

CHAPTER LV.

AN ACT TO AMEND SECTION ONE, OF CHAPTER TWENTY-THREE, OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE, TO INCORPORATE THE VILLAGE OF EYOTA IN OLMSTED COUNTY.

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

SECTION 1. Section one of said chapter is hereby amended by inserting thereon after the word west in the fourth line thereof the words: and the south half of section eleven, town one hundred and six, range twelve west.

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

Approved March 6, 1879.

CHAPTER LVI.

AN ACT TO AMEND AN ACT INCORPORATING THE VILLAGE OF CHASKA IN THE COUNTY OF CARVER AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF.

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

That chapter eight of the special laws of one thousand eight hundred and seventy-one, and the several acts amendatory thereof, be amended so as to read as follows:

ARTICLE, I.

BOUNDARIES AND INCORPORATION.

SECTION 1. That all the district of country known and described as the northwest quarter and the north half of the northwest quarter of the southwest quarter of section nine in township one hundred and fifteen of range twenty-three west, and the east half

of the northeast quarter and the north half of the northeast quarter of the southeast quarter of section eight in township one hundred and fifteen and range aforesaid, (except the following described part and parcel thereof to wit: All that part south of Main street and Levee street in the village of Chaska, hereinafter named, lying between Hickory and East streets in said village, in lot five, section nine, and in the northeast quarter of the southeast quarter of section eight, township one hundred and fifteen, range twenty-three, which is excepted from the operation of this act) be and the same is hereby created a village by the name of Chaska.

SEC. 2. The people who now do or hereafter may reside within the said village shall be a municipal corporation, with perpetual succession, under the name and style of the village of Chaska, and as such corporation shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter especially granted, 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 shall have a common seal, and may change and alter the same at pleasure, and may take, hold and purchase, lease and convey such real, personal and mixed estate, as the purposes of the corporation may require, within or without the village, together with all the powers, rights and privileges which can now or hereafter be possessed and enjoyed by corporations for municipal purposes under the constitution and laws of the state of Minnesota.

ARTICLE II.

ELECTIONS.

SECTION 1. There shall be an annual election held in said village on the second Tuesday of May of each year at such place as the village council may designate, at which the inhabitants of said village having the qualification of electors of state and county officers, may elect by ballot and by plurality of votes, the elective officers hereinafter designated. Ten days previous notice shall be given of the time and place of holding said election, and of the officers to be elected, by the posting by the recorder of notices thereof, in three of the most public places of said village. The election shall be held and conducted in the manner and under the penalties, and vacancies among the judges thereof filled as required and prescribed by the laws of this state relating to elections of township officers. The village council or any two of them being present, shall act as judges of election, and shall take the usual oath or affirmation as prescribed by the general laws of this state, to be taken by judges of elections, and shall have power to appoint clerks of elections and to administer the necessary oaths; *provided*, That no candidate for office shall act as judge or clerk of any election at which he is a candidate for any office. The polls shall be opened at nine o'clock a. m., and close at four o'clock p. m. 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 said judges shall make a return thereof, stating therein the number of votes for each person for each and every office, and shall deliver the same to the recorder within three days after any election. The recorder shall forthwith notify the officer or officers elected of their election, by written notice served upon such officer in person, or left at their usual place of abode with some person of suitable age and discretion.

SEC. 2. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the village council, at such time and in such manner as they shall direct.

SEC. 3. The elective officers of said village shall be one president, one recorder, four councillors, one treasurer and one marshal, who shall hold their respective offices for one year, and until their successors are elected and qualified, and one justice of the peace, who shall be styled village justice, and who shall hold his office for two years and until his successor is elected and qualified. All the officers of said village shall be qualified electors of this State, and no person shall be eligible to either of said offices who shall not have been a resident of said village for one year next preceding his election.

SEC. 4. The village council at its first regular meeting after the annual election, or as soon thereafter as may be, shall appoint a village attorney and a street commissioner, who shall each be appointed for one year, and who shall each possess the same qualifications for office as are required in cases of elective officers, and shall designate one newspaper printed in said village, in which shall be published all ordinances, and other proceedings, and matters required by this act, or that may be required by the by-laws or ordinances of said village, to be published in a public newspaper.

SEC. 5. Every person appointed to any office by the council, or elected to any office by the people, may be removed from said office by a vote of two-thirds of the members 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. 6. Whenever a vacancy shall occur in any of the offices of said village, the village council shall proceed to fill the same by appointment. The appointee shall hold only until the next annual election, at which time the balance of the unexpired term, if any remains, shall be filled by an election. The person appointed to fill a vacancy shall possess the same qualifications and rights, and be subjected to the same liabilities as the person whose office he may be appointed to fill.

SEC. 7. Any officer removing from said village during the term for which he was elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office and the council shall proceed to fill the vacancy.

SEC. 8. The term of every officer elected under this act shall commence at the time when he is elected and qualified, and unless otherwise herein provided, continue until his successor is elected and qualified.

SEC. 9. Should there be a failure by the people or village council, for any cause, to hold any election, at the time or in the manner herein prescribed, or to elect any officer herein required to be elected on the day designated, it shall not be reason for arresting, suspending or abolishing said corporation, but the council shall order a new election to be held, ten days' notice of the time and place of holding such election being first given.

SEC. 10. Special elections may be ordered by the council, but no special election shall be held unless ten days' notice thereof is given, nor shall any subject or question be considered or acted upon thereat, unless its objects are clearly set forth and stated in the notice of said election.

ARTICLE 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 duties of his office, take and subscribe the oath of office prescribed by general law, and file the same with the recorder. The treasurer, recorder and marshal, and such other officer as the council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the village of Chaska a bond, with at least two sureties satisfactory to the village council, and such bonds shall be in such sums and shall contain such conditions as the village council may deem proper, and said council may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. The village justice shall qualify in the manner prescribed for justices of the peace under the general laws of the state, except that the official bond of said justice shall be executed to said village of Chaska and be approved by the council of said village.

SEC. 2. It shall be the duty of the president to preside at all meetings of the village council, but in cases of his absence or inability to act the members present shall choose one of their number to preside during his absence. The president shall see that all ordinances of said village and the laws of this state are duly observed, and that all other executive officers of said village discharge their respective duties, and shall be chief executive officer of said village.

SEC. 3. The recorder shall be the recording officer of said village and of the village council. He shall have the custody of the seal of said corporation (if any) and of all records thereof, not necessarily and specifically appertaining to the other offices thereof. He shall receive all moneys payable to said corporation, except as hereinafter provided, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt there-

for. He shall keep all the accounts of the corporation, receive all claims against the same, and draw orders upon the treasurer for moneys payable by said corporation; but no order shall be drawn by said recorder unless the same shall be in full or part payment of a claim against said corporation previously audited and allowed by the village council. He shall also make to the village council, at the close of each official year, a condensed report of all his doings as such officer during such year, which report shall be published in such manner, and to such extent as the village council shall direct, and he shall with all reasonable dispatch make such other reports and at such times as the village council may require.

SEC. 4. The treasurer shall be the depository of all moneys belonging to said corporation. He shall from such moneys, pay upon presentation all orders therefor drawn by the recorder and countersigned by the president; *provided*, that no order shall be paid by him unless first endorsed in writing thereon with the name of the payee thereon and the party receiving the money therefor. He shall, two weeks previous to the annual election of village officers, make a detailed statement in writing of the moneys received by him and the sources from which the same were received, and their respective amounts, and also the amounts paid out by him, and the purposes for which they were paid. Such statement shall be filed by him in his office, for the inspection of any taxpayer residing within the corporate limits of said village, shall be publicly read at the next annual election, and published prior thereto in the official newspaper of said village.

SEC. 5. The village justice shall possess all the authority, powers and rights of justices of the peace under the general laws of this state, and shall have in addition thereto, sole and exclusive jurisdiction to hear and try all complaints for violation of any provision or provisions of the village charter, or any ordinance, by-law, rule or regulation made or adopted under or by virtue thereof; of all prosecutions for assaults, batteries, affrays, and all other offences not indictable, committed or arising within the limits of said village; of all cases cognizable before a justice of the peace, in which the village is a party, and of all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of said village or its charter, and in all cases of offences committed against the same. In all cases of convictions for assaults, batteries and affrays within said village, and in all cases of conviction under any ordinance of said village, for breach of the peace, disorderly conduct, keeping house of ill-fame, or frequenting the same, and of keeping and maintaining disorderly or ill-governed houses. The said justice shall have power, in addition to the fines, penalties or punishments imposed, to compel the person or persons so convicted to give security for their good behavior and to keep the peace, for a period not exceeding six months and in a sum not exceeding five hundred dollars. The said justice shall have the same powers and authority in case of contempt as a justice of the peace under the general laws of this state. All prosecutions for assaults, batteries, affrays and other offences not indictable, and for all offences against the

charter, ordinances, by-laws or regulations of said village, shall be commenced in the name of the village of Chaska, and the same forms and proceedings shall be had and used, when not otherwise herein directed, in all civil or criminal suits or prosecutions before said village justice, as are established and required to be had in civil and criminal actions before justices of the peace by the laws of this state, and appeals from the judgment and decisions of said village justice shall be allowed as provided by law for appeals from judgments rendered by justices of the peace; *Provided*, that in cases of prosecutions for a breach or violation of an ordinance, by-law or regulation of said village or its charter, or for any assault, battery or affray, or other offence cognizable by said village justice, no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, does not exceed fifteen dollars, except appeals upon questions of law alone, which shall be allowed in all cases; *Provided further*, that in all cases before said village justice wherein said village justice has exclusive jurisdiction, and in all cases brought under the charter, ordinances, by-laws or regulations of said village, and in criminal proceedings and prosecutions before said justice, there shall be no change of venue allowed; *and provided further*, that in case of sickness, absence or other inability of the village justice, or for any other sufficient reason, the president of said village, by warrant, may authorize and empower any other justice of the peace within said village to perform the duties of said village justice for the time being.

All fines and penalties imposed by the village justice for offences against the laws of this state, or for the violation of any ordinance, by-law or regulation of said village, shall belong to and be a part of the finances of said village.

Said village justice shall, as often as the council shall require, 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 recorder, all fines or penalties collected or received by him, belonging to said village. The fees of said village justice shall be the same as are allowed and fixed by the general laws of the state for justices of the peace.

SEC. 6. The marshal elected under the provisions of this act shall be the ministerial officer of the council, and shall have and possess, and may exercise, all the powers belonging to constables elected under the general laws of this state, and said marshal shall, within the county of Carver, also have and exercise all the powers and duties of, and when acting as such, receive the same compensation as, constables elected under the general laws of this state.

SEC. 7. The village attorney shall conduct all suits and proceedings in courts, brought on behalf of the village, and in which said village is a party or interested, and shall perform all professional services incident to his office, and when required shall furnish written opinions upon any subject submitted to him by the council or its committees.

SEC. 8. The street commissioner shall superintend all work and improvement on the streets, bridges and public grounds of the village, and carry into effect all ordinances and orders of the village

council in relation to work or improvements upon the streets, roads, bridges, and public grounds of said village, and shall perform such other duties as the council may from time to time direct.

SEC. 9. Any person having been an officer of the village who who shall not, within ten days after requested by his successor in office, deliver all books, papers, property or effects in his hands pertaining to such office, or belonging to to the village, shall forfeit to the use of the village one hundred dollars, and shall also be liable for all damages caused by such refusal or neglect, and such successor may recover possession of such books, papers, property or effects in the manner prescribed by the laws of this state for other officers.

SEC. 10. The village council shall, at any time, have power to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless otherwise provided for; but no officer elected or appointed by the village council, or appointed by the president, as hereinbefore provided, shall be appointed for a longer term than one year, and until his successor is elected or appointed and duly qualified.

The village council shall have power unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution:

Provided, That the president and councillors shall receive no compensation for their services as such officers.

ARTICLE IV.

THE GENERAL POWERS AND DUTIES OF THE VILLAGE COUNCIL.

SECTION 1. The president, the four councillors and the recorder, shall constitute the village council of the village of Chaska, a majority of whom shall constitute a quorum to do business. The village council shall hold regular monthly meetings at such time and place as shall be prescribed by resolution. Special meetings shall be called by the president when requested by any two members of the council, or whenever he shall deem it for the interest of the corporation. Such meeting shall be called by notice to each member delivered personally or left at their usual place of abode. The village council shall be judges of the election and qualification of its own members, and shall determine the rules of its own proceedings. It shall have power to compel the attendance of its members under such penalties as it may prescribe.

SEC. 2. The village council shall have the management and control of the finances, and all the property of the village, and shall likewise in addition to the power herein vested in them have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the village, for the suppression of vice and intemperance, for the prevention of crime as they shall deem expedient. The village council shall have full power and authority to declare and impose

penalties and punishments by fine and by imprisonment, or by both, and to enforce the same against any person or persons who may violate any of the provisions of the ordinances, by-laws, rules or regulations of said village, and all ordinances enacted, passed or ordained by said village council in conformity to the provisions of this act are hereby declared to have the full force of law; *provided*, That they be not repugnant to the constitution and laws of the United States, or of this state, and for those purposes said village council shall have authority by ordinance, resolution or by-law.

First—To license and regulate the exhibition of common showmen, and shows of all kinds, or the exhibition of caravans, circuses, menageries, concerts, theatrical or slight of hand performances, billiard tables, card tables, pigeon-hole tables, pool tables, nine or ten-pin alleys, bowling saloons, to grant licenses to and regulate and restrain auctions, auctioneers, hawkers, peddlers, pawnbrokers, tavern keepers and victualing-house keepers.

Second—To restrain and prohibit all descriptions of gambling and fraudulent devices, and practices, and all playing of cards, dice, or other games of chance, for the purpose of gambling in said village, and to restrain and prohibit any person from selling, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by the village council.

Third—To prevent any riotous or disorderly assemblages in said village, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill fame, and to provide for the arrest and punishment of keepers thereof, to authorize the seizure and destruction of all instruments used for the purposes of gambling, to suppress drunkenness, immoderate drinking of intoxicating beverages, brawling, obscenity, profanity and disorderly conduct in the streets and public places of said village.

Fourth—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove, or abate the same, from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said village, and to compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto; and if the person required to do any act under the provisions of this section, neglects or refuses to do the same, to authorize the marshal or other officer of the village to perform such act at the expense of such owner or occupant.

Fifth—To prevent and punish horse racing, immoderate riding or driving in the streets, the incumbering of streets, sidewalks, lanes, alleys and public grounds, with any vehicles, boxes, lumber, firewood, posts, awnings, or other material or substance whatever; the riding or driving any horse, ox, mule, cattle, or other animal in any vehicle on the sidewalks in said village, or in any way doing damage to said sidewalks; the injury of any shade or ornamental trees, street lamps, or any property of the village, and the bringing, depositing, or having, within the village, any putrid carcass, or

unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substances, or any putrid or unsound meat, flesh or fish, or hides or skins of any kind, and to authorize the removal of the same at the expense of the owner thereof.

Sixth—To restrain and punish the shooting of firearms, crackers, rockets, or other projectiles or fireworks, and the exhibition of any fireworks in any situation which may be deemed by the village council to be dangerous to the village or any property therein, or annoying to any citizen thereof.

Seventh—To restrain and punish vagrants, mendicants, tramps, street beggars, prostitutes and disorderly persons.

Eighth—To restrain the running at large of cattle, horses, mules, sheep, swine, poultry and geese, and to authorize the impounding, distraining and sale of the same, and to impose penalties on the owners thereof for the violation of the ordinances relating thereto.

Ninth—To prohibit the running at large of dogs, and may license and regulate the keeping of the same, and may impose a tax thereon, and to authorize the destruction of dogs when at large contrary to the ordinances.

Tenth—To compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets or public places of said village, and to regulate places of bathing and swimming in the waters within the limits of said village.

Eleventh—To regulate the place and manner of weighing and selling hay, and the measuring and selling of firewood, coal, peat and lime, and to appoint suitable persons to superintend and conduct the same: to direct the location or management of slaughter-houses, markets, tanneries, breweries and distilleries.

Twelfth—To regulate the time, place and manner of holding public auctions and vendues, and sales at public outcry.

Thirteenth—To direct and regulate the planting and preservation of ornamental trees in streets, alleys, highways and public grounds of the village, and to prevent and punish injuries thereto.

Fourteenth—To remove and abate any nuisance injurious to the public health, or safety, and to remove or require to be removed any building which, by reason of dilapidation, defects in structure, or other causes, may have or shall become eminently dangerous to life and property, and to provide for the punishment of all persons who shall cause or maintain such nuisances, and to charge and assess the expense of removing or abating the same, upon the lot or lots upon which the nuisance or dangerous building may be maintained.

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

Sixteenth—To do all acts, and make all regulations which may be necessary and expedient for the preservation of health, or the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the village, and to make quarantine laws, and to enforce the same within the village.

Seventeenth—To establish, lay out, alter, open, widen, extend and repair streets, avenues, lanes, alleys, public grounds, commons, parks and culverts, and to establish and record with the recorder, grades of streets and walks; to which buildings and erections shall conform; to make and establish pounds, pumps, wells, cisterns, reservoirs, and to provide for the erection of street lamps or other means whereby to light the village, and to provide for the enclosing, adorning, improving and regulating of all public grounds belonging to the village.

Eighteenth—To build or repair sidewalks opposite any common park or public ground belonging to said village, and cross-walks on any of the streets or alleys of said village, and to charge the expense thereof to all property alike, within the incorporated limits of said village.

Nineteenth—To prescribe the limits within which wooden buildings, or buildings of material that shall not be deemed fire-proof, shall not be erected, placed, and repaired, and to direct that any and all buildings within such limits prescribed, shall be made and constructed of fire-proof material, and to prohibit the repairing and rebuilding of wooden buildings within such limits, when the same shall be damaged to the extent of fifty per cent. on the value thereof, and to prescribe the manner of ascertaining such value and damages.

Twentieth—To prevent the dangerous construction, placing and condition of chimneys, fireplaces, hearths, stoves, stove-pipes, ovens, boilers and appurtenances used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous; and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires, within the village limits, and generally to establish such measures for the prevention or extinguishment of fires, as prudence may dictate.

Twenty-First—To purchase fire engines and other apparatus, and to authorize the formation of fire companies, hook and ladder and hose companies, and to provide for the due support and regulation of the same, and to order such company to be disbanded, and their apparatus to be delivered up. Each company shall have not to exceed seventy-five members, and shall be formed by voluntary enlistment, and each member of every such company shall be exempt from all poll-tax, from doing highway labor, except on property tax, and from serving on juries.

Twenty-second—They may erect suitable buildings for village purposes.

Twenty-third—They 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 board of county commissioners: *Provided*, the person so obtaining such license shall comply with all the requirements of the general laws of the state of Minnesota relating to the sale of intoxicating, spirituous, vinous, malt or fermented liquors, and be subject to all the penalties provided therein for violating the laws of this state relat-

ing thereto. *And provided*, that no license shall be granted for a less sum than twenty-five dollars nor a greater sum than two hundred dollars, at the discretion of the village council of said village. *And provided further*, that any person who may be licensed by said council to vend, sell and dispose of either vinous, malt or spirituous liquors under the provisions of this section, shall not permit gambling with cards or any other device, for money or the representative of money, in the building or place of business of such licensed person, and shall not sell or otherwise dispose of any spirituous, intoxicating, malt or fermented liquors at any other place or other building than the one specified in his license, and shall not sell, barter or give away or furnish any such liquors to any minor person, nor to any intemperate person or habitual drunkard, and that any person who shall be convicted by any court having jurisdiction of any of the offences mentioned in this section shall, in addition to the fine and punishment imposed, be declared by said court to have forfeited his license, and the said village council shall not thereafter be allowed to grant to any person so convicted of such offense any license under the provisions of this section. *And provided further*, that all licenses granted by said village council shall expire on the first day of May next after the granting of such license.

Twenty-fourth—Said village council is vested with all powers to carry into full force, virtue and effect, all and every part of the charter of said village, and, to carry into execution the same, shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and intent thereof.

Twenty-fifth—The style of all ordinances shall be, "The village council of the village of Chaska do ordain," and all ordinances and by-laws of said village shall be passed by an affirmative vote of a majority of the members of the village council, approved by the president, and published twice in the official paper of said village. Before the same shall be in force, and shall be admitted as evidence in any court in this state, they shall be recorded by the recorder in books to be provided for that purpose, and proof of the publication thereof, to be made by the affidavit of the publisher of the paper in which the same are published, shall be made and filed with said recorder; and in all proceedings brought to recover any penalty or forfeitures under any ordinance or by-law of said village, and in all prosecutions for breach of the provisions of any such ordinance or by-law, it shall be a sufficient pleading of any ordinance or by-law, to refer to the same by its number and title, and the special matter may be given in evidence thereunder; and it shall not be necessary in any such suit, proceeding or prosecution, to prove the existence or validity of any ordinance or by-law of said village, but the same shall be taken and presumed to have been passed, approved and published, in conformity to the requirements of this act, unless the defendant at the time of answering or pleading shall give notice that the existence or validity of such ordinance or by-law will be put in issue; and in case such notice is given, the record of any ordinance or by-law, together with the proof of the publication thereof on file with the recorder, or certified copies of the same,

shall be *prima facie* evidence of the due passage, approval and publication of any such ordinance or by-law.

SEC. 3. Fines, penalties and punishments imposed by the village council for the breach of any ordinance, by-law or regulation of said village, may extend to a fine not exceeding one hundred dollars, and imprisonment in the jail of Carver county not exceeding ninety days, or both, and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. *Provided*, That the village council may, in all cases of imprisonment for breach of any ordinance, by-law or regulation of said village, or for non-payment of any fine imposed by the village justice, provide that the person so imprisoned may be kept at hard labor on the streets and improvements of said village, or elsewhere, during the term of such imprisonment, or until the fine or penalty is paid or commuted, at such rate of compensation for such labor as the village council may fix, and said village council may establish all needful rules and regulations for the security of such offender so employed, and from the time of the arrest of any person for any offense until the time of the trial, he may be imprisoned in the jail aforesaid.

ARTICLE V.

TAXES.

SECTION 1. All property, real and personal, in the village, except such as may be exempt by the laws of this state, or is village property, shall be subject to taxation in a sum not exceeding the sum of one thousand dollars in each year, for general purposes.

SEC. 2. All the taxable property in said village shall be subject to special taxation, for the purpose of constructing and maintaining bridges, culverts, and opening, constructing, maintaining and repairing roads, 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 the protection against crime, disease and fire. *Provided*, That such taxes shall in no year exceed five mills upon the dollars of the assessed valuation: *and provided further*, That for the improvements in this section mentioned, the council shall have power to assess the tax to pay the same upon the property benefited by such improvements, in such manner and to such extent as the council may deem 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 village council shall have 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, to be prescribed by the council, and the same notice to be given as

at other elections. No bonds shall be issued by the council for any purpose unless so authorized.

SEC. 4. The village council shall have power to provide by ordinance for the manner of assessing and enforcing the collection of all taxes levied under the provisions of this act, and 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 special purpose for which the same is levied, but in such case the surplus shall, if the tax be a general tax, go into the general fund of the village. If it be a bond or interest tax it shall be kept and used for the future payment of principal or interest of the same class of bonds, or the purchase thereof before due. If it be for improvements it shall be kept and used for future improvements of the same character. Until express provision is made by ordinance in regard to the assessment and collection of taxes, all taxes shall be collected as follows: The recorder shall deliver to the county auditor of Carver county, a certificate signed by him, under the seal of the corporation, setting forth the amount of all general taxes levied on the village, and of all special taxes levied upon any of the lots or portions of the village, certifying to him the lots or portions of the property upon which such special taxes are levied, and it shall thereupon become the duty of said auditor to add the amount thus levied to the assessment rolls of the year in which such levy was made, and the same shall be collected by the county treasurer, or returned by him 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 shall pay such village taxes over to the treasurer of the village of Chaska, on demand, after collection thereof, and said treasurer of the village of Chaska shall execute his receipt therefor. All residents of the village shall pay a village tax on their personal property wherever situated.

SEC. 5. It shall be lawful for the village council of said village to levy a corporation poll-tax upon every male inhabitant of said village being over the age of twenty-one years and under the age of fifty years, excepting paupers, idiots, lunatics and such other persons as are exempt by law, of two days' work in each year, in lieu of which work the party so taxed may pay to the street commissioner one dollar and fifty cents per day, and the street commissioner shall expend all moneys so received on the streets, highways, alleys and bridges, under the direction of the village council.

ARTICLE VI.

STREETS, ALLEYS AND SIDEWALKS.

SECTION 1. The village council shall have the power and the authority to open, lay out and vacate streets and alleys within the limits of said village, and to widen and straighten the same, which is conferred, by the general laws of the state, upon the boards of supervisors of townships to open, alter, discontinue or lay out roads;

and in the matter of opening, laying out, altering or vacating streets or alleys, and the assessment of damages, the village council shall be governed by and act under the general laws of the state providing for altering, discontinuing and laying out roads, and appeals may be taken in the same manner from the decisions of said village council as appeals are under the general law taken from the decisions of township supervisors.

SEC. 2. The village of Chaska may constitute one or more road districts, to be defined by the village council, and the highway labor and taxes shall belong to the general fund. The village council shall issue a warrant to the street commissioner containing the whole amount of highway labor and taxes assessed and levied; which said warrant shall be returned by him to the recorder of said village. The laws of the state shall apply to warning, working, suing for and collecting highway taxes, and to returning delinquent taxes, and in all other respects, except as herein expressly provided. The village council shall have full power to direct the street commissioner when how and where to expend said labor and tax, and may direct him to expend the labor in the manner to be directed by them, at any points beyond the limits of the village.

SEC. 3. The village council shall prescribe the width of sidewalks, and may establish different widths in different localities, and determine the kind of material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each.

SEC. 4. Whenever the village council shall deem it necessary to construct or repair any sidewalk in said village, they shall require the street commissioner to notify all owners and occupants of any lot or lots or parcels of land adjoining such sidewalks, or adjacent to which such sidewalks are to be constructed, to construct or repair the same at his or their own proper expense and charge; which notice shall set forth what work is to be done, the character of the same and the time within which it is required to be done, and shall be served by publishing the same in the official paper of said village for not less than two weeks, and by serving a copy thereof upon the occupant of the lot or parcel of land in front of which said sidewalk is to be constructed or repaired, not less than fifteen days before the expiration of the time within which such work is to be done.

SEC. 5. If such work is not done, and the said sidewalks not built or repaired in the manner and within the time prescribed, the village council may order the same to be done by the street commissioner at the expense of the lots and parcels of land adjoining said sidewalks, and the expenses thereof shall be assessed upon such lots and parcels of land so chargeable, in such manner that each lot or parcel shall be charged with the whole expense of the sidewalk adjoining thereto, and such assessment shall be a lien upon such lot or lots as in the case of other taxes.

SEC. 6. If said assessment be not paid to the street commissioner or the village recorder, on or before the first day of September in any year, the village council shall cause a statement of the same to be transmitted, with the village taxes levied for that year, to the audi-

tor of the county, and the said auditor shall insert the same, with the other taxes, in the assessment roll, and such assessment shall be collected, and payment thereof enforced in like manner as county taxes are collected and payment thereof enforced. No error or informality in the proceedings shall vitiate the assessments made by virtue of this and the preceding sections. *Provided*, The notice before provided for shall have been given. *And provided further*, That property exempt from taxation shall be liable to assessment for building and repairing sidewalks.

ARTICLE VII.

MISCELLANEOUS PROVISIONS.

SECTION 1. In any prosecutions for a violation of this act, or of any ordinance of the village, the first process shall be by warrant, *provided*, That no warrant shall be necessary in any case of the arrest or apprehension 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, and the person or persons so arrested may be proceeded against, tried and convicted, punished or discharged in the same manner as if the arrest had been made by warrant. All process issued by the village justice shall be directed to the marshal of said village, and the sheriff or any constable of said county.

SEC. 2. When any suit or action shall be commenced against said village, the service therein shall be made by copy left with the recorder of said village.

SEC. 3. powers conferred upon the village council for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions, or proceedings in the courts, according to law. Gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license required therefor, within the limits of said village, are hereby declared and shall be deemed public or common nuisances.

SEC. 4. The council shall examine, audit and adjust the accounts of the recorder, treasurer, justice and all other officers and agents of the village, at such times as they may deem proper, and also at the end of each year and before the term for which the officers of said village were elected or appointed shall have expired, and the council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their said duties in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to said council, or to a committee thereof, it shall be the duty of said council to declare the office of such person vacant, and said council shall order suits and proceedings at law against any officer or agent of said village, who may be found delinquent or defaulting in his accounts, or in the discharge

of his official duties, and shall make a full record of all such settlements and adjustments.

SEC. 5. The council may appoint any number of special constables for extraordinary occasions, and they shall constitute a village police, and shall have the usual powers, and shall be under the immediate control of the marshal.

SEC. 6. No penalty or judgment recovered in favor of the village shall be remitted or discharged except by a vote of two-thirds of the members of the village council.

SEC. 7. No person shall be an incompetent justice, witness or juror, by reason of his being an inhabitant of said village, in any suit, prosecution or proceeding in which the village shall be a party.

SEC. 8. The village of Chaska shall not be liable in any case for the board or jail fees of any person who may be committed by the village justice to the jail of Carver county for any offence punishable under the laws of this state.

SEC. 9. All public work and improvements within said village, except highway labor and except as herein otherwise provided, shall be let to the lowest bidder, and the council may require a bond, with sureties, for the faithful performance of the contract. Not less than ten days' notice shall be given of the letting of the contract, by the publication of notice thereof in the official paper of said village. No member of the council shall be a party to or interested in any contract or job wherein the village may be one of the contracting parties.

SEC. 10. No law of the state concerning the provisions of this act, shall be considered as repealing, amendatory or modifying the same, unless said purpose be expressly set forth in such law.

SEC. 11. All acts heretofore passed for the incorporation of the village of Chaska, or amendatory thereof, inconsistent with the provisions of this act are hereby repealed, but such repeal of any act or parts of acts shall not in any manner affect, injure, or invalidate any bonds, contract, suits, or prosecutions, claims or demands that may have been duly and lawfully issued, entered into, performed or commenced, or that may exist under of, by virtue, or in pursuance of the said acts or any of them, but the same shall exist, be enforced and carried out as fully and effectually to all intents and purposes as if this act had not been passed. And all ordinances, resolutions, regulations, rules, by-laws, orders, assessments and proceedings of the trustees of said village shall continue and remain of the same force and effect as if this act had not been passed, until altered, amended, repealed or suspended, by or under the authority of the village council of said village, and all assessments and proceedings of the trustees of said village, and all suits and prosecutions pending or unfinished, made or had under the act or acts of which this is amendatory, or under any other law, shall not abate, but shall continue and conform to and be completed, and be enforced as nearly as may be, under the provisions of the said acts hereby amended and of this act.

SEC. 12. In all respects not herein provided for, the village of Chaska shall constitute and be a part of the town of Chaska, in the county of Carver, aforesaid.

SEC. 13. This act is a public act and need not be pleaded or proven in any court in this state.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved February 18, 1879.

CHAPTER LVII.

AN ACT TO AMEND THE CHARTER OF THE CITY OF SAINT CHARLES, WINONA COUNTY.

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

That the act entitled "An act to incorporate the city of St. Charles, Winona county," approved February twenty-eighth, eighteen hundred and seventy, and all the acts amendatory thereof, are hereby amended so as to read as follows:

Section 1. All that part of the county of Winona and state of Minnesota, contained within the limits and boundaries hereinafter described, shall be a city of the name of Saint Charles, and the people inhabiting and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the city of Saint Charles, who shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter especially 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, and may change and alter the same at pleasure, and may take, hold and purchase, lease and convey such real, personal and mixed estate as the purpose of the corporation may require within or without the city.

Sec. 2. The territory included within the following boundaries and limits shall constitute the city of Saint Charles, viz: Section nineteen, the north half of section thirty, the northwest quarter of section twenty-nine, the west half of section twenty, the southwest quarter of section seventeen, and the south half of section eighteen, in township one hundred and six, range ten.

Sec. 3. The said city shall constitute an election district, and the elective officers thereof shall be a mayor, treasurer, recorder, one assessor, two justices of the peace, two constables, and four aldermen. The mayor, aldermen, treasurer, recorder, assessor, and constables shall hold their respective offices for one year, the justices of the peace two years.