

tion. In case said city council shall neglect or refuse to provide such places of election previous to general elections as herein provided and in all cases of special election, the places of holding elections shall continue to be the same as at the general election next preceding such election."

SEC. 11. All acts and parts of acts inconsistent herewith are hereby repealed.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved March 28, 1891.

CHAPTER 51.

[S. F. No. 65.]

AN ACT TO AMEND THE CHARTER OF THE VILLAGE OF READS.

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

SECTION 1. That the act entitled an act to incorporate the village of Reads, approved March 5, 1868, and the several acts amendatory thereof, be amended so as to read as follows:

CHAPTER I.

SECTION 1. That all of lots one (1), two (2), three (3) and four (4), the north half ($\frac{1}{2}$) of the southwest quarter ($\frac{1}{4}$) and the southwest quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of section twenty-four (24), town one hundred and eleven (111) north, range eleven (11) west, and the whole of fractional section nineteen (19), and the west half ($\frac{1}{2}$) of section thirty (30), town one hundred and eleven (111) north, range ten (10) west, shall be known as the village of Reads, and as such corporation shall possess and enjoy all the power and privileges that can now or hereafter be possessed or enjoyed by any municipal corporation of like grade, and by and in its corporate name may sue and be sued, make contracts, purchase, take and hold real and personal property and convey the same, and shall have a corporate seal, alterable at pleasure.

Every grant or devise of lands or right or transfer of property which has been or may be made for the benefit of the inhabitants shall have the same effect as if made to the village by name.

The territory described in this act as the village of Reads shall be and constitute but one school district, and the trustees of said village shall constitute the board of education of such school district and be the trustees thereof, and shall be subject to the same regulations and possess the same power and authority under the general laws of this state as the trustees of other school districts possess and enjoy; *Provided*, that the clerk of said village shall be clerk of said school district and the treasurer of said village shall be treasurer of such district.

SEC. 2. The government of said corporation and the management of all its municipal concerns shall be vested in a board of five (5) trustees, one (1) of whom shall be elected by them as president of the board, a clerk, treasurer, marshal, two (2) constables, two (2) justices of the peace and one (1) assessor.

The trustees, treasurer, clerk, assessor, constables and justices of the peace shall be duly elected by the qualified electors of said village, and shall each be residents and qualified electors thereof. The treasurer and justices of the peace of said village shall hold their respective offices for two (2) years from the time of their being elected and qualified, and until their successors shall be duly elected and qualified. Vacancies which may occur in any of the offices shall be filled by the board of trustees for the unexpired terms.

All officers, before entering upon the discharge of their respective offices, shall take and subscribe an oath to faithfully and honestly discharge the duties of their respective offices, which oath shall be in writing and shall be filed with the clerk of said village.

An appeal shall lie from all judgments of the justices of the peace of said village to the district court of said county in all cases where an appeal is allowed by the general statutes of this state from judgments of justices of the peace, and shall be taken in the same manner as is provided for appeals from justices of the peace by the laws of Minnesota.

The said treasurer and justices of the peace, as well as said marshal and constables, shall each execute a good and sufficient bond to the trustees of the village, conditioned for the faithful discharge of their duties as such officers, which bonds shall be filed with the clerk of said village.

SEC. 3. There shall be an annual election held on the first (1st) Tuesday of February in each year at which the electors of said village, qualified to vote at town elections, may elect by ballot and by plurality of votes the trustees, clerk, treasurer, justices of the peace and constables as aforesaid. The trustees shall cause the clerk to give ten (10) days' notice of the time and place of holding such elections, by posting up written or printed notices thereof in three (3) public places in such village.

The said elections shall be held and conducted in the same manner as town elections, and the laws of this state applicable to elections generally shall apply to such village election as far as consistency will admit. The oath of a voter shall be the same as that at town meetings, and false swearing shall be punished as perjury.

SEC. 4. No officer of said village shall be entitled to receive any compensation for his official services, except the clerk, treasurer, village justices, constables and marshal, and such other officers as may be appointed to fill offices hereafter created by the trustees, and in such case such compensation shall be fixed by the by-laws of said village.

SEC. 5. The majority of the board of trustees shall constitute a quorum for the transaction of business and may remove the other elective officers for cause, after giving them an opportunity to be heard in their own defense. They may fill all vacancies by appointment, and may adopt by-laws prescribing the duties of all officers, the kind of securities and the mode of giving the same, and shall approve all official bonds required by this act.

The village marshal shall have the same powers and duties as a town constable, and shall be entitled to the same fees as such constable for like services.

SEC. 6. Any officer of said village whose official term has expired and who shall not, within six (6) days after having been requested by his successor, deliver all books and property or effects in his hands pertaining to his office or belonging to the village, shall forfeit and pay to the use of said village the sum of one hundred dollars (\$100), and shall be also liable for all damages caused to the village by such neglect or refusal, and such successor may recover possession of such books, papers or property in the manner prescribed by the laws of this state in like cases.

SEC. 7. The board of trustees of said village shall have full power and authority to enact, adopt, modify, enforce, and from time to time repeal or amend, all such ordinances, rules and by-laws as they shall deem expedient for the following purposes, viz.:

First—To regulate the mode of and establish rules for their proceedings.

Second—To adopt a corporate seal and alter the same at pleasure.

Third—To receive, purchase and hold for the use of the village any estate, real and personal, and to sell and convey the same.

Fourth—To limit and define the duties and powers of officers and agents of the village, fix their compensation and fill vacancies when no other provision is made by law; to call special elections, and to designate trustees to act as judges of elections.

Fifth—To procure the books and records herein to be kept by village officers, and such other furniture, property, stationery and printing as shall be necessary for village purposes.

Sixth—To provide for the prosecution or defense of all actions or proceedings in which the village is interested and employ legal counsel therefor.

Seventh—To appoint a village attorney, a poundmaster, one or more sextons or keepers of cemeteries, one or more fire wardens and one or more street commissioners, whenever they deem necessary.

Every street commissioner, when by resolution the village board shall require it, shall take and file his oath of office and execute a bond, conditioned for the faithful discharge of his duties and for the proper application and payment of all moneys that may come into his hands by virtue of his office.

Eighth—To control and protect the public buildings, property and records, and insure the same.

Ninth—To renumber the lots and blocks of the village or any part thereof, when they may deem it necessary, and to cause a revised and consolidated plat of the same to be recorded in the office of the register of deeds of the county.

Tenth—To establish a fire department; to appoint the officers and members thereof, and to prescribe and regulate their duties; to provide protection from fire by the purchase of fire engines and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other water works; to erect engine houses; to compel the inhabitants of the village to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of the fire as shall be directed by said trustees or any two of them who may be at the fire, for the purpose of preventing its

communication to other buildings; to establish fire limits, or the limits within which wooden or other combustible buildings shall not be erected; to require the owners and occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the realty and exempt from attachment or execution, and after reasonable notice to such owner or occupant and refusal or neglect by him, to procure and deliver the same to him, and in default of payment therefor, to levy the cost thereof as a special tax upon such real estate to be assessed and collected as other taxes in such village; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the manner of putting up stove pipes and the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and firearms in the village, or any part thereof; to authorize fire wardens, at all reasonable times, to enter into and examine all dwelling houses, lots, yards, inclosures and buildings of every description in order to discover whether any of them are in dangerous condition, and to cause such as may be dangerous to be put in safe condition; and generally to establish such necessary measures for the prevention or extinguishment of fires as may be necessary and proper.

Eleventh—To lay out, open, change, widen or extend lanes, alleys, sewers, parks, squares or other public grounds, and to grade, pave, improve, repair, or discontinue the same or any part thereof, or to establish and open drains, canals, or sewers, or to alter, widen, or straighten water courses; to make, alter, widen, or otherwise improve, keep in repair, vacate or discontinue sidewalks and crosswalks; to prevent the incumbering of streets, sidewalks and alleys with carriages, carts, wagons, sleighs, sleds, buggies, railway cars, engines, boxes, lumber, firewood or other substances or materials; to prevent horse racing or immoderate riding or driving in the streets of the village; to prevent the riding or driving of animals or the driving of vehicles of any kind on the sidewalks of the village or the doing of damage in any way to such sidewalks; and to require the owners or occupants of buildings to remove snow, ice, dirt or rubbish from the sidewalks adjacent thereto, and in default thereof to authorize the removal of the same at the expense of such owner or occupant.

Twelfth—To restrain the running at large of cattle, horses, mules, sheep, swine, poultry and other animals, and to authorize the distraining, impounding and sale of the same; to establish pounds and regulate and protect the same; to require the owners or drivers of horses, oxen or other animals, attached to vehicles or otherwise, to fasten the same while in the streets or alleys of said village; to prohibit the hitching of horses, teams or animals to any fence, tree or pump, and to prevent injury to the same; to regulate and control the running of engines and cars through the village and the rate of speed of the same; to prevent the running at large of dogs, and authorize the destruction of the same in a summary manner when at large contrary to the ordinances; to license public porters, solicitors or runners, cartmen, hackmen, omnibus drivers and guides, and to establish rules and regulations in regard to their conduct as such, and to prevent any unnecessary noise or disturbance during the arrival and departure of persons in public conveyances.

Thirteenth—To establish and regulate markets and restrain sales in the streets.

Fourteenth—To purchase and hold cemetery grounds within or without the village limits, inclose, lay out and ornament the same, and to sell and convey lots therein by deed; to establish public walks and parks, inclose, improve and ornament the same and prevent the incumbering or obstruction thereof, and to provide for and regulate the setting out of shade and ornamental trees in the streets and in and around the cemeteries and public parks and walks of the village, and for the protection thereof.

Fifteenth—To prevent or license and regulate the exhibition of caravans, circuses, theatrical performances or shows of any kind; to prevent or license and regulate the keeping of billiard tables, pigeon hole tables and bowling saloons; to suppress and restrain or license and regulate mountebanks and auctioneers; and in all such cases they may fix the price of such license and prescribe the term of its continuance and may revoke the same at pleasure; but the term of no such license shall extend beyond the annual election of officers next after the granting thereof.

Sixteenth—To provide for the planting and protection of shade trees and monuments in said village.

Seventeenth—To restrain and prohibit gift enterprises, all description of gaming, and all playing of cards, dice and other games of chance for the purpose of gaming, and to license or restrain and prohibit any person from selling, bartering, disposing of or dealing in spirituous, malt, fermented, vinous or mixed intoxicating liquors of any kind, and to punish any violation of law or of the village ordinances relating thereto, and to revoke for any cause any license for the sale of intoxicating liquors granted by the village board whenever, after a hearing of the case, they shall deem proper.

Eighteenth—To choose a village marshal and to remove him at will; to prescribe his duties and to fix his compensation for his services.

Nineteenth—To establish and maintain public libraries and reading-rooms, purchase books, papers and magazines therefor, and make all needful rules and regulations for the safe keeping and handling of the same.

Twentieth—To appoint a street commissioner, regular and special policemen and a chief of police, and to fix their compensation and prescribe their duties.

Twenty-first—To remove any officer appointed or elected by such board, whenever in their judgment the public welfare will be thereby promoted.

Twenty-second—To purchase, build or lease and maintain and regulate a watchhouse or place for the confinement of offenders against the ordinances and by-laws and for temporary detention of suspected persons.

Twenty-third—To appoint a board of health, which shall have all the powers of such boards under the general laws of the state; to provide hospitals and regulate the burial of the dead, and return bills of mortality; to declare what are nuisances and to prevent or abate the same; to require the owner or occupant of any grocery, cellar, tallow-chandler's shop, factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house, building or place, to remove or abate the same or to cleanse it as often as they may deem necessary for the public health or comfort; to direct the location and management of slaughter houses and to prevent the erection, use or occupation of the same

except as authorized by them; to prevent any person or persons from bringing, depositing or leaving within the village any putrid carcass or other unwholesome substance; to require the owners or occupants of lands to remove dead animals, stagnant water or other unwholesome substances from their premises, and to provide for the cleaning and removal of obstructions from any river, stream, slough or water-course within the limits of the village, and to prevent the obstruction or retarding of the flow of water therein or the putting of anything into the same which may be prejudicial to the health of the village.

Twenty-fourth—To make and regulate the use of public wells, cisterns and reservoirs.

Twenty-fifth—To erect lamp posts and lamps, and provide for lighting any portion of the village or streets thereof by gas, electricity or otherwise.

Twenty-sixth—To establish harbor and dock limits, and to regulate the location and construction and use of all piers, docks, wharves and boat houses on any navigable waters, and fix rates of wharfage.

Twenty-seventh—To levy and provide for the collection of taxes, including poll tax and assessments, audit claims and demands against the village and direct orders therefor in the manner prescribed by law; to refund any tax or special assessment paid or any part thereof when satisfied that the same was unjust or illegal; to authorize bonds of the village to be issued in the cases provided by law, and generally manage the financial concerns of the village; and they shall cause to be prepared and read, at each annual village election, a true, detailed and itemized statement by them of the finances of the village, showing the amount in the treasury at the commencement of the year, when and from what sources all money paid into the treasury during the preceding year were derived and the whole amount thereof, and when and to whom and for what purpose all money paid from the treasury during the same period was paid and the whole amount thereof, with the balance then in the treasury, which statement shall forthwith be recorded in the minute book and filed and preserved in the clerk's office.

Twenty-eighth—To ordain and establish all such ordinances and by-laws for the government and good order of the village, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of trade and commerce and the promotion of health, not inconsistent with the constitution and laws of the United States or of this state, as they shall deem expedient, and to determine and establish by ordinance the mode of procedure and what it shall be sufficient to allege and prove in order to make out a *prima facie* case of violation of any ordinance.

Twenty-ninth—To prescribe penalties for the violation of any ordinance or by-law, to be not less than one (1) dollar nor more than one hundred (100) dollars in any case, beside the cost of suit in all cases; and, in default of payment, provide for committing the person convicted to the watchhouse or place of confinement in the village, or to the county jail, until payment be made, but not to exceed ninety (90) days in all for any one case; and to modify, amend or repeal any ordinance, resolution, by-law or other former determination of the board.

SEC. 8. In all matters not herein especially provided for the village shall be governed and its affairs administered according to the general laws now or hereafter to be in force in relation to villages in this state.

SEC. 9. All acts and parts of acts inconsistent with this act are hereby repealed; but all ordinances, resolutions and by-laws heretofore made and established by the trustees of the village and not inconsistent with this act shall remain in force until amended, altered and repealed by them, and the board of trustees may, from time to time, provide for the compilation and publication of the ordinances of the village and such resolutions as they may designate.

SEC. 10. When any suit or action shall be commenced against the village, service thereof may be made by leaving with the president of the board a copy of the process by the proper officer, and it shall be the duty of the president to forthwith notify the board and the village attorney (if there be one appointed) thereof, and to take such further proceeding as the board may direct by ordinance or resolution.

SEC. 11. Notwithstanding the supersedure or repeal by this act of the act incorporating the village of Reads and acts amendatory thereof, it is not intended that any rights vested shall be lost hereby, but in all cases affecting past taxes not yet collected, liens for the same, rules of evidence, claims against the village, right of eminent domain, mode of levying, assessing and collecting taxes, mode of procedure in actions brought to recover any penalty or damages, the time of opening and closing the polls at elections, the laying out, opening, widening, extending, repairing, grading and improving streets, and all rights of every kind inchoate or perfected, the provisions of such acts as are hereby suspended or repealed, and of all ordinances heretofore passed by the trustees of said village shall be deemed to continue in force unless specifically altered or repealed by this act.

SEC. 12. This village charter shall be a public act, and need not be pleaded in any case or action or proceeding in any of the courts of this state.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved January 29, 1891.

CHAPTER 52.

[H. F. No. 796.]

AN ACT TO AMEND, CONTINUE AND CONSOLIDATE INTO ONE ACT THE CHARTER OF THE CITY OF WASECA AND CHAPTER ONE HUNDRED AND SEVENTEEN (117) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE (1885), ESTABLISHING A MUNICIPAL COURT IN THE CITY OF WASECA, AND ACTS AMENDATORY THEREOF AND OF EACH THEREOF.

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

SECTION 1. That the act entitled "An act to incorporate the city of Waseca," being Chapter forty-seven (47) of the Special Laws of the State of Minnesota, for the year one thousand eight hundred and