

a plot thereof made and filed with the recorder, at the expense of said village. Said council may also sell lots therein and convey title to the same, and shall have the care and custody of the grounds. Deeds of lots in said cemetery shall be as other deeds, except that they shall be used for cemetery purposes only, and be signed by the chairman of said council and recorder of the village.

SEC. 27. The common council shall have the care and control, and the right to improve the levees in said village, the right to prevent the obstruction thereof, and to control the business thereon; *Provided however*, That nothing herein contained, shall be so construed as to authorize the levying or imposing of any tax on said business.

SEC. 28. In all respects not herein provided for, the village of Minneiska, shall constitute and be a part of the town of Minneiska.

SEC. 29. This act shall be a public act, and need not be pleaded nor proven in any court in this state.

SEC. 30. The style of all ordinances intended to have the force of rules, or law or authority, passed by the common council, shall be as follows: "Be it ordained by the common council of the village of Minneiska," but no ordinance shall embrace more than one subject, which shall be expressed in its title.

Approved March 4, 1875.

CHAPTER XXVII.

AN ACT TO INCORPORATE THE VILLAGE OF ROSEMOUNT, IN THE COUNTY OF DAKOTA.

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

TITLE ONE.

SECTION 1. That all the territory embraced within the following boundaries, to-wit: Commencing at a point on the north and south quarter-section line of section twenty-nine, township one hundred and fifteen north, range nineteen west, five hundred and sixty-eight feet north of the centre of said section twenty-nine, and running thence east one hundred and eighty-three feet; thence south three hundred and eighty-five feet; thence east at right angles with said last line to a point of intersection with the east line of the right of way of the Milwaukee and St. Paul railway company through said section; said point of intersection being nine hundred and seven feet (more or less) distant from the west end of said last mentioned intersecting line; thence along said east line of said right of way in a southwesterly direction to a point thirty-three feet due north of the east and west quarter-section line of said section; thence due east parallel to and

with said east and west quarter-section line two hundred and thirty feet; thence southwesterly, parallel to and with said east line of the right of way hereinbefore mentioned, two thousand and fifty feet; thence westerly in a direct line to a point of intersection with the north and south quarter-section line of said section, said point of intersection being distant from the centre of said section eighteen hundred and sixty-three and one-half feet; thence at right angles with said north and south quarter-section line due west, one hundred and eighty-three feet; thence north parallel to and with said north and south quarter-section line, one thousand seven hundred and thirteen and one-half feet; thence west at right angles with said last line, two hundred and thirty-five feet; thence north three hundred and sixty-six feet; thence east two hundred and thirty-five feet; thence north, parallel to and with said north and south quarter-section line of said section, three hundred and eighty-five feet; thence east one hundred and eighty three feet, in a direct line to the place of beginning, which said above bounden territory is lying, being and situate around the centre of section twenty-nine, in township one hundred and fifteen north, of range nineteen west, in the county of Dakota, shall be known as the village of Rosemount, and the inhabitants thereof shall be and form a municipal corporation, and shall have the power possessed by municipal corporations at common law, and the powers granted by any general law of this state to such municipal corporations, and in addition thereto shall possess the powers hereinafter specially granted, and be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity, and may have a common seal, alterable at pleasure; and also take, hold, purchase, lease and convey such real and personal estate within or without the limits thereof as the purposes of the village may require.

Sec. 2. The elective officers of said village shall be one president, three councilors, one treasurer, one justice of the peace and one constable, who shall each, except the justice of the peace and councilors, hold their respective offices for the term of one year, and until their successors are elected and qualified. The justice of the peace shall hold his office for the term of two years, and until his successor is elected and qualified. The councilors shall hold their respective offices for the term of three years, and until their successors are elected and qualified; *Provided*, That at the first election under the provisions of this act, one councilor shall be elected for the term of one year, one councilor shall be elected for the term of two years, and one councilor shall be elected for the term of three years, and there shall be elected at each annual election thereafter, one councilor to serve for the term of three years, as hereinbefore provided. In addition to the above named officers, the council shall have power to appoint and define the duties of one recorder, one village attorney, and such other officers as to the council may seem necessary; *Provided*, That no member of the council shall hold any office under the authority of this act or of said village, save that of member of the council, during his continuance in office as such member of the council.

Sec. 3. Every officer shall, before entering upon the duties of his

office, and within ten days after notice of his election, give notice in writing of his acceptance of the same to the recorder of the village, and take and subscribe before some officer by law authorized to administer oaths, an oath to support the constitution of the United States, the constitution of the state of Minnesota, and that he will faithfully discharge the duties of his office in accordance with the law and the ordinances of said village, and in addition thereto, the treasurer, recorder, justice of the peace and constable, shall each give bond in the sum of not less than two hundred dollars, to be determined by said council, conditioned for the faithful performance of the duties of their respective offices, which bond shall run to the said council and their successors in office, and shall be filed with the recorder of said village. Said bond shall be executed by the said officers and two sufficient sureties, to be approved by said council.

SEC. 4. That the president and councilors shall constitute the common council of said village, to which body shall belong all the legislative powers granted by this act to said corporation. All rules, laws and authority for contract passed by said body, shall be by ordinance under the style of "Be it ordained by the common council of the village of Rosemount," but no ordinance shall embrace more than one subject, which shall be expressed by its title.

SEC. 5. The salaries of all officers elected or appointed under the provisions of this act, or the rate of compensation for the services of such officers, shall be fixed by the common council; *Provided*, That the justice of the peace and constable shall receive the fees and compensation now by statute law prescribed, and none other; *Provided further*, That the members of the said common council shall receive no compensation whatever for their services as such officers.

SEC. 6. The president of the council shall be the chief executive officer of the said village. He shall have power by and with the consent of said council, to appoint such officers of police, general or special, as may be deemed necessary, and may call such special meetings of said council as are necessary, upon application in writing to him of two of the councilors, for such purpose or of his own authority, when he may deem it expedient.

SEC. 7. The duties of the treasurer, recorder and other officers of said village, shall be the same as those prescribed by the general law of this state relating to township organizations for like township officers, and such further duties and powers as the common council may prescribe under the provisions of this act. The justice of the peace shall have cognizance and jurisdiction of all cases of violation of the laws and ordinances of said village, and of the further powers granted to such officers by statute law. The constable shall have the powers granted to such officers by statute law, and shall be the chief of police of said village.

SEC. 8. There shall be an annual election for elective officers herein provided for, on the first Monday in April in each and every year, and the general election law of this state shall apply to and govern said elections; *Provided*, That the councilors of said village or any two of them, shall act as judges of election, and the recorder of said village shall act as clerk of said election, and in case of ina-

bility or non-attendance, the vacancies shall be filled by appointment made by those officers present.

SEC. 9. Whenever a vacancy shall occur in any of the elective offices of said village, such vacancy shall be filled by a special election called for that purpose by the common council, and notice thereof given as in other elections. Any person elected to fill a vacancy shall hold his office for the unexpired term.

TITLE TWO.

SECTION 1. The common council shall hold stated meetings at least once in three months, and special meetings as hereinbefore provided. They shall make such rules for the government of its proceedings as they may deem meet. They shall also have power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws 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. They shall have power to establish and maintain a village prison, for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense whatever; *Provided*, That this shall not be construed as taking away or abrogating the right of the justice of the peace, to commit any person charged or found guilty of any offense under the state law, to the county jail of Dakota county. The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law, passed or ordained by them under the provisions of this act; *Provided*, they be not repugnant to the constitution of the United States or of this state, or to the laws thereof. They shall have power—

First.—To license and regulate the exhibitions of common showmen, and shows of all kinds, and the exhibition of caravans, circuses, concerts and theatrical performances, and also to license and regulate all auctioneers, billiard tables, bagatelle tables, pigeonhole tables, nine or ten pin alleys, bowling saloons, butcher shops and butcher stalls, and vendors of butcher's meat, pawn brokers, taverns, lager beer saloons, victualing houses, and all persons vending, dealing in or disposing of spirituous, vinous, fermented or malt liquors; *Provided*, That this act shall not be so construed as to prevent any person from selling game, or from disposing of animals raised or fattened by him, or who may sell fresh meats by the carcass or quantity not less than by the quarter; *Provided further*, That no license shall be greater than one hundred dollars, or the fee for issuing the same greater than one dollar.

Second.—To provide for the restraint and prohibition of any and all violations of any law of this state.

Third.—To provide for ample regulations for the health and safety of the citizens of said village; to declare what shall be contrary to such regulations, and order and compel the owner or occupant to abate or remove, or cleanse and purify the same, and to prevent any one from depositing or introducing into said village any nauseous or

unwholesome thing, or in any wise endangering by any act the health of said village.

Fourth.—To prevent the encumbering of streets, alleys, sidewalks or other public grounds with carriages, carts, wagons, wood, boxes, rubbish or any other material or substance whatever.

Fifth.—To prevent and punish horse racing or fast driving through the streets of said village, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets.

Sixth.—To prevent the shooting of firearms or fire crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the village or any property therein, or annoying to any citizen thereof.

Seventh.—To regulate the construction of buildings, chimneys, and to prevent the erection thereof in any unsuitable or dangerous place, to declare the same a nuisance and order the same to be abated.

Eighth.—To regulate the deposit of hay, straw, stacks of grain or any combustible or inflammable substance within, or contiguous to any building within the village limits, or contiguous to the limits of said village, when the same may be ordered dangerous or unsafe, and to order or compel the owner or occupant of the premises whereon the same is situate to remove the same when so by them declared dangerous or unsafe.

Ninth.—To regulate or prohibit the carrying or wearing, concealed, by any person, any dangerous or deadly weapon, and to provide for the confiscation thereof.

SEC. 2. The common council of said village shall have the powers and authority, in addition to those hereinbefore conferred, possessed by like officers of municipal corporations created and organized under the laws of this state, so far as the same may be consistent with the provisions of this act. They may appoint an assessor for each year, for the purpose of assessing the value of the taxable property within the corporate limits of said village, and they shall fix his duties and compensation. They shall, upon the return of the assessment roll by the assessor, fix the rate of taxation, not exceeding five mills on the dollar, which tax shall be certified by the recorder to the county auditor of Dakota county, and shall be by said auditor incorporated in the general assessment roll of the year for which the same may be levied. And it shall be the duty of the county treasurer of Dakota county to collect such tax as in the manner provided by law for the collection of taxes, and to pay the same over to the treasurer of said village as in like cases by law provided; and said tax so raised shall be for the general purposes of said village. The common council shall have power to open, lay out or vacate streets and alleys within the limits of said village, which is conferred upon boards of supervisors of townships by the general law of this state, to open, alter, lay out or discontinue roads, and in such proceedings and the assessments of damages therefor, they shall be governed by and act under the general state law providing for the laying out, altering or discontinuing of roads, and appeals may be taken in the same manner as appeals are under

the general law from the decisions of township supervisors, to the county commissioners of Dakota county.

Sec. 3. All work of the village, when the amount thereof exceeds the sum of ten dollars, except the highway taxes, shall be let by contract to the lowest responsible bidder, and the council may require a bond, with sureties, to be approved by them, for the faithful performance of the work. In all cases for the letting of work by contract under this section, ten days' notice shall be given, in such manner as the council may prescribe, which notice shall state the time and manner for the reception of all bids for such work.

Sec. 4. The common council may assess every male resident of said village having the qualifications of electors such sum as is provided by law for road tax, and shall lay out and expend the sum thus realized upon the improvement of the streets of said village, which shall be in lieu of all poll tax levied by town supervisors.

Sec. 5. The common council shall have full power and authority to order and direct the collection, within the limits prescribed by law, of taxes sufficient to give full effect to the powers herein conferred.

TITLE THREE.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the village.

Sec. 2. The control of the finances shall be in the common council of said village, and they shall direct by ordinance the manner of receipt and expenditure of all moneys of said village.

Sec. 3. In all respects not hereinbefore provided, the said village shall continue to be a part of the township of Rosemount, and the said township of Rosemount shall be as heretofore, one election district for all purposes not in conflict with the provisions of this act, and the township and general elections may be held in the said village of Rosemount, and the qualified electors of said village shall be qualified electors of said town of Rosemount, and may if elected, hold any office in said town.

Sec. 4. The village of Rosemount is hereby authorized to provide for the erection of a town hall for the purposes of said village.

Sec. 5. The corporation is invested with all powers to carry into full force and effect all and every part of this act, and to carry into execution the same; shall have power to pass and ordain every ordinance necessary to carry out the provisions of this act and the meaning and intent thereof.

Sec. 6. The officers of said village shall be Frank Gollon, president; Frederick Glepping, Michael Hynes and Frank Garry, councillors; J. C. Gerraghty, treasurer; Andrew Keegan, justice of the peace; Louis Warweg, constable; who shall immediately qualify and enter upon the duties of their respective offices, and hold said offices until the first Monday in April, one thousand eight hundred and seventy-five, and until their successors are elected and qualified.

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved February 16, 1875.