

SEC. 22. The president and trustees of said village shall not receive any compensation whatever for their services; *provided*, that those members of the village council acting as judges of any election shall receive the same compensation as is allowed by law to judges of election at township elections.

SEC. 23. This act shall not be construed so as to exempt any person or property within the limits of the village of Blue Earth City, from a just proportion of any indebtedness or taxation heretofore contracted by or on account of the township of Blue Earth City, as constituted prior to the passage of this act, and in all respects not herein provided for the said village of Blue Earth City, shall be and remain a part of the township of Blue Earth City.

SEC. 24. The village of Blue Earth City shall be entitled to all the moneys, credits, books, and other property, and subject to all the debts and liabilities of the present incorporated village of Blue Earth City, and the act entitled "An act to incorporate the village of Blue Earth City, in the county of Faribault, and State of Minnesota, approved March first, one thousand eight hundred and seventy-two," is hereby repealed, to take effect when the village council, as provided in this act, shall hold their first regular meeting; *provided*, that all ordinances and by-laws of the present incorporated village of Blue Earth City shall continue and remain in force and effect until the same are repealed or suspended by the village council provided for under the provisions of this act, and shall for all purposes under this act have the full force of law.

SEC. 25. This act is a public act and need not be pleaded or proven in any of the courts of this state and no law of this state concerning any of the provisions of this act, shall be considered as repealing, amending or modifying the same unless such purpose and intention be expressly set forth in such law.

SEC. 26. This act shall take effect and be in force from and after its passage.

Approved January 27, 1879.

CHAPTER XV.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF GLENCOE IN THE COUNTY OF McLEOD AND STATE OF MINNESOTA, BEING CHAPTER SIX OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

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

SECTION 1. That section two of said chapter six be and the same is hereby amended to read as follows, to wit: The inhabitants of said village having the qualification of electors of members of

the legislature of the state of Minnesota, as hereinafter provided, may elect a president, two trustees, a treasurer, a recorder and a justice of the peace, who shall hold their respective offices for one year or until their successors are elected and qualified, and, before entering upon the duties of their respective offices, shall each take an oath or affirmation to support the constitution and laws of the state of Minnesota; also an oath of office. The treasurer shall give a bond in a sum to be fixed by the council conditioned for the faithful performance of his duties and the accounting to said village for all moneys recovered by him, with two sureties, to be approved by the council, which bond shall be filed in the office of the register of deeds of McLeod county, and shall keep a true account of all moneys by him received by virtue of his office and the manner in which the same are disbursed, in a book provided for that purpose, and exhibit such account, together with his vouchers, to the village council at its annual meeting, for adjustment, and shall deliver all books and property belonging to his office and the balance of all moneys in his hands as such treasurer to his successor in office, on demand, after his successor is qualified according to law. He shall from time to time draw from the county treasurer such moneys as have been received by the county treasurer for the use of his village, and on receipt of said moneys he shall deliver proper vouchers therefor.

SEC. 2. That section three of said chapter six be and the same is hereby amended to read as follows, to wit: The village council shall meet the first Tuesday after their election and monthly thereafter. At the first meeting of said village council, or as soon thereafter as convenient, they shall appoint a village marshal, who shall hold his office for one year or during the pleasure of said council, who shall execute such orders and perform such duties as are prescribed by the village council for the collection of tolls, licenses, money and fines, for the preservation of the public peace, for the good order, cleanliness and government of the village, and for all of the purposes he shall possess the powers of a constable at law under the statutes of this state, and receive like fees. Said marshal shall, before entering upon the duties of his office, and within ten days after his appointment, take the oath of office required by law, which oath shall be filed in the office of the recorder of said village, and also to execute a bond to the village council in the sum of five hundred dollars, conditioned as constables' bonds prescribed by statutes, which bond shall be approved by the village council and filed with the recorder of said village.

SEC. 3. That section five of said chapter six be, and the same is hereby amended, to read as follows, to wit:

The president, two trustees, treasurer and recorder, shall be the village council of said village, any three of whom shall constitute a quorum for the transaction of any business, and shall have full power and authority to make, enact, ordain, establish, publish, alter, enforce, modify, correct and repeal all such ordinances, rules and by-laws for the government and good order of the village, and for the suppression of vice as they shall deem expedient, and declare and impose penalties by fine and imprisonment, or both, and to

enforce the same against any person or persons who may violate any provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws are hereby declared to be, and have, the full force of law, and for these purposes shall have authority by ordinances, resolutions or by-laws, *provided* that they be not repugnant to the constitution of the United States or this state.

First—To license and regulate the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, circuses, concerts and theatrical performances, and also to license and regulate all peddlers, auctioneers, billiard tables, pigeon-hole tables, nine or ten-pin alleys, bowling saloons, butcher shops and butcher stalls, and venders of butcher's meat, pawnbrokers, insurance offices and insurance agencies, taverns, lager beer saloons, victualing houses and all persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors; *provided*, that not less than seventy-five dollars nor more than two hundred dollars, shall be required to be paid for any license for the sale of spirituous, vinous, malt or fermented liquors, and all other licenses not to be less than one dollar nor more than one hundred 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 moral conduct in the course of trade.

Second—To restrain and prohibit the use of all gambling devices whatever, from being set or used for gambling purposes, and to restrain and prohibit all description of gaming and fraudulent devices and practices.

Third—To prevent any riots, noise, disturbance and disorderly assemblages, to suppress and restrain disorderly houses, or groceries and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming, and of all spirituous, vinous, fermented, mixed or intoxicating liquors of any kind that may be kept for sale or dealt in, contrary to any ordinance of said village.

Fourth—To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place to cleanse, remove or abate the same. To remove and abate any nuisance injurious to the public health and safety, or repugnant to morality, decency and good order, and to provide for the punishment of all persons who shall cause or maintain such nuisances. To prescribe what shall constitute nuisances, and to provide for the removal or abatement thereof either under the ordinance or at common or statute law.

Fifth—To direct the location and management of slaughter houses and markets in said village, and to regulate the storage, keeping and conveying of gunpowder, inflammable oils, or other combustible materials.

Sixth—To prevent the encumbering of streets, sidewalks, lanes and alleys.

Seventh—To prevent immoderate riding or driving in the streets.

Eighth—To prohibit the running at large of dogs, to authorize the destruction of the same when at large contrary to the ordinance, and to impose fines upon their owners.

Ninth—To prevent any person from bringing, depositing or leaving within the village any putrid carcass or other unwholesome substance, and to require the removal of the same by a competent officer at the expense of such person or persons.

Tenth—To make and establish public grounds, pumps, water cisterns and reservoirs; to erect lamps, or other means whereby to light the village; to regulate and license hacks, cabs, drays, carts, and charges of hackmen, coachmen, draymen and cartmen of the village.

Eleventh—To prevent damage to sidewalks.

Twelfth—To prevent the shooting of fire-arms, crackers and other projectiles, and to prevent the exhibition of any fireworks in any situation which may be deemed by the council dangerous to the village or any property therein, or annoying any citizen thereof.

Thirteenth—To restrain drunkards, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places.

Fourteenth—To license and regulate peddlers, runners for public houses, and to regulate all public institutions of the village.

Fifteenth—To regulate the place and manner of selling, and to provide for the inspection and weight of hay and coal, and measuring charcoal, firewood and other fuel.

Sixteenth—To compel the owners and occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and in their default to authorize the removal or destruction thereof by some officer of the village, at the expense of the owners or occupants.

Seventeenth—To prevent the introduction of contagious diseases into the village.

Eighteenth—To license persons who shall offer or cause to be offered any goods, wares or merchandise, or other property, for sale at auction or public outcry in said village, and may charge therefor not less than five dollars nor more than one hundred dollars in their discretion, and whoever shall offer or cause to be offered such property without such license, or under cover of license granted to any other person, shall forfeit one hundred dollars to said village; but this subdivision shall not apply to the sheriff or other officer in the discharge of official duty.

Nineteenth—To appropriate money and provide money for the payment of the debts and expenses of the village.

Twentieth—To abolish, open, widen, grade, repair, or otherwise improve or keep in repair streets, avenues, lanes, alleys and sidewalks.

Twenty-first—To establish, regulate and support night watches when needed.

Twenty-second—To provide for the erection of all needful buildings for the use of the village.

Twenty-third—To provide for the enclosing, improving and regulating of the public grounds belonging, and for the adorning of the streets with shade trees.

Twenty-fourth—To provide for the taking from time to time the enumeration of the inhabitants of the village.

Twenty-fifth—To prescribe the limits within which wooden buildings or buildings of other materials that shall not be deemed fireproof shall not be erected, placed or repaired.

Twenty-sixth—To prevent the dangerous construction, placing and condition of chimneys, fire places, hearths, stovepipes, ovens, boilers and appurtenances used or about any building, and cause the same to be removed or placed in a safe and secure condition when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires within the village limits.

Twenty-seventh—To assess or tax any merchant or mercantile establishment offering manufactured articles for sale, and commencing business between the first day of August and the first day of June following, such an amount as is paid by similar establishments in said village, as the regular yearly tax for the same year, said tax to be paid into the village treasury.

Twenty-eighth—To prevent any railway company from obstructing the street crossings for a time exceeding ten minutes, accidents excepted; for every such offence a fine of not more than one hundred dollars may be imposed and collected.

Twenty-ninth—The village council shall have power to authorize the formation of fire companies, hook and ladder, and hose companies, and to provide for the due support and regulations of the same, and to order such companies to be disbanded and their apparatus to be delivered up, to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and save such buildings or structures in the vicinity of the fire as shall be directed by the council, or any three of them who may be at a fire, for the purpose of preventing its communication with other buildings, and each member of every such company shall be exempt from a poll tax and from serving on juries during the continuance of such membership.

Thirtieth—The village council shall have power to enact any by law, or to do any other act necessary and proper to perform the duties contemplated by this act.

SEC. 4. That section six of said chapter six be and the same is hereby amended to read as follows, to wit:

This act is a public act and need not be pleaded nor proven in any court in this state; and no law contravening the conditions of this act shall be considered as repealing, amending, or modifying the same, unless such purpose is expressly set forth in such law.

SEC. 5. That section seven of said chapter six, be and the same is hereby amended to read as follows, to wit:

All ordinances, rules and by laws enacted by the village council shall be signed by the president or chairman, attested by the recorder, and published once in a newspaper, to be designated by said village council, published and printed in said village; and after the publication of any notice, ordinance or resolution, or any other matters which by this act are or by order of the village council shall be required to be published, the printer or publisher of the paper designated by said council shall file with the recorder a copy

of such publication, which shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter.

SEC. 6. That section eight of said chapter six be and the same is hereby amended to read as follows, to wit:

The justice of the peace provided for and elected under this act shall have and possess all the powers and jurisdictions of the 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 or proceedings for the recovery of any fine, forfeiture or penalty under any by law, ordinance, or regulation of said corporation, or under this act, or for the breach or violation of any such by law, ordinance or regulation, and in all cases of offences committed against the same.

All prosecutions or assaults, batteries and affrays not indictable, and for a breach or violation of any by-law, ordinance or regulation, shall be commenced in the name of the village of Glencoe, and the same proceeding shall be had in all civil and criminal suits or prosecutions before said justice when not otherwise herein directed as are established and are 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 recovered 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 village justice 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 whatsoever in any pleading or complaint, but said by-laws, ordinances and regulations shall in said justice court be held and deemed to be public law. Said justice shall, at least once in three months, make to the village council a full report of all moneys received by him or fines, forfeitures and penalties, and shall pay them into the hands of the treasurer, taking his receipt therefor. In all cases of convictions for assaults, batteries and affrays within said village for breaches of the peace, disorderly conduct, keeping houses of ill fame or fequenting the same, and of keeping and maintaining disorderly and ill-governed houses, the said justice shall have power in addition to the fines or penalties imposed to compel such offenders 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. The said justice shall have the same power and authority in cases of contempt as a court of record. In case of the absence, sickness or other inability of said justice or for any sufficient reason the president by warrants may authorize any other justice of the peace within said town to perform the duties of said village justice, and it shall thereupon be the duty of the president to inform the village attorney and marshal of such substitution and make report thereof to the village council, and they may confirm or set aside such appointment or appoint some other justice of the peace, and the justice of the peace so appointed shall for the time being possess all

the authority, powers and rights of the said village justice. All fines and penalties imposed by the village justice for offences committed within the village limits or for violation of any ordinance, by-laws or regulation of said village shall belong to and be a part of the finances of said village. In case of prosecution for the breach or violation of any ordinance, by-law or regulation of said corporation or of this act, so far as an assault, battery or affray committed within the limits of said corporation no appeal shall be allowed when the judgment or fine imposed exclusive of costs is less than twenty-five dollars. The fees of the village justice shall be the same as allowed and fixed by the general laws of the state for justices of the peace. All warrants, writs and processess of every nature issued by the village justice shall be directed to the sheriff or any constable of the county of McLeod and may be executed or served by the appointed marshal under the provisions of this act or by the sheriff or any constable of said county, and for such purpose said officers shall have and possess the same powers and authority which by the general laws of the state they have and possess in the execution or service of warrants, writs and other processess issued by justices of the peace elected under such general laws.

SEC. 7. That section nine of said chapter six be, and the same is hereby amended to read as follows, to wit:

In all prosecutions of any violation of this act, or any by-laws or ordinances of the village of Glencoe, the first process shall be a warrant. *Provided*, That no warrant shall be necessary in the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance of the village of Glencoe, but the person or persons so arrested, to be proceeded against, tried, convicted and punished, or discharged, in the same manner as if arrested by warrant.

SEC. 8. That section fourteen of said chapter six be, and the same is hereby, amended as follows, to wit:

By striking out the word fifty, in the ninth line of said section, and inserting in lieu thereof, the words seventy-five:

SEC. 9. That section fifteen of said chapter six be, and the same is hereby amended, to read as follows, to wit:

The village council may appoint any number of special constables for extra occasions, and they shall constitute a village police and have the usual powers, and shall be under the immediate control of the marshal, who shall be the chief of police, and the whole shall be under the control of and subject to the village council, and all fines and penalties imposed under or by virtue of the provision of this act shall belong to the village of Glencoe."

SEC. 10. That section eighteen of said chapter six be and the same is hereby amended to read as follows, to wit:

The village council shall examine and adjust the accounts of all village officers and agents of the village, at such time as they may deem proper, and if any such officer or agent shall refuse to comply with the order of said council in the discharge of their duties in pursuance of this section, the council shall declare the office of such person vacant, and may commence suit or proceedings at law

against any such officer or agent who may be found delinquent or defaulting in his accounts or in the discharge of his official duties. The council shall make full record of all such settlements and adjustments.

SEC. 11. That section twenty-three of said chapter six be and the same is hereby amended to read as follows, to wit:

The recorder shall keep the corporate seal and all the papers and records of the village, and keep a record of all the proceedings of the village council; he shall draw and countersign all orders on the treasurer, in pursuance of any order or resolution of the village council, and keep a full and accurate account thereof in a book provided for that purpose, and make a full and fair record of all by laws, rules or ordinances made or passed by such village council. The recorder shall have power to administer oaths or affirmations. Copies of all papers on file in his office, and transcripts from the records of the village council certified to by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

He shall report annually on the first day of June to the council, an estimate of the expenses of the village for the current year, and the revenue necessary to be raised therefor; and the fiscal year of the village shall commence on the first day of July. He shall countersign all contracts made in behalf of the village, and all certificates of work done by order of the village council. He shall examine the report, books, papers, vouchers and accounts of the treasurer, and from time to time shall perform such other duties as the village council may direct. He shall not be directly or indirectly interested in any job or contract to which the village is a party.

SEC. 12. That section twenty-six of said chapter six be and the same is hereby amended to read as follows, to wit:

All work of the village exceeding one hundred dollars, shall be let by contract to the lowest bidder, and the village council may require a bond with sureties for the faithful performance of the contract. Not less than ten days' notice shall be given for the letting of the contract, by the posting of notices by the recorder in two public places in the village, designated by the president, and also filing said notices in his office at the same time, *provided*, that they shall have power to reject all unreasonable bids.

SEC. 13. That section twenty-seven of said chapter six be, and the same is hereby amended as follows, to wit:

By striking out the word fifty, in the second line of said section, and inserting in lieu thereof the words two hundred.

SEC. 14. That section twenty-eight, of said chapter six, be and the same is hereby amended to read as follows, to wit:

"All property, real and personal, in the village, except such as may be exempt by the laws of this state, or as village property, shall be subject to taxation not exceeding three mills on the dollar per year for general purposes, and all moneys arising from fines, commutations, licenses, shall be paid into the village treasury for the use of said village.

SEC. 15. That section twenty-nine of said chapter six be, and the same is hereby, amended to read as follows, to wit:

The village council shall have power from time to time to require other and further duties to be performed by any officers whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties. The village council may at any time fix the compensation of any officer or committee for really extraordinary service by them performed. The village of Glencoe shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the village or any magistrate, to the jail of McLeod county, for any offense punishable under the state laws. The village council shall keep a journal of its proceedings, and ayes and nays, when demanded by any member present, shall be entered on the journal, and the style of all ordinances shall be:

"The village council of the village of Glencoe, do ordain."

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved March 8th, 1879.

CHAPTER XVI.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO REDUCE THE ACT INCORPORATING THE CITY OF ROCHESTER, IN THE COUNTY OF OLMDSTED AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, AND THE ACT TO ORGANIZE A BOARD OF EDUCATION FOR THE CITY OF ROCHESTER AND THE SEVERAL ACTS AMENDATORY THEREOF, TO ONE ACT, AND TO AMEND THE SAME, APPROVED MARCH NINTH, ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

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

SECTION 1. The common council of the city of Rochester may provide, by ordinance, that any one convicted of an offense before the city justice, subjecting such offender to imprisonment under the charter and ordinances of said city may be kept at hard labor in any workhouse established by said city for that purpose, or the city prison of said city, or in case of male offenders may be kept at hard labor during the term of imprisonment in such workhouse, or on public streets and improvements of said city; and may also provide by ordinance that any one convicted of an offense before the city justice aforesaid, and committed upon non-payment of a fine imposed, may be kept at hard labor in any workhouse of said city or the city prison aforesaid, or in case of a male offender, may