

time be guilty of a palpable omission of duty, or shall willfully or corruptly be guilty of oppression, malconduct, or partiality in the discharge of the duties of his or their office, he or they shall be liable to be indicted in the district court for Chisago county, or shall answer in civil action to such omission, oppression, defalcation, malconduct or partiality, and on conviction, he or they shall be fined not more than five hundred dollars, and the court shall have power (on the recommendation of the jury) to add to the judgment of the court, that he or they be removed from office and have power to increase the fine.

SEC. 16. That section one of the act entitled "An act creating an independent school district in the town of Taylor's Falls," passed March 6th, 1871, be amended so as to read, "That all the territory included within the corporate limits of the town of Taylor's Falls, as fixed by section two of chapter one of this act, shall, from and after the last Saturday in March, A. D. one thousand eight hundred and seventy-three, constitute in law one separate and independent school district." That section eight of said act be amended so as to read, "The said board shall, previous to the first day of August in each year, make an estimate of the amount deemed necessary to be raised to defray all the incidental expenses of maintaining the schools in said district, and to keep in repair and preserve the buildings of said district and other property thereof, and to meet any indebtedness of the district becoming due during the year, and certify the same to the council of the town, with a recommendation that the amount be raised by a tax upon the property of the town, such recommendation to be signed by the president and the secretary of said board, and filed in the office of the recorder of said town.

Approved March 8, 1873.

CHAPTER III.

AN ACT TO INCORPORATE THE VILLAGE OF MADELIA, IN THE COUNTY OF WATONWAN.

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

SECTION 1. All that part of the township of Madelia, county of Watonwan and state of Minnesota, hereinafter described, shall be known and constitute the village of Madelia, and as such corporation

shall have all the powers generally possessed by municipal corporations at common law, and in addition thereto shall possess all the powers hereinafter granted, and by that name may sue and be sued, make contracts, purchase, take and hold real and personal property, and have a corporate seal, alterable at pleasure.

SEC. 2. The territory included in said village of Madelia shall be all of the territory included in the original village of Madelia according to the plat thereof on file in the office of the register of deeds in and for Brown county, Minnesota, and also all of the northeast quarter of section number twenty-seven, and the south half of section number twenty-two, in township number one hundred and seven, north of range number thirty, west of the fifth principal meridian; and lying in the county of Watonwan, state of Minnesota.

SEC. 3. The government of said corporation, and the management of all its municipal concerns shall be vested in three trustees, (one of whom shall be selected by themselves as president) and [one] treasurer, two justices of the peace, an [one] assessor, and [one] marshal, and one clerk, who shall be residents of the village. The trustees, treasurer and justice of the peace shall be elected by the qualified voters of said village. The assessor, clerk and marshal of said village shall be appointed by the trustees of said village, and may be removed at any time by said trustees. The trustees and treasurer shall hold their offices for one year, and the justice of the peace shall hold his office for two years, and until their successors are elected and qualified. The trustees may fill by appointment any vacancy which may occur in any of the village officers.

SEC. 4. There shall be an annual election held on the first Monday in April of each year, at which the electors residing within the limits of said village, qualified to vote at town elections, may choose by ballot and by plurality of votes, the trustees, treasurer and justices of the peace of said village. The trustees shall act as judges of election in said village, but in case of the absence of either of them any qualified voter of said village may be selected by the voters present to act as such judge. At all village elections held under this act the polls shall be opened at one o'clock in the afternoon, and continue open until five o'clock in the afternoon of the same day. The election shall be by ballot and shall be conducted and governed in the same manner, as near as may be, as township elections. The village clerk shall give such notice of such elections as is provided by law for notice of town elections; *Provided*, That any failure by the clerk to give such notice as aforesaid shall not in any manner invalidate such election. Special meetings may be called at any time by the trustees of said village upon the petition of twelve legal voters and freeholders of said village, by giving the notice above required, stating the object of such meeting. The first election in

said village under this act shall be holden on the first Monday of April, A. D. one thousand eight hundred and seventy-three, and Nels Torson, H. B. Wadsworth and George W. Yates, or any two of them shall act as judges of said election and shall give ten days notice of such election and the place of holding the same, by posting up three notices of the same in three public places in said village. They shall canvass the votes and issue certificates of election to those having the highest number of votes.

SEC. 5. Said village of Madelia, and the remaining portion of the township of Madelia outside of said village, shall, for general election purposes, constitute, as heretofore, an election district of said Watonwan county, and the officers of said township of Madelia shall conduct such general elections and make returns thereof as is prescribed by the general election laws of the state. And the said township of Madelia may hold their general and township elections within the corporate limits of the said village of Madelia, if such township shall desire so to do.

SEC. 6. Each elective officer, before entering upon the duties of his office, and within ten days after his election, shall take and subscribe to an oath that he will support the constitution of the United States and of the state of Minnesota, and that he will faithfully perform the duties of his office in accordance with the law and the ordinances of said village. And in addition thereto the treasurer, clerk, justice of the peace and marshal shall each give a bond with sufficient sureties, to be approved by the trustees, in a sum not less than two hundred dollars, conditioned for the faithful performance of the duties of their respective offices, which bond, together with the oath of office, shall be filed with the clerk of the district court. The justices of the peace, clerk and treasurer shall respectively possess all the powers, and enjoy all the rights, and be subject to all the liabilities, rules, laws and fees, as far as the same may apply, as such township officers are by the general laws of the state, and their bonds shall run to the trustees of said village and their successors in office. The marshal shall have all the powers and perform all the duties, be under the same liabilities, and receive the same compensation for his services as a township constable, throughout his county. *Provided*, That the trustees shall receive no compensation for their services. The treasurer shall receive all moneys belonging to said village, keep a just and true account thereof in a book to be provided by the trustees for that purpose, and shall pay out the same only upon the order of the president of the board of trustees attested by the clerk. He shall settle with the trustees at the close of each year, and oftener if required to do so by said trustees. It shall be the duty of the marshal to suppress all riots, disturbances, and breaches of the peace, and to arrest all disorderly or drunken persons in said

village, and for this purpose he shall have all the authority and power of the sheriff of his county.

SEC. 7. A majority of the trustees shall be a quorum for the transaction of business. They shall appoint a clerk, assessor and marshal, and such other officers as may be deemed necessary, and may prescribe by by-laws the duties of such officers when not defined by law. The trustees may enact ordinances and by-laws for all purposes contemplated in this act, and may affix penalties for violating the same, and they shall have all the force of law, but before they shall become law they shall be signed by the president and clerk, and be posted up in three public places in said village ten days, and shall be filed and recorded by the clerk. The style of all ordinances shall be, "The trustees of the village of Madelia do ordain as follows." The trustees shall have exclusive power:

First—To license and regulate within the corporate limits of said village, according to law or ordinance, or both, the selling, vending, or dealing in any manner in spirituous, vinous, malt, fermented or intoxicating liquors or drinks; to license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of any caravan, circus, theatrical or slight of hand performance; to license and regulate billiard tables, ten-pin or other ball-alleys; to license and regulate auctioneers and peddlers and venders of gunpowder, and to revoke any such license at their discretion. *Provided*, That in no instance shall the sum to be paid for any such license be less than the amount fixed and provided by law, when the same is established by the laws of this state; *And provided further*, That any person paying license as aforesaid shall not be required to pay a county license for the same. All moneys received for any such license, and from all other sources, shall be paid to the treasurer of said village.

Second—To restrain and prohibit every description of gaming with cards or other devices, and to authorize the destruction of all instruments used for the purpose of gaming.

Third—To prevent any riots or disorderly assemblages, and to suppress and restrain disorderly houses, groceries, and houses of ill-fame.

Fourth—To direct the location and management of slaughter-houses and markets, the storage of gunpowder or other combustible material, and to compel the owner or occupant of any cellar, soap-factory, tannery, stable, barn, privy, sewer, or any unwholesome house or place, to cleanse, remove or abate the same.

Fifth—To prevent the incumbering of streets, sidewalks, lanes, public grounds and alleys, and to define the same, and to prevent racing or immoderate driving, or riding, on the same; also, to prevent injury to the same or any public property in said village.

Sixth—To restrain the running at large of horses, cattle, mules, swine and sheep, and to authorize the distraining, impounding and sale of the same; also, to prevent the running at large of vicious dogs, to make and establish a pound and appoint a pound-master; to protect shade and ornamental trees in the streets, alleys and public grounds, and to require the owner or owners of lots to set out shade and ornamental trees in the street fronting the same, and to compel the owners or occupants of buildings to remove snow, dirt or rubbish from streets, sidewalks or alleys opposite thereto.

Seventh—To organize fire companies and to regulate their government; to restrain drunkards, immoderate drinking or obscenity in the streets, and punish all persons guilty of the same; to lease, purchase or erect all buildings necessary for the use of said village as a municipal corporation; to lay out, make, keep open and in repair, grade, improve, alter, widen, vacate or discontinue roads, streets, alleys, sewers, or sidewalks in said village; to examine and audit the accounts of all persons against said village; to establish and maintain pumps, cisterns, reservoirs and drains in said village, and to purchase and hold any lands necessary for the purposes herein named; to prevent the dangerous construction of chimneys, fireplaces, or stovepipes, and cause the same to be removed or made safe.

SEC. 8. The trustees shall on the annual election day, make an accurate statement of the finances of the village at that date, including all debts and liabilities and the means and assets to discharge the same, which statement shall be read to the electors present, and recorded by the clerk for the inspection of all persons.

SEC. 9. The village of Madelia shall constitute one road district, and the trustees shall have power to assess every male resident of said village above the age of twenty-one years, and under the age of fifty years, two days labor, or in lieu thereof, three dollars in money, at the option of the person so assessed, per annum, to be applied on roads, streets and alleys in said village, and all surplus funds arising from such assessment shall belong to the general village fund. The trustees shall appoint an overseer of said 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 he shall return to the village clerk. 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 provided. The trustees shall have full power to direct the overseer when, where and how to expend such labor and tax, and to remove him; and may also direct him to expend labor and money upon legally laid out highways outside of the limits of said corporation and within one mile thereof.

SEC. 10. Penalties and forfeitures for the violation of any of the village ordinances shall belong to and be paid into the village treasury, and may be sued for by the trustees in the name of the village of Madelia. The expenses of opening and grading new streets, and paving, building, repairing and maintaining side-walks on streets and alleys may be chargeable to the lots fronting on the same or may be paid out of the general fund in whole or in part at the discretion of the village trustees.

SEC. 11. All property, both real and personal in said village, except such as may be exempt by the laws of the state, or as village property, shall be subject to taxation for village purposes, not exceeding five mills on the dollar for any one year, and such property shall also be liable for such special taxes as the trustees shall levy in pursuance of law. And the trustees may levy a tax upon the taxable property of the village when authorized by a vote of the legal voters of said village, not exceeding ten mills on each dollar of valuation for any one year, to be used for such purpose as the legal voters of said village may direct.

SEC. 12. It shall be the duty of the assessor to assess all property liable to taxation within the limits of said corporation, and in the discharge of his duties he shall be governed by the laws of the state in the same manner as township assessors.

SEC. 13. The trustees shall report to the auditor of Watonwan county, on or before the first day of each year, the amount of general and special taxes levied upon any of the property or lots in said village of Madelia, and it shall be the duty of the county auditor to insert such taxes in the assessment roll of said village, and the same shall be collected by the county treasurer or returned by him as delinquent. And all proceeding in relation thereto, including the selling, conveying and redeeming the same, shall be as in proceedings on account of other property under the laws of this state.

SEC. 14. The damage sustained by reason of laying out, opening, or altering any street, road or alley, may be determined in the same manner as the laying out of a road in a town under the laws of the state, except the village clerk shall be substituted for the town clerk, and the trustees be substituted for the supervisors.

SEC. 15. All actions brought to recover any penalty, sum of money or forfeiture, under this act, or the ordinances and by-laws made by the trustees, shall be brought in the name of the village as incorporated, and it shall be proper to complain that the defendant is indebted for the amount of such penalty or damage, and to refer to the act or by-law under which the same is claimed, and to give special matter in evidence under it, and all civil cases shall be under the control of the trustees, and they shall have power to prosecute, defend, settle or compromise all such actions on the part of the

village, in actions against said village. Service of process shall be upon the president of the board of trustees, or the clerk thereof, and the village shall have all and the same rights of an appeal as individuals have.

SEC. 16. All civil actions may be commenced by said village in district court, or before a justice of the peace of Watonwan county, without being required to give security for costs in such actions, and in no case shall judgment be rendered against said village for costs in criminal actions, and no person shall be an incompetent judge, justice or juror by reason of being an inhabitant of said village, in an action to which the village shall be a party. Every execution issued upon any judgment therein for any penalty, or for the violation of any of the provisions of this act, or any ordinance or by-law made by virtue thereof, may contain a clause directing, in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail of Watonwan county, or an adjoining county, not exceeding thirty days, if the judgment, including costs, shall be ten dollars or less, and not exceeding sixty days if such judgment exceed the sum of ten dollars, and the sheriff of said county of Watonwan shall receive and take charge of such persons so committed.

SEC. 17. It shall be lawful for the trustees to purchase in the name of the said corporation a suitable piece of land not exceeding ten acres, either within or without the limits of the village for cemetery purposes, and may cause the same to be surveyed, and a plat thereof made and filed with the village clerk, and at the expense of the said village, whenever the legal voters of said village by vote shall direct them so to do. They may also sell lots therein and convey title to the same, and have the care and custody of the grounds. Deeds of lots in said cemetery shall be as other deeds of real estate, except they shall be used for cemetery purposes only and be signed by the president of the board of trustees and the village clerk.

SEC. 18. This act shall take effect and be in force from and after its passage.

Approved March 8, 1873.