

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, except as hereinbefore provided.

SEC. 31. This act shall not be construed so as to exempt any person or property within the incorporated limits of said village, from a just proportion of any indebtedness or taxation heretofore contracted by or on account of the town of Morris as constituted prior to the incorporation of said village.

SEC. 32. The president and councillors shall receive such salary or fees as they may deem reasonable; *provided*, that their pay shall not exceed three dollars (\$3) per month each for the time they remain in office. The fees of the recorder shall be for such duties as usually devolve upon the town clerk, the same as now received by said town clerk, and for additional duties that may be imposed upon him by this charter and by the common council, he shall receive as compensation the sum of one hundred dollars (\$100) per year. The fees of the village assessor and treasurer shall be as prescribed by general statutes for similar officers in townships.

SEC. 33. 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. 34. This act shall take effect and be in force from and after its passage.

Approved March 8, 1881.

CHAPTER 31.

AN ACT TO INCORPORATE THE VILLAGE OF NORWOOD, IN THE COUNTY OF CARVER, UNDER THE PROVISIONS OF CHAPTER ONE HUNDRED AND THIRTY-NINE (139) OF THE GENERAL LAWS OF THE STATE OF MINNESOTA, FOR THE YEAR A. D. ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE (1875), AND TO CONFER CERTAIN POWERS UPON THE COUNCIL AND ELECTORS OF SAID VILLAGE.

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

ARTICLE 1.

SECTION 1. The following described territory situate in the town of Young America, in the county of Carver, in this State, to-wit: South half ($\frac{1}{2}$) of the northeast quarter ($\frac{1}{4}$) and the north half ($\frac{1}{2}$) of the southeast quarter ($\frac{1}{4}$) of section fifteen (15), and the

south one-half ($\frac{1}{2}$) of the northwest and the north one-half ($\frac{1}{2}$) of the southeast quarter ($\frac{1}{4}$) of section fourteen (14) in township one hundred and fifteen (115) of range twenty-six (26) is hereby set apart for incorporation as a village, and shall and may organize as a municipal corporation by the inhabitants thereof; and the said inhabitants residing within the limits of said above described territory are hereby authorized to organize such municipal corporation and village in manner and form as provided in said chapter one hundred and thirty-nine (139) of the said general laws of Minnesota for the year A. D. one thousand eight hundred and seventy-five (1875), and shall, upon becoming organized in the manner aforesaid, be endowed with all the rights, powers and duties mentioned and specified in said chapter one hundred and thirty-nine (139) all of the provisions of which said chapter shall apply to and be in force in said village of Norwood by which name said municipal corporation shall hereafter be known.

SEC. 2. The people who do or hereinafter may reside within the said village, shall be a municipal corporation, with perpetual succession, under the name and style of the village of Norwood, and as such corporation shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the power hereinafter especially granted, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all the courts of this State both in law and equity, and shall have a common seal, and may change and alter the same at pleasure, and may take, hold and purchase, lease and convey such real estate, personal, mixed estate as the purposes of the corporation may require, within or without the village together with all the powers, rights and privileges which can now or hereafter be possessed and enjoyed by corporation for municipal purposes under the constitution and laws of the State of Minnesota.

ARTICLE 2.

SECTION 1. There shall be an annual election held in said village on the second (2d) Tuesday of April of each year, at such place as the village council may designate, at which the inhabitants of said village having the qualification of electors of State and county officers may elect by ballot and by plurality of votes. The elective officers hereinafter designated. Ten (10) days previous, notices shall be given of the time and place of holding said election, and of the officers to be elected, by the posting, by the recorder, of notices thereof, in three of the most public places of said village.

The election shall be held and conducted in the manner and under the penalties, and vacancies among the judges thereof filled as required and prescribed by the laws of this State relating to election of township officers. The village council or any two of them being present, shall act as judges of election, and shall take

the usual oath and affirmation as prescribed by law of this State, to be taken by judges of elections, and shall have power to appoint clerks of elections and to administer the necessary oaths: *provided* that no candidate for office shall act as judge or clerk of any election at which he is a candidate for office. The polls shall be opened at nine (9) o'clock a. m. and closed at four (4) o'clock p. m. of said day. At the close of the polls the votes shall be counted and a true statement thereof proclaimed to the voters by some one of the judges of election, and said judges shall make a return thereo, stating therein the number of votes for each person for each and every office, and shall deliver the same to the recorder within three (3) days after any election. The recorder shall forthwith notify the officers and officers elected of their election, by written notices served upon such officers in person, or left at their usual place of abode with some person of suitable age and discretion.

SEC. 2. 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 place a they may direct.

SEC. 3. The elective officers of said village shall be one (1) president, one (1) recorder, four (4) councilors, one (1) treasurer and one marshal, who shall hold their respective offices for one (1) year, and until their successors are elected and qualified, and one (1) justice of the peace, who shall be styled village justice, and who shall hold his office for two (2) years and until his successor is elected and qualified. All the officers of said village shall be qualified electors of this State, and no person shall be eligible to either of said offices who shall not have been a resident of said village for one (1) year next preceding his election.

SEC. 4. Special election may be ordered by the council, but no special election shall be held unless ten (10) days notice thereof is given, nor shall any subject or question be considered or acted upon thereat, unless its objects are clearly set forth and stated in the notice of said election.

ARTICLE 3.

SEC. 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe the oath of office, prescribed by general law, and file the same with the recorder. The treasurer, recorder and marshal, and such other officers as the council may direct, shall severally, before they enter upon the duties of their office, execute to the village of Norwood a bond, with at least two (2) sureties satisfactory to the village council, and such bond shall be in such sums and shall contain such conditions as the village council may deem proper, and said council may from time to time require new and

additional bonds, and remove from office any officer refusing or neglecting to give the same. The village justice shall qualify in the manner prescribed by law for justices of the peace, except that the official bond of said justice shall be executed to said village of Norwood and be approved by the council of said village.

SEC. 2. It shall be the duty of the president to preside at all meetings of the village council, but in cases of his absence or inability to act, the members present shall choose one of their members to preside during his absence. The president shall see that all ordinances of said village and the laws of this State are duly observed, and that all other executive officers of said village discharge their respective duties, and shall be chief executive officer of said village.

SEC. 3. The recorder shall be the recording officer of said village and of the village council. He shall have the custody of the seal of said village (if any) and of all records thereof, not necessarily and specially appertaining to the other officers thereof. He shall receive all moneys payable to said corporation except as hereinafter provided, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor. He shall keep all the accounts of the corporation, receive all claims against the same, and draw all orders upon the treasurer for moneys payable by said corporation, but no order shall be drawn by said recorder unless the same shall be in full or part payment of a claim against said corporation previously audited and allowed by the village council. He shall make to the village council on the close of each year a condensed report of all his doings as such officer during such year, which report shall be published in such manner, and to such extent as the village council shall direct.

SEC. 4. The treasurer shall be the depository of all moneys belonging to said corporation. He shall, from such moneys, pay, upon representation, all orders therefor, drawn by the recorder and countersigned by the president.

SEC. 5. The village justice shall have and possess all the authority, powers and rights of justices of the peace under the general laws of this state, and shall have, in addition thereto, sole and exclusive jurisdiction to hear and try all complaints for violation of any provision or provisions of the village charter or any ordinance, by-laws, rule or regulation made or adopted under or by virtue thereof, of all prosecutions for assault, batteries, affrays and all other offences not indictable, committed or arising within the limits of said village, of all cases cognizable before a justice of the peace, in which the village is a party, and of all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of said village, or its charter; and in all cases of the offenses committed against the same. In all cases of conviction for assaults, batteries and affrays within said village, for and in all cases of conviction under any ordinance of said village, for breach of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, and of keeping and

maintaining disorderly or ill-governed houses, the said justice shall have power, in addition thereto, to fix the fines, penalties or punishment imposed, to compel the person or persons so convicted, to give security for their good behavior, and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500). The said justice shall have the same powers and authority, in cases of contempt, as a justice of the peace under the general laws of this State. All prosecutions for assaults, batteries, affrays and other offences not indictable, and for all offenses against the charter, ordinances, by-laws or regulations of said village, shall be commenced the name of the village of Norwood, and the same, forms and proceedings shall be had and used, when not otherwise herein directed, in all civil or criminal suits or prosecutions before said village justice as are established and required to be had in civil and criminal actions before justice of the peace by the laws of this state, and appeals from the judgments and decisions of said village justice, shall be allowed as provided by law for appeals from judgment rendered by justice of the peace; *Provided*, that in cases of prosecutions for a breach or violation of an ordinance, by-law or regulation of said village or its charter, or for any assault, battery or affray or other offense cognizable by said village justice, no appeal shall be allowed when the judgment or fine imposed, exclusive of costs does not exceed fifteen dollars (\$15), except appeals upon questions of law alone, which shall be allowed in all cases; *Provided further*, that in all cases before said village justice, wherein said village justice has exclusive jurisdiction, and in all cases brought under this charter, ordinances and by-laws or regulations of said village, and in criminal proceedings and prosecutions before said justice there shall be no change of venue allowed; and *Provided further*, that in case of sickness, absence or other inability of the village justice or for any other sufficient reason, the president of said village, by warrant, may authorize and empower any other justice of the peace within said village to perform the duties of said village justice for the time being.

All fines and penalties imposed by the village justice for offenses against the laws of this State or for the violation of any ordinance, by-law or regulation of said village shall belong to and be a part of the finances of said village.

Said village justice shall, as often as the council require, report to the council all the proceedings instituted before him, in which the village is intrusted, and shall at the same time account for and pay over to the recorder, all fines or penalties collected or received by him, belonging to said village.

The fees of said village justice shall be the same as are allowed and fixed by the general laws of this state for justices of the peace.

SEC. 6. The marshal elected under the provisions of this act shall be the ministerial officer of the council, and shall have and possess, and may exercise all the powers belonging to constables elected under the general laws of the State, and said marshal shall

within the county of Carver also have the exclusive right and exercise all the powers and duties of, and when acting as such, receive the same compensation as constables elected under the general laws of this State.

SEC. 7. The street commissioner shall superintend all work and improvements on the streets, bridges and public grounds of the village and carry into effect all ordinary orders of the village council in relation to work or improvements upon the streets.

SEC. 8. The village council shall have power, unless herein otherwise provided, to fix the compensation of all the officers elected or appointed under this act; and such compensation shall be fixed by resolution. *Provided*, that the president and councilors shall receive no compensation for their services as such officers.

ARTICLE IV.

SECTION 1. The president and four councilors and the recorder shall constitute the village council of the village of Norwood, a majority of whom shall constitute a quorum to do the business. This village board shall hold monthly meetings at such time and place as shall be prescribed by resolution; may call special meetings.

SEC. 2. The village council shall have the management and control of the finances and all the property of the village, and shall likewise in addition to the power therein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the village, for the suppression of vice and intemperance, for the prevention of crime, as they shall deem expedient. The village council shall have full power and authority to declare and impose penalties and punishment, by fine and imprisonment or by both, and to enforce the same against every person or persons who may violate any of these provisions of the ordinances, by-laws, rules or regulations of said village, and all ordinances enacted, passed or ordained by said village council in conformity to the provision of this act, hereby declared to have the full force of law. *Provided* that they be not repugnant to the constitution and the laws of the United States or of this State, and for those purposes said village council shall have authority by ordinance, resolution or by law.

First. To license and regulate exhibitions of common showmen and shows of all kinds.

Second. To restrain and prohibit all description of gambling of any kind.

Third. To prevent any riotous or disorderly assembly in said village.

Fourth. To prevent and punish horse racing, immoderate riding or driving in the street, the incumbering of streets or sidewalks.

Fifth. To restrain and punish vagrants, mendicants, tramps, street beggars, prostitutes and disorderly persons.

Sixth. To remove any nuisance injurious to the public health or safety.

Seventh. To remove any nuisance, obstructions or encroachments upon the streets, alleys public grounds and highways of the village.

Eighth. To establish, lay out, alter, open, widen, extend and repair streets and alleys.

Ninth. To build or repair sidewalks opposite any common park or public grounds belonging to said village, and cross walks on any of the streets or alleys of said village, and to charge the expenses thereof to all property alike within the corporation.

Tenth. To purchase fire engines or other apparatus.

Eleventh. They may erect suitable buildings for village purposes.

Twelfth. They shall have the exclusive right to license persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors within the limits of said village, and persons so licensed shall not be required to obtain a license from the board of county commissioners; *Provided*, the persons so obtaining license shall comply with all the requirements of the general laws of the State of Minnesota relating to the sale of intoxicating, spirituous, vinous, malt or fermented liquors, and be subject to all the penalties provided therein for violating the laws of this State relating thereto; *and provided*, that no license shall be granted for a less sum than twenty-five dollars (\$25), nor a greater sum than seventy-five dollars (\$75), at the discretion of the village council of said village. *Provided, further*, that any person who may be licensed by said council to vend, sell and dispose of either vinous, malt or spirituous liquors, under the provisions of this section, shall not permit gambling with cards or any other device, for money or the representation of money, in the building or place of business of such licensed person, and shall not sell or otherwise dispose of any spirituous, intoxicating, malt, or fermented liquors at any other place or other building than the one specified in his license, and shall not sell, barter or give away or furnish any such liquors to any minor person, nor to any intemperate person or habitual drunkard, and that any person who shall be convicted by any court having jurisdiction to the fine and punishment imposed, be declared by said court to have forfeited his license, and the said village council shall not thereafter be allowed to grant to any person so convicted of such offense any license under the provisions of this section. *And provided, further*, that all licenses granted by said village council shall expire on the first (1st) day of May next after the granting of said license.

Thirteenth. Said village council is vested with all powers to carry into full force, virtue and effect all and every part of this charter.

Fourteenth. The style of all ordinances shall be, "The village

of Norwood and the common council of said village do ordain."

SEC. 2. Fines, penalties and punishments imposed by the village council for the breach of any ordinance, by-law or regulation of said village, may extend to a fine not exceeding one hundred dollars (\$100) and imprisonment in the jail of Carver county not exceeding ninety days, or both, 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 (6) months. *Provided*, that the village council may in all regulations of said village in all cases by imprisonment for breach of any ordinance, by-law or for non-payment of any fine imposed by said village justice, provide that said person so imprisoned may be kept to hard labor on the streets and improvements of said village or elsewhere during the term of said imprisonment or until his fine and penalty are paid or commuted at such rate of compensation for such labor as the village council may fix, and said village council may establish all needful rules and regulations for the security of such offender so employed, and from the time of the arrest of any person for any offense until the time of his trial, he may be imprisoned in the jail aforesaid.

SEC. 3. Peter Efferz, M. Limmonitch and August Hartelt are hereby designated as the persons to carry out the provisions of section nine (9) of said chapter one hundred and thirty nine (139) of the general laws of the year one thousand eight hundred seventy-five (1875) and to issue notices of the first (1st) election of officers, to be held in said village under the provisions of this act and the general law hereinbefore referred to; and the secretary of state is hereby directed to issue his official notification of the passage of this act to said persons.

SEC. 4. This act shall take affect and be in force from and after its passage.

Approved February 14, 1881.

CHAPTER 32.

AN ACT TO INCORPORATE THE VILLAGE OF OLIVIA, IN THE COUNTY OF RENVILLE, STATE OF MINNESOTA.

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

SECTION 1. That the following described territory in the county of Renville, State of Minnesota, to-wit: All of section seven (7) south half ($\frac{1}{2}$) of section six (6) north half ($\frac{1}{2}$) of section eighteen (18) west half of section eight (8) and northwest quarter ($\frac{1}{4}$) of section seventeen (17) southwest quarter ($\frac{1}{4}$) of section five (5) town-