

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

and enjoyed by corporations for municipal purposes at common law and under the constitution and laws of the State of Minnesota.

## CHAPTER II.

### ELECTION AND APPOINTMENT OF OFFICERS.

SECTION 1. There shall be an annual election held in said village on the first (1st) Monday in April in each year; at such place as the village council shall designate, at which election the polls shall be kept open from nine (9) o'clock in the forenoon until five (5) o'clock in the afternoon. The clerk shall give ten (10) days notice of the time and place of holding said election and of the officers to be elected, by posting written or printed notices in three (3) of the most public places in said village.

SEC. 2. The elective officers of said village shall be a mayor, five (5) councillors, one (1) treasurer, one (1) clerk, two (2) village justices and one (1) village marshal, all of whom shall be legal voters of said village. All other officers necessary for the proper management of the affairs of the village, shall be appointed by the council unless otherwise provided. All officers hereafter elected shall hold their respective offices for the term of one (1) year, and until their successors are elected and qualified, except the village justices, whose term of office shall be two (2) years.

SEC. 3. Any person elected by the people, or appointed by the council to any village office, may be removed from said office by a two-thirds vote of the village council; but no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense.

SEC. 4. Whenever a vacancy shall occur in the office of mayor or councillor by death, removal, resignation or otherwise, the office shall be declared vacant by the council, and such vacancy shall be filled by a new election, which shall be ordered by the council within ten (10) days, and held within twenty (20) days after such declaration; *Provided*, That the council may, if deemed necessary, appoint from their own number an officer to fill such vacancy *ad interim* pending the election and qualification to fill such vacancy.

Vacancies happening in any office, other than that of mayor or councillor, shall be filled by appointment by the council.

The person elected or appointed to fill a vacancy shall hold the office for the unexpired term, and shall have the same rights and powers, and be subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SEC. 5. All elections shall be by ballot, and a plurality of votes shall constitute an election. When two or more candidates shall receive an equal number of votes for the same office, the election shall be determined by lot, at such time and in such manner as the council shall direct.

SEC. 6. All residents of said village entitled to vote therein for State or county officers, shall be entitled to vote for any officer to be elected under this act and to hold any office hereby created.

SEC. 7. The village elections in said village shall be held and conducted by the councilors, who shall be the judges of election in all village elections held in said village, and shall take the usual oaths or affirmations prescribed by the general laws of the State to be taken by judges of election, and shall have power to appoint clerks of such election and to administer the necessary oaths; *Provided*, That no councilor shall be a judge of any election at which he is a candidate for any office.

SEC. 8. When a village election shall be closed, and the number of votes for each person voted for shall have been counted and ascertained, the judges shall make returns thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns to the clerk of the village within three (3) days after the election, and the council shall meet and canvas said returns and declare the result as it appears from the same within three (3) days thereafter. The clerk shall forthwith notify the officers elected of their election by written notice served upon such officers in person or left at their usual place of abode with some person of suitable age and discretion.

SEC. 9. Special elections to fill vacancies or for any other purpose, shall be held and conducted in the same manner, and the returns thereof made in the same form and manner as in general and annual village elections, and within such time as may be prescribed by resolution.

SEC. 10. Any person elected to any village office who shall refuse or neglect for ten (10) days after notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office, shall be deemed to have refused said office, and the council shall proceed to fill the vacancy in the manner herein prescribed.

SEC. 11. The term of office of each officer elected under this act shall commence on the second (2d) Monday in April in the year for which he was elected and continue for one (1) year (except in the case of village justices, whose term of office shall be two (2) years, and until his successor is elected and qualified).

SEC. 12. Should there be a failure to elect any officer herein required to be elected on the day designated, the council may order a new election, to be held, ten (10) days notice of the time and place being given.

SEC. 13. In addition to the officers hereinbefore enumerated, the village council may appoint a village attorney, assessor, one or more overseers of the highway, one or more constables, and such other officers as shall be necessary for the good government of the village and for carrying out the provisions of this act.

## CHAPTER III.

## POWERS AND DUTIES OF OFFICERS.

SECTION 1. Every person elected or appointed to any office under this act shall before he enters upon the discharge of the duties of his office, take, subscribe and file with the village clerk, an oath to support the constitution of the United States and of the State of Minnesota, and to faithfully and impartially discharge the duties of his office and shall also execute such official bond as the council shall by ordinance prescribe, all of which official bonds shall be filed with the village clerk, except that of the clerk which shall be filed with the treasurer, and the council may from time to time require new bonds and remove any officer refusing or neglecting to give the same.

SEC. 2. The mayor shall exercise all the executive powers granted by this act to the village corporation, except such of said powers as are specially vested in or must from the nature of the several offices, necessarily pertain to the other executive officers of said corporation; he shall have power and it shall be his duty to call out and use in such manner as to him may seem most proper, all the constabulary or police force or any organized or unorganized force of armed citizens, whenever he may deem it necessary to quiet or prevent riot; he shall have the power to call meetings of the council by giving such notice thereof as may have been provided by ordinance or in default of such provision, as he may deem proper. The mayor shall preside at all meetings of the council unless unable to attend from any cause; it shall be the duty of the mayor to take care that all laws of the State and village ordinances are duly observed and enforced and that all other officers of the village discharge their respective duties. In the absence of the mayor the council may elect one from their number, mayor *pro tempore*, who shall exercise all the powers and duties of the mayor during his absence.

SEC. 3. The clerk shall be the recording officer of the village and council and shall attend at all meetings of the council; he shall keep a record book, in which he shall record all the proceedings of the council; he shall have the custody of the seal of the village and of all records thereof not necessarily and specifically appertaining to the other offices thereof; he shall receive all moneys payable to said corporation and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor; he shall keep the accounts of said corporation and shall audit all claims against the same, but no claim shall be allowed by him unless he shall have authority to do so by some ordinance or resolution; he shall draw all orders upon the treasurer for money payable by said corporation, but no such order shall be drawn unless the same shall be in full or part payment of a claim against said corporation previously audited and allowed. Every order shall bear the seal of said corporation and be endorsed by the clerk over his official signature as follows: "by order of the

council," with the date of the meeting when ordered; he shall make at the close of each official year a condensed report to the council of all his official doings during such year, and shall, with all reasonable dispatch, make such other reports and at such times as the council may require.

SEC. 4. The treasurer shall receive all moneys of the corporation from the clerk and receipt to him therefor; he shall keep accurate and detailed accounts thereof, in such manner as the council shall direct, he shall also report to the council at such times and in such manner as may be required; he shall, from the moneys in the treasury, pay all orders drawn by the clerk; *Provided*, That no order shall be paid unless first indorsed in writing by the payee therein and the party receiving the money therefor.

SEC. 5. The village justices elected or appointed under the provisions of this act, shall have separately and exclusively as to all other officers and courts, the right to exercise, originally, all the judicial powers granted to said corporation by said act, except as elsewhere herein specially provided for; and the council shall fix the kind and amount of compensation of said village justice in proceedings arising specially under this act; the village justices shall also have and exercise all the powers and jurisdictions of and when acting as such, receive the same compensation as justices of the peace elected under the general laws of the State of Minnesota. All portions of the general laws relating to trial by jury, change of venue and appeals in and from justices' courts and all the provisions of the general statutes relating to justices' courts so far as they are applicable thereto, shall apply to the courts of the village justices; *Provided*, That in matters arising entirely and solely under this act or under the ordinances made in pursuance thereof, no change of venue shall be taken from a village justice, except to another village justice, when said village shall have more than one (1) such justice; The village justices shall keep a record of all their official acts and report the same to the council whenever required, and they shall forthwith pay over to the village clerk all fines and penalties or judgments in favor of the village, collected by them.

SEC. 6. The village marshal shall be the chief of the entire police force of said village, but as such shall be subordinate to the mayor; he shall be the ministerial officer of the council and the courts in and for said village; the amount of compensation for his services arising particularly under this act shall be fixed by the council; said marshal shall within the county where he resides, also have and exercise, all the powers and perform all the duties of, and when acting as such, receive the same compensation as a constable under the general laws of the State of Minnesota.

SEC. 7. The village attorney shall be the legal adviser of the officers and council of said corporation, in matters relating to their several duties, and he shall render such legal council to them or any of them as required, and when required shall furnish the same in writing; when made in writing, said legal opinion or

counsel shall be preserved in his office and delivered by him to his successor in office. It shall be his duty to prosecute all violations of the ordinances of the village and when requested by a village justice or any justice of the peace of said village, he shall appear and prosecute for the State all criminal offences arising in said village under the laws of the State of Minnesota. He shall also be and act as the attorney of said corporation in all actions or proceedings to which the said corporation shall be a party.

SEC. 8. The assessor, overseer of highway, constables and other officers appointed by the council, shall perform the various duties hereinafter designated, and such further duties as shall be prescribed by ordinance, and receive such compensation therefor as the council shall ordain.

## CHAPTER IV.

### THE GENERAL POWERS AND DUTIES OF THE COUNCIL.

SECTION 1. The mayor and councilors shall constitute the village council, to which body shall belong the exclusive right to exercise all the legislative powers granted by this act to said corporation except as otherwise therein specially provided.

All actions of the council intended to have the force of law, shall be by ordinance under the style of "Be it ordained by the council of the village of Lanesboro." No ordinance shall be in force until the same shall have been posted up for ten (10) days in three (3) public places in the village. The certificate of the clerk entered in the books of the village or endorsed upon an ordinance, shall be deemed sufficient evidence of the publication of the same. The council shall by ordinance designate three (3) public places within the village for the posting of ordinances and notices affecting the village, and shall provide suitable conveniences therefor. The council may also, in their discretion, direct the publication of ordinances, resolutions or proceedings of the council in a newspaper published in the village or within the county.

SEC. 2. The council shall have the management and control of the finances and all the property of the village, and shall likewise 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.

The council shall have full power and authority to declare and impose penalties and punishments, and enforce the same against any persons who may violate any provision of any ordinance of the village, and all ordinances passed by the council of said village in pursuance of this act, are hereby declared to have all the force and effect of law. *Provided*, That the penalties and punishments imposed by the council for the breach of any ordinance, by-law or regulation of said village, shall not exceed a fine of one hundred dollars (\$100), and imprisonment in the village jail or the county jail of Fillmore crunty, not exceeding ninety (90) days.

SEC. 3. The council shall have power and it shall be its duty to establish and maintain a village jail, for the imprisonment, custody and safe keeping of all persons arrested or charged with any offense whatever, cognizable before the village justices. To make all rules and regulations for the government and management of the same, and by ordinance prescribe the duties and fix the compensation of the keeper thereof. The keeper of said jail shall have and possess all the authority of a jailor at common law and under the laws of this State.

SEC. 4. The council shall have power to erect all buildings necessary for village purposes, and to buy, hire or lease real estate, lands or tenements for village purposes.

SEC. 5. The council shall have power,—

*First.* To license and regulate exhibitions of common showmen; circuses, menageries, concerts, lectures, theatrical performances, fairs, and exhibitions and shows of all kinds.

*Second.* To license and regulate auction stores and sales by auction, and public sales of any description, hawkers, peddlers and draymen, also to license and regulate billiard tables, pigeon hole tables, nine and ten pin alleys, shooting galleries, and other places of public amusement.

*Third.* The council shall have the exclusive right to license persons vending or dealing in spirituous, vinous, malt or fermented liquors, within the limits of said village, and persons licensed by the council shall not be required to obtain a license from the board of county commissioners, and shall not be prosecuted for selling or disposing of spirituous, vinous, malt or fermented liquors without first having obtained licence therefor agreeably to the provisions of the general statutes.

No license shall be granted for a less sum than at the rate of one hundred dollars (\$100) per year, and previous to the granting of any license, the applicant shall be required to execute and file with the clerk of the village, a bond with the same conditions and in the same penal sum as required by the general act regulating the sale of intoxicating liquors; the council shall have the power and it shall be its duty to restrain any person from vending, giving, furnishing or dealing in spirituous, vinous, malt or fermented liquors, unless duly licensed by the village. The council may in its discretion grant licenses for the sale of spirituous, vinous, malt, or fermented liquors to any suitable person upon his complying with the foregoing conditions, and such other conditions as may be imposed by ordinance. *Provided,* That when petitioned by one-third or more of the legal voters of the village, the council shall submit the question of licensing the sale of intoxicating liquors to the people of said village at the next general village election, and if at such election a majority of the legal voters voting at such election upon the subject of license shall vote for no license, no license shall be granted by the council until the next general election. No license shall hereafter be granted by the council to extend beyond the time of the next general election.

The village council may revoke any license granted under the

provisions of this act, whenever they deem it proper, and every license granted shall cease to be in force from and after any violation of any of the conditions of the bond required by this section is proved before any court having competent jurisdiction.

*Fourth.* To prevent and punish horse racing and immoderate riding or driving in the streets, to compel persons to fasten their horses or other animals attached to vehicles while in the street.

*Fifth.* To prevent the incumbering of streets, sidewalks, lanes, alleys and public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, or any other materials or substances whatever. To prevent the encumbering, obstructing or blockading of street and other crossings by railroad engines or cars, and to regulate the speed of railroad trains, engines or cars within the village limits, and to make such regulations in regard to the running or management of railroad, engine and cars within the village limits as shall be necessary for the public safety.

*Sixth.* To restrain the running at large of horses, cattle, sheep, swine and fowls, and to impose penalties upon the owners of such animals and fowls for violation of the ordinances.

*Seventh.* To prevent persons riding or driving horses, oxen, mules or other animals on the sidewalks in said village, or in any way doing damage to the sidewalks.

*Eighth.* To prevent the running at large of dogs, to impose a tax upon the same, and to authorize the destruction of the same when at large contrary to the ordinances.

*Ninth.* To direct and regulate the planting and preserving of ornamental and shade trees in the streets or public grounds, and to prevent the destruction or injury of fruit, ornamental or shade trees, bushes or plants within said village.

*Tenth.* To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds or highways of the village.

*Eleventh.* To regulate the storage or keeping of gunpowder or other combustible materials within the village limits.

*Twelfth.* To prevent the erection or maintenance of slaughterhouses, soap factories, or other nauseous houses or places within the village limits.

*Thirteenth.* To compel the owners or occupants of butcher shops, tanneries, stables, hog-pens, privies, sewers or other places, to cleanse, remove or abate the same.

*Fourteenth.* To establish and create pounds, wells, pumps, cisterns, drains and ditches.

*Fifteenth.* To lay out, alter, open, widen, extend, establish, grade, repair or otherwise improve or keep in repair streets, avenues, lanes, alleys, commons, parks, sidewalks, culverts and public grounds, and establish and record with the clerk grades of streets and walks to which buildings and erections shall conform.

*Sixteenth.* To compel the owners and occupants of buildings and grounds to remove snow, dirt, manure or rubbish from the sidewalks, streets or alley opposite thereto, and in their default to authorize the removal thereof by some officer of the city, at the expense of such owner or occupant.



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

*Eighteenth.* To prevent the dangerous construction, placing or continuing of chimneys, fire-places, hearths, stoves or stove pipes, or any pipes or instruments for the conducting of fire-heat or smoke, ovens, boilers or appurtenances, and to cause the same to be made secure or removed, and to prohibit the deposit or keeping of ashes in any unsafe place; also, to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fires.

*Nineteenth.* To prevent riding or driving on bridges faster than a walk within the limits of said village.

*Twentieth.* To restrain and prohibit all descriptions of gambling and fraudulent devices and practices.

*Twenty-first.* To prevent any riots or disorderly assemblages in said village, and to provide for the arrest and punishment of any person who shall be guilty of any disorderly or indecent conduct, to suppress and restrain disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the frequenters thereof, and to prevent open and notorious drunkenness or obscenity in the streets or public places of the village.

*Twenty-second.* To prevent and punish the disturbance of or interference with religious or public meetings or schools within the village.

*Twenty-third.* To prescribe and regulate the places, time and manner of bathing in waters within the limits of the village.

*Twenty-fourth.* To regulate the manner and places of cutting and removing ice in the pond, river or other waters within said village, and to prevent the placing of dead animals or offal upon the ice or in the waters within the village limits.

*Twenty-fifth.* To establish and regulate boards of health, to provide hospitals and hospital grounds, and to do all acts and make all regulations which may be necessary and expedient for the preservation of the public health or the suppression of disease, to prevent the introduction of contagious diseases into the village, and to make and enforce quarantine laws.

*Twenty-sixth.* To prevent the discharge of fire arms or the exhibition of fire works in any situation which may be considered by the council as dangerous to the village or any property therein, or annoying to the citizens thereof.

*Twenty-seventh.* To regulate the manner of weighing and measuring wheat and other grain, hay and straw, fire wood and every other article or thing subject to sale in said village. To provide by ordinance for a standard of weights and measures, for the appointment of a city sealer, and to provide for the punishment of false weights and measures.

*Twenty-eighth.* To restrain and punish vagrants, mendicants and street beggars, and provide for the punishment of the same.

## CHAPTER V.

## FIRE DEPARTMENT.

SECTION 1. The council shall have power to purchase fire engines and other fire apparatus, to organize fire, hose, hook and ladder, and other fire companies, and to provide for the support and regulation thereof. To provide water works, cisterns, reservoirs, hydrants and such other necessities and conveniences as they shall deem necessary and suitable for protection from fire.

SEC. 2. The council shall have power to appoint a chief engineer or other officer to take charge of the fire department, fire wardens, [foremen] firemen and other officers of fire companies, whose duties shall be prescribed by ordinance and by-laws adopted by such companies, and approved by the council.

SEC. 3. Every member of such fire companies accepted by and under the control of the council shall be exempt from highway labor and poll tax, from serving on jurors, and from military duty during the continuance of such membership.

## CHAPTER VI.

## TAXES.

SECTION 1. The council shall have power to levy upon all the taxable property of said village taxes to provide for the current expenses of the village government and police, 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 two mills upon a dollar of the assessed valuation.

SEC. 2. The council shall have power to levy a special tax upon all the taxable property in the village for the purpose of constructing, maintaining and repairing roads, bridges, highways, streets and alleys; for the construction of reservoirs, cisterns, sewers, drains and street gutters and grading of streets, and for other purposes conducive to good order and cleanliness, and to protection against crime, disease, flood and fire. *Provided*, That such taxes shall in no year exceed three mills upon the dollar of the assessed valuation.

*And provided further*, That for the improvements in this section mentioned, the council shall have the power to assess the tax to pay the same upon the property benefitted by such improvements, in such manner and to such extent as the council may think just and equitable. In such case the tax shall be apportioned upon a cash valuation of the property which it shall be determined is liable to assessment for such improvements.

SEC. 3. The council shall have the power to issue bonds and levy taxes exceeding the amount authorized by other sections in this act; *Provided* the same be authorized by a majority of the

taxable inhabitants present and voting at an election to be held for that purpose. The time, place and manner of holding such election shall be prescribed by the council, and the same notice shall be given as at other elections. No bonds shall be issued by the council for any purpose unless so authorized.

SEC. 4. The village assessor shall assess all taxes on assessments authorized by ordinance of the council, unless the council shall otherwise provide in the ordinance levying said taxes, and he or any other person appointed in his place shall have access to and the right to make copy of all and any records pertaining to taxes kept or made by the several officers or any of them in and for the townships surrounding, or the county including said village.

SEC. 5. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the purpose for which the same is levied; in the latter case the tax shall go into the general fund of the village.

SEC. 6. The council shall report to the auditor of the county of Fillmore, the amount of general taxes levied upon the village and the amount of special taxes levied upon any of the lots or portions of said village, and shall certify to him the lots or portions of the property upon which such special taxes are levied; and it shall be the duty of the auditor of Fillmore county to insert such taxes in the assessment roll of the village of Lanesboro, and the same shall be collected by the county treasurer or returned by him as delinquent; and all proceedings in relation thereto, including the selling, conveying and redeeming property, shall be the same as in proceedings on account of other taxes; and the county treasurer of Fillmore county shall pay such village taxes to the treasurer of the village of Lanesboro on demand after collection thereof, and said treasurer of the village of Lanesboro shall execute his receipt therefor.

SEC. 7. It shall be lawful for the council of said village to levy a corporation poll tax upon every male inhabitant of said village over the age of twenty-one (21) years and under the age of fifty-five (55) years, excepting disabled soldiers, persons with dismembered limbs, paupers, idiots, lunatics and members of organized military and fire companies; *Provided*, That such tax shall not in any one (1) year exceed the sum of three (\$3.00) dollars on each person.

## CHAPTER VII.

### ROADS, STREETS, SIDEWALKS AND GRADES.

SECTION. 1. The village of Lanesboro may be constituted one or more road districts to be defined by the council.

SEC. 2. The council shall appoint one or more overseers of each district and they shall issue a warrant to such overseers, containing the whole amount of highway labor and taxes assessed and levied in each district, which warrant shall be returned by the overseer to the clerk of the village.

The laws of the state of Minnesota shall apply to the working, suing for and collecting highway taxes, and to returning delinquent taxes, and all other matters except as otherwise herein expressly provided.

SEC. 3. Whenever the council shall deem it necessary to construct or repair any sidewalk in the village of Lanesboro, the clerk shall be required to notify the owners or occupants of any lots or parcels of land adjoining such sidewalk to construct or repair the same at his or their own expense and charge. Said notice shall be in writing, and shall specify what work is to be done and the character of the same, and the time within which they are required to do the same, which shall be in no case in less than two weeks from the service of said notice.

SEC. 4. If such work is not done in the manner and within the time prescribed, the council shall order the same to be done at the expense of the lots or parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable by the council, and such assessments shall become a lien upon said lots and parcels of land, as in case of village, county and state taxes, and shall be returned to the auditor of Fillmore county and such proceedings had thereon as are hereinbefore provided in the case of village taxes.

## CHAPTER VIII.

### MISCELLANEOUS PROVISIONS.

SECTION 1. The council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections, and in such cases shall have power to send for persons and papers.

SEC. 2. A majority of the council shall constitute a quorum to do business, but no ordinance of a general nature shall be passed except by a vote of the majority of all the councilors.

SEC. 3. No ordinance shall be repealed except by a two-thirds vote of the council, and no vote of the council shall be reconsidered at a subsequent meeting unless at such subsequent meeting there be present as large a number of councilors as were present when the vote was taken.

SEC. 4. No penalty or judgment recovered in favor of the village shall be remitted or discharged except by the vote of two-thirds of the councilors.

SEC. 5. In all prosecutions for violations of the ordinances passed in pursuance and under the provisions of this act, the first process shall be a warrant issued upon a complaint made under oath, and all such prosecutions shall be brought in the name of the village of Lanesboro. *Provided*, That no warrant shall be necessary in case of the arrest of any person while in the act of violating any law of the State of Minnesota or ordinance of the village of Lanesboro. But persons discovered violating any such

law or ordinance may be arrested by an officer or other person without a warrant and brought before a village justice and the person so arrested shall be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant. The party making such arrest shall make complaint under oath setting forth the commission of the offense as in other cases.

SEC. 6. All summons, process and writs issued by the village justice shall be directed to the village marshal or any constable of the village of Lanesboro. *Provided*, That in case of a warrant for an offense against any law of the State of Minnesota, the process may be directed to the sheriff or any constable of Fillmore county.

SEC. 7. In all cases of imposition of any fine or penalty or of the rendering of any judgment by the village justices pursuant to any statute of the State of Minnesota or ordinance of the village of Lanesboro as punishment for any offence or for the violation of any ordinance, the offender shall be forthwith committed to the village jail of the village of Lanesboro or to the common jail of Fillmore county, and be there imprisoned for a term not exceeding three months, in the discretion of the justice unless the said fine or penalty be sooner paid. From the time of the arrest of any person for any offense whatever until the time of examination or trial, the person so arrested may be imprisoned in the village jail or in the common jail of Fillmore county unless he shall give sufficient security for his appearance when required. *Provided*, That the justice may, pending the trial or examination, leave the accused in the custody of the village marshal or officer making the arrest, or may admit him to bail for his appearance at the time fixed for the examination or trial if the offence is bailable by the justice.

SEC. 8. No person shall be an incompetent justice, witness or juror by reason of his being an inhabitant of said village in any proceeding or action in which the village shall be a party in interest.

SEC. 9. In any action or proceeding instituted against the village, service of the process shall be made by leaving a certified copy of such process with the mayor or acting mayor, and with the village attorney when there shall be one.

SEC. 10. The village may purchase and hold real and personal estate for public purposes sufficient for the convenience of the inhabitants and for carrying out the provisions of this act, and may sell and convey the same, and such property shall be exempt from taxation and from attachment or sale on any final process issued from any court in this State. *Provided*, That said property shall not be exempt from an attachment issued in an action for the purchase money for the same property, or for labor performed or services rendered the said village, or from an execution issued upon any judgment rendered therein.

SEC. 11. The village of Lanesboro shall not be liable in any case for board or jail fees of any person who may be committed by

any officer or magistrate of the village to the common jail of Fillmore county under State laws, but shall be liable therefor in cases of such commitment for violation of the village ordinances. The sheriff and keeper of the common jail of Fillmore county shall receive and safely keep all persons committed to said jail by a village justice of the village of Lanesboro for offenses against the ordinances of said village, until such persons shall be discharged by due process of law, and for such services and keeping shall receive the same compensation as is allowed by the county of Fillmore for similar services.

SEC. 12. No law of this State concerning 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. 13. The files, papers and records in the office of the village clerk, or copies thereof duly certified by him, proofs of publication of all ordinances, notices, resolutions, orders or proceedings of the council required to be published on file in the office of the clerk, or copies thereof duly certified by him, and the charter and ordinances of said village and the proceedings of the council shall be received and read in evidence in all courts and places in this State without further proof.

This act shall be deemed a public act, and need not be pleaded or proven in any court in this State.

SEC. 14. All acts heretofore passed for the incorporation of the village of Lanesboro are hereby repealed, but all ordinances, resolutions, regulations, rules, by-laws and orders of the council of said village, or parts thereof not repealed, suspended or made void by this act, shall continue and remain in force and effect until altered, amended, repealed or suspended by the council, and all the present officers of said corporation shall hold their respective offices until others are elected and qualified under the provisions of this act, and shall discharge the duties and have and exercise all the authority and powers conferred by this act.

SEC. 15. The village council may ordain and enforce all such ordinances as may be necessary to carry out the provisions of this act not inconsistent with the laws of the State of Minnesota or of the United States.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved March 7, 1878.