

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

the ordinances of the village of Lewiston, committed within said corporation of the village of Lewiston.

SEC. 4. There shall be an annual election held on the first Monday in March, of each year, at which the electors, residing within the limits of said village, qualified to vote at any town election, may choose by ballot and by plurality of votes, the trustees, treasurer, justice of the peace and constable of said village. The trustees shall act as judges of election of said village, but in case of the absence of either of them, any qualified voter of said village may be selected by the voters present, to act as such judge. At all of the village elections held under this act, the polls shall be opened at one o'clock in the afternoon, and continue open until five o'clock in the afternoon of said day. The election shall be by ballot, and be conducted in the same manner as far as may be, as township elections. The village clerk shall give notice of such election, as is provided by law, for notices of town elections; *Provided*, That any failure by the clerk to give such notices as aforesaid, shall not in any manner invalidate such election. Special meetings may be called at any time, by the trustees of said village upon the petition of twelve legal voters and freeholders of said village, by giving the notice above required, stating the object of said meeting. The first election of said village under this act, shall be held on the first Monday of March, eighteen hundred and seventy-five. And John Stillwagen, L. J. Allred and Peter Peters, or any two of them, shall act as judges of said election, and shall give ten days' notice of such election, and the place of holding the same, by posting up three notices of the same in three public places in said village. They shall canvass the votes and issue certificates of election to those having the highest number of votes.

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

SEC. 6. Each elected officer, before entering upon the duties of his office, and within ten days after he is elected, shall take and subscribe to an oath, that he will support the constitution of the United States, and of the state of Minnesota, and that he will faithfully perform the duties of his office in accordance with the law and the ordinances of said village; and, in addition thereto, the treasurer, clerk, justice of the peace and constable, shall each give a bond, with sufficient sureties, to be approved by the trustees, in a sum not less than two hundred dollars, conditioned for the faithful performance of the duties of their respective offices, which bond, together with the oath of office, shall be filed with the clerk of said village. The justice of the peace, clerk and treasurer, shall respectively possess all the powers, and enjoy all the rights, and be subject to all the liabilities, rules, laws and fees, as far as the same may apply, as

such township officers are, by the general laws of the state, and their bonds shall run to the trustees of said village, and their successors in office. The constable shall have all the powers, and perform all the duties, be under the same liabilities, and receive the same compensation for his services as a township constable, throughout his county; *Provided*, that the trustees shall receive no compensation for their services. The treasurer shall receive all moneys belonging to the said village, keep a just and true account thereof, in a book to be provided by the trustees for that purpose, and shall pay out the same only upon the order of the president of the board of trustees, attested by the clerk. He shall settle with the trustees at the close of each year, and oftener, if required to do so by said trustees. It shall be the duty of the constable to suppress all riots, disturbances, and breaches of the peace, and to arrest all disorderly or drunken persons in said village, and for this purpose he shall have all the authority and power of the sheriff of his county.

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

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

Second.—To restrain and prohibit all description of gaming and fraudulent devices and practices; all playing of cards, dice or other games of chance, for the purpose of gaming, in such 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 trustees of said village.

Third.—To prevent any riots, noise, 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 keeper 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, 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 street; to compel persons to hitch or fasten their horses or other animals attached to vehicles or otherwise, while standing in the street, and to regulate places of bathing, swinging 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 such ordinance.

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 ordinance.

Tenth.—To prevent any person 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 substance, putrid or unsound beef, pork, fish, hides or skins of any kind, and in default of such persons, 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 in 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 to provide hospitals and hospital grounds for those infected with small pox or other contagious and 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 of such owners the value of such ladders 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 raze such buildings in the vicinity of the fire as shall be directed by the trustees, or any two of them, who may be at the 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 water works, 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 sidewalk 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 or peddlers

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 may 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 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 sale of game, poultry, butchers' meat, 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, 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. 8. Fines, penalties and punishments imposed by the trustees for the breach of any ordinance, by-laws or regulations 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. 9. Ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote by a majority of the trustees by ayes and noes, and published at least once in some newspaper of the vil-

lage, or posted in some public place thereof 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. 10. The power conferred upon the trustees to provide for the abatement or the 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 without license required therefor within the limits of said village, are hereby declared and shall be deemed public or common nuisances.

SEC. 11. The trustees shall examine, audit and adjust the accounts of the recorder, treasurer, justice of the peace and all other officers and agents of the village, 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 trustees 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 trustees 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 trustees, or a committee thereof, it shall be the duty of the trustees 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. 12. All actions brought to recover any penalty or forfeiture under this act or ordinances, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the village.

SEC. 13. No person shall be eligible to the office of president, treasurer, or clerk of said village, unless he is a freeholder in said village, nor for any office under said corporation, unless he is a legal voter of said village.

SEC. 14. 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. 15. The village of Lewiston shall not be liable, in any case, for the board or jail fees of any person who may be committed by any officer of said village, or any magistrate, to the county jail of Winona county, for any offense punishable under our statutes.

SEC. 16. The constable and other police officers are hereby vested with all the powers of a 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 ordinance of said village.

SEC. 17. 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. 18. 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. 19. The sale of intoxicating, vinous, spirituous, malt or fermented liquors, within the limits of said village, is hereby declared to be under the exclusive control of the trustees of said village, and all fines imposed for violations of any ordinance regulating such traffic, shall be paid into the treasury thereof.

Sec. 20. In the matter of opening, laying out or vacating streets or alleys, and the assessment of damages, the trustees shall be governed by an 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 decision of township supervisors.

Sec. 21. The cost and expenses of surveying the 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, streets, crossings and sidewalks, may be paid out of the general fund, but the expense of opening, building, grading, graveling, paving or repairing streets to the center thereof, and also of sidewalks, shall be at the option of the trustees, chargeable to the lots fronting on such improvements.

Sec. 22. Whenever the trustees shall deem it actually necessary, or two-thirds of the owners and occupants that are living opposite such contemplated improvements, shall petition said trustees in writing, to construct or repair any sidewalk in the village of Lewiston, 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. 23. If such work is not done, and the sidewalks not built or repaired, in the manner and within the time prescribed, the trustees may order the same to be done by the street commissioners or otherwise, at the expense of the lots and parcels of land adjoining said sidewalks. And said expenses shall be assessed upon such lots or parcels of land, so chargeable by the street commissioner, and returned by him to the trustees, and assessments so made and returned, if approved by the trustees, shall become a lien upon said lots and parcels of land, as in case of town, county and state taxes.

Sec. 24. 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 trustees shall, until express provision be made in regard to the subject, cause a statement of the same to be transmitted with the village taxes, levied for that year, to the auditor of the county of Winona, 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 may be enforced in like manner as county and state taxes are collected, and payments enforced.

SEC. 25. The trustees 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. 26. The village of Lewiston shall be constituted one or more road districts, to be defined by the trustees, and the highway labor and taxes shall belong to the general fund, but shall be expended in the road district where the same is 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 warning, working, suing for and collecting highway taxes and returning delinquent taxes, and in all other respects, except as herein expressly provided, the trustees shall have full power to direct the commissioners when, where and how, to expend such 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 trustees 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. 27. 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 village purposes; such property shall also be liable for such special taxes as are herein authorized to be levied.

SEC. 28. The trustees 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. 29. The trustees 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 Winona 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 Lewiston 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 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 Winona, placed in his hands for collection, and to pay the amount so collected to the treasurer of the village of Lewiston, incorporated by this act.

SEC. 30. The assessor elected under the provisions of this act shall perform the duties under the general laws of the state pertaining to his office, required by the trustees, in the 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 trustees, who may alter, revise and equalize the same, as they may deem it just and proper, and said assessment, as revised and equalized by said trustees, shall be final, subject only to the revision of the county and state boards of equalization.

SEC. 31. In any action brought to recover any penalty or damages under this act, or under any ordinance made by the trustees, 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 trustees, and they shall have power to settle, compromise or prosecute all such actions on the part of the village, when said village shall be a party or 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. 32. The trustees, recorder, treasurer, justice of the peace, constable, and all other officers appointed by the trustees, shall be officers of the peace, and suppress in a summary manner all disorderly behavior within the limits of the village, and for such purpose may command the assistance of the bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of not more than twenty-five dollars and not less than five dollars.

SEC. 33. No action for violation of any ordinance of said village shall be appealed when the fine is less than ten dollars, exclusive of costs.

SEC. 34. 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 [intent] thereof.

SEC. 35. No law of this state contravening the provisions of this act shall be considered as repealing, amended or modifying the same, unless such purpose be expressly set forth in such law.

SEC. 36. This act is a public act and need not be pleaded or proven in any court in this state.

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

Approved February 23, 1875.

CHAPTER XXII.

AN ACT TO INCORPORATE THE VILLAGE OF MORRISTOWN, IN RICE COUNTY, STATE OF MINNESOTA.

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

SECTION 1. That sections twenty-two, twenty-three, twenty-six and twenty-seven, township one hundred and nine north, range twenty-two west, shall be known as the village of Morristown, and as such corporation shall possess and enjoy all the powers and privileges that can now or hereafter be possessed or enjoyed by any municipal corporations, and by that name may sue and be sued, contract and be contracted with, purchase, take and hold real or personal property, ever grant or demise of lands for right of transfer of property which be in the name of the village, and convey the same, and may have a corporate seal and alter the same at pleasure.

SEC. 2. The elective officers of said corporation shall be one president, one recorder, three trustees, one treasurer, one assessor, one justice of the peace, who shall be styled police justice, and one constable who shall be styled marshal, and shall each hold their office for the term of one year, and until their successors are elected and qualified. In addition to the above officers, the common council shall have power to appoint and define the duties of such other officers as the said council may deem proper and necessary. All village officers shall have resided in the village four months and be qualified electors of the state.

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, 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 the ordinances of said village. And in addition thereto the treasurer, recorder, justice of the peace and constable, shall each give bond in sum not less than four 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 the recorder of said village.

SEC. 4. That the president, recorder and trustees shall constitute the common council, to which body shall belong all the legislative