

CHAPTER 6.

AN ACT TO INCORPORATE THE VILLAGE OF MONTGOMERY, IN THE COUNTY OF LE SUEUR, AND STATE OF MINNESOTA.

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

SECTION 1. All that part of the township of Montgomery, in the county of Le Sueur, and State of Minnesota, included in the following described limits or boundaries, to-wit: The north-west quarter of section ten (10), in township one hundred and eleven (11), north of range twenty-three (23) west, shall be, and the same is hereby created a village by the name and style of the Village of Montgomery, and the people who do now, or hereafter may, reside within the said village, are hereby created a corporation for municipal purposes with perpetual succession, under the name and style of the Village of Montgomery, and as such corporation shall possess and enjoy all the powers, rights and privileges which can now or may hereafter be possessed and enjoyed by corporations for municipal purposes under the constitution and laws of the State.

SEC. 2. The male inhabitants of said village having the qualifications of electors of members of the legislature of the State of Minnesota, as hereinafter provided, may elect a president, three (3) trustees, a recorder, a treasurer, who shall hold their respective offices for one (1) year, or until their successors are elected and qualified; also one (1) justice of the peace and one (1) constable, who shall hold their respective offices for two (2) years, or until their successors are elected and qualified, and before entering upon the duties of their respective offices, the president, three (3) trustees, recorder, treasurer, one (1) justice of the peace and one (1) constable, shall each take an oath or affirmation to support the constitution and laws of the State of Minnesota, and the constitution of the United States, also an oath of office. The treasurer, before entering upon the duties of his office, and within ten (10) days after elected, shall give such bonds as the village council may require. 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 shall deliver all books and property belonging to his office, and the balance of all moneys in his hands as such treasurer, to his successor in office on demand, after such successor has qualified according to law.

SEC. 3. The treasurer shall, from time to time, draw from the county treasurer such moneys as have been received by the county treasurer for the use of said village, and on receipt of such moneys he shall deliver proper vouchers therefor.

SEC. 4. The treasurer shall, on the Tuesday preceding the annual election for village officers, make out a statement in writing of the moneys by him received into the village treasury from offi-

cers 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 each payment; he shall also state therein the amount of moneys remaining in his hands as treasurer; such statement shall be filed by the recorder and preserved in the office of the recorder for the inspection of any person, and shall be carefully preserved and recorded in a book provided for that purpose by the recorder.

SEC. 5. The president, the three (3) trustees and recorder shall be the village council of said village, any three of whom shall constitute a quorum for the transaction of any 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 maintainance 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.

Second. 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.

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

Fourth. To restrain the running at large of cattle, swine, sheep, horses, mules and poultry, and to authorize the impounding, distraining and sale of the same.

Fifth. To prevent any person from bringing, depositing or having within the village, 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 open and 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.

Seventh. To prevent all persons from doing any damage to the sidewalks.

Eighth. 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.

Ninth. To compel the owners, agents or lessees of any hog yard

or hog pen, stable, privy, sewer, hide yard, slaughter house, markets or any other unwholesome nauseous house or place, to clean, abate or remove 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.

Tenth. To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, 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 street; 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.

Eleventh. 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.

Twelfth. To license public showmen or exhibitions, billiard tables and bowling alleys.

Thirteenth. To prevent and punish horse racing, immoderate driving in the streets, and to compel persons to fasten their horses or, mules attached to vehicles, while in the streets, and to regulate the places of bathing and swimming in the water in the limits of the said village.

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 ordinance, rule or by-law enacted by them, and all such ordinances, rules and by-laws, are hereby declared to have the force of law; *Provided*, They are not repugnant to the constitution and laws of the United States and State of Minnesota. Fines, penalties and punishments may extend as follows, to-wit: fines not to exceed one hundred (\$100.00) dollars nor imprisonment to exceed thirty (30) days in the county or village jail. Offenders may be required to give security for their good behavior and to keep the peace for a period not to exceed one (1) year in a sum not exceeding five hundred (\$500.00) dollars.

SEC. 7. All ordinancee, rules and by-laws shall be enacted by a majority of all the members of the village council, and shall be signed by the president or chairman, attested by the recorder, and published once in a newspaper published in said county where said village is situated, or posted conspicuously in three (3) public places in said county where said village is situated, for ten (10) days before the same shall be in force, and shall be recorded in a book kept for that purpose by the recorder in his office.

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 State of Minnesota, 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. *The justices of the peace of the village shall have and possess exclusive and original jurisdiction of all cases arising under the provisions of this act.*

SEC. 9. All fines and penalties imposed under or by virtue of the provisions of this act, shall belong to the village of Montgomery, and shall constitute a fund to pay the expenses incurred under the provisions of this charter.

SEC. 10. Any five citizens, being freeholders within the corporate limits of said village, and having the qualifications of 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 (2) of this act, by posting a notice for ten (10) days prior to the meeting at the post office, and at two (2) more public places within the limits of said village, which notices shall state 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 (2) judges of election and one (1) 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 his 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 (1st) Tuesday of January in each year, at such place in said village as the council may direct, and the polls shall be opened between the hours of ten (10) and eleven (11) o'clock in the forenoon, and closed at four (4) 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 for that purpose, and within five (5) 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 (10) days immediately prior to the day of election, at three (3) public places in said village, or by publishing it for two (2) weeks immediately prior to said election, in a paper published in said village, and may at any time call a special meeting of the electors of the village, by posting or publishing a 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 said village may, at any annual or special meeting, authorize the village council to levy a tax to build

a pound or to build a building or place for the confinement of persons arrested under the provisions of this act, and any such tax shall be levied and collected as prescribed by the statutes of this State for the levying and collection of township tax.

SEC. 14. The village council shall have the exclusive right to license persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors within the limits of said village, and persons so licensed shall not be required to obtain a license from the county commissioners and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, malt or fermented liquors, if having first obtained license therefor agreeably to the provisions of chapter sixteen (16) of the general statutes; *Provided*, that no license shall be granted for less than twenty-five (\$25.00) dollars or more than fifty (\$50.00) dollars, and that previous to the granting of any such license, a bond shall be executed with the same conditions and the same penal sum as required by the general act; and the council shall have full power to restrain any person from vending liquors unless duly licensed by the village council of said village.

SEC. 15. The justice of the peace and constable of said village shall have and may exercise in addition to their 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 said township of Montgomery; the village justices and constables shall take the same oath of office and execute before entering upon the discharge of their duties as such officers, the same bond and file the bonds with the same parties as justices of the peace and constables elected by said township of Montgomery, are now 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 the said township of Montgomery are allowed under the statutes of this State; and the constables or either of them may at any time call to his or their assistance any number of citizens sufficient to aid him or them in the suppression of a riot or any public disturbance or to aid him or them in making arrests.

SEC. 16. Should a vacancy occur in any of the offices provided for in this act, except justice of the peace, the village council are hereby authorized to fill the same by appointment.

SEC. 17. The village of Montgomery shall constitute one or more road districts and the highway labor and taxes shall belong to the fund, and the trustees shall appoint an overseer of said road districts, and they shall issue a warrant to him containing the whole amount of labor and taxes assessed and levied in said district or districts, which said warrant shall be returned to the village recorder; the laws of the State shall apply to the warning, working and suing for and collecting highway taxes and to returning delinquent taxes and in all other respects as herein expressly provided; the trustees shall have full power to direct the overseers 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

said 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 taxes and labor.

SEC. 18. All taxes raised within the limits of said village for building bridges or public highways or for repairing the same, shall be expended under the direction of the village council; *Provided*, A village council is elected under the provisions of this act.

SEC. 19. The village council shall constitute a village board of auditors for the purpose of auditing all accounts payable by said village; and the recorder shall be clerk of said board and a member thereof.

SEC. 20. The said board of auditors shall meet annually on the Tuesday 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 charges against the said village, and they shall state on each account the amount allowed by them, but no allowance shall be made for any account which does not specially state each item of the same and the nature thereof.

SEC. 21. Said 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 such account was allowed, including a statement of the financial concerns of the village.

SEC. 22. Such report shall be produced and publicly read by the clerk of said board at the next ensuing village election, and the whole or part of such report may be referred by the order of the meeting to a committee of three (3), whose duty it shall be to examine the report and report thereon to such meeting.

SEC. 23. The amount of any account audited and allowed by the board of auditors and the amount of any account voted to be allowed by any meeting of the voters of said village shall be paid by the village treasurer on the order of said board, signed by the president and countersigned by the clerk of the said board; and all orders issued to any person by such board for any sum of money due from said village, shall be received in payment of village taxes of said village.

SEC. 24. The village justice shall report quarterly to the village 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 Le Sueur such fees in criminal cases occurring without the village, as are allowed to other justices for similar services, as allowed by law.

SEC. 25. The cost and expense of building, grading, paving or repairing sidewalks shall be at the option of the village council, chargeable to the lots fronting on said improvement; whenever the village council shall deem it necessary to contract or repair any sidewalk in said village they may notify all owners and occupants of

any lot or lots or parcel of land adjoining such sidewalks, to contract or repair the same at his or their own proper expense, and charge within a certain time, designated by delivering to the owners or occupants of said lot or lots or parcels of land or by publication in a newspaper, printed and published in said village, for not less than two (2) weeks, of a notice to said owners or occupants, setting forth what work is to be done and the character of the same, by such owners or occupants, and the time within which they are required to do the same.

SEC. 26. If such work is not done and the said sidewalks not built or repaired in the manner and within the same time prescribed, the village council may order the same to be done at the expense of the lots and parcels of land adjoining said sidewalks; and said expenses shall be assessed upon such lots and parcels of land so chargeable by the village council and returned by them; and said assessment so made and returned, if approved by the council, shall become a lien upon said lots and parcels as in case of town, county and State taxes.

SEC. 27. All the works of said village exceeding fifty dollars (\$50), shall be let by contract to the lowest responsible bidder, and due notice shall be given of the time and place of letting such contract, and every contract so made shall be commenced within one (1) week of the acceptance of the proposal, unless the village council shall otherwise determine; *Provided*, That they shall have power to reject all unreasonable bids.

SEC. 28. No moneys shall be appropriated to any purpose whatever except and not exceeding the sum of one hundred dollars (\$100), unless it is expressly authorized by a vote of the legal voters in said village.

SEC. 29. All moneys arising from fines, commutations, licenses, &c., shall be paid into the village treasury.

SEC. 30. The village council shall have power and authority,
First. To regulate the place and manner of selling and to provide for the inspection and weight of hay and coal, and measuring of charcoal, firewood and other fuel, and to appoint suitable persons to inspect, superintend and conduct the same.

Second. To compel the owners and occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets and alleys opposite thereto; and in their default by some officer of the village at the expense of such owners or occupants.

Third. To regulate and license public auctions or vendues, and to license all auctioneers within said village.

Fourth. To provide by ordinance for a standard of weights and measures, and the appointment of a village sealer, and to provide for the punishment for the use of false weights and measures.

SEC. 31. The said village of Montgomery shall be liable for its proportionate share of principal and interest of any bonds or other indebtedness which has been or may be voted or incurred by the township of Montgomery for any purpose whatever, prior to the time when this act shall take effect or be in force.

SEC. 32. Nothing in this act shall be taken or construed so as to prohibit any inhabitant of said village from holding any town office for the township, nor to prohibit any inhabitant who has been elected to any town office from serving out his unexpired term of office, nor to prohibit any legal voter of said village from voting at the town elections of said township of Montgomery.

SEC. 33. This act shall take effect and be in force from and after its passage.

Approved February 14, 1878.

CHAPTER 7.

AN ACT TO REDUCE THE LAW INCORPORATING THE VILLAGE OF LANESBORO, FILLMORE COUNTY, MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF TO ONE ACT, AND TO AMEND THE SAME.

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

That chapter eight (8) of the special laws of the State of Minnesota for the year one thousand eight hundred and sixty-nine (1869) entitled "An act to incorporate the village of Lanesboro, Fillmore county, Minnesota," as amended by the various acts amendatory thereof, be amended so as to read as follows :

CHAPTER I.

SECTION 1. That all the district of country known and described as follows, to-wit: All that part of the townships of Carrolton and Holt, Fillmore county, Minnesota, included within the following described limits or boundaries, to-wit: the north-east quarter ($\frac{1}{4}$), and the south-east quarter ($\frac{1}{4}$), and the east half ($\frac{1}{2}$) of the north-west quarter ($\frac{1}{4}$), and the east half ($\frac{1}{2}$) of the south-west quarter ($\frac{1}{4}$) of section thirteen (13); and the north-east quarter ($\frac{1}{4}$), and the east half ($\frac{1}{2}$) of the north-west quarter ($\frac{1}{4}$) of section twenty-four (24), town one hundred and three (103), range ten (10) west; and the north-west quarter ($\frac{1}{4}$) and the south-west quarter ($\frac{1}{4}$) of section eighteen (18), and the north-west quarter ($\frac{1}{4}$) of section nineteen (19), town one hundred and three (103), range nine (9) west, shall be and the same is hereby created a village by the name of Lanesboro.

SEC. 2. That the people who now do or hereafter may reside within the said village are hereby created a corporation for municipal purposes, under the name and style of the village of Lanesboro, and as such corporation shall possess and enjoy all the powers, rights and privileges which are now or may hereafter be possessed