

but the person or persons so arrested may be proceeded against, tried, convicted and punished, or discharged, in the same manner as if the arrest had been made by warrant.

SEC. 12. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village, in any proceeding or action in which the village of Lyle shall be a party in interest.

SEC. 13. The village council may lease, purchase and hold real and personal estate sufficient for all municipal purposes thereof, and may sell and convey the same, and the same shall be free from taxation, and said village shall be liable for its just proportion of all pecuniary obligations and indebtedness heretofore contracted by the town of Lyle.

SEC. 14. The village of Lyle shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the village or any magistrate, to the jail of Mower county for any offense punishable under the state laws.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved March 9, 1875.

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## CHAPTER XXVI.

### AN ACT TO INCORPORATE THE VILLAGE OF MINNEISKA, WABASHA COUNTY, MINNESOTA.

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

SECTION 1. That all that part of the township of Minneiska, in the county of Wabasha and state of Minnesota, included within the following described limits or boundaries, to-wit: Lots numbered three, four and five, the north half of the southwest quarter, the southwest quarter of the southeast quarter, and the southwest quarter of the northwest quarter of section thirty-four, in township one hundred and nine north, of range nine west, shall be and is hereby created a village, and shall be known by the name of "The village of Minneiska," and the people now inhabiting, and those who may hereafter inhabit within the district of country herein above described, shall be a municipal corporation by the name of the village of Minneiska, and shall have all the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess all the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and may have a common seal.

SEC. 2. The officers of said corporation shall be three trustees, one of whom shall be elected by themselves as chairman, one recorder, one justice of the peace, one constable and one treasurer, all of whom shall be residents of and be elected by the legal voters of said village.

SEC. 3. The trustees, recorder and treasurer, shall hold their respective offices for one year, and until their successors are elected and qualified, and before entering upon the duties of their respective offices, shall each take an oath to support the constitution of the United States and the constitution of the state of Minnesota, and faithfully to discharge the duties of their respective offices.

SEC. 4. The treasurer shall have the care and custody of all moneys of said village, shall pay same out only on the order of the chairman, attested by the recorder, and shall give bond in such sum and with sureties as the council may direct, which said bond shall be approved by the council and filed in the office of the recorder.

SEC. 5. The trustees and recorder shall be the common council of the village of Minneiska, any three of whom shall constitute a quorum for the transaction of business, and shall have full power and authority to enact, adopt, modify, enforce, and from time to time amend or repeal all such ordinances, rules and by-laws as they shall deem expedient for the following purposes, to-wit:

*First.*—To provide for the construction and maintenance of suitable sidewalks and street crossings, as they shall deem expedient.

*Second.*—To establish the grades of streets, and cause an accurate profile thereof to be made, a copy of which must be filed in the office of the village recorder.

*Third.*—To prevent the incumbering of streets, sidewalks, lanes or alleys, with carriages, carts, wagons, boxes, barrels, sleighs, wood, lumber, or any other material or substance whatever.

*Fourth.*—To restrain the running at large of cattle, swine, sheep, horses, mules and poultry, and to authorize the impounding, dis-training and sale of the same.

*Fifth.*—To prevent any person from bringing, depositing or having within the village of Minneiska any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have the same upon his premises, or by the person who may have put the same thereon, or from any street, lane, public square or alley, and in default, to authorize the removal thereof at the expense of such person so required to remove the same.

*Sixth.*—To prevent riots, noise, disturbance of meetings, or any public assemblies whatever, to punish any person or persons who may be engaged in or in any way connected with the same, and generally to promote and preserve good order and the public peace.

*Seventh.*—To prevent open or notorious drunkenness, brawling or obscenity in the streets, alleys or public places, and to provide for the punishment of all persons who may be guilty of the same.

*Eighth.*—To prevent and provide for the punishment of all persons doing damage to the sidewalks.

*Ninth.*—To direct the location and management of slaughter houses

and markets in said village, and to regulate the sale, storage, conveying and keeping of gunpowder and other combustible materials.

*Tenth.*—To compel the owners, agents, lessees or occupants of any hog yard or hog pen, stable, privy, sewer, hide yard, slaughter house, market or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as the village council may deem necessary for the health, comfort and convenience of the inhabitants of said village.

*Eleventh.*—To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, [boilers,] boiler stacks and apparatus used in or about any building, and to cause the same to be placed in a safe condition at the expense of the owner or owners; to prevent the deposit of ashes in unsafe places, or the throwing of them into the streets; to regulate and prevent the use of fireworks and firearms, and to establish such regulations for the prevention and extinguishment of fires as they may deem expedient. Also to adopt such regulations as they may deem proper, to prevent the introduction or spread of contagious diseases.

*Twelfth.*—To license and regulate the exhibitions of common showmen, and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, billiard tables, nine or ten pin alleys, bowling saloons, pigeon hole tables, to grant licenses, and auctioneers, and all persons dealing in spirituous, vinous or fermented liquors; *Provided*, That licenses for so dealing in spirituous, vinous or fermented liquors, shall not be less than seventy-five dollars a year.

*Thirteenth.*—To regulate and license the keeping of dogs; to prohibit the running at large of dogs without a license, to impose fines upon the owners and keepers of dogs, and to authorize the destruction of dogs when at large without being licensed, or contrary to any ordinance of the village of Minneiska.

SEC. 6. Said village council shall have full power and authority to declare and impose fines, penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinances, rule or by-law enacted by them, and all such ordinances, rules and by-laws are hereby declared to have the full force of law; *Provided*, They are not repugnant to the constitution of the United States, or of the state of Minnesota, fines, penalties and punishments may be extended to, but shall not exceed one hundred dollars, or imprisonment in the county or village jail thirty days. Offenders may be required to give security for their good behavior, and to keep the peace for a period not exceeding one year, in a sum not exceeding five hundred dollars.

SEC. 7. All ordinances, rules and by-laws shall be enacted by a majority of all the members of the village council, and shall be signed by the chairman, attested by the recorder, and posted conspicuously in three public places in said village, ten days before the same shall be in force, and shall be recorded by the recorder in a book kept in his office for that purpose.

SEC. 8. All prosecutions for violating any of the ordinances, rules or by-laws enacted under the provisions of this act, shall be brought in the name of the village of Minneiska, and shall be commenced by

warrant upon complaint being made as required by law in criminal cases before justices of the peace, and the same proceedings shall be had therein, as are required to be had by the laws of this state in civil or criminal actions, before justices of the peace; *Provided*, No appeal shall be allowed in any case where the fine or penalty imposed is less than twenty dollars. The justice of the peace of the village shall have original and exclusive jurisdiction of all cases arising under the provisions of this act.

SEC. 9. All moneys paid and collected for licenses, and all fines and penalties imposed under or by virtue of the provisions of this act, shall belong to the village of Minneiska and be paid to the treasurer thereof, and constitute a fund for building of sidewalks, levees and streets, and to pay other expenses incurred under the provisions of this act.

SEC. 10. Any five citizens being freeholders within the corporate limits of the village of Minneiska, and having the qualifications requisite for electors of members of the state legislature, may at any time call a meeting of the electors thereof, to elect officers provided for in section two of this act, by posting a notice for ten days prior to the meeting, at the post office and at two other public places within the limits of said village, stating the object of the meeting and the time and place of holding the same, and the electors present at the time and place, may organize such meeting by choosing *viva voce* two judges of election and one clerk, who shall take an oath or affirmation to faithfully discharge the duties required of them, and said judges and clerk being duly qualified, shall forthwith open the polls by proclamation, and conduct the election in the manner prescribed by the statutes of Minnesota for the election of township officers, and the judges of election shall give to each person elected a certificate of election within five days after said election.

SEC. 11. After the first election of officers, the village council shall act as judges of election, and the annual meeting for the election of officers shall be held on the first Tuesday in April in each year, at such place in said village as the council may direct, and the polls shall be open between the hours of ten and eleven o'clock in the forenoon, and close at four o'clock in the afternoon 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 the recorder shall make a true copy thereof in a book kept in his office for that purpose, and within five days thereafter shall notify in writing the persons so elected of their election.

SEC. 12. The village council shall give notice of the time and place of holding the annual meeting for the election of officers, by posting a notice of the same ten days immediately prior to the day of election, at the post office and at two other public places in said village, and may at any time call a special meeting of the electors of said village, by posting notice as provided in this section for the call of the annual meeting; *Provided*, No subject or question shall be considered or acted upon at any annual or special meeting, unless it has been clearly stated in the notice for the call of such meeting.

SEC. 13. The legal voters of the village of Minneiska, may at any annual or special meeting, authorize the village council to levy a tax

for building and improving sidewalks, levees and streets in said village, to build a pound, and to build a building or place for the confinement of persons arrested and punished under the provisions of this act.

SEC. 14. The council of said village shall report to the auditor of the county of Wabasha, the amount of tax levied on said village, pursuant to the provisions of the preceding section, and it shall be the duty of said auditor to insert and extend such tax on the assessment roll of the town of Minneiska, and the same shall be collected by the county treasurer, or by him be returned as delinquent, and all proceedings in relation thereto, including collecting, selling, conveying and redeeming property, and settling with the treasurer, shall be the same as in proceedings on account of other taxes; *Provided, however, That no tax levied pursuant to this act shall exceed in any one year five mills on the dollar of taxable property.*

SEC. 15. The county commissioners of Wabasha county shall not in any case, grant a license to any person or persons to sell at retail or wholesale, any intoxicating, spirituous, vinous, fermented or malt liquors of any kind within the limits of the village of Minneiska, after the election of a village council as hereinbefore provided.

SEC. 16. The treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided for that purpose, and exhibit such account, together with his vouchers, to the village council at its annual meeting for adjustment, and on the expiration of his term of office, shall deliver all books and property belonging to his office, and the balance of all money in his hands as such treasurer, to his successor in office, on demand, after such successor has qualified according to law.

SEC. 17. The treasurer shall from time to time draw from the county treasurer such moneys as has been received by the county treasurer for the use of said village, and on receipt of such moneys, shall deliver proper vouchers therefor.

SEC. 18. The treasurer shall, on the Tuesday next preceding the annual election for village officers, make out a statement in writing of the moneys by him received into the village treasury from officers and other sources, and also of all moneys paid out by him as such treasurer, in which statement he shall set forth particularly from whom and on what account such moneys were received by him, with the amount received from each person or officer, and the date of receiving the same; also to whom and for what purpose any moneys have been paid out by him, with the amount and date of such payment, and shall also state therein the amount of moneys remaining in his hands as treasurer, which said statement shall be filed by him in the office of the recorder, and shall be carefully preserved and recorded in a book provided for that purpose.

SEC. 19. The village council shall constitute a board of auditors for the purpose of auditing all accounts payable by said village, and the recorder shall be clerk of said board. Said board or council shall meet annually on the Thursday next preceding the annual village election to be held in said village, and at such other times as they shall deem necessary and expedient for the purpose of auditing

and settling all accounts and charges against the said village, and they shall state on each account the amount allowed by them, but no allowance shall be made of any account which does not specifically state each item of the same, and the nature thereof.

SEC. 20. Such board shall draw up a report stating in detail the items of accounts audited and allowed, the nature of each account, and the name of the person to whom allowed, including a statement of the fiscal concerns of the village.

SEC. 21. Such report shall be produced and publicly read by the recorder at the next ensuing village election.

SEC. 22. The village justice shall annually report to the council all the proceedings instituted before him in which the village is interested, and shall at the same time account for and pay over to the village treasurer all fines and penalties collected by him belonging to said village, and said justice shall be entitled to receive from the county of Wabasha such fees in criminal cases occurring without the village, as are allowed to other justices in the county for similar purposes.

SEC. 23. The justice of the peace and constable elected under the provisions of this act, shall hold their respective offices for the term of two years and until their successors are elected and qualified, and shall have and may exercise, in addition to the power and authority herein specially granted to such officers, all the power and authority in any case possessed by a justice of the peace or constable elected by the township of Minneiska in said county. The justice of the peace and constable shall take and subscribe the same oath of office, and before entering upon the discharge of their duties as such officers, execute the same bond and file the same with the same officers as justices of the peace and constables elected by said town of Minneiska now are or may hereafter be required to do, and shall receive the same fees for their services as justices of the peace and constables elected by said township of Minneiska are allowed under the statutes of the state of Minnesota; and the constable may at any time, under the direction of the chairman or a majority of the village council, call to his assistance any number of citizens sufficient to aid him in the suppression of a riot or of any public disturbance, or to aid him in making arrests.

SEC. 24. Should a vacancy occur in any of the offices provided for by this act, the village council are hereby authorized to fill the same by appointment, and persons appointed shall hold their offices until the next annual election, and shall have all the authority and be subject to the same duties as persons chosen by ballot.

SEC. 25. In case any of the members or judges of election are absent on the day of any general or special election held in and for said village, at the hour prescribed for the opening of the polls, the vacancy or vacancies may be filled by the choice of legal voters present, by *viva voce* vote.

SEC. 26. It shall be lawful for the common council of said village to purchase in the name of said corporation, or to take by give or grant, in trust or otherwise, a suitable piece of land not exceeding in extent ten acres, either within or without the limits of the village, for cemetery purposes, and may cause the same to be surveyed, and

a plot thereof made and filed with the recorder, at the expense of said village. Said council may also sell lots therein and convey title to the same, and shall have the care and custody of the grounds. Deeds of lots in said cemetery shall be as other deeds, except that they shall be used for cemetery purposes only, and be signed by the chairman of said council and recorder of the village.

SEC. 27. The common council shall have the care and control, and the right to improve the levees in said village, the right to prevent the obstruction thereof, and to control the business thereon; *Provided however*, That nothing herein contained, shall be so construed as to authorize the levying or imposing of any tax on said business.

SEC. 28. In all respects not herein provided for, the village of Minneiska, shall constitute and be a part of the town of Minneiska.

SEC. 29. This act shall be a public act, and need not be pleaded nor proven in any court in this state.

SEC. 30. The style of all ordinances intended to have the force of rules, or law or authority, passed by the common council, shall be as follows: "Be it ordained by the common council of the village of Minneiska," but no ordinance shall embrace more than one subject, which shall be expressed in its title.

Approved March 4, 1875.

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## CHAPTER XXVII.

### AN ACT TO INCORPORATE THE VILLAGE OF ROSEMOUNT, IN THE COUNTY OF DAKOTA.

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

#### TITLE ONE.

SECTION 1. That all the territory embraced within the following boundaries, to-wit: Commencing at a point on the north and south quarter-section line of section twenty-nine, township one hundred and fifteen north, range nineteen west, five hundred and sixty-eight feet north of the centre of said section twenty-nine, and running thence east one hundred and eighty-three feet; thence south three hundred and eighty-five feet; thence east at right angles with said last line to a point of intersection with the east line of the right of way of the Milwaukee and St. Paul railway company through said section; said point of intersection being nine hundred and seven feet (more or less) distant from the west end of said last mentioned intersecting line; thence along said east line of said right of way in a southwesterly direction to a point thirty-three feet due north of the east and west quarter-section line of said section; thence due east parallel to and