

empt from taxation by the town for general town purposes. The election of the town officers for the town of Spring Valley shall be held as heretofore.

When act to
take effect.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

CHAPTER XXVI.

February 29,
1872.

An Act to incorporate the village of Farmington.

- SECTION 1. Boundary limits and corporate powers of the village.
2. Territory included within village limits.
3. Officers of the village.
4. Time of annual election and manner of conducting same.
5. Township and village to be one election district.
6. Relating to the duties and powers of the village officers.
7. Powers and duties of trustees.
8. Power of arrest by peace officers and constables without process.
9. Annual statement of finances by trustees.
10. Road district—road taxes and labor on the roads.
11. Penalties and forfeitures.
12. Limit of taxation for general and village purposes.
13. Tax levy to be returned to county auditor.
14. Damages relating to opening streets, &c.
15. Actions for recovery of penalties and fines, how brought.
16. Further provisions relating to actions.
17. Time and place of first election.
18. Act to take effect upon a majority vote of the legal voters within the limits of the village.

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

Boundary limits and corporate powers of village.

SECTION 1. All that part of the township of Empire in the county of Dakota and state of Minnesota hereinafter described, shall be known and constitute the village of Farmington, and as such corporation shall have all the powers

generally possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter granted, and by that name may sue and be sued, make contracts, purchase, take and hold real and personal property, and have a corporate seal alterable at pleasure. Every grant and devise of lands or right or transfer of property which has been or may be made for the benefit of its inhabitants shall have the same effect as if made to the village by name.

SEC. 2. The territory included in said village of Farmington shall be all the territory divided into lots and blocks in section thirty-one (31), town one hundred and fourteen (114), range nineteen (19) west, which is known as the town site of Farmington, in the county of Dakota.

Territory included within village limits.

SEC. 3. The government of said corporation and the management of all its municipal concerns shall be vested in three trustees, one of whom shall be selected by themselves as president, one treasurer, one justice of the peace, one assessor, one constable, one clerk, who shall be residents of said village. The trustees, treasurer, and justice of the peace, and constable shall be elected by the qualified voters of said village. The assessor and clerk of said village shall be appointed by the trustees of said village, and may be removed at any time by said trustees. The trustees and treasurer shall hold their office for one year, and the justice of the peace and constable for two years, and until their successors are elected and qualified. The trustees may fill by appointment any vacancy in any of the village offices.

Officers of village.

SEC. 4. There shall be an annual election held on the first Monday of April of each year, at which the electors of said village qualified to vote at town elections may elect by ballot and by plurality of votes the trustees, treasurer, justice of the peace and constable of said village. The trustees of said village shall act as judges of election, but in case of the absence of either of them any qualified voter of said village may be selected by the voters present to act as such judge. At all village elections held under this act the polls shall be opened at one o'clock in the afternoon and continue open until four o'clock of the same day, and the election shall be by ballot and shall be conducted and governed in the same manner as far as may be as township elections. The village clerk shall give a notice of such election similar to that required for township elections; *provided*, that any failure to give the notice aforesaid shall not in any manner invalidate any election. Special elections may be called at any time by the trustees of said village on the petition of ten freeholders of said village and by giving

Time of annual election — manner of conducting same.

the notice [above] required, stating the object of said election. The first election under this act shall be held on the first Monday of May, A. D. 1872, and T. C. Davis, Patrick Devitt and J. F. Dilley, or any two of them, shall act as judges of said election and shall give ten days' notice of the time and place of holding said election by posting up notices thereof in three public places in said village. They shall canvass the vote[s] and issue certificates of election to those receiving the highest number of votes.

Township and
village to be
one election
district.

SEC. 5. Said village of Farmington as defined by this act and the remaining portion of the township of Empire outside of said village, shall, for the general election purposes, constitute as heretofore an election district of Dakota county, and the officers of said Empire township shall conduct such general elections and make return thereof as prescribed by the general election laws of the state, and the said township of Empire may hold their township elections within the corporate limits of the village of Farmington if said township shall desire to do so.

Duties and
powers of vil-
lage officers.

SEC. 6. All officers of said village shall enter upon the duties of their respective offices within ten days after the [ir] election or appointment, otherwise such office shall be vacant. The justice of the peace, the treasurer, assessor, constable and clerk shall respectively possess all the powers, enjoy all the rights and be subject to the same liabilities, rules, laws and fees as far as the same may apply as such township officers are, by the general laws of the state and their official bonds, shall run to the trustees of said village: *Provided*, That the trustees of said village shall receive no compensation for their services. The president shall preside at all meetings of the trustees and sign all orders, commissions, licenses and permits granted by the trustees, which shall also be attested by the clerk and no money shall be paid out of the treasury of said village except by the affirmative vote of the trustees or a majority of them, and upon a written order signed by the president and clerk. The treasurer of said village shall give to the trustees an official bond for such an amount as the trustees may require; he shall receive and pay out all moneys belonging to said village and shall keep a just and true account of all moneys and other things coming into his hands as such treasurer in a book to be provided by the trustees for that purpose which book shall remain the property of the village. He shall settle with the trustees at the end of every year and oftener if required by them. It shall be the duty of the constable to suppress all riots, disturbances and breaches of the peace and to arrest all drunken or disorderly persons in said village

and for this purpose he shall have all the authority and power of the sheriff of any county of the state.

SEC. 7. A majority of the trustees shall be a *quorum* for the transaction of business. They shall appoint a clerk, assessor and constable and such other officers as they may deem necessary and to prescribe by by-laws the duties of such officers when not defined by law. The trustees may enact ordinances and by-laws for all purposes contemplated by this act and may affix penalties for violating the same and they shall have the force of law, but before they shall become law they shall be signed by the president and [the] clerk, and posted up in a public place in said village ten days, and shall be filed and recorded by the clerk. The style of all ordinances shall be "The President and Trustees of the village of Farmington do ordain as follows:" The trustees shall [have] exclusive power:

Powers and duties of trustees.

First.—To license and regulate [within] the corporate limits of said village according to law or ordinance or both the selling, or vending or dealing in any manner in vinous, spirituous, malt, fermented or intoxicating liquors or drinks. To license and regulate the exhibition of *common showmen* or shows of any kind, or the exhibition of any caravan, circus or theatrical or of slight of hand performance. To license and regulate billiard tables, ten pin or other ball alleys. To license and regulate auctioneers and peddlars, vender of gunpowder and to revoke any such license. All money received for any such license and from all other sources shall be paid to the treasurer of said village for its use: *Provided*, That in no instance shall the sum to be paid for any such licenses be less than the amount fixed and provided by the laws of this state when the same is established by law.

Second.—To restrain and prohibit every description of gaming with cards or otherwise, and to authorize the destruction of all instruments used for the purposes of gaming.

Third.—To prevent any riots or disorderly assemblages and to suppress and restrain disorderly houses, groceries, saloons or houses of ill-fame.

Fourth.—To direct the location and management of slaughter houses and markets, the storage of gunpowder or other combustible material and to compel the owner or occupant of any cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or any unwholesome house or place to cleanse, remove or abate the same.

Fifth.—To prevent the incumbering of streets, sidewalks, public grounds and alleys and to define the same, and to prevent racing or immoderate driving or riding on the same also to prevent injury to the same or any public property in the village.

Powers and
duties of trust-
ees.

Sixth.—To restrain the running at large of horses, cattle, mules, swine and sheep, and to authorize the distraining, impounding and sale of the same, also to prevent the running at large of dogs. To make and establish a pound and to appoint a pound master. To protect shade and ornamental trees on the streets, alleys and public grounds and to require the owner or owners of lots to set out shade or ornamental trees in the street or streets fronting the same and to compel the owner and the occupants of buildings to remove snow, dirt or rubbish from side walks, streets or alleys opposite thereto.

Seventh.—To organize fire companies, hook and ladder companies and to regulate their government. To restrain drunkards, immoderate drinking or obscenity in the streets, and punish all persons guilty of the same. To lease, purchase or erect all buildings necessary for the use of said village as a municipal corporation. To tax every male resident of said village over twenty-one and under fifty years of age, two days labor, or in lieu thereof three dollars per annum, to be applied in roads, streets and alleys in said village. To make, keep open and in repair, grade, improve, lay out, alter, widen, vacate or discontinue roads, streets, alleys, sewers and sidewalks, in said village. To examine and audit the accounts of all persons against said village. To establish and maintain pumps, cisterns, reservoirs and drains, in said village, and purchase and hold any land necessary for the purposes herein named. To prescribe the limits within which wooden buildings may be erected or repaired. To prevent the dangerous construction or continuance of chimneys, fireplaces, stove pipes, and cause the same to be removed or made safe.

Arrest by peace
officers and
constables
without pro-
cess.

SEC. 8. Any peace officers may, and it shall be the duty of the constable to arrest without process, any person found in a state of intoxication or guilty of immoderate drinking, improper reveling, obscenity, or noisy, boisterous, or disorderly conduct in the streets or public places, and to take such person or persons forthwith before any justice of the peace who has an office in said village, or keep them until they become sober in confinement or until such time as such justice can reasonably hear and dispose of such offenders.

Annual state-
ment of finan-
ces by trustees.

SEC. 9. The trustees shall, on the annual election day, make an accurate statement of the finances of the village at that date, including all debts and liabilities and the means and assets to discharge the same, which statement shall be read to the electors present and recorded for the inspection of all persons.

SEC. 10. The village of Farmington shall constitute one road district, and the highway labor and taxes shall belong to the general fund, and the trustees shall appoint one overseer of said road district, and they shall issue a warrant to him containing the whole amount of highway labor and taxes assessed and levied in his district, which said warrant shall be returned to the village clerk. The laws of the state shall apply to warning, working, suing for and collecting the highway taxes and to returning delinquent taxes, and in all other respects except as herein expressly provided. The trustees shall have full power to direct the overseer 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 the village, and the trustees shall perform the duties imposed by law upon the supervisors of towns in levying highway taxes and shall be governed and restricted in the amount so levied by the same law applicable to supervisors of towns in levying highway labor and taxes.

Road district—
road taxes and
labor on roads.

SEC. 11. Penalties and forfeitures shall be sued for by the trustees in the name of "The village of Farmington," and shall belong to said village. The expense of opening and grading new streets, and of paving or repairing, building and maintaining sidewalks on streets or alleys, may be chargeable to the lots fronting on such improvements, or paid in whole or in part from the general fund, at the discretion of the village trustees.

Penalties and
forfeitures.

SEC. 12. All property, both real and personal in the village except such as may be exempted by the laws of the state or as village property, shall be subject to taxation not exceeding five mills on the dollar for any one year for general purposes, and such property shall also be liable for such special taxes as the trustees may levy in pursuance of law; and the trustees may levy a tax upon the taxable property of said village when authorized by a majority vote of all the legal votes of said village, not exceeding ten mills on every dollar of valuation for any one year, to be used [for] such purpose as the voters of said village may direct.

Limit of taxa-
tion for gene-
ral village pur-
poses.

SEC. 13. The trustees shall report to the auditor of Dakota county, by October first, of each year, the amount of general and special taxes levied upon any of the lots or portions of said village, and it shall be the duty of the county auditor to insert such taxes in the assessment roll of said village of Farmington, 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

Tax levy to be
returned to
county auditor.

proceedings on account of other taxes under the laws of the state.

Damages relating to opening streets, &c.

SEC. 14. The damages sustained by reason of the laying out, opening or altering of any road, street or alley, may be determined in the same manner as the laying out of a road in a town under the laws of the state, except the village clerk is substituted for the town clerk and the trustees for the supervisors.

Actions for recovery of penalties and fines how brought.

SEC. 15. All actions brought to recover any penalty, sum of money on forfeiture under this act or the ordinances or by-laws made by the trustees, shall be brought in the corporate name of the village, and it shall be proper to complain that the defendant is indebted for the amount of such penalty or damage, and to refer to the act or by-law under which the same is claimed, and to give special matter in evidence under it, and all civil cases shall be under the direction and control of the trustees, and they shall have power to settle, compromise, prosecute and defend all such actions on the part of the village. In actions against said village, service of process shall be on the president of said village and the village shall have the right of appeal as individuals have.

Further provisions relating to actions.

SEC. 16. Such actions may be commenced in the district court or before any justice of the peace, of Dakota county, without being required to give security for costs in any such action, and in no case shall any judgment be rendered against said village for costs in criminal actions and no person shall be an incompetent judge, justice or juror, by reason of being an inhabitant of said village in an action to which the village shall be a party. Every execution issued upon any judgment recovered therein for any penalty or for the violation of any of the provisions of this act or any ordinance, or by-law made by the virtue thereof may contain a clause directing, in the event of the non payment of the judgment, the imprisonment of the defendant in the county jail of said Dakota county, not exceeding thirty days, if the damage or penalty recovered by such judgment shall be ten dollars or less and not exceeding sixty days, if such changes or penalty exceed that sum, and the sheriff of said Dakota county shall receive and take charge of such defendant committed to said jail. All penalties and judgments shall be paid into the village treasury.

Time and place of first election.

SEC. 17. It shall be lawful for all the legally qualified voters of said village residing within its corporate limits as herein before described to meet at the Niskerus hotel within such limits on the first Monday in April, A. D., 1872, at one o'clock, P. M. of that day to choose *viva voce* two

judges and one clerk of election and the election shall be conducted as near as may be as general elections are by law conducted. At said election the electors shall vote for or against this act of incorporation and a majority of the votes so cast shall decide and be conclusive in receiving or rejecting the same.

SEC. 18. This act shall take effect and be in force from and after its reception by a majority of the legal voters residing within the corporate limits of said village of Farmington.

Act to take effect upon majority vote of legal voters of the village.

Approved February 29, 1872

CHAPTER XXVII

A Bill granting certain powers to the Supervisors of the Town of Anoka.

February 20,
1872.

- SECTION 1. Powers of supervisors of town, relating to village government.
2. Relating to fines and penalties.
 3. Limitation of powers within certain boundaries.
 4. Ordinances, rules and by-laws—how enacted—publication thereof.
 5. Relating to prosecutions for violation of ordinances, &c.
 6. Relating to fines and penalties collected.
 7. Relating to imprisonment for offences.
 8. Competency of citizens to be justices, jurors or judges.
 9. Appointment of town officers.
 10. Duties of town marshal.
 11. Deputy marshal.
 12. Fees of marshal when performing duties as constable.
 13. Salary of marshal.
 14. Power of taxation.
 15. Township assessor-- his duties.
 16. Wood inspector--powers and duties.
 17. Power to assess lots for laying sidewalks.
 18. Power to assess lots for grading streets and crossings.
 19. Act to take effect upon a majority vote of the legal voters voting thereon.