its passage; *Provided*, That on the twenty-second day of March, eighteen hundred and seventy, said act shall be submitted to the legal voters of the district embraced and included in such act, for an election, to determine whether the people of said district desire this act of corporation, the commissioners herein named shall give due notice thereof, which notice shall be substantially the same as is required by section six of this act, and for annual elections. Those voting for each election shall possess the same qualifications and be subject to the same penalties for illegal voting or false swearing as provided for by this act for annual elections. The ballots used at such elections shall be written or printed on paper, as follows: For Village Charter, or against Village Charter, as the case may be. The votes at such election shall be canvassed by said commissioners, and the result thereof declared and published by them. If a majority of the legal votes cast at said election shall be for village charter, then the canvassers shall so declare, and 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 shall 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 affect or default this act.

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

Approved February 24, 1870.

## CHAPTER VI.

*An Act to incorporate the Borough of New Ulm and to repeal its present acts of Incorporation.* Feb'y 19, 1870.

### CHAPTER I.

- SECTION 1. Corporate rights of the Borough of New Ulm.
2. Boundary lines of said Borough.
  3. Style of all ordinances.

### CHAPTER II.

- SECTION 1. Elective officers of said Borough.
2. Term of office.
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  4. When annual election to be held—how conducted.
  5. Qualifications of electors—what to constitute an election.
  6. In case of tie vote, how decided.
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  8. Special elections may be held—how conducted.
  9. Vacancies, how filled.
  10. When office deemed vacant.
  11. When new election may be held.
  12. Duties of inspectors of election—duties of Borough Clerk.
  13. Every person elected or appointed to office to take oath conditioned for the faithful performance of duties—what officers to give bonds.