

be the party, or be interested in such 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. 19. In all respects not herein provided for, said village shall be and continue a part of the township of Cannon Falls.

SEC. 20. 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, shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and interest [intent] thereof.

SEC. 21. All previous acts and amendments thereto, which in any way conflict with the provisions of this act, are hereby repealed.

SEC. 22. This act shall take effect and be in full force from and after its passage.

Approved February 19, 1874.

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## CHAPTER VI.

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

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

SECTION 1. That the metes and bounds of said village be as follows: All of section thirty-three, town one hundred and four, range six west; the east half section thirty two, town one hundred and four, range six west; the south-west quarter section thirty-four, range six west; the north half of section four, town one hundred and three, range six west; and the north-east quarter of section five, town one hundred and three, range six west, in the county of Houston and state of Minnesota.

SEC. 2. That the inhabitants within the metes and bounds herein described shall henceforth be a body politic and corporate, subject to and with power to act under the authority of all the provisions of this act. They shall have power to sue and be sued, complain and defend in any court, make and use a common seal, and alter it at pleasure; and take, hold and purchase, lease and convey such real and personal or mixed estate as the purposes of

the corporation may require, within or without the limits aforesaid ; shall be capable of contracting and being contracted with, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

SEC. 3. The government of said village and the exercise of its corporate powers, and the management of its fiscal, prudential and municipal concerns, shall be vested in a president and four trustees of the village of Houston.

SEC. 4. On the first Tuesday in April next, and annually thereafter, there shall be elected in and for said village, one president, four trustees, one justice of the peace, one marshal, one treasurer and one assessor, one clerk, who shall hold their office one year ; except the justice of the peace, who shall hold his office two years, or until their successors are elected and qualified.

SEC. 5. All officers provided for in the fourth section of this act, at the time therein provided, shall be elected by the voters who shall have resided in said village of Houston at least fifteen days next before the day of election, and having the qualifications of a voter for state and county officers ; all officers provided for in this act for election shall be twenty-one years old, a citizen of the United States, or declared his intention to become such, and shall have resided in said village of Houston at least three months next before their election, and in case the election as provided in this act should from any cause not be held at the time provided, such failure shall not arrest, suspend or dissolve this corporation, but such election may be held at any time thereafter when any five legal voters shall give ten days' notice by written or printed handbills, put up in three of the most public places in said village, of the time of holding such election and of the officers to be elected.

SEC. 6. The first election for officers provided for in this act, shall be held at the place where the last general election was held in the town of Houston, and the polls shall be opened between the hours of nine and ten a. m., and continue open until four p. m., and the voters present at the time of opening, shall proceed to elect by ballot, or otherwise at the first election under this act, and at no other, one moderator, one inspector and one clerk from among themselves, whose duty it shall be to receive and count all the votes which may be given, in the same manner as is provided in county and town elections, the names of all the officers voted for, as provided for in this act, shall be one slip of paper, either written or printed, or partly written and partly printed, with the office for which such person is voted for, and the person or persons receiving the highest number of votes for any office or offices, shall be declared by the

moderator duly elected, and such persons shall hold their office one year, except the justice of the peace, who shall hold his office for two years, or until others are elected and qualified.

SEC. 7. All justices of the peace elected under this act shall have and exercise the same jurisdiction, power and authority in matters civil and criminal as justices of the peace of towns now have under the laws of this state, and be subject to the same liabilities and regulations, and be entitled to the same fees and in addition thereto shall have exclusive jurisdiction to hear, try and determine all complaints for violation of any ordinance made and adopted by the trustees of said village, and of all cases or offenses in which the village is a party; and appeals from the decision of said justice may be had and taken to the district court on the same terms and conditions as is now provided by law.

SEC. 8. The village treasurer before entering on the duties of his office shall execute to the trustees a bond, in such penal sum as the said trustees may direct, with two or more sureties, to be by them approved, for the safe keeping and disbursement of all moneys coming into his hand, as such treasurer, also for the faithful performance of all his official duties. And all officers elected by virtue of this act excepting the president and trustees, who shall take the oath of office before entering on the duties of their offices, shall give bonds, take and subscribe an oath to support the constitution of the United States and of the state of Minnesota, and to faithfully perform the duties of their respective offices, which oath with their respective bonds shall be filed in the clerk's office.

SEC. 9. The president shall be chief executive officer, and head of the police of the village; he shall sign all commissions and permits which may be granted by the trustees; shall maintain peace and good order, and see that the laws of the state and ordinances of the village are observed and executed; shall suppress riots and other public disturbances; he may appoint special constables as he may deem proper to aid him in preserving the peace, he shall also preside at the meetings of the trustees if present, and have the casting vote but no other.

SEC. 10. The trustees shall have power to preserve order and propriety in its proceedings, and to punish in a summary manner by fine or imprisonment all disorderly or disrespectful conduct in its presence, and also to compel pecuniary penalties for the non-attendance of its members. They may adopt rules for their proceedings and keep a record of all their transactions, which shall be open to the inspection of any citizen when desired, and the place of holding their meetings shall be open at all times to the public.

SEC. 11. The president and each and every trustee, marshal, justice of the peace, shall be officers of the peace, and are by virtue

of their office empowered to suppress in a summary manner all rioting and other disorderly conduct according with the ordinance of the village or the laws of the state.

SEC. 12. The marshal before entering on the duties of his office shall comply with the provisions of this act; he shall possess and exercise all the powers and duties of constables of towns and be subject to the same liabilities; it shall be his duty to apprehend with or without process any person whom he may find in the act of committing offence against the laws of the state or ordinances of the village and forthwith bring such person or persons before any officer of competent jurisdiction for examination and conviction, and for all such services he shall receive such fees as are allowed to constables for like service; and it shall be his imperative duty to prevent any obstruction of any kind either of a street or an alley in the original village of Houston, or in any addition made to said village of Houston, the plat of which is on record in the office of the register of deeds of Houston county, and has not been vacated according to law, but he shall keep all such streets and alleys open and free to the use of the public. In case the marshal shall find that any such obstruction exists, or is informed such obstruction does exist to the free use of any street or alley, he shall give three days' notice to the person or persons obstructing the free use of any street or alley, to remove the same obstruction, and if the obstruction should remain at the end of three days from the date of notice, he shall forthwith proceed to remove such obstruction, and in the name of said village prosecute the person or persons so obstructing such roads, streets and alleyways for costs and damages sustained thereby, before the justice of the peace of the said village of Houston, and his charges for his services shall be the same as that of a constable of a town.

SEC. 13. It shall be the duty of the clerk to attend all meetings of the trustees, and keep a record of the proceedings, and also a faithful record of all their doings and the votes of the inhabitants; at the regular and special meetings he shall perform such duties as shall be lawfully required of him by the trustees, who shall fix and prescribe the salary and fees therefor, the record kept by said clerk shall be evidence in all legal proceedings, and copies of all papers required by law to be filed in his office, and transcripts from the records of proceedings of the trustees certified by him and under the seal of the corporation, shall be evidence in all courts and places.

SEC. 14. The treasurer of said village shall be also the collector of taxes levied for village purposes, and shall perform all such duties as shall be lawfully required of him by the ordinance of the trustees or the laws of the state all moneys received by means of any tax license, fine, forfeiture or otherwise under the authority of

this act, or which may belong to the village, shall be paid into his hands, and shall not be drawn therefrom except by an order signed by the president, ordered by the trustees and attested by the clerk; he shall keep an accurate account of all moneys coming into his hands as treasurer; he shall as often as required by the trustees render an account of receipts and payments, and at the expiration of his term of office, shall hand over to his successor in office all moneys, books, papers and other property in his possession belonging to said village.

SEC. 15. The trustees shall have power to enact, establish, publish, alter, modify, amend, repeal and enforce all such rules, by-laws and ordinances, for the government and good order of the village, for the suppression of vice and immorality, preventing fires, for the promotion of health, removal of nuisances, and for the benefit of trade and commerce as they may deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate the provisions of such rules, by laws or ordinances as have been duly passed, adopted and published, by putting up within said village three hand bills, written or printed, in three of the most public places, at least two weeks prior to the taking effect thereof, and all such rules, by laws and ordinances are hereby declared to be and have full force of law, provided they be not repugnant to the constitution and laws of the United States or of this state. The trustees shall have power:

*First.*—To license and regulate taverns, groceries, saloons, victualing houses, and all persons dealing in spirituous and intoxicating liquors; and to license and regulate the exhibition of common showmen or showmen of any kind, or the exhibition of any natural or artificial curiosities, all caravans, circuses and theatrical performances, and to establish the price in all cases except where the same may be fixed by law.

*Second.*—To restrain and prohibit all description of gaming and fraudulent devices and practices, and all playing with dice, cards or other games of chance for gain.

*Third.*—To prevent riots, noise, disturbances or disorderly assemblies, to suppress and restrain disorderly houses or groceries and houses of ill fame; to authorize the destruction of all implements or devices for the purpose of gaming.

*Fourth.*—To direct the location and management of all slaughter houses and markets; to regulate the storage and keeping of gunpowder and other combustible materials.

*Fifth.*—To prevent horse racing or immoderate driving or riding in the streets, and regulate the place of bathing or swimming.

*Sixth.*—To restrain the running at large of cattle or swine, horses, sheep, geese and poultry, and to authorize the distraining and sale thereof.

*Seventh.*—To prevent the running at large of dogs, and to authorise their destruction in a summary manner when at large, contrary to regulations, and to impose a tax on the same at their discretion.

*Eighth.*—To establish and regulate boards of health, provide hospitals, cemeteries and the burial of the dead.

*Ninth.*—To procure buckets, hooks and ladders and other implements for extinguishing fires; prescribe and regulate the material of which houses shall be built within certain limits, and the manner of erecting chimneys, to remove chimneys and stove pipes, which may be deemed dangerous, at the expense of the owners or occupants thereof; to require the owners of buildings in the thickly settled portion of the village to provide and keep suitable ladders and fire buckets to direct the safe deposit of ashes, and to appoint a fire warden and prescribe his duty and compensation.

*Tenth.*—To prevent all persons from riding, driving or leading any horse or other animal on the sidewalks within the limits of the village, and from doing any damage to the same.

*Eleventh.*—To restrain drunkards or immoderate drinking, or obscenity in the streets, or any public places, and provide for arresting, removing and punishing any person or persons who may be found guilty of the same.

*Twelfth.*—To protect trees and monuments within the village, and regulate the place and manner of weighing hay, measuring fire wood, timber, &c., &c., &c.

*Thirteenth.*—To prevent the depositing within any waters of said village any dead carcass or filth of any kind, and prescribe penalties therefor.

*Fourteenth.*—To have a common seal and alter the same at pleasure.

*Fifteenth.*—To purchase, lease, hold and convey any estate, real or personal, for the use of the village.

*Sixteenth.*—No person shall be an incompetent judge, justice, juror, or witness, by reason of his being an inhabitant or freeholder in said village, in any action in which the village is a party or interested.

SEC. 16. In all suits for the violation of any ordinance of said village the process may be by summons or warrant, and if it shall be sufficient, without setting out therein the special matter, to complain generally, as in debt, with reference to the complaint claimed under the ordinance under which the action is brought, the defendant may plead thereto the general denial, and give the special matter in evidence thereunder.

SEC. 17. Every execution issued upon any judgment for the violation or non-observance of any ordinance or by-law of said village, 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 Houston county, for such time as shall have been provided by the ordinances under which the judgment shall have been rendered. All fines, penalties and forfeitures, for the breach of any law or ordinance, when collected, shall be paid into the village treasury for the use of the village.

SEC. 18. When an action or suit shall be commenced against the village, the service thereof may be made by leaving an attested copy of the process with the clerk or president, and it shall be the duty of the person with whom such process is left forthwith to inform the trustees thereof.

SEC. 19. The trustees shall settle all just claims and demands against the village, and pay the same by order on the treasurer; and also settle with the treasurer annually, and publish accounts of receipts and expenditures.

SEC. 20. If any of the duties enjoined by this act, at any time hereinafter specified, or specified by any ordinance of the trustees, are not then done, the trustees may appoint some other time when the said duties may be done; *Provided*, The officer so failing, shall not be exonerated from fine for neglect of performing his duty.

SEC. 21. Whenever the office of any person elected under the provisions of this act shall become vacant from any cause whatsoever, the same may be filled by special election, to be held at such time and place as the trustees may designate, and the person or persons so elected shall fill the vacancy during the remainder of the term of his predecessor.

SEC. 22. Whenever a majority of all the owners of real estate bounding both sides of any street, or part of a street, and owning at least two-thirds of the frontage of lots on said street, or part of a street, shall petition the trustees to order such street or part of a street graded, leveled, graveled, or paved, or to construct a sewer thereon, or whenever the majority of all the owners of real estate bounding one side of any street or highway shall petition the trustees to cause sidewalks to be laid on the side of such street or highway, bounded by such real estate, such petition may be granted, and an order be made in accordance therewith, which order shall specify as nearly as may be, the locality and manner of the improvements proposed; and notice shall be given to all persons personally interested, or by publishing such order ten days, by written or printed handbills posted in three of the most public places in the village, and the aggregate expense of all improvements provided for in any such order of the trustees shall be assessed by the trustees on the lots lying upon or bounding the street or highway upon which such improvement is made, according to the relative benefit accruing to such lot, and a tax shall be levied therefor upon

said lots, and such tax shall become a lien upon the lots so levied upon, and shall be collected in like manner as other taxes levied under this act.

SEC. 23. It is hereby provided, if upon the publication of any order for any improvement as hereinbefore in this act provided, any owner of any lot or real estate liable to be taxed therefore under this act, may perform or cause to be performed at his own expense such work, for such improvement under the direction of the trustees, or some person appointed by them as supervisor, as may amount to the sum for which the lots or lot owned by him shall be liable to be assessed, and any statement in writing by the trustees or supervisor appointed by them, for the time being, that such work has been done or performed, shall exempt such lot or lots on behalf of which such work has been so performed, from taxation for such improvement.

SEC. 24. The trustees shall have power to tax each male person who by the laws of this state is subject to perform highway work or labor, not to exceed two days labor on the streets of said village, but any such person may at his option pay at the rate of one dollar per day, for every day he may be bound to labor, which money and labor shall be expended under the direction of the trustees, and in default of the payment of such money or labor, the trustees may sue for, and collect such money in the name of the village of Houston, with fifty per cent. damages on the same, together with the costs of suit before any justice of the peace; the said trustees shall also have power to levy a tax on all assessed property within said village, for the purpose of repairing and improving streets in said village, to be taken from the last assessment roll, to be expended under the order of the trustees, provided that the said tax shall in no one year exceed two mills on the dollar valuation.

SEC. 25. For the discharge of any debts against said village, or expenditure authorized by the trustees, under the provisions of this act, or ordinance of said trustees, the trustees shall have power to levy and collect annually a tax on all such real estate and personal property, or capital of any kind, within said village, subject to taxation by the laws for levying state and county taxes for the time being; *Provided*, That such tax shall not in any year exceed seven mills on the dollar of the assessed value of such property.

SEC. 26. Special taxes for the building of a town house on the public square of Mons Anderson's addition to Houston, for offices and election purposes, or for the purchase of cemetery grounds, and improving the same, for the burial of the dead, or for a fire engine, may be voted at any regular or special meeting of the voters; but no vote shall be taken unless such tax be first recommended by the said trustees, and a notice of the same, specifying the purpose for

which said tax is to be raised, and the time and place for voting, be published at least ten days before such meeting, by three or more handbills put up in public places by the clerk, or in some newspaper, when one is published in the village.

SEC. 27. The assessor elected by the provisions of this act shall in all things pertaining to his office be governed by the same laws as assessors of towns.

SEC. 28. On the first Tuesday in April next all connection between the town of Houston and the village of Houston, for town purposes shall be dissolved, and the duties now or hereafter imposed upon the supervisors and other officers of towns, shall be imposed on the officers of the village of Houston, and so much of the town of Houston as is not included in the limits of said village, shall continue to constitute the town of Houston for the purposes of town and county government, and they shall at the next town meeting or election, fix their place of meeting, by a vote of the electors at the town meeting, by ballot.

SEC. 29. After the first Tuesday of April next the amount of funds remaining, or debts due, as the case may be, from said town as now constituted, shall be proportioned between said town and village, according to the amount of property in each as taken from the last assessment roll.

SEC. 30. This act may be amended, altered or repealed by the legislature, but shall be considered a public act, and at all elections under this act after the first, the president and clerk and one trustee designated by the trustees for that purpose shall constitute a board of inspectors at such election.

SEC. 31. This act shall be in force from and after its passage.  
Approved February 19, 1874.

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## CHAPTER VII.

AN ACT TO INCORPORATE THE VILLAGE OF WINNEBAGO CITY, FARIBAUT COUNTY, STATE OF MINNESOTA.

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

SECTION 1. That sections thirty-four and thirty-five, and the south half of sections twenty-six and twenty-seven, township one