

CHAPTER 43.

AN ACT TO INCORPORATE THE VILLAGE OF ST. VINCENT.

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

SECTION 1. All that part of the township of St. Vincent in the county of Kittson and State of Minnesota hereinafter mentioned and described shall be known and constitute the "village of St. Vincent," and as such corporation shall have all the powers generally possessed by municipal corporations at common law, and in addition thereto shall possess the power 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. Every grant and devise of lands or right or transfer of property which has been or may be made for the benefit of its inhabitants shall have the same effect as if made to the village by name.

SEC. 2. The territory included in said "village of St. Vincent" shall be all that portion of section number two (3) in township number one hundred and sixty-three (163) of range number fifty-one (51) lying and being in the county of Kittson in the State of Minnesota, which is now surveyed, platted and laid out into town or village lots under the name of "St. Vincent" and recorded in the office of the register of deeds in and for the said county of Kittson.

SEC. 3. The government of said corporation and the management of all its municipal concerns shall be vested in three trustees one (1) of whom shall be selected by themselves as president, one (1) treasurer, two (2) justices of the peace, two (2) constables, one (1) assessor, and [one (1)] recorder, who shall be residents of said village. The trustees, treasurer, two (2) justices of the peace and constable shall be elected by the qualified voters of said village; the assessor and recorder shall be appointed by the trustees of said village, and may be removed at any time by said trustees for cause. The trustees may fill, by appointment, any vacancy.

SEC. 4. There shall be an annual election held on the first (1st) Tuesday in April of each year, at which the electors of said village qualified to vote at township elections may elect, by ballot and by plurality of votes, the trustees, treasurer, justices of the peace, and constable of said village. The trustees of said village shall act as judges of election, 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 village elections under this act the polls shall open at ten (10) o'clock in the forenoon and con-

tinue open until four (4) o'clock in the afternoon of said day, and the election shall be by ballot, and shall be conducted and governed in the same manner, as far as may be, as township elections. The village recorder shall give notice of such election, similar to that required by law for township elections. *Provided*, that any failure to give the notice aforesaid shall not in any manner invalidate any election. Special elections may be called at any time by the trustees, on the petition of ten (10) free holders of said village, by giving the notice above required, stating the object of the meeting. The first election under this act shall be held on the first (1st) Tuesday in April, in the year of our Lord one thousand eight hundred and eighty-one (A. D. 1881) and Geo. Parker, Andrew Murphy and John W. Stewart, or any two (2) of them, shall act as judges of said election, and shall give ten (10) days notice of the time and place of such election by posting up notices thereof in three (3) public places in said village. They shall canvass the votes and issue certificates of election to those receiving the highest number of votes. *Provided*, that if from any cause the said election shall fail to be held on the (1st) Tuesday in April as herein provided, then the same can be held at any time thereafter by giving the ten (10) days notice as provided for in this section.

SEC. 5. Said village of St. Vincent as defined by this act and the remaining portion of the township of St. Vincent outside of said village, shall, for general election purposes, constitute, as heretofore, an election district of said Kittson county, and the officers of said St. Vincent township shall conduct such general elections and make return thereof as prescribed by the general election laws of the State, and the said township of St. Vincent may hold their township elections within the corporate limits of said village if such township may desire to do so.

SEC. 6. All officers of said village shall enter upon the duties of their respective offices within ten days after their election or appointment, otherwise such office shall be vacant. The justices of the peace and constables shall have the same jurisdiction throughout the county as other justices and constables who are elected in townships, and together with the assessor, treasurer and recorder, shall respectively possess all the powers, enjoy all the rights, and be subject to the same liabilities, rules, laws and fees, as far as the same may apply, as such townships officers are by the general laws of the State, and their official bonds shall run to the trustees of the village. *Provided*, That the recorder is substituted for town clerk. The president shall preside at all meetings of the trustees, and shall sign all orders, commissions licenses and permits granted by the trustees, which shall be attested by the recorder, and no money shall be paid out of the treasury of the village, except by the affirmative vote of the trustees, or a majority of them, and, upon a written order signed by the president and recorder. All orders shall express upon their face the purpose for which the same were drawn. The treasurer of said village shall give to the trustees an

official bond for such amount as the trustees may require; he shall receive and pay out all moneys belonging to said village, and shall keep a just and true account of all moneys and other things coming into his hands as such treasurer, in a book or books which shall be provided by the trustees for that purpose, which books shall be the property of the village; he shall settle with the trustees at the end of the fiscal year, and oftener if required by them. The trustees shall also prepare and post up at the end of each fiscal year a statement of the receipts and disbursements of said village, which statement shall be verified by the said trustees. It shall be the duty of the constables to suppress all riots, disturbances and breaches of the peace, and to arrest all disorderly persons in said village; for this purpose he shall have all the authority and power of the sheriff of any county of this State.

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

First. To license and regulate within the corporation limits of said village according to the law or ordinance, or both, the selling, vending or dealing in any manner in vinous, spirituous, malt, fermented or intoxicating drinks or liquors. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of any caravan, circus or theatrical performances. To license and regulate billiard tables, tenpin alleys or other ball alleys. To license and regulate auctioneers and peddlers, and vendors of gunpowder, and to revoke any such license. All moneys received for any such license, and from all other sources, shall be paid to the treasurer of said village for its use.

Provided, that in no instance shall the sum be paid for any such license be less than the amount fixed and provided by the laws of this State, when the same is established by law or by resolution of the board of county commissioners in and for the said county of Kittson; and *Provided further*, that persons paying license to the said village of St. Vincent shall not be required to pay any county license.

Second. To restrain and prohibit every description of gaming with cards or otherwise, and to authorize the destruction of all instruments used for the purpose of gaming.

Third. To prevent any riot or disorderly assemblages, and to

suppress and restrain disorderly houses, groceries, saloons or houses of ill-fame.

Fourth. To direct the location and management of slaughter houses and markets, the storage of gunpowder or other explosive material, and to compel the owner or occupant of any cellar, tallow chandler shop, soap factory, tannery, stable, barn or privy, sewer or any unwholesome house or place to cleanse, remove or abate the same.

Fifth. To prevent the incumbering of streets, side walks, lanes, public grounds or alleys, and to define the same, and to prevent racing or immoderate driving or riding on the same, and also to prevent the injury to the same or any public property in the village.

Sixth. To restrain the running at large of horses or cattle, mules, swine, sheep and poultry, and to authorize the restraining or impounding and sale of the same, also to regulate or prevent the running at large of dogs, and authorize the summary destruction of the same. To make and establish a pound, and appoint a pound master. To protect shade and ornamental trees on the streets, alleys and public grounds, and to require the owner or owners of lots to set out and protect by suitable guards, shade or ornamental trees in the street or streets fronting the same, and to compel the owners or occupants of buildings to remove snow, dirt or any rubbish from sidewalks, streets or alleys opposite thereto.

Seventh. To organize fire companies, hook and ladder companies, and to regulate their government. To restrain drunkards, immoderate drinking, obscenity in the streets or public places, and to punish indecent exposure of person and to punish all persons guilty of the same.

To lease, purchase or erect all buildings necessary for the use of said village as a municipal corporation. To tax every male inhabitant of said village above twenty-one and under fifty years of age, two days labor, or in lieu thereof, three dollars per annum, to be applied on roads, streets and alleys in said village. To establish and maintain pumps, cisterns, reservoirs in said village, and to purchase and hold any lands necessary for the purposes herein named. To make, keep open and in repair, grade, improve, lay out, alter, widen, vacate or discontinue roads, streets, alleys, sewers and sidewalks in said village. To prescribe the limits within which wooden buildings may be erected or repaired, to prevent the dangerous construction or continuance of chimneys, fire-places, stove pipes and cause the same to be removed or made safe.

Eighth. To have the power to appoint any number of special constables for extraordinary occasions, and they shall have the same powers and shall be under the immediate control of the constables elected under the provisions of this act or either of them. To regulate or prohibit the places of bathing or swimming within the limits of said corporation.

Ninth. To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the sup-

pression of disease, and to make regulations to prevent the introduction of contagious diseases into the village, and to make quarantine laws and enforce the same within three miles of the village.

SEC. 8. The trustees shall, on the annual election day, make an accurate statement of the finances of the village at that date, including all debts and liabilities and the means and assets to discharge the same, which statement shall be read to the electors present and recorded for the inspection of all persons.

SEC. 9. The village of St. Vincent shall constitute one road district, and the highway labor and taxes shall belong to the fund, and the trustees shall appoint an overseer of said road district, and they shall issue a warrant to him containing the whole amount of labor and taxes assessed and levied in said district; which said warrant shall be returned to the village recorder. The laws of the state shall apply to the warning, working, suing for and collecting highway taxes and to returning delinquent taxes, and in all other respects except as herein expressly provided. The trustees shall have full power to direct the overseer when, where and how to expend such labor and tax, and to remove him, and may direct him to expend the labor in the manner to be directed by them at a point beyond the limits of said village, and the trustees shall perform the duties imposed by law on 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 supervisors of towns in levying highway taxes and labor.

SEC. 10. Penalties and forfeitures shall be sued for by the trustees in the name of the "Village of St. Vincent," and shall belong to said village. The expense of opening and grading new streets and of paving, or repairing buildings and maintaining sidewalks on streets or alleys, may be charged to the lots fronting on such improvements or paid in whole or in part from the general fund, at the discretion of the trustees.

SEC. 11. All property, both personal and real in the village, except such as may be exempt by the laws of the state, or as village property, shall be subject to taxation, not exceeding five mills on the dollar for any one year for general purposes, and such property shall also be liable for such special taxes as the trustees shall levy in pursuance of law; and the trustees may levy a tax upon the taxable property of said village when authorized by a majority vote of all the legal voters of said village, not exceeding ten mills on every dollar of valuation for any one year, to be expended for such purpose as the voters of said village may direct.

SEC. 12. The trustees shall report to the auditor of Kittson county by the first day of October of each year, the amount of general and special taxes levied upon any of the lots or portions of said village, and it shall be the duty of the county auditor to insert such taxes in the assessment of said village of St. Vincent and the same shall be collected by the county treasurer or returned by him as delinquent; and all proceedings in relation thereto, including

the selling, conveying and redeeming property, shall be the same as in proceedings on account of other taxes under the laws of the State.

SEC. 13. The damages sustained by reason of the laying out, opening or altering of any road, street or alley, may be determined in the same manner as the laying out of a road in a town under the laws of the State, except the village recorder is substituted for the town clerk, and the trustees for the supervisors.

SEC. 14. All actions brought to recover any penalty, sum of money or forfeiture under this act or the ordinances or by-laws made by the trustees shall be brought in the corporate name of the village; and it shall be proper to complain that the defendant is indebted for the amount of such penalty or damage, and to refer to the act or by-law under which the same is claimed, and to give special matter in evidence under it, and all civil cases shall be under the direction and control of the trustees, and they shall have power to settle, compromise, prosecute and defend all such actions on the part of the village. In actions against said village, service of process shall be on the president of said village, and the corporation shall have the right to appeal as individuals have.

SEC. 15. Action may be commenced in the district court or before any justice of the peace in the village or in Kittson county, without being required to give security for costs in any such action, and in no case shall any judgment be rendered against said village for costs in criminal actions; and no person shall be an incompetent judge, justice or juror by reason of being an inhabitant of said village, in an action to which the village shall be a party. Every execution issued upon any judgment recovered therein for any penalty or for the violation of any of the provisions of this act or any ordinance or by-law made by virtue thereof, may contain clause directing, in the event of non-payment of the judgment, the imprisonment in the county jail of Kittson county, or in the village jail (if there be one) not exceeding thirty (30) days, if the damage or penalty recovered by such judgment shall be ten dollars (\$10) or less, and not exceeding sixty (60) days if such damage or penalty exceed that sum; and the sheriff of Kittson county or keeper of the common jail shall receive and take charge of such defendant when committed to the Kittson county jail. All penalties and judgments shall be paid into the village treasury for its use.

SEC. 16. All actions for the violation of any ordinance or by-law of the said village of St. Vincent or for the violation of any general law of the state committed within the limits of said village shall be commenced in the "name of the state of Minnesota," and if for violating of any ordinance or by-law of the said village the complaint shall set forth the violation of such particular ordinance or by-law.

SEC. 17. Nothing in this act shall be taken or construed so as to prohibit any inhabitant of said village of St. Vincent from holding any town office for said township of St. Vincent, nor to

prohibit any inhabitant who has heretofore been elected to any town office from serving out his unexpired term of office.

SEC. 18. Should the persons named in section four (4) of this act, for calling the first village election, be unable to serve from any cause, or should the first election fail for any cause to be called as provided in said section, then the said first election may be called at any time within two (2) years after the passage of this act, by a notice signed by ten (10) of the inhabitants of said village by giving ten (10) days notice of such meeting, and when in meeting assembled the voters of said village may elect any three (3) of their number to act as judges of the election, and the said judges shall do and perform all that is required of the persons named in said section.

SEC. 19. This act shall be a public act and shall be in force from and after its passage; and no law of this state contravening its provisions shall be considered as annulling or modifying the same unless such purpose be expressly set forth in said law.

Approved March 8th, 1881.

CHAPTER 44.

AN ACT TO INCORPORATE THE VILLAGE OF TRACY, IN THE COUNTY OF LYON.

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

SECTION 1. That the following described territory in the county of Lyon, to-wit: The southwest quarter ($\frac{1}{4}$) of section number thirteen (13), the south half ($\frac{1}{2}$) of section number fourteen (14), the southeast quarter ($\frac{1}{4}$) of section number fifteen (15), the east half ($\frac{1}{2}$) of section number twenty-two (22), all of section number twenty-three (23), the west half ($\frac{1}{2}$) of section number twenty-four (24), the northwest quarter ($\frac{1}{4}$) of section number twenty-five (25), the north half ($\frac{1}{2}$) of section number twenty-six (26), and the northeast quarter ($\frac{1}{4}$) of section number twenty-seven (27), be, and the same is hereby set apart for incorporation as the village of Tracy.

SEC. 2. That the following named persons are designated as commissioners under the general laws of this State, to post notices of the first election in said village, viz: M. T. Bohannon, J. M. Wardell, D. Evans, E. O. Brauns and M. D. Gibbs or a majority of them.

SEC. 3. That upon organization as directed in the general laws of this State, the said territory shall constitute the village of Tracy, and shall thereupon be endowed with all the rights, powers, franchises and duties therein prescribed, or to be hereafter prescribed for organized villages in this State.