

To be submitted  
to legal voters.

SEC. 42. It shall be lawful for all the legally qualified voters of said village residing within its corporate limits, as hereinbefore described, to meet at the Occidental Hotel, within such limits, on the first Monday in March, A. D. one thousand eight hundred and seventy, at one o'clock P. M. of that day, to choose *viva voce* two judges and one clerk of election, and the election shall be conducted as near as may be, as general elections are by law conducted. At said election the electors shall vote for, or against, this act of incorporation; and a majority of the votes so cast shall decide, and be conclusive, in receiving or rejecting the same.

When act to take  
effect.

SEC. 43. This act shall take effect and be in force from and after its reception by a majority of the legal voters residing within the corporate limits of said village.

Approved February 12, 1870.

Feb'y 24, 1870.

## CHAPTER VIII.

### *An Act to incorporate the village of Caledonia.*

- SECTION 1. Corporate rights of the village of Caledonia.
2. Boundary lines of said village.
3. Management of said corporation vested in a Board of Trustees—elective officers—officers to be appointed—term of office.
4. When annual election to be held—who to be judges of election—how elections conducted—when first election under this act to be held.
5. What to constitute an election district in said county.
6. When to enter upon the duties of office—duties of President of Board—duties of Treasurer—duties of Constable.
7. What to constitute a quorum—powers of said Board of Trustees.
8. When Trustees to make financial statement.
9. Said village to constitute a road district—Trustees to appoint an overseer of highways—duties of overseer.
10. Penalties and forfeitures, how collected—expense of opening and grading streets and maintaining and repairing sidewalks, how paid.
11. What property subject to taxation.

12. When Trustees to report to the County Auditor the amount of general and special taxes to be levied—duty of County Auditor.
13. Damages sustained by reason of laying out, opening or altering any road, streets, &c., how ascertained.
14. How actions to recover fines and penalties may be brought—right of appeal.
15. Before whom such actions may be brought—qualifications of judge, justice, &c.—how punished for non-payment of fines.
16. Deemed a public act—when to take effect.

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

SECTION 1. All that part of the township of Caledonia, in the county of Houston, and state of Minnesota, hereinafter described, shall be known and constitute the village of Caledonia, and as such corporation shall have all the powers generally possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter granted, and by that name may sue and be sued, make contracts, purchase, take and hold real and personal property, and have a corporate seal alterable at pleasure. 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. Corporate rights.

SEC. 2. The territory included in said village of Caledonia shall be the south-east quarter of section thirteen, in township number one hundred and two north, of range six west of the fifth principal meridian, and lying in said Houston county, in the state of Minnesota. Boundary lines.

SEC. 3. The government of said corporation and the management of all its municipal concerns shall be vested in three trustees, one of whom shall be selected by themselves as president; one treasurer, one justice of the peace, one assessor, one constable, one clerk, who shall be residents of said village. The trustees, treasurer and justice of the peace, shall be elected by the qualified voters of said village. The assessor, clerk and constable of said village shall be appointed by the trustees of said village, and may be removed at any time by said trustees. The trustees and treasurer shall hold their office for one year, and the justice of the peace for two years and until their successors are elected and qualified. The trustees may fill by appointment any vacancy in any of the village offices. In whom control of corporation vested—officers—term of office.

SEC. 4. There shall be an annual election held on the first Monday of April of each year, at which the electors of said village qualified to vote at town elections, may

Who to be inspectors of first election—when first election held.

elect by ballot and by plurality of votes, the trustees, treasurer and justice of the peace 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 held under this act, the polls shall be opened at ten o'clock in the forenoon and continue open till four o'clock in the afternoon of the same 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 clerk shall give a notice of such election similar to that required 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 of said village on the petition of ten freeholders of said village, and by giving the notice above required, stating the object of such election. The first election under this act shall be held on the first Monday of May, A. D. one thousand eight hundred and seventy, and Thos. Abbotts, M. M. Wooden and Nicholas Koob, or any two of them shall act as judges of said election, and shall give ten days' notice of the time and place of holding said election by posting up notices thereof in three public places in said village. They shall canvass the votes and issue certificates of election to those receiving the highest number of votes.

What to constitute an election district.

SEC. 5. Said village of Caledonia, as defined by this act, and the remaining portion of the township of Caledonia outside of said village, shall for general election purposes, constitute as heretofore, an election district of said Houston county, and the officers of said Caledonia 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 Caledonia may hold their township elections within the corporate limits of the village of Caledonia, if such township shall desire to do so.

When to enter upon the duties of office—duties of officers

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 justice of the peace, treasurer, assessor, constable and clerk 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.

township officers are by the general laws of the state, and their official bonds shall run to the trustees of said village. *Provided*, That the trustees of said village shall receive no compensation for their services. 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 also be attested by the clerk, and no money shall be paid out of the treasury of said village, except by the affirmative vote of the trustees or a majority of them and upon a written order, signed by the president and clerk. The treasurer of said village shall give to the trustees an official bond for such an 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 to be provided by the trustees for that purpose, which book shall remain the property of the village. He shall settle with the trustees at the end of every year, and oftener, if required by them. It shall be the duty of the constable to suppress all riots, disturbances and breaches of the peace and to arrest all drunken or disorderly persons in said village, and for this purpose he shall have all the authority and power of the sheriff of any county of the state.

SEC. 7. A majority of the trustees shall be a quorum for the transaction of business. They shall appoint a clerk, assessor and constable and such other officers as may be deemed necessary, 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 affix 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 clerk, and posted up in a public place in said village ten days, and shall be filed and recorded by the clerk. The style of all ordinances shall be "The president and trustees of the village of Caledonia do ordain as follows:" The trustees shall have exclusive power—

What to constitute a quorum—  
powers of board  
of trustees.

[First].—To license and regulate within the corporate limits of said village according to law or ordinance or both, the selling, vending or dealing in any manner in vinous, spirituous, malt, fermented or intoxicating liquors or drinks. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of

any caravan, circus or theatrical or slight of hand performance. To license and regulate billiard tables, ten pin or other ball alley. To license and regulate auctioneers and peddlers, venders 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 to 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.

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

Powers of board  
of trustees.

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

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

Sixth.—To restrain the running at large of horses, cattle, mules, swine and sheep, and to authorize the distraining, impounding and sale of the same; also to prevent the running at large of dogs. 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 shade or ornamental trees in the street or streets fronting the same, and to compel the owners and occupants of buildings to remove snow, dirt or 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 or obscenity in the streets, and 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 resident 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 in roads, streets and alleys in said village. 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 examine and audit the accounts of all persons against said village. To establish and maintain pumps, cisterns, reservoirs and drains in said village, and purchase and hold any land necessary for the purposes herein named. To prescribe the limits within which wooden buildings may be erected or repaired, to prevent the dangerous construction or continuance of chimneys, fire places, stovepipes, and cause the same to be removed or made safe.

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.

When trustees to make financial statement.

SEC. 9. The village of Caledonia shall constitute one road district, and the highway labor and taxes shall belong to the general fund, and the trustees shall appoint one overseer of said road district, and they shall issue a warrant to him containing the whole amount of highway labor and taxes assessed and levied in his district, which said warrant shall be returned to the village clerk. The laws of the state shall apply to 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 any point beyond the limits of the 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 labor and taxes.

Said village to constitute a road district—overseers of highways—their duties.

SEC. 10. Penalties and forfeitures shall be sued for by the trustees in the name of "The Village of Caledonia," and shall belong to the said village. The expense of

Penalties and forfeitures how collected.

Expense of grading streets, &c., how paid.

opening and grading new streets, and of paving or repairing, building and maintaining sidewalks on streets or alleys may be chargeable to the lots fronting on such improvements, or paid in whole or part from the general fund at the discretion of the village trustees.

What property subject to taxation.

SEC. 11. All property, both real and personal, 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 used for such purpose as the voters of said village may direct.

When trustees to report the amount of taxes levied—duty of county auditor.

SEC. 12. The trustees shall report to the auditor of Houston county by October first 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 roll of said village of Caledonia, 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.

Damages in opening streets, &c., how ascertained.

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 clerk is substituted for the town clerk and the trustees for the supervisors.

How actions to be brought—right of appeal.

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 village shall have the right of appeal as individuals have.

SEC. 15. Such actions may be commenced in the district court or before any justice of the peace of Houston 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 a clause directing in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail of said Houston county not exceeding thirty days, if the damage or penalty recovered by such judgment shall be ten dollars or less, and not exceeding sixty days if such damages or penalty exceed that sum, and the sheriff of said Houston county shall receive and take charge of such defendant committed to said jail. All penalties and judgments shall be paid into the village treasury.

Before whom action to be tried—penalty for non-payment of judgments.

SEC. 16. 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.

Deemed a public act—when act to take effect.

Approved February 24, 1870.