

CHAPTER V.

AN ACT TO INCORPORATE THE VILLAGE OF WORTHINGTON.

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

SECTION 1. That all of sections twenty-three (23), twenty four (24), twenty-five (25) and twenty-six (26), in township one hundred and two (102) north, all of range forty west, situated in the county of Nobles, Minnesota, shall hereafter be known and designated by the name of "the village of Worthington;" and the inhabitants residing or who may hereafter reside within said limits, are hereby constituted a body corporate by the name of "the village of Worthington;" and by that name the president and trustees, and their successors thereafter, shall and may have perpetual succession, and shall have the powers generally possessed by municipal corporations at common law, capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity, and may have a common seal, and may change and alter the same at pleasure, and also take, hold, purchase, lease and convey such real and personal property or estate within or without the limits thereof, as the purposes of the village may require, and the said village of Worthington shall constitute and be one election district, for the purposes of general and special elections under the general election laws of this state, and the president of the common council of said village shall be and act as one of the judges of election, and the recorder shall be and act as one of the clerks of election, and at all general or special elections in said election district, the electors at the hour of opening the polls on the day of election shall choose two judges of election, and one clerk of election, and the president aforesaid and the judges of election chosen as herein provided, and the recorder, with the clerk chosen as herein provided, shall comply with and perform all the duties required under the general election laws of the state. *Provided*, That the recorder shall give notice of all elections, general and special, in the same way as required by the general election law of this state of town clerks. *And provided further*, that the common council shall perform all the duties pertaining to the registry list in the same way as township supervisors do under the general election law of this state, and chapter one, statutes of Minnesota, shall

apply to and govern the judges and clerks of election at all general or special elections, in all cases wherein the same does not conflict with the provisions of this act, and the common council shall determine in what place in said election district elections shall be held, at least ten days before any election shall be held.

SEC. 2. There shall be an annual election of elective officers hereinafter provided for, on the third Tuesday in March in each and every year, and the polls of said election shall be opened and kept open from one o'clock to four o'clock in the afternoon, and the village recorder shall give at least ten days' notice of the time and place of holding the same, together with a list of the officers to be elected, by publishing the same in a newspaper printed in the village, or by posting a printed or written notice in three of the most public places in said village. Like notice shall also be given by the recorder of any special election. Special elections may be called by a majority of the common council, to fill any vacancy that may arise under this act, or to transact any other lawful business, every notice of which shall specify the object of said election, and no other business shall be transacted at such meeting or election than such as is specified in such notice. All elections shall be conducted in similar manner, as near as may be, as general elections are by law conducted. The president and any one trustee, or in case of the absence of the president, any two trustees shall act as judges of any election so held, and, together with the recorder, shall constitute the board of election, and in case of inability or non-attendance of any number of said officers, the vacancies shall be filled by an appointment made by those officers present. At the close of the polls, the votes shall be counted and a true statement thereof proclaimed to the voters present, by one of the judges, and the recorder shall make true record thereof, and within five days thereafter he shall give notice in writing to the persons so elected by a plurality of all the votes cast, of their election. The first election under the provisions of this act, shall be held at Miller's Hall, on Tuesday the eighteenth day of March, A. D. eighteen hundred and seventy-three, where and when it shall be lawful for the legally qualified voters residing within the boundaries of the territory described, to meet at one o'clock of said day and choose, viva voce, two judges of election and one clerk, who shall conduct said election with power of substitution and appointment in case of absence.

SEC. 3. The elective officers of said corporation shall consist of one president and one recorder, both of whom shall be ex-officio trustees, three trustees, one treasurer, one assessor, one justice of the peace, one constable, who shall be ex-officio marshal, and shall each, except the justice of the peace and marshal, hold their respective offices for the term of one year, and until others are elected and

qualified. The justice of the peace and marshal shall hold their offices for the term of two years and until others are elected and qualified. In addition to the above mentioned officers, the common council shall have power to appoint and define the duties of such other officers as to said common council may seem necessary. *Provided*, That no member of the common council shall hold any office under this act by appointment of said common council.

SEC. 4. No person shall be eligible to any office under said corporation, unless he is a legal voter in said village.

SEC. 5. Vacancies in the office of president and trustees shall be filled by the legal voters of said village at a general or special election, and vacancies in all other offices by appointment by the trustees.

SEC. 6. Each officer elected or appointed to any office, or to fill any vacancy in office, before he enters upon the duties of his office, and within ten days after his election, shall take and subscribe before some officer authorized by law to administer oaths, an oath to faithfully discharge the duties of his office, in accordance with the law and the ordinances of said village, and to support the constitution of the United States and constitution of the state of Minnesota. And, in addition thereto, the recorder, treasurer, justice of the peace, and constable shall severally give a bond to the president and trustees in such sum not less than two hundred dollars, and with such sureties, as a majority of said trustees shall direct, which said oath and bond shall be filed in the office of the recorder of said village.

SEC. 7. The president, recorder and trustees shall constitute the common council, to which body shall belong all the legislative powers granted by this act to said corporation. The style of all ordinances intended to have the force of rules, or law, or authority, passed by the council, shall be as follows: "Be it ordained by the common council of the village of Worthington," but no ordinance shall embrace more than one subject, which shall be expressed by its title. The trustees shall prescribe the time and place of holding their meetings and may adjourn the same from time to time, and a majority thereof shall be a quorum for the transaction of any business properly before them; and they shall determine the rule of their proceedings; all of which meetings shall at all times be open to the public, and the recorder shall keep a journal thereof, which shall be open for the inspection of every citizen at all reasonable hours and times, and they shall have power to preserve order and propriety in their meetings and proceedings, and may adopt such by-laws, rules and regulations for their government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of the members of said council.

SEC. 8. To the president shall belong the executive powers and

authority granted by this act to said corporation, except such of said powers and authority as are specially vested in, or must, from their nature, necessarily pertain to the other executive officers of said corporation. He shall sign all commissions, licenses and permits which may be granted by the common council, and all orders upon the treasurer. He shall maintain peace and good order and see that the ordinances of the village are observed and executed. He shall have power and it shall be his duty to call out and use in such manner as may seem most proper, all the constabulary or police force of said corporation when he may deem it necessary, to quell or prevent riot. He shall have power to call a meeting of the trustees, by giving notice thereof as may have been provided by ordinance, or in default of such provision in such manner as he may deem meet and proper. At any legal meeting, in all cases when the votes of the members upon any question are equal, the presiding officer shall have the casting vote.

SEC. 9. The president, each and every trustee, the marshal, each and every justice of the peace and constable of the county in which said village is situated, shall be officers of the peace, and may command the peace, and may suppress in a summary manner all rioting and disorderly behavior within the limits of said village, and may command the assistance of all by-standers, and if need be, of all citizens, and if any person refuses to aid when so required, every such person shall forfeit and pay a fine of not less than five dollars and stand committed until paid.

SEC. 10. The recorder shall be the recording officer of the village and of the common council. He shall have custody of the seal (if any) of said corporation, and all the records thereof not necessarily and specifically appertaining to the other officers thereof. He shall keep a record of the doings of the common council, the passing of by-laws, ordinances, rules, regulations, resolutions, &c. ; and also a faithful record of all the doings and votes of the inhabitants of said village, at their annual and other legal meetings. He shall receive all the moneys payable to said corporation except as hereinafter provided, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor. He shall keep all accounts of the corporation with individuals or otherwise, and keep on file all papers which may be ordered by the trustees, receive all claims against said corporation, and orders upon the treasurer for moneys payable by the same, but no such order shall ever be drawn by said recorder unless the same shall be in full or part payment of a claim against said corporation, previously audited and allowed by the common council. He shall keep a full and accurate account of all orders drawn on the treasurer and shall keep the same with the treasurer and charge him with all taxes levied and sums of

money paid into the treasury, and all receipts of the payment of money or property to the treasurer shall be countersigned by the recorder before they shall be a legal voucher against the village. The recorder's records shall be evidence in all legal proceedings, and copies of all papers duly filed in his office, and transcripts from the records of proceedings of the common council certified by him under the corporate seal, shall be evidence in all courts of the contents of the same. He shall also make to the board of trustees at the close of each official year, a condensed report of all of his doings as such officer during such year, which report shall be published in such manner and to such extent as may be provided by ordinance, and with all reasonable dispatch, such other reports and at such times as the board aforesaid may require; and said recorder shall also receive and file and keep record of all chattel mortgages presented to him for such purposes, in the same manner and way as prescribed by law for town clerks, and all chattel mortgages filed in the office of said recorder shall have the same effect and be noticed to the same extent as chattel mortgages filed in the office of township clerks; and the election district herein created shall, so far as chattel mortgages are concerned, be construed to mean town or city, and sections two and three and four, chapter thirty-nine, statutes of Minnesota, shall apply to the election district herein created and mentioned, and the aforesaid recorder shall be governed by the next above named sections in said chapter thirty-nine in his official duties as to chattel mortgages.

SEC. 11. The treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him. All money raised, received and collected by means of any tax, license, fine, forfeiture, or otherwise, under the authority of this act, or which belongs to said village, shall be paid to and be received and receipted by him. He shall, from such moneys, pay upon presentation all orders therefor drawn by the recorder and countersigned by the president, but shall pay no money whatever except by order of the common council; *Provided*, That no order shall be paid by him unless first endorsed in writing thereon, and the party receiving the money therefor, and the amount of money to be drawn and its object specified therein. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, the person from whom, the amount of the several sums received and the source from whence they arose, which book, at all reasonable times, shall be open to the inspection of the electors of said village. He shall as often as the trustees require, render to said trustees a minute account of his receipts and payments, and at the

expiration of his term of office he shall pay over and deliver to his successor all moneys, books, papers and vouchers in his possession, belonging to said corporation.

SEC. 12. The justice of the peace provided for and elected under the provisions of this act, shall have and possess all the powers and jurisdiction of justices of the peace provided and elected under the general laws of the state, and in addition thereto shall have cognizance and jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of said corporation, or under this act, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of assaults, batteries and affrays, not indictable, and for a breach or violation of any by-law ordinance or regulation, shall be commenced in the name of the "village of Worthington," and the same proceedings shall be had in all civil or criminal suits or prosecutions before said justice, when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the general laws of the state, before justices of the peace, except that no change of venue shall be taken in any action or proceeding arising under any ordinance or by-law. All fines, forfeitures and penalties imposed by or recovered before said justice in any suit, prosecution or proceeding had and commenced in the name of the said village, shall be promptly paid by said justice to the recorder of said corporation for the use thereof. The justice of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary in any action, civil or criminal, before said justice, to plead or refer to the same in any manner whatever, in any pleading or complaint; but said by-laws, ordinances and regulations shall, in said justice court, be held and deemed to be public law. The justice of the peace shall, at least once in three months, make to the common council a full report of all the moneys received by him for fines, forfeitures and penalties, and shall pay them into the hands of the recorder, taking his receipt therefor. Any justice of the peace elected or appointed in the village of Worthington, under the general laws of the state and residing within the limits of the corporation, upon filing the bond and oath of office hereinbefore described for the justices of the peace, shall have concurrent jurisdiction with the justice of the peace elected under the provisions of this act, and be subject to the same liabilities and restrictions. In case of prosecution for a breach or violation of an ordinance, by-law or regulation of said corporation, or of this act, or for an assault, battery or affray, not indictable, committed within the limits of said corporation. Appeal shall be allowed in all cases, subject to the same rules, provided by the laws of the state, in case of appeal from the

judgment of other justices of the peace. The fees of the justice of the peace shall be the same as allowed and fixed by the general laws of the state for justices of the peace. All warrants, writs and processes of every nature, issued by such justice, shall be directed to the sheriff or any constable of the county of Nobles, and may be executed or served by the constable elected under the provisions of this act, or by the sheriff or any constable of said county, and for such purpose said sheriff and constable shall have and possess the power and authority which, by the general laws of the state, they have and possess in the execution and service of warrants, writs and other processes issued by the justices of the peace elected under such general laws.

SEC. 13. The marshal shall be the ministerial officer of the common council. He shall possess all the powers, enjoy all the rights, and be subject to the same liabilities of a constable of the state. He is hereby constituted the chief of the police of said village, but as such shall be subordinate to the president. It shall be his duty to execute all writs and processes to him directed by the president, justice of the peace, or other judicial officer, and when necessary in criminal cases, or for the violation of any of the provisions of this act, or of any ordinance, rule, by-law, regulation or resolution of said corporation, he may serve the same in any part of the state of Minnesota. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of the state of Minnesota; to apprehend any person in the act of committing any offence against the provisions of this act, or of the laws of the state, or the ordinances, by-laws, rules, regulations or resolutions of the corporation and forthwith, to bring such person before competent authority for examination, and for such and similar services, he shall receive like fees as are allowed to constables for like services. It shall also be the duty of the marshal to see that all pedlars and hawkers, common showmen and all other exhibitors, pay their licenses according to law and this act and the ordinances of the village, and in default of payment to prosecute for the same in the corporate name of the village, and to pay over the same to the treasurer when received by him.

SEC. 14. No license for the selling of any wine, beer, or cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed intoxicating liquors, liquids or drinks as a beverage shall be granted to any person within the corporate limits of said village. And no person shall vend, deal in, or for the purposes of evading the provisions of law or this act, give away or dispose of on any pretext whatever any of the aforesaid liquors, liquids or drinks within such corporate limits. Any person who shall in any manner violate any

of the provisions of this section shall on conviction thereof be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment for not less than one nor more than three months. In all prosecutions for a violation of this section, it shall be sufficient to allege in general terms the selling, vending, dealing in or giving away of or disposing of such inhibited liquors, liquids or drinks, and proof on the trial of such selling, vending, dealing in or giving away, or disposing of to any person of any such inhibited liquors, liquids or drinks, shall be sufficient proof to warrant and sustain a conviction, or proof that the person so charged kept a bar, sideboard or other thing or fixture with bar furniture, usually used by persons vending or dealing in such inhibited liquors, liquids or drinks, shall be prima facie evidence sufficient to warrant and sustain a conviction, or proof that he delivered any such inhibited liquors, liquids or drinks to any person shall be prima facie evidence sufficient to warrant and sustain a conviction for such violation, and it shall be the duty of each member of the common council and marshal to make complaint before some justice of the peace for any violation of this section.

SEC. 15. No person shall keep a slaughter house, yard or pen, or occupy any open ground for slaughtering purposes, within the corporate limits of said village, or keep any such place for depositing the offal of slaughtered animals within such limits, without the consent of the common council, entered of record; and any person who shall violate this section, shall, on conviction thereof, forfeit and pay for each day he shall keep or occupy any such place for such purpose, the sum of ten dollars, with costs of prosecution, and shall also, in addition thereto, be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment, or both, at the discretion of the court; all such places are hereby declared to be common nuisances, and shall be abated as provided by law and the ordinances of said village.

SEC. 16. The common council shall have the management and control of the finances and of all the property of the corporation, and shall likewise in addition to the powers herein vested in the trustees, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, annul and repeal all such ordinances, rules, regulations, resolutions and by-laws for the government and good order of the village, for the suppression of vice, intemperance and immorality, for the prevention of crime and for the benefit of trade, commerce and health, as they shall deem expedient; declaring and imposing fines, penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, regulations, resolutions and by-laws, passed and ordained by them, and all such ordi-

nances, rules, regulations, resolutions and by-laws, are hereby declared to be and have the power and force of laws: *Provided*, That they be not repugnant to the constitution of the United States or of this state, and for these purposes shall have authority by ordinances, rules, regulations or by-laws:

First—To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of caravans, circuses, concerts, menageries or theatrical performances; to restrain, prohibit or license billiard tables, pigeon hole tables, nine or ten pin alleys, bowling saloons, auctions and auctioneers, groceries, taverns and victualing houses.

Second—To restrain and prohibit all description of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said village, and to restrain any person from vending, giving or dealing in spirituous, intoxicating, alcoholic, malt or mixed, fermented or vinous liquors or drinks unless duly licensed by the common council.

Third—To prevent any riots, noise or disturbances, disorderly conduct or assemblages in said village, and to provide for the arrest of any person or persons who shall be guilty of the same; to restrain and suppress disorderly houses, grog-shops or groceries, and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming.

Fourth—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, cattle yard, hog pen, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove, purify or abate the same from time to time as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said village.

Fifth—To direct the location and management of slaughter houses and markets, breweries, distilleries and pawnbrokers, and to establish rules for and license venders of gunpowder, and regulate the storage, keeping and conveying the same, or other combustible materials.

Sixth—To prevent the incumbering of streets, sidewalks, lanes, alleys or public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings or any other materials or substances whatever, and to prevent the digging of holes in the streets, alleys or other public grounds in said village.

Seventh—To prevent and punish horse racing, immoderate riding or driving in the streets; to compel persons to hitch or fasten their horses or other animals attached to vehicles or otherwise standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of said village.

Eighth—To restrain and prevent the running at large of horses

and cattle, mules, asses, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances.

Ninth—To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinances.

Tenth—To prevent any person having, depositing or leaving within said village, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any substances, putrid or unsound beef, pork, fish, hides or skins of any kind, and in default of such person, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Eleventh—To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, and appoint masters or overseers of the same; and to appoint and determine fence viewers, and prescribe their powers and duties; also to protect shade and ornamental trees on the public squares or in the streets of said village; also to fence the public squares and grounds, and to protect the same and the bridges and monuments in said village.

Twelfth—To establish and regulate boards of health, and provide hospitals and hospital grounds for those infected with small pox, or other contagious or malignant diseases, and order and regulate the removal of such persons from the village, when its health and safety so require, and in the absence of other provisions to provide for the burial of the dead.

Thirteenth—To call regular and special meetings of the voters of said village, and to prescribe the compensation of all officers of the corporation except their own, and shall examine, audit, and adjust the accounts of all persons and of all officers of the corporation, against said corporation.

Fourteenth—To organize fire companies, hook and ladder companies, to regulate their government, and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require [the owners of buildings to provide] and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale in any manner, and if the owner shall neglect or refuse to procure suitable ladders or fire buckets, after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment therefor, may recover from such owner the value of such ladder or fire buckets, or both, with costs of suit; to regulate and direct the safe construction of places for the deposit of ashes; to appoint one or more fire wardens to enter into, at reasonable times, and examine

all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as they may deem dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stovepipes; to prevent fires, and the use of fireworks and firearms within the limits of said village, or such part thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and raise such buildings in the vicinity of the fire as shall be directed by the trustees or any three of them who may be at a fire, for the purpose of preventing its communication with other buildings, and any building so destroyed shall be paid for by the corporation; to construct and preserve reservoirs, pumps, wells and other waterworks, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper.

Fifteenth—To prevent any and all persons riding or driving any horse, mule, or cattle, or other animal on the sidewalks in said village, or in any way or manner doing any damage to such sidewalks.

Sixteenth—To restrain drunkards and prevent immoderate drinking, or obscenity in the streets or public places in said village, and to provide for the arrest, removal and punishment of all persons who shall be guilty of the same.

Seventeenth—To prevent the shooting of firearms and crackers, and to prevent the exhibition of fireworks in any place which they may consider dangerous to the village, or any property therein, or annoying to any person thereof.

Eighteenth—To regulate the place and manner of selling and weighing hay, and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Nineteenth—To regulate, suppress or license hawkers and pedlars who travel from place to place to sell goods, wares and merchandise, and who come or go within said village to sell the same, and to license transient dealers and traders to sell the same.

Twentieth—To compel the owners of buildings or grounds or the occupants, when the same are occupied, to remove snow, dirt or rubbish, from sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction of the objectionable substance, by some officer of the village, at the expense of such owner or occupant.

Twenty-first—To regulate the time and place of holding public auctions and vendues.

Twenty-second—To provide for watchmen, and to prescribe the number and duties, and to regulate the same; and to create, establish, appoint and regulate the police of said village, and their duties.

Twenty-third—To provide for the punishment of those who use false or untrue weights and measures.

Twenty-fourth—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Twenty-fifth—To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meats, butter, fish and other provisions.

Twenty-sixth—To remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisance.

Twenty-seventh—To remove or abate any nuisance, obstruction, encroachment upon the streets, alleys, public grounds and highways of the village.

Twenty-eighth—To do all acts and make all regulations which may be necessary or expedient for the preservation of health, and the suppression of disease, and to make regulations to prevent the introduction of contagious and infectious diseases into the village, and to make quarantine laws and enforce the same within said village.

Twenty-ninth—To restrain and punish mendicants, street beggars and prostitutes.

Thirtieth—To make, open, and keep in repair, grade, improve, lay out, alter, widen, vacate or discontinue streets, avenues, lanes, alleys, public grounds, sewers, ditches and sidewalks; to keep them free from obstructions, and to protect them from injury in such village.

SEC. 17. Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said village, may extend to a fine not exceeding one hundred dollars and imprisonment not exceeding thirty days, or both, at the discretion of the justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

SEC. 18. Allowances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common council, by ayes and noes, and published at least once in some newspaper of the village, or posted in some public place thereof at least five days before the same shall be in force, and shall be admitted as evidence in any court in the state, without further proof; they shall be recorded by the recorder in books to be provided for that purpose.

SEC. 19. The power conferred upon the common council, to

provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions, or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold or given away within the limits of said village are hereby declared and shall be deemed public or common nuisances.

SEC. 20. The council shall examine, audit and adjust the accounts of the recorder, treasurer, justice of the peace and all other officers and agents of the town at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of said village were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers, for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in discharge of their duties, in pursuance of this section, or shall refuse or neglect to render his accounts or present his books and vouchers to said council, or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant, and the trustees shall order suits and proceedings at law against any officer or agent of said village, who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

SEC. 21. All actions brought to recover any penalty or forfeiture under this act or the ordinances, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the village.

SEC. 22. In all prosecutions for any violation of this act, or of any ordinance of the village, the first process shall be by warrant; *Provided*, That no warrant shall be necessary in any case of the arrest or apprehension of any person or persons while in the act of violating any law of the state of Minnesota or ordinance of the village, but the person or persons so arrested may be proceeded against, tried, convicted and punished, or discharged in the same manner as if the arrest had been by warrant.

SEC. 23. The constable and other police officers are hereby vested with all powers of a sheriff or constable, in the service of writs as granted to them by the law of the state, and may pursue into any county in this state, and take and bring back for trial, any offender against the ordinances of said village.

SEC. 24. When any suit or action shall be commenced against said corporation, the service therein shall be made by copy left with the recorder of said village.

SEC. 25. No law of this state contravening the provisions of this

act, shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth in such law.

SEC. 26. In the matter of opening, laying out or vacating streets or alleys, and the assessment of damages, the common council shall be governed by and act under the general laws of the state providing for altering, discontinuing and laying out roads; and appeals may be taken in the same manner to the county commissioners, as appeals are under the general laws taken from the decisions of township supervisors.

SEC. 27. The cost and expenses of surveying streets, lanes, alleys, sidewalks, sewers, public grounds, pumps, reservoirs, cisterns and drains, and the erection of buildings for village purposes, and of cleansing and repairing the same, and constructing and repairing reservoirs, pumps, cisterns, drains, sewers, street crossings and sidewalks, may be paid out of the general fund; but the expense of opening, building, grading, gravelling, paving or repairing streets to the centre thereof, and also of sidewalks, shall be at the option of the council, chargeable to the lots fronting on such improvements.

SEC. 28. Whenever the common council shall deem it actually necessary, or two-thirds of the owners and occupants that are living opposite such contemplated improvement, shall petition said council in writing, to construct or repair any sidewalk in the village of Worthington, they may notify, or require the street commissioner to notify all owners and occupants of any lot or lots, or parcels of land adjoining such sidewalks, to construct or repair the same at his or their own proper expense and charge, within a certain time designated, by delivering to the owners or occupants of said lot or lots, or parcels of land, or by publication in a newspaper printed and published in said village, for no less than two weeks, of a notice to said owners or occupants, setting forth what work is to be done and the character of the same, by such owners or occupants, and the time within which they are required to do the same.

SEC. 29. If such work is not done and the sidewalks not built or repaired in the manner and within the time prescribed, the council may order the same to be done by the street commissioner or otherwise, at the expense of the lots and parcel of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable, by the street commissioner, and returned by him to the trustees, and said assessment so made and returned if approved by the council shall become a lien upon said lots and parcels of land, as in case of town, county and state taxes.

SEC. 30. If said assessment be not paid to the street commissioner of the village on or before the twentieth day of August in any year, the common council shall, until express provisions be made in regard to the subject, cause a statement of the same to be trans-

mitted with the village taxes levied for that year to the auditor of the county of Nobles, on or before the first day of September of each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection and payment thereof enforced with and in like manner as county and state taxes are collected and payment enforced.

SEC. 31. The common council may prescribe the width of sidewalks and may establish different widths in different places and may determine the kind of material of which they shall be constructed, having regard to the business and amount of travel in the vicinity of each.

SEC. 32. The village of Worthington shall be constituted one or more road districts, to be defined by the common council, and the highway labor and taxes, shall belong to the general fund, but shall be expended in the road district where the same is levied and raised. They shall issue a warrant to the street commissioner or commissioners who are hereby declared possessed of all the general powers of the state belonging to road overseers, containing the whole amount of highway labor and taxes assessed and levied within the corporation, which said warrant shall be returned by him to the recorder of said village. The laws of the state shall apply to the warning, working, suing for, and collecting highway taxes, and returning delinquent taxes, and in all other respects except herein expressly provided. The council shall have full power to direct the commissioners when, where and how to expend said labor and tax, and to remove them, and may direct them to expend the labor in the manner to be directed by them at any point beyond the limits of the village. The 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. 33. All property, real and personal, in the village, except such as may be exempt by the laws of this state, or is village property, shall be subject to taxation, not exceeding two and one half mills on the dollar per year for general purposes. Such property shall also be liable for such special taxes as are herein authorized to levy.

SEC. 34. The common council shall have full power to order and direct the levy and collection, within the limitation prescribed by law, of taxes sufficient to give full effect to the powers herein conferred.

SEC. 35. The common council shall have power to provide by ordinance for the manner of assessing and enforcing the collection of all taxes levied under the provisions of this act, but until express

provision is made in regard to that subject, all taxes shall be collected as follows: The recorder shall deliver to the county auditor of Nobles county a certificate signed by him under the seal of the corporation, setting forth the amount levied upon every dollar in value of the taxable property within the limits of the village of Worthington, as incorporated by this act; it thereupon shall become the duty of the said auditor to add the amount thus levied to the assessment rolls of the year in which such levy was made, and it shall become the duty of the county treasurer of said county to collect the amount thus added to the assessment roll, and to enforce the collection, of the same in like manner as any other tax of the said county of Nobles, placed in his hands for collection, and to pay the amount so collected to the treasurer of the village of Worthington, incorporated by this act.

SEC. 36. The assessor elected under the provisions of this act, shall perform all the duties under the general laws of the state pertaining to his office required by the common council, in relation to the assessing of property for the purpose of levying of all village, county and state taxes, and upon the completion of the assessment roll, he shall return the same to the said council, who may alter, revise and equalize the same, as they may deem it just and proper, and the said assessment, as revised and equalized by said council, shall be final, subject only to the revision of the county and state boards of equalization.

SEC. 37. In any action brought to recover any penalties or damages under this act, or under any ordinance made by the common council, it shall be sufficient to complain that the defendant is indebted to the village to the amount 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, 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 be interested in said actions, and no person shall be an incompetent juror by reason of being an inhabitant of said village in an action to which the village shall be a party.

SEC. 38. The corporation is invested with all powers to carry into full force, virtue and effect, all and every part of the charter of said village and the acts amendatory thereof, and to carry into execution the same; and shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and interest thereof.

SEC. 39. At the first election held under the provisions of this act, the legally qualified electors shall vote for or against incorporation; and a majority of the votes so cast shall decide, and be conclusive, in receiving or rejecting the same.

SEC. 40. This act shall take effect and be in force from and after its adoption by a majority of the legal voters residing within the corporate limits of said village.

Approved March 8, 1873.

CHAPTER VI.

AN ACT TO INCORPORATE THE VILLAGE OF GLENCOE, IN THE COUNTY OF McLEOD, AND STATE OF MINNESOTA.

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

SECTION 1. All that part of the township of Glencoe, in the county of McLeod and state of Minnesota, included within the following described limits or boundaries, to-wit: The north half of section thirteen, and the east half of section fourteen, except the south fifty acres in township one hundred and fifteen of range twenty eight, is hereby constituted a village by the name and style of "The village of Glencoe," and by that name the people now inhabiting, and those who may hereafter inhabit the said district or county, shall be a municipal corporation possessing all the powers incident to municipal corporations at common law, with perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded, in all courts of law and equity, and may have a common seal.

SEC. 2. The inhabitants of said village having the qualifications of electors of members of the legislature of the state of Minnesota, as hereinafter provided, may elect a president, three trustees, a recorder, a justice of the peace, and a constable, who shall hold their respective offices for one year or until their successors are elected and qualified, and before entering upon the duties of their respective offices they shall each take an oath or affirmation to support the constitution and laws of the state of Minnesota; also, an oath of office. The recorder shall act as treasurer, and shall give such bonds as the village council may require. The treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided for that purpose, and exhibit such account, together with his vouchers, to the village council at its annual meeting for adjustment, and shall deliver all books and property belonging to his office, and the balance of all