

CHAPTER XX.

AN ACT TO VACATE A PART OF THE PLAT OF THE VILLAGE OF ELYSIAN.

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

SECTION 1. Elysian is situated in section number 35, in the southwest quarter, in township 109, of range number 24 west, consisting of 111 24-100 acres, more or less, commencing at the $\frac{1}{4}$ post, at the southeast corner, thence running north to Lake Francis (formerly called Lake Jefferson), thence west, from every point in said line 124 8-33 rods, which village plat is on file or recorded in the office of the register of deeds in the county of LeSueur.

SEC. 2. All that part of the village plat of the village of Elysian lying north of blocks numbers fifteen, sixteen, seventeen, eighteen, and nineteen in said village plat, are hereby vacated.

[SEC. 3. This act shall take effect and be in force from and after its passage.]

Approved March 4th, 1876.

CHAPTER XXI.

AN ACT TO AMEND CHAPTER FIVE OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY, ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF LAKE CRYSTAL."

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

SECTION 1. That chapter five of the special laws of eighteen hundred and seventy, entitled "an act to incorporate the village of Lake Crystal" is hereby amended so as to read as follows :

Section 1. All of section five of township one hundred and seven, range twenty-eight, and all of the south half of section thirty-two in township one hundred and eight, range twenty-eight in the county of Blue Earth shall be a village, and the inhabitants thereof shall be, and form a municipal corporation under the name and style of the "village of Lake Crystal" and shall have the powers generally possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted and be capable of contracting, and being contracted with, suing, and being sued, pleading, and being impleaded in all courts of law and equity, and

may have a common seal, and may alter the same at pleasure, and may also take, hold, purchase, lease, and convey real, personal and mixed estate within or without the limits thereof, as the purposes of the village may require, and said territory shall constitute, and be one election district for all purposes of general and special elections under the general election laws of this state, the board of trustees of said village or a majority thereof may act as judges of election, and the recorder shall be and act as one of the clerks of election, and at all general and special elections in said election district, the electors at the hour of opening the polls on the day of election shall choose one clerk of election. The board of trustees or a majority thereof as aforesaid, and the recorder, and the clerk chosen as herein provided shall comply with and perform all the duties required under the general election laws of this state, and the recorder shall give notice of all elections, general or special in the same manner as required by the general election laws of this state of town clerks; and the board of trustees shall perform all the duties pertaining to the registry list in the same manner as township supervisors are required to do under the general election laws of this state, and the general election laws shall apply to and govern the judges and clerks of election at all general and special elections in all cases wherein the same does not conflict with the provisions of this act. The board of trustees shall determine in what place in said election district elections shall be held, at least ten days before the holding of said elections.

Sec. 2. There shall be an annual election held on the fourth Tuesday in March in each year at which election the inhabitants of said village having the qualifications of electors, may elect a president and four trustees who shall be styled the "board of trustees" of the village of Lake Crystal, and in whom shall be vested the management of its municipal concerns, a treasurer, a recorder, a justice of the peace and a constable, whose terms of office shall commence on the second Monday in April, next after their election and who shall hold their respective offices for one year and until their successors are elected and qualified; and before entering on their respective offices, they shall each take and file with the recorder an oath or affirmation to support the constitution and laws of the state of Minnesota and faithfully discharge the duties of his office. The recorder shall give ten days' notice of the time and place of holding such elections, by posting up printed or written notices thereof in three public places in said village, said election shall be conducted in the same manner as township elections, except that the polls shall be opened at one o'clock p. m. and shall close at five o'clock p. m. and the laws of this state applicable to general elections shall apply so far as is consistent.

Sec. 3. The treasurer and the recorder shall give such bonds as the board of trustees shall require, the treasurer's bond shall be filed with the recorder and the recorder's bond shall be filed with the treasurer of said village.

Sec. 4. 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 shall exhibit such account together with his vouchers to the board of trustees at its annual meeting or at any time when called for by resolution of said

board of trustees for adjustment and shall deliver all books and papers belonging to the office and all moneys in his hands, as such treasurer to his successor in office. *Provided*, that the treasurer shall not pay out any moneys in his hands except upon the written order of the president of the board of trustees, attested by the recorder. The treasurer shall from time to time draw from the county treasury, such moneys as may be due said corporation for the use of said village and on receipt of such moneys, give proper vouchers therefor.

Sec. 5. The board of trustees may enact, modify, enforce and amend or repeal ordinances and by-laws for all purposes contemplated by this act, and may fix penalties, fines and punishments for violating the same, and they shall have the force of law. *Provided*, That such ordinances or by-laws shall not take effect or be in force until the same shall have been posted for ten days in three public places in said village, and the certificate of the recorder entered on the records of said village shall be deemed sufficient evidence of the publication of the same. They shall have exclusive power :

First.—To license public showmen or exhibitions, billiard tables, bowling saloons, hawkers, peddlers, and auctioneers.

Second.—To license and regulate the selling, vending, dealing in or disposing of spirituous, vinous, fermented, malt, or any intoxicating liquors or drink within the limits of said village. *Provided*, That this act, and any ordinance enacted under it, shall not be deemed to limit the operation in said village of any law of this state relating to the sale or disposing of intoxicating liquors to habitual drunkards and other persons to whom the sale or disposing of the same is unlawful under the laws of this state; and, *provided, further*, that no license shall be granted for less than fifty dollars nor more than two hundred dollars per year, at the discretion of the board of trustees, and that previous to granting any such license, a bond shall be executed by the applicant to the village of Lake Crystal and be approved by the board of trustees with the same conditions and in the same penal sum as required by the general laws in force at the time; and all moneys received for such license shall be paid to the treasurer of said village and be used to defray the expenses thereof; and the board of trustees shall have full power to restrain any person from vending, selling or disposing of any such liquors aforesaid, unless duly licensed by said board of trustees, and *provided, further*, that all licenses granted by the board of trustees shall expire on the first day of May in each year.

Third.—To provide for the construction and maintenance of suitable sidewalks and street crossings, as they shall deem expedient, at the expense of the owners of the lots or parts of lots respectively opposite and adjoining to such sidewalks or crossings, or out of the common fund of the village.

Fourth.—To prevent riots, noise, disturbances of public or religious meetings, and to punish any person or persons who may be engaged in such riots, noise or disturbance, and generally to promote and preserve good order and the public peace.

Fifth.—To prevent the encumbering of streets, sidewalks or alleys, with any material or substance detrimental to the public convenience.

Sixth.—To restrain the running at large of cattle, swine, sheep,

horses, mules and poultry, and to authorize the impounding, and distraining of the same.

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 so violating the ordinance or ordinances in such case made and provided.

Eighth.—To prevent all persons from doing damage to sidewalks, shade trees, public wells, cisterns or pumps.

Ninth.—To direct the location and management of slaughter houses and markets in said village, and to regulate the sale, storage and conveyance of gunpowder or other combustible material.

Tenth.—To compel the owners or agents of any yard, pen, privy sewer, or any unwholesome or nauseous place, to clean, remove or abate the same as the board of trustees may deem necessary for the health, comfort and convenience of the inhabitants of said village.

Eleventh.—To prevent the dangerous construction of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, boiler stacks and apparatus 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 putting of them in the streets, to regulate and prevent the use of fire-arms, and to establish such regulations for the prevention and extinguishment of fires as they may deem expedient and proper, and may also provide for the sinking of wells, cisterns or tanks, and furnishing them with pumps or buckets and hose, and may also direct the owners, agents or lessees of any building or buildings in any exposed parts of the village, to procure and keep constantly on hand ready for immediate use, ladders of sufficient length to reach the highest part of their buildings, also pails or buckets, and may also direct that tubs or barrels of water or brine may be kept filled at all times.

Twelfth.—The board of trustees may by a unanimous vote, exempt a limited number of legal voters, residents of said village, from highway tax or serving on juries, provided they are members of a fire company organized and regulated under the direction of said board of trustees.

Thirteenth.—To prevent and punish horse racing, and immoderate riding and driving in the streets, and to compel persons to fasten their teams while in the streets.

Fourteenth.—To restrain and prohibit gift enterprises, all descriptions of gaming and fraudulent devices and practice, and all playing of cards, dice or other games of chance for the purpose of gaming.

Fifteenth.—To restrain and punish vagrants, mendicants, street beggars, and prostitutes and to suppress houses of ill-fame.

Sixteenth.—To establish and regulate boards of health, provide hospitals and pest houses and prevent the spread of infectious disease.

Seventeenth.—To lay out, alter, open, widen, extend, establish, grade, repair or otherwise improve or keep in repair streets, alleys, commons and sidewalks, ditches, sewers and public grounds, and they may establish and file with the recorder, grade of streets or sidewalks, with which buildings and directions shall conform.

Eighteenth.—The board of trustees shall have power to enact any

other ordinance or by-law, or to do any other act necessary or proper to perform the duties contemplated by this act.

Sec. 6. They may erect or rent suitable buildings for village purposes and keep the same in repair.

Sec. 7. They may appoint any number of special policemen for extraordinary occasions and they shall constitute a village police and shall have the usual power of policemen and shall be under the control of the board of trustees.

Sec. 8. The cost and expense of surveying and locating the streets, alleys, sidewalks; sewers, public grounds, reservoirs, cisterns and drains, and the erection of buildings for village purposes, and cleansing and repairing the same, and of constructing and repairing reservoirs and sewers, street crossings and crosswalks, may be paid out of the general fund; but the grading and building and repairing of sidewalks, shall be chargeable to the lots fronting on said improvements. The board of trustees shall not improve streets or walks, except by a petition in writing, signed by two thirds of the owners and occupants of lots fronting on said improvements.

Sec. 9. The village of Lake Crystal may be constituted one or more road districts, to be defined by the board of trustees, and the highway labor and taxes shall belong to the general fund but shall be expended in the road district where the same is levied and raised.

Sec. 10. The board of trustees shall appoint one overseer for each road district, and they shall issue a warrant to him containing the whole amount of highway labor and road tax assessed and levied in his district, which said warrant shall be returned by him to the recorder of said village, as the laws of the state direct of overseers of highways, and the laws of the state shall apply to the warning, working, levying and collecting highway taxes, and returning delinquent taxes in all respects as therein expressly provided. The board of trustees shall have full power to direct the overseer when, where and how, to expend the said labor and tax, to remove them, and may direct them to expend the money at any point within the limits of their respective road districts in the village. The board of trustees shall perform the duties imposed by law upon the supervisors of towns, in laying highway taxes, and shall be governed and restricted in the amount so levied by the same laws applicable to the supervisors of said towns in laying highway labor and taxes.

Sec. 11. All work by the village, except the highway taxes, shall be let by contract to the lowest bidder, and the board of trustees may require a bond with sureties to be approved by them, for the faithful performance of the contract, not less than ten days notice shall be given of the letting of contracts, by the posting of notices by the recorder, in three public places in said village, to be signed by the president, and also filing said notice with the recorder at the same time.

Sec. 12. All property, real and personal, in the village, except such as may be exempt by the state, or its village property, shall be subject to taxation to any amount not exceeding ten mills on a dollar of valuation in each year, for general purposes; such property shall also be liable for such special taxes as the trustees may levy; property exempt from taxation shall be liable to assessment for building and repairing sidewalks.

Sec. 13. The legal voters of said village may at any annual or special meeting, authorize the village to levy a tax for any legitimate purpose, but in no case on the tax so levied exceed the sum of ten mills upon the dollar of valuation in any one year, and all taxes levied except for improvements of streets, sidewalks and crossings, shall be levied and collected as prescribed by the statutes of the state, for the levying and collection of township taxes. *Provided*, that the board of trustees shall on or before the fifteenth day of September in each year, make a return to the county auditor of all taxes levied and assessed by them, and the county auditor shall upon the receipt of the same enter and carry out the said tax or taxes against the property within the said village, and collect the same as other taxes are collected and when collected turn over the same to the village treasurer.

Sec. 14. The recorder shall receive the same fees as a town clerk, he shall keep the corporate seal and all the papers and records of the board of trustees, he shall draw and countersign all orders on the treasury in pursuance of any order or resolution of the village board of trustees, and keep a full and accurate account thereof in books provided for that purpose, and make a fair and full record of all the by-laws, ordinances, rules, regulations or resolutions, made or passed by the village trustees, copies of all papers filed in his office and transcripts from the village records certified to by him shall be evidence in all courts in like manner as if the originals were produced.

Sec. 15. The damages sustained by reason of laying out, opening, or altering any road, street or alley may be agreed on in the same manner as in a town under the general laws of the state, and the general laws shall apply in all respects in relation to the release of damages, the filing thereof, or the assessing thereof by the trustees and the appealing therefrom, except that the recorder is substituted for the town clerk and the board of trustees for the supervisors. All such damages shall be levied on the village at large.

Sec. 16. All prosecutions for violating any of the ordinances, rules or by-laws, enacted under the provisions of this act, shall be brought in the corporate name of said village, and may be commenced by summons and complaint as required by law in civil actions, or by warrant upon complaint as provided by law in criminal actions 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. *Provided*, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance of said village, but in such cases a complaint shall be made which the justice shall reduce to writing, and the party be required to plead thereto as to a warrant in other cases, and the person or persons so arrested may be proceeded against in the same manner as if the arrest had been made by warrant, all criminal warrants under this act shall conclude "in violation of an ordinance of the village of Lake Crystal entitled, (here give the title of the ordinance in question)," and no other reference in the warrant or any criminal pleading need be made to the ordinance under which any prosecution is had, all process issued by the justice of the peace of said village shall be directed to the sheriff or any constable of said county, it shall be a sufficient pleading of the by-laws or ordinances of said

village, to refer to the number or chapter and section thereof, and giving them in evidence under the complaint, and in all civil actions brought to recover any penalty or forfeiture for the violation of any of the provisions of this act or any ordinance under it, it shall be sufficient to complain that the defendant is indebted in the amount of such penalty or forfeiture, and to refer to the ordinance under which the same is claimed by its title, and special matters may be given in evidence under such pleadings.

Sec. 17. Every execution issued upon any judgment recovered for any penalty in any action, civil or criminal, may contain a clause directing in event of the non-payment of the judgment the imprisonment of the defendant in the county jail, until such judgment is paid, not exceeding ninety days, and for that purpose the village shall have the use of the jail of the county of Blue Earth, and persons thereto committed shall be under the charge of the jailor of said county.

Sec. 18. All fines and penalties imposed under or by virtue of the provisions of this act shall be paid into the village treasury and shall constitute a fund to pay the expenses incurred under the provisions of this charter.

Sec. 19. All actions arising under the provisions of this act, shall be under the direction and control of the board of trustees, and they shall have power to prosecute, defend, settle or compromise all such actions on the part of the village when said village shall be a party or interested in such actions. All process in any action to which the village is a party may be served upon any member of the board of trustees.

Sec. 20. The justice of the peace of the village, shall have and possess exclusive and original jurisdiction of all cases arising under the provisions of this act, unless personally disqualified, and shall also have and exercise all the powers and jurisdiction of justices of the peace elected under the general laws of the state. *Provided*, that all portions of the general laws of the state, relating to trial by jury, change of venue, appeals, writs of certiorari, and all other proceedings which apply to justices' courts, shall apply to the entire jurisdiction of said justice of the peace, such justice of the peace shall at the time of his election, and during his term of office be a resident of said village and shall hold his office therein, such justice shall execute a bond with sureties to be approved by the board of trustees for the faithful discharge of the duties of his office, which bond shall be filed as is prescribed by law for the filing of bonds of justices of the peace.

Sec. 21. The justice of the peace of said village shall receive the same fees and compensation as justices of the peace elected under the general laws of the state.

Sec. 22. The constable of said village shall have the same powers and his duties shall be the same as a constable elected under the general laws of the state, and shall receive the same fees for the same services; the constable shall under the direction of the board of trustees be *ex-officio* marshal of said village, and shall receive such compensation for services rendered as such marshal as the board of trustees may prescribe, the constable may execute before entering on the discharge of his duties, the same bond and file the same with the same officer as constables elected elsewhere in the county, are now or may hereafter be required to do.

Sec. 23. A majority of the board of trustees shall constitute a quorum for business, and may appoint a surveyor, one overseer of highways for each road district, and any other officer for specific purposes and should any vacancies occur in any of the offices created by this act, the board of trustees or the remaining members thereof may fill the same by appointment. The board of trustees shall constitute a board of auditors for the purpose of auditing all accounts payable by said village.

Sec. 24. Special elections may be ordered by the board of trustees, but no special election shall be held unless ten days' notice thereof be given, nor shall any subject or question be considered or acted upon, unless its objects are clearly set forth and stated in the notice for the call of such meeting.

Sec. 25. No law of this state contravening the provisions of this act shall be considered as repealing, amending, or modifying the same, unless such purpose be expressly set forth in such law.

Sec. 26. This act shall be considered a public act.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4th, 1876.

CHAPTER XXII.

AN ACT TO AMEND SECTION EIGHT (8) OF CHAPTER FIVE (5) OF CHAPTER TWENTY-SEVEN (27) OF THE SPECIAL LAWS FOR 1868, BEING "AN ACT TO INCORPORATE THE CITY OF MANKATO," APPROVED MARCH 6, 1868.

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

SECTION 1. That section eight (8) of chapter five (5) of chapter twenty-seven (27) of the special laws for 1868, approved March 6th, 1868, be amended so as to read as follows:

Sec. 8. It shall be lawful for the common council of said city at any time to levy a corporation poll tax upon every qualified voter in said city, between the ages of twenty-one (21) and fifty (50) respectively; *Provided*, that said tax shall not in any one year exceed the sum of two (2) dollars on each person. The street commissioner shall collect the corporation or poll tax which may be levied by the common council, and said street commissioner shall have all the power as possessed by road supervisors, as provided by the laws of the state, and shall report to the common council when required.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 2d, 1876.