

When act to take
effect.

SEC. 11. This act shall take effect and be in force from and after the passage thereof.

Approved March 4, 1871.

CHAPTER IV.

February 23, 1871 *An Act to amend and revise Chapter thirty-one of the Special Laws of one thousand eight hundred and sixty-eight, entitled "An Act to incorporate the Village of Waseca."*

- SECTION 1. Amendment to Chapter thirty-one (81), Special Laws of 1868.
2. Incorporation of the Village of Waseca.
 3. Boundary lines of said village.
 4. In whom management of said village vested.
 5. When annual election to be held—how conducted.
 6. How special elections may be called.
 7. By whom result of elections proclaimed.
 8. Persons elected or appointed to office to qualify—how.
 9. When new election may be ordered.
 10. Jurisdiction of Justice of the Peace.
 11. Justice of the Peace to report to Trustees—what report to contain.
 12. What to constitute a quorum of the Board of Trustees—power of said Board.
 13. Trustees to have the management and control of the finances—further powers of Board of Trustees.
 14. Fines and penalties—limitation.
 15. All ordinances, etc., to be published in official paper.
 16. Authorized to purchase fire engines and other fire apparatus.
 17. When Trustees to make annual statement of finances—when statement to be published.
 18. Said village to constitute a school district.
 19. All work to be let to the lowest responsible bidder—who not to be interested in contracts for said village.
 20. Trustees to have control of all public highways, bridges, etc.
 21. To establish, locate and grade public squares, streets and alleys—right of appeal.
 22. May be constituted one or more road districts.

23. Trustees to appoint one overseer of each road district—duties of overseers.
24. May establish grades of all streets.
25. To cause streets to be gravelled and sidewalks built—when.
26. Expense of building sidewalks, etc., how paid.
27. When work to be done by Street Commissioner—expense, how paid.
28. Trustees to report to County Auditor—what report to contain—duty of County Auditor.
29. Trustees to prescribe width of sidewalks.
30. Authorized to levy taxes to provide for the current expenses of said village.
31. How taxes collected.
32. How actions brought to recover penalties or damages—qualifications of Judges, Justices, etc.
33. Not to affect any existing contract.
34. When act to take effect.

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

SECTION 1. That the whole of chapter thirty-one of the special laws of one thousand eight hundred and sixty-eight, be amended and revised so that said chapter shall read as follows :

SEC. 2. All of the north half (N. $\frac{1}{2}$) of sections seventeen and eighteen (17 and 18), and the south half (S. $\frac{1}{2}$) of sections seven and eight (7 and 8), in township one hundred and seven (107) north, of range twenty-two (22) west, in Waseca county, in the state of Minnesota, shall be known as the village of Waseca, and by that name may sue and be sued, make contracts, purchase, take and hold, real and personal estate and property, and have a corporate seal, alterable at pleasure. Every grant and devise of lands, or right or transfer of property, which may have 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. 3. The territory divided into lots and blocks by I. C. Trowbridge, according to the recorded plot thereof, surveyed and plotted by J. H. Jenkins, being the northwest quarter of the northwest quarter of said section seventeen, except four acres, and the east part of the northeast quarter of the northeast quarter of said section eighteen, shall be known and recognized as the original plot of Waseca; and the starting point in the survey and location of said original plot, shall be the point designated on the recorded plot thereof, to wit: The northwest corner of said section seventeen, and all additions to Waseca included. All the description in the first section of this

act shall be considered as additions to said original plot.

In whom man-
agement of said
village vested.

SEC. 4. The government of said corporation, and the exercise of its corporate powers, and the management of its fiscal, prudential and municipal concerns, shall be vested in a board of three trustees, one of whom shall be elected each year, by themselves, as president, a justice of the peace, and such other officers as the trustees may create and appoint. The term of office of the trustees shall be two years, and there shall be elected each year, one trustee and two trustees alternately, for the term of two years. The term of office of the justice of the peace shall be two years. The term of office of all other officers (except in case of vacancy) shall be one year. The terms of all officers shall commence on the third Tuesday of May, and shall continue until their successors are elected or appointed and qualified.

Annual election
—how conducted
—Inspectors of
Election.

SEC. 5. There shall be an annual election held in said village on the first Tuesday of May in each year, at which the electors of the village qualified to vote at town elections, may elect, by ballot, and a plurality vote shall elect the trustees and the justice of the peace. The clerk of the village shall give ten days' notice of the time and place of holding said election by posting up notices thereof in three public places of the village, or by causing such notice to be published for two weeks next before such election, in one or more of the newspapers printed and published in said village. The election shall be held and conducted in the same manner as town elections, and the laws of this state, applicable to elections generally, shall apply as far as not inconsistent with this act, and the trustees shall be the inspectors of election.

Special elections
how called.

SEC. 6. Special elections may be called and held whenever the trustees are so petitioned by ten or more of the qualified electors of the village, which petition and the notice of election shall state the object thereof. And in all other respects shall be governed by the rules prescribed by section five of this act.

Result of elec-
tions how pro-
claimed.

SEC. 7. When any general or special election is closed and the number of votes for each person voted for shall have been counted and ascertained, the inspectors shall publicly declare the result thereof, and the clerk preserve and record the number of votes cast for each person voted for, and shall notify each person, so elected, of his election, and shall notify the auditor of Waseca county of the

election or appointment of any person as justice of the peace.

SEC. 8. Every person elected or appointed to any office shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the village clerk, and the board of trustees may, by resolution, prescribe the amount and form of any bond required of any officer they may appoint; *Provided*, That the justice of the peace shall take and file his oath of office and bond as is required by the general statutes of a justice of the peace elected by a town.

Persons elected to office to take oath—what officers to give bonds

SEC. 9. Should there be a failure by the people to elect any officer herein required to be elected, the board of trustees may order a new election for that purpose.

When may order new election.

SEC. 10. The justice of the peace shall possess all the power, authority, and rights of a justice of the peace of the county under the laws of this state, and shall, in addition thereto (except when he may be a party), have exclusive jurisdiction to hear, try, and determine all complaints for any violation of any provision or provisions of this charter, or of any ordinance, rule, by law, or regulation, made or adopted under, or by virtue thereof, and 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 the village or its charter, and in all cases of offenses committed against the same; and the same forms and proceedings shall be had and used, where not otherwise directed, as are established and required to be had in civil and criminal actions, by the laws of this state, before a justice of the peace; and appeals from the judgment and decisions of said justice shall be allowed, as are provided by law for appeals from judgments rendered by justices of the peace. All fines and penalties imposed by said justice for the violation of any ordinance, by-law, or regulation of the village, shall belong to and be a part of the finances of the village; and may tax, with other legal costs, one dollar for each trial or proceeding, for the benefit of the village. And all such proceedings shall be in the name of the state of Minnesota, on behalf of the village of Waseca; and such writs and processes shall be directed to the sheriff or any constable of said county, or to the village marshal.

Jurisdiction of Justice of the Peace.

Justice to make
report—what to
contain.

SEC. 11. The said justice of the peace shall, as often as the trustees may require, report to them all the proceedings before him, in which the village is interested, and shall at the same time account and pay over to the village treasurer all fines and penalties collected or received by him, belonging to the village; and said justice shall be entitled to receive the same fees in criminal cases as are allowed by statute to justices of the peace for similar services—such fees to be paid by the village.

Quorum of Board
—power of.

SEC. 12. A majority of the trustees shall be a quorum for business; they shall appoint a clerk, a treasurer, and marshal, and such other officers as may be deemed necessary. The trustees shall have power to remove any officer appointed by them, for cause; to fill vacancies by appointment, and to prescribe, by by-laws, the duties of all officers by them appointed, the kind of security, and mode of giving the same, and the amount of compensation to be received by them; *Provided*, That the trustees shall not receive compensation for their services.

Trustees to have
control of finan-
ces—further
powers of Board.

SEC. 13. The trustees shall have the management and control of the finances and all the property of the village, and shall likewise, in addition to the power herein 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, and for the prevention of crime, as they shall deem expedient. They shall have power to establish and maintain a village jail; *Provided*, That, until otherwise ordered by the trustees, the county jail of the county of Waseca shall be used as a village jail; and it shall be the duty of the sheriff or jailor of said county to take into custody and safely keep in said jail all persons committed thereto under this act, at the expense of the village, until discharged according to law. The trustees shall have full power and authority to declare and impose penalties and punishments, and to enforce the same, against any person or persons who may violate any provisions of any by-law or resolution passed or ordained by them; and all such ordinances, rules and by-laws are hereby declared to have the force of law; *Provided*, That they be not repugnant to the constitution and laws of the United States or of this state; and for these purposes shall have authority, by ordinance, resolution or by-law—

First.—To license and regulate the exhibitions of common showmen and shows and exhibitions of all kinds, hacks, drays or wagons, billiard tables, nine or tenpin alleys, bowling saloons, auctions or auctioneers, tavern keepers and all persons dealing in spirituous, vinous or fermented liquors.

Provided, That all licenses for so dealing in spirituous, vinous or fermented liquors, shall not be less than fifty dollars a year, and all licenses shall be granted for a year, except that licenses to auctions and auctioneers, shall be for a definite number of days, and not less than ten dollars for each day.

Second.—To restrain and prohibit all description of gambling, and all playing of cards or dice, or other games of chance, for the purpose of gambling in said village, and to restrain any person from selling, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the trustees, and to authorize the destruction of all instruments used for the purpose of gaming.

Further powers
of Board.

Third.—To compel the owner or owners of any cellar, tallow chandler's shop, soap factory, tannery, barn, privy, sewer or other unwholesome structure or place, to cleanse, remove or abate the same, from time to time.

Fourth.—To direct the location and management of slaughter houses, smoke houses, markets, breweries and distilleries, and to establish rates for, and license venders of gunpowder, fire works and other combustible materials, and to regulate the storage, keeping and conveyance of the same.

Fifth.—To prevent and punish the encumbering of streets, sidewalks, alleys, lanes and public grounds, with carriages, carts, wagons, sleighs or other vehicles, or with boxes, lumber, fire wood, posts, awnings or other materials or substances whatever.

Sixth.—To prevent and punish immoderate riding or driving in the streets, or riding or driving on the sidewalks, and to compel persons to fasten their horses or other animals while standing in the streets, and to regulate the places of bathing or swimming.

Seventh.—To restrain the running at large of cattle, swine, sheep or other animals, poultry and geese, and to authorize the distraining and sale of the same.

Eighth.—To prevent the running at large of dogs, and may impose a tax on the same.

Ninth.—To prescribe what shall constitute nuisances,

and to provide for the abatement and removal of the same, either under the common or statute law, or the ordinances.

Tenth.—To establish and create pounds, pumps, water cisterns, reservoirs, drains, sewers and ditches.

Eleventh.—To prevent the discharging of fire arms or crackers, and to prevent the exhibitions of any kind of fire works, in any situation they may deem dangerous to property.

Twelfth.—To prevent open and notorious drunkenness, brawling or obscenity, in the streets or public places.

Further powers
of Board.

Thirteenth.—To compel the owner or occupant of buildings or grounds, to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and from the lot owned or occupied by him, and in default to authorize the removal or destruction thereof at his expense.

Fourteenth.—To regulate the time, manner and place of holding public auctions and vendues, and sales at public out-cry.

Fifteenth.—To provide for watchmen and police, and to prescribe their number and duties, and regulate the same.

Sixteenth.—To direct and regulate the planting and preservation of ornamental and shade trees, in the streets, alleys, highways and public grounds of the village.

Seventeenth.—To prescribe the limits within which wooden buildings, or of other materials not deemed fire proof, may or may not be erected or repaired.

Eighteenth.—To prevent the dangerous construction, placing or continuance of smoke houses, chimneys, fire places, stoves, or any pipe or instrument for the conducting of fire, heat or smoke, to authorize the inspection of the same by the fire warden, and to cause the same to be removed, or made secure and safe at the expense of the owners, and to prosecute for the keeping or continuance of the same, to prevent the deposit of ashes in the streets, or in any unsafe place, and to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fires.

Nineteenth.—The trustees shall have power to enact any other by-laws, or do any other act necessary and proper, to perform the duties prescribed by this act.

SEC. 14. The fines, penalties and punishments imposed for the breach of any ordinance, by-law or regulation of the village, may extend to a fine not exceeding one

hundred dollars, and imprisonment in the county or village jail not exceeding thirty 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 months.

Fines and penalties—limitation.

SEC. 15. All ordinances, regulations and resolutions, shall before they become laws, be signed by the president and clerk, be recorded and published at least ten days in at least one newspaper, printed and published at Waseca, and proof of such publication shall be filed with the clerk, and a minute made in the margin of the record of such law, of the time when the same was published.

Publication of all ordinances, etc.

SEC. 16. The trustees shall have power to purchase fire engines, and other fire apparatus, to organize hook and ladder, hose, and fire companies, and to provide for the support and regulation thereof, and to order such companies to be disbanded, and their apparatus delivered up, and may compel citizens to work at fires.

To purchase fire engines and other apparatus.

SEC. 17. The trustees shall on the second Tuesday of April, in each year, make an accurate statement of the finances of the village at that date, particularly including all debts and liabilities, the assets and means to discharge the same, on what account incurred, to whom owing, and shall also contain a correct statement of each item, from whom and on what account received, and to whom paid, and on what account expended, which annual statement shall be published between that time and the first day of May, in a newspaper published in said village, and the original filed with the village treasurer.

When statement and publication of financial statement to be made.

SEC. 18. The said village shall constitute one school district, under the general school laws of this state; *Provided*, That any school district, or part of school district, adjacent to said village, may by a majority vote of the electors of such school district, or part of school district, and with the consent of the village unite with said village for the purpose of forming an independent school district, under the general laws of this state.

To constitute a school district.

SEC. 19. All work by the village (except highway taxes, and as may be otherwise herein provided,) shall be let to the lowest responsible bidder, and the trustees may require a bond with sureties, for the faithful performance of the contract. Not less than ten days' notice shall be given of the letting of the contract, by posting notices of the same in three public places of the village; *Provided*,

All work to be let to the lowest bidder—who not to be interested in contracts.

That no trustee or the clerk shall be interested in such contract.

Trustees to have control of all public highways.

SEC. 20. The trustees shall have the supervision and control of all public highways, bridges, streets, alleys, public squares and grounds, within the limits of said village, and shall cause all such as have been opened to be kept open and in repair, and free from nuisances.

To establish and locate streets, etc.—right of appeal.

SEC. 21. The trustees shall have power to lay out, open, alter and vacate public squares, streets, grounds, highways and alleys, and to widen and to straighten the same; and in such matter shall be governed by the general laws of this state, in relation to town roads and bridges, and the duties and powers of the trustees and clerk shall be the same as therein prescribed for town supervisors and clerks. Any person feeling himself aggrieved by such action of the trustees, may appeal therefrom to the district court of said county, where such appeal shall be tried by the court and jury as in ordinary cases, but no pleadings shall be required, and such proceedings shall be had to perfect such appeal as are had in appeals from the action of town supervisors, as far as may be; and such appeal shall be entered, and brought on for trial, and be governed by the same rules, as far as may be, as appeals from justices of the peace in civil suits.

To constitute one or more road districts.

SEC. 22. The village shall constitute one or more road districts, to be defined by the trustees, and the highway labor and taxes shall belong to the general fund, and the trustees may expend such portion of the same as they see fit, outside the limits of the village; and all road moneys levied and collected in the village by authority of the town of Woodville, shall belong to, and be paid to, the village.

Overseers of road districts—how appointed—duties of.

SEC. 23. The trustees shall appoint one overseer of each 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 by him to the village clerk. The laws of this 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 otherwise provided. The trustees shall have full power to direct the overseer when, where, and how to expend said labor and taxes, and to remove him. And the trustees shall perform the duties imposed by law on the supervisors of towns, in levying highway taxes and labor, 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.

SEC. 24. The trustees may cause to be established from time to time, and as rapidly as the convenience of the inhabitants may require, the grade of all streets, sidewalks and alleys in said village, and they shall cause accurate profiles thereof to be made and kept in the office of the village clerk.

To establish the grade of all streets.

SEC. 25. The trustees shall have power to cause streets or alleys to be graveled, or sidewalks built or kept in repair, at the expense of the owners of the lot or lots, fronting on such street, alley or sidewalk, upon petition in writing, signed by the owner or owners of two-thirds of the lots chargeable therewith.

To regulate the building and repairing of sidewalks.

SEC. 26. Whenever the trustees are petitioned as provided in the last section, and shall deem it necessary to construct or repair any sidewalk, or to gravel any street or alley in said village, they shall require the street commissioner to notify all owners or occupants of any lot or lots, or parcels of land, adjoining such sidewalk, or street, or alley, to construct or repair such sidewalk, or to gravel such street or alley to the centre thereof, at his or their own proper expense or charge, within a time designated, by publication in a newspaper printed in said village, for not less than two weeks, of a notice to said owners and occupants, setting forth what work is to be done, and the character of the same, by such owners and occupants, and the time within which they are required to do the same.

Expenses of building sidewalks, how paid.

SEC. 27. If such work is not done in the manner and within the time prescribed, the trustees may order the same to be done by the street commissioner at the expense of the lot, lots or parcels of land adjoining such improvements, and the expense of the improvements adjoining each lot or parcel of land shall be assessed upon such lot or parcel of land by the street commissioner, and returned by him to the trustees, and said assessment so made and returned, if approved by the trustees, shall become a lien upon such lot or parcel of land, as in case of village, county and state taxes.

When work to be done by Street Commissioner—expense, how paid.

SEC. 28. If said assessment be not paid to the street commissioner or village treasurer, on or before the twenty-fifth day of August in any year, the trustees shall cause a statement of the same to be transmitted with the village taxes to be levied for that year to the auditor of the coun-

To report to Auditor amount of taxes levied—duty of Auditor—how taxes collected.

ty on or before the first day of September in each year; and the said auditor shall insert the same with other taxes, in the duplicate statement of taxes annually transmitted by him, to the county treasurer for collection, and payment thereof enforced, with and in like manner as other taxes are collected and payment thereof enforced.

To prescribe width and establish grade of sidewalks

SEC. 29. The trustees shall prescribe the width of sidewalks, and may establish different widths in different localities, and may order them constructed on one or both sides of any street, and the depth of gravel in graveling streets.

Authorized to levy taxes—for what purpose.

SEC. 30. The trustees shall have power by resolution to levy upon all the taxable property of said village, taxes to provide for the current expenses of the village government, police and watchmen, for the opening, maintaining and improvement of public grounds, and the construction of buildings and improvements of a general character; *Provided*, That such taxes shall in no year exceed one half per cent. of the assessed valuation, and in addition thereto may, and it shall be their duty to levy annually taxes sufficient to pay all bonds and interest thereon, due and payable in the succeeding year, nor shall this section be a restriction to their right to levy and collect highway labor and taxes as heretofore provided.

How taxes collected.

SEC. 31. The trustees shall cause to be transmitted to the county auditor of said county, on or before the first day of September in each year, a statement of all the taxes by them levied, together with a statement of the delinquent highway taxes; and such taxes shall be collected, and the payment thereof enforced, with and in like manner as the state and county taxes are collected and the payment thereof enforced; and the county treasurer shall pay over such taxes, as fast as collected, to the treasurer of said village.

How actions brought to recover fines—qualifications.

SEC. 32. In any action brought to recover any penalty or forfeiture under this act or the by laws made by the trustees, it shall be proper to complain that the defendant is indebted, or has violated, and become liable to the amount of such penalty or forfeiture, and to refer to the act or by-law under which the same is claimed or prosecuted, and to give special matter in evidence under it; and all cases shall be under the direction and control of the trustees, and they shall have power to settle, compromise, or prosecute all actions on the part of the village, when the village shall be a party, or interested in

such action, and no person shall be disqualified from serving as a juror in such cases by reason of being an inhabitant of the village.

SEC. 33. This act shall in no wise affect any obligation or contract made and entered into by, to, or on behalf of said village of Waseca, nor affect, nor repeal any ordinance or by law heretofore enacted by said village, and not inconsistent with the provisions hereof. Not to affect any existing contract.

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

Approved February 23, 1871.

CHAPTER V.

An Act to incorporate the Village of Preston.

March 4, 1871.

- SECTION 1.** Incorporation of the Village of Preston.
2. Boundary lines of said village.
3. Elective offices—term of office.
4. When term of office to commence—how to qualify.

CHAPTER II.

- SECTION 1.** Who to compose the Common Council—when Mayor authorized to vote.
2. Council to be judge of the qualifications and elections of its own members.
3. What to constitute a quorum.
4. Council to determine rules of its proceedings, etc.
5. To keep journal of its proceedings.
6. When to appoint officers.
7. When annual election to be held—how conducted.
8. Who to be inspectors of election.
9. Vacancies, how filled.
10. What officers entitled to compensation.
11. Any person refusing to deliver to successor in office all property, books, etc., shall forfeit and pay to the village \$100.
12. When office deemed vacant.