

debted 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 matters 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 such village shall be a party, or be interested in such actions, and no person shall be an incompetent juror by reason of being an inhabitant of said village in any action to which the village shall be a party.

SEC. 40. 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 intent thereof.

SEC. 41. 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. 42. This act shall take effect and be in force from and after its reception by a majority of the legal voters residing within the corporate limits of said village.

Approved February 24, 1875.

---

## CHAPTER XX.

### AN ACT TO INCORPORATE THE VILLAGE OF PLAINVIEW.

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

SECTION. 1. That all that territory embraced in the following boundaries, to-wit: The southeast quarter of section number seven, the south half of section number eight, the southwest quarter of section number nine, the northwest quarter of section number sixteen, the north half of section number seventeen, and the northeast quarter of section number eighteen, in township number one hundred and eight north, of range number eleven west, and being in the township of Plainview, county of Wabasha, and state of Minnesota, shall be known as the village of Plainview, and shall have the powers generally possessed by corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted, and be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, 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 real estate, and personal estate, and mixed estate, within or without

the limits thereof, as the purposes of the village may require, and the authorities thereof shall have perpetual succession.

SEC. 2. The elective officers of said corporation shall be one president, one recorder, three trustees, one treasurer and one justice of the peace, and shall each, except the justice of the peace, hold their respective offices for the term of one year, and until their successors are elected and qualified. The justice of the peace shall hold his office for the term of two years, and until his successor shall be elected and qualified. In addition to the above mentioned officers, the council shall have power to appoint a marshal, and such other officers as to said council may seem necessary, and to define the duties of such officers, and to remove such officers at pleasure.

SEC. 3. Each officer, before entering upon the duties of his office, and within ten days after receiving notice of his election, shall give notice in writing of his acceptance of the same to the recorder of said village, and shall take and subscribe, before some officer by law authorized to administer oaths, an oath of office to support the constitution of the United States and the constitution of the state of Minnesota, and that he will faithfully perform the duties of his office in accordance with the law and ordinances of said village. And in addition thereto, the treasurer, recorder, justice of the peace and marshal shall each give a bond in a sum not less than two hundred dollars, to be determined by said council, conditioned for the faithful performance of the duties of their respective offices, which bond shall be filed with recorder of said village.

SEC. 4. 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. All actions of the council intended to have the force of rules or law or authority for contract shall be by ordinance under the style of "Be it ordained by the common council of the village of Plainview," but no ordinance shall embrace more than one subject, which shall be expressed by its title. The common council shall meet for the transaction of business at least once in three months, and at such other times as said council may deem necessary, and a majority of said council shall be a quorum for the transaction of any business. The president, when present, shall preside at all meetings of the common council, but in case of his absence the members present shall choose one of their number to preside during his absence; but no ordinance shall be passed except by the vote of a majority of all the members of the common council. A record in book form shall be kept by the recorder, in which he shall record all the proceedings of the common council, and ayes and noes upon every ordinance voted upon shall be entered therein.

SEC. 5. That to the president shall belong the executive powers granted by this act to said corporation, except such of said powers as are specially vested in or from their nature must necessarily pertain to the other executive officers of said corporation, whether said officers are created by this act or by the common council. He shall have power to call a meeting of the council, by giving such notice thereof as may have been provided by ordinance, or, in default of provision, in such manner as he may deem meet and proper.

SEC. 6. That the recorder shall be the recording officer of the

village and of the common council. He shall have the custody of the seal of said corporation, and all the records thereof not necessarily and specifically appertaining to the other officers thereof. He shall keep all the accounts of the corporation, receive all claims against the same, and draw orders upon the treasurer for moneys payable by said corporation, 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 such corporation previously audited and allowed by the common council. He shall also make to the common council at the close of each official year, a condensed report of all his doings such officer during such year; and he shall, with all reasonable dispatch, make such [other] reports as the common council shall require.

SEC. 7. That the treasurer shall be the depository of all moneys belonging to said corporation. He shall from such moneys pay, upon presentation, all orders therefor drawn by the recorder and countersigned by the president.

SEC. 8. 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 for and elected under the general laws of the state, and in addition thereto shall have cognizance and jurisdiction of all suits, prosecutions and 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 or affrays, not indictable, and for a breach or violation of any by-law, ordinance or regulation, that shall be commenced in the name of the village of Plainview; and the same proceedings shall be had in all civil and 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. All fines, forfeitures and penalties imposed by or recorded before said justice in any suit, prosecution or proceeding had and commenced in the name of said village, shall be promptly paid by said justice to the treasurer 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 such 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 moneys received by him for fines, penalties and forfeitures, and shall pay them into the hands of the treasurer, taking his receipt therefor. Any justice of the peace elected or appointed in the village of Plainview under the general laws of this state, and residing within the limits of the corporation, upon filing the bond and oath of office hereinbefore prescribed for the justices of the peace, shall have concurrent jurisdiction with justices of the peace elected under the provisions of this act, and be subject to the same

liabilities and restrictions. In case of prosecutions for a breach or violation of any 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, no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, shall not exceed twenty dollars. The fees of 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, processes of every nature, issued by such justice, shall be directed to the marshal appointed under the provision of this act, or to the sheriff or any constable of the county of Wabasha, and may be executed or served by said marshal, or by the sheriff or any constable of said county, and for such purpose said marshal, 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 or service of warrants, writs and other processes issued by justices of the peace elected under such general laws.

SEC. 9. The marshal appointed under the provisions of this act, shall be the ministerial officer of the council, and shall have and possess all the powers belonging to the constables elected under the general laws of the state, and his compensation shall be fixed by ordinance of the council; and said marshal shall, within the county in which he resides, also have and exercise all the powers, and perform all the duties of, and when acting as such, receive the same compensation as constables elected under the general laws of the state.

SEC. 10. There shall be an annual election for elective officers herein provided for on the second Tuesday of April in each and every year, and the polls shall be kept open from ten o'clock in the forenoon until four o'clock in the afternoon, and ten days' previous notice shall be given by the recorder of the time and place of holding such election, and the officers to be elected, by posting notices thereof in three of the most public places in the village. At said elections, the trustees or any two of them shall act as judges of election, and the recorder as clerk of election; and in case of inability or non-attendance of any of said officers, the vacancy 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 of their election; and that for the purposes of the first election under this act, J. R. McLaughlin, R. Burchard, H. H. Butts, C. O. Landen and A. Geim, shall be judges of election, and also the board of canvassers for such election, and appoint one of their number recorder, and shall perform all the duties and possess all the powers of judges of election and board of canvassers prescribed by this act; they shall appoint the place of holding the polls of such election, and post notices thereof ten days before the same; *Provided*, That no failure of any recorder to give the notice provided by this section shall, in any manner, invalidate any election.

SEC. 11. All elections by the people shall be by ballot, and each ballot shall contain all the names of the persons voted for, with a

proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the village council at such time and in such manner as they may direct.

SEC. 12. All persons entitled to vote for state officers, and who shall have resided within the village for thirty days next preceding the election, shall be entitled to vote for any officer to be elected under this law, and all officers elected shall possess the qualifications of an elector.

SEC. 13. The common council shall have the management and control of the finances, and of all the property of the corporation, and shall also in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws, and regulations for the government and good order of the village, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient. The common council shall have full power and authority to declare and impose fines, penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule, by-law or regulation passed and ordained by them; and all such ordinances, rules and by-laws, and regulations, are hereby declared to be, and have the force of law; *Provided*, That they be not repugnant to the constitution of the United States or of this state, and for those purposes shall have authority by ordinances, rules, by-laws or regulations:

*First.*—To license and regulate the exhibitions of common showmen, and shows of all kinds, or the exhibition of caravans, circuses, concerts or theatrical performances, billiard tables, nine or ten pin alleys, bowling saloons, and all persons dealing in spirituous, vinous or fermented liquors.

*Second.*—To prohibit and restrain all descriptions of gambling and fraudulent devices and practices, and all plays of cards, dice or other games of chance, for the purpose of gaming in said village, and to restrain any persons from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

*Third.*—To prevent any riots, noise, disturbance and disorderly assemblages in said village, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same, to suppress disorderly houses 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, chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to clean, remove or abate the same from time to time, as often as 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, markets, distilleries and breweries.

*Sixth.*—To prevent the incumbrance of streets, sidewalks, lanes, alleys or public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood, or any other material or substance whatever.

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

*Eighth.*—To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners for violation of the ordinances.

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

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

*Eleventh.*—To make and establish public pounds and regulations regarding the same; to make and establish public grounds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for and control the erection of waterworks for the supply of water to the inhabitants.

*Twelfth.*—To establish and regulate boards of health, and to provide hospitals and hospital grounds.

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

*Fourteenth.*—To prevent the shooting of firearms or fire-crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council as dangerous to the village or any property therein, or annoying to any citizen thereof.

*Fifteenth.*—To prevent open or notorious drunkenness and obscenity in the streets or public places of said village, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

*Sixteenth.*—To license and regulate butchers' stalls, shops and stands, for the sale of game, poultry, butchers' meat, butter, fish, and other provisions.

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

*Eighteenth.*—To compel the owners or occupants of buildings or grounds to remove snow, dirt, or [other] rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occu

pant to remove from the lot owned or occupied by him, all substances as the board of health shall direct, and in his default, to authorize the removal or destruction thereof, by some officer of the village, at the expense of such owner or occupant.

*Nineteenth.*—To provide for watchmen, and to prescribe their numbers and duties, and regulate the same, and to create and establish the police of said village, and to prescribe the number of police officers and their duties, and to regulate the same.

*Twentieth.*—To provide by ordinance for a standard of weights and measures, for the appointment of a village sealer, and to require all weights and measures to be sealed by the village sealer, and to provide for the punishment of the use of false weights and measures.

*Twenty-first.*—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds of said village.

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

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

*Twenty-four.*—To regulate and license merchants, retailers, taverns, groceries, ordinaries, hawkers, pawnbrokers, money changers and auctioneers.

*Twenty-fifth.*—To appropriate money and to provide for the payment of the debts and expenses of the village, to appropriate money for the improvement of roads in said village, or road leading into the same, and for all either [other] purposes deemed necessary by the common council for the interest and welfare of said village.

*Twenty-sixth.*—To assume and exercise full control over all public grounds, streets and alleys in said village, and to provide for enclosing, improving and adorning the same.

*Twenty-seventh.*—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 into or spread of contagious or infectious diseases in the village, and to make quarantine laws and enforce the same within the village.

*Twenty-eighth.*—To restrain and punish street beggars, prostitutes and vagrants.

*Twenty-ninth.*—To prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and boiler stacks, and apparatus used in or about any building, and to cause the same to be put in a safe and secure condition when considered dangerous; to prevent the depositing of ashes in unsafe places and throwing of ashes in the streets, alleys or highways; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires, and generally to establish such regulations for the prevention and extinguishment of fires, as they may deem necessary and expedient.

*Thirtieth.*—To provide a suitable place in which to confine those

who, for the violation of any ordinance, rule or by-law enacted by said council, may be liable to such confinement.

*Thirty-first.*—Fines, penalties and punishments imposed by the common council for the breach of any by-law, ordinance or regulation of said village, may extend to a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days, or both such fine and imprisonment, and to be fed on bread and water, 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. 14. All ordinances, 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 the official paper, if the village has one, or made public by posting a copy thereof in some public place, (to be designated by the common council,) for at least five days before the same shall be in force, and shall be admitted as evidence in any court in this state with [without] further proof. They shall be recorded by the recorder in books to be provided for that purpose.

SEC. 15. 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, fermented or malt liquors are sold without license required therefor, within the limits of said village, are hereby declared and shall be deemed common nuisances.

SEC. 16. The council examine, audit and adjust the accounts of the recorder, treasurer, justice, marshal 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 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 said duties, in pursuance of this section, or shall neglect or refuse to render his account 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 common council 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 or adjustments.

SEC. 17. All actions brought to recover any penalty, fine 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. 18. In all prosecutions for any violation of this act, or of any ordinance of this village, the first process shall be by warrant; *Provided*, That no warrant shall be necessary in any case of 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, or when the marshal shall have good reason to believe that such law or ordinance has been violated; 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 made by warrant.

SEC. 19. The marshal 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 laws of the state, and may pursue into any county of this state, and take and bring back for trial any offender against the ordinances of said village.

SEC. 20. When any suit or action shall be commenced against said village, the service therein shall be made by copy left with the recorder of the village.

SEC. 21. 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. 22. The common council shall have the exclusive right in their discretion to license persons vending or dealing in spirituous, vinous, fermented, mixed, malt, or intoxicating liquors, within the limits of said village of Plainview, and persons so licensed shall not be required to obtain a license from the board of county commissioners; *Provided*, That no license shall be granted for less than one hundred dollars, nor more than two hundred dollars per year; *Provided further*, That the said common council may grant license for the sale of lager beer only, or to any druggist for the sale of spirituous or vinous liquors for medicinal, mechanical or communion purposes, for a sum not less than fifty dollars nor more than one hundred dollars per year. Previous to the granting of any such license, a bond shall be filed with the recorder and approved by the common council, with the same penal sum, and with the same conditions as are required by chapter sixteen of the general statutes. The common council shall have full power and authority to declare and impose fines, penalties and punishment, and to enforce the same against any person or persons who may violate this section of this act and any ordinance or regulation made in accordance therewith, or who may vend or traffic in spirituous, vinous, fermented, malt or intoxicating liquors, unless duly licensed by said common council. Said fine to be not less than twenty-five dollars nor more than one hundred dollars for each and every offense; and in case of conviction under this section of this act, and any ordinances or regulations made in accordance therewith, there shall be no appeal allowed from the decision of the justice, when the judgment or fine imposed shall not exceed twenty-five dollars exclusive of costs. All other licenses shall not be less than one dollar nor more than fifty dollars, and the fee for issuing the same shall not exceed one dollar; and said village council may at any time revoke any license granted under this act, for misconduct in course of trade, or for violating the conditions upon which the license was issued.

SEC. 23. The cost and expense of building, grading, paving or repairing sidewalks, shall be at the option of the common council, chargeable to the lots fronting on said improvement. Whenever

the common council shall deem it necessary to construct or repair any sidewalk in the village of Plainview, they may cause to be notified all owners and occupants of any lot or lots adjoining such sidewalks, if the same can be found, 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 posting on said lot or lots, for not less than two weeks, 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. 24. If such work is not done, and the sidewalks not built or repaired, in the manner and within the time prescribed, the common council may order the same to be done at the expense of the lots and parcels of ground adjoining such sidewalks, and said expenses shall be assessed upon such lots and parcels of lands so chargeable, and when approved by the common council, shall become a lien upon said lots and parcels of land, as in case of town, county and state taxes.

Sec. 25. If said assessment be not paid to the treasurer of said village on or before the twentieth day of September in any year, the common council shall cause a statement of the same to be transmitted to the auditor of the county of Wabasha in which the lot or lots, or parcels of ground is situated, on or before the first day October in 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 shall be enforced with and in like manner as county and state taxes are collected and payment enforced.

Sec. 26. The common council may prescribe the width of sidewalks, and establish the grade of the same, and may establish different widths in different locations, and may determine the kind of material of which they shall be constructed, and the manner of construction.

Sec. 27. The common council shall have power to establish the grade of any street in said village and regulate the grading of the same, and shall have the same power and authority to lay out, amend, open and discontinue roads, highways and cartways in all that part of the incorporation not laid out in lots and streets that the supervisors of towns now have by law. And any one aggrieved by any such act of the common council, shall have the same right to appeal as the citizens of towns now have to appeal from the decision of the board of supervisors.

Sec. 28. The village of Plainview shall be constituted one or more road districts, to be defined by the common council, and the highway labor and taxes shall belong to said district.

Sec. 29. The common council shall appoint one overseer of highways 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. The laws of the state shall apply to the warning, working, suing for and collecting highway taxes,

and to returning delinquent taxes. The common council shall have full power to direct the overseers when, where and how to expend the labor in the manner to be directed by them, at any point within the limits of the village. The common council shall perform the duties imposed by law upon supervisors of towns in levying highway taxes, and shall be governed and restricted in the amount so levied by the same laws applicable to supervisors of towns in levying highway and labor taxes.

SEC. 30. The common council shall have power by resolution to levy upon all the taxable property of said village, taxes to provide for the current expenses of the village government, police and watchman [men], for the opening, maintaining and improvement of public grounds, and the construction of buildings and improvements of a general character; *Provided*, That such taxes shall in no year exceed three mills on a dollar of the assessed valuation, nor shall this section be a restriction to their right to levy and collect highway labor and taxes as heretofore provided.

SEC. 31. The common council shall cause to be transmitted to the county auditor of said county, on or before the first day of September in each year, a statement of all the taxes by them levied, together with a statement of the delinquent highway taxes; and such taxes shall be collected, and the payment thereof enforced, with and in like manner as the state and county taxes are collected and payment thereof enforced, and the county treasurer shall pay over such taxes, as fast as collected, to the treasurer of said village.

SEC. 32. In any action brought to recover any penalty 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; 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 such actions, and no person shall be an incompetent juror or witness by reason of being an inhabitant of said village, in an action to which the village shall be a party.

SEC. 33. The corporation is vested with all powers to carry into full force, virtue and effect, all and every part of the charter of said village of Plainview, and to carry into execution the same; shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and intent thereof.

SEC. 34. The treasurer shall make and deliver to the village council, at least ten days before the annual election, or sooner, if required by them, a full and detailed statement of all the receipts and expenditures since the date of the last annual report, and also the state of the treasury, which statement shall be filed with the recorder.

SEC. 35. The treasurer shall receive for his services the same fees as are allowed by law by town treasurers; *Provided*, That they shall not exceed the sum of twenty dollars.

SEC. 36. No member of the village council shall be a party to or

interested in any job or contract with the village, and a contract in which any member of said council may be interested shall be null and void.

SEC. 37. This act shall take effect and be in force from and after its passage.

Approved March 9, 1875.

---

## CHAPTER XXI.

### AN ACT TO INCORPORATE THE VILLAGE OF LEWISTON, COUNTY OF WINONA, STATE OF MINNESOTA.

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

SECTION 1. All that part of the township of Utica, in the county of Winona and State of Minnesota, hereinafter described, shall be known and constitute the village of Lewiston, 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 Lewiston shall be all of section fourteen, township one hundred and six, north of range number nine, west of the fifth principal meridian, and lying in the county of Winona and state of Minnesota.

SEC. 3. The government of said corporation, and the management of its municipal concerns, shall be vested in three trustees, one of which shall be selected by themselves as president, one treasurer, one justice of the peace, one assessor, one constable and one clerk, who shall be residents of said village. The trustees, treasurer, justice of the peace and constable, shall be elected by the qualified voters of said village. The assessor and clerk of said village shall be appointed by the trustees of said village, and may be removed by said trustees at any time. The trustees and treasurer shall hold their offices for one year, and the justice of the peace and constable shall hold their offices for two years, and until their successors are elected and qualified. The trustees may fill by appointment any vacancy that may occur in any of the village offices, and for the purpose of enforcing any law or laws of the state of Minnesota, or enforcing any ordinance of the village of Lewiston, may at their option, if necessary, appoint one or more persons to act as a police of said village, who shall possess the same powers as any constable elected under the statute of the state of Minnesota, for all violation of law, or any of