

of the aforesaid per centum, it is hereby declared that the State shall have a lien upon the railroad of the said company, and upon all the property, estate and effects of said company, whatever real, personal or mixed, and the lien hereby secured to the State shall take and have precedence of all demands, decrees and judgments against said company.

State to have
lien on road.

Approved March 3, 1866.

CHAPTER XIII.

An act to incorporate the Village of Shakopee.

March 1, 1866.

- SECTION 1.** Designates the tract of land composing the Village of Shakopee. Creates the residents thereof a body corporate for municipal purposes, with perpetual succession, and right of suing and being sued. Constitutes the village of Shakopee a School District, and appoints the Trustees of said village to be Trustees of school district.
2. Municipal concerns to be vested in five Trustees. Gives right of appointment of officers to Trustees. All officers to be residents of village. Officers to give bonds.
 3. Village Justice to be elected biennially. Defines powers of Justice; must be a resident of the village, and give bonds.
 4. Trustees, Clerk, Treasurer and Marshal to be elected annually. How notice of election to be given, and how election to be conducted.
 5. Defines who shall be Inspectors of Election at first election. Defines how vacancy in inspectors shall be filled.
 6. What officers to receive compensation. Compensation to be fixed by by-laws.
 7. Majority of Trustees to constitute a quorum. Defines the powers and duties of Marshal.
 8. Penalty for outgoing officers neglecting or refusing to surrender books, papers, &c., to their successors in office.
 9. Trustees to enact ordinances and by-laws, and fix penalties for violation thereof. Publication of ordinances in newspaper necessary. Also defines powers of the Trustees.
 10. Trustees may purchase fire engines and organize fire companies—also appoint engineers and fire wardens, who shall have certain powers.
 11. Exempts firemen from performing certain duties.
 12. May appoint special constables and a village police.

13. How expenses of public improvements are to be defrayed.
14. Village to constitute one or more road districts, to be defined by trustees.
15. Trustees to appoint overseers—defines their duties. Trustees to perform same duties as Supervisors of towns.
16. All work, except highway, to be let by contract. How contracts to be made.
17. Defines what property shall be subject to and what exempt from taxation.
18. Trustees to report to County Auditor, all matters in relation to taxes. Duty of County Auditor in relation to taxes.
19. Damages sustained in public improvements to be fixed according to State laws.
20. Provides how legal proceedings may be taken.
21. Actions may be commenced before village Justice, Justices of the Peace or District Court. Penalties for non-payment of judgments.
22. Shakopee village to form part of towns of Shakopee and Eagle Creek.
23. Under what provisions act to take effect.

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

Boundaries.

SECTION 1. That all of section one, in township one hundred and fifteen, north of range twenty-three west, and the west half of section six in township one hundred and fifteen, north of range twenty two west, in the county of Scott, and State of Minnesota, shall be known as "The Village of Shakopee," and the people who now do, or may hereafter reside therein are hereby created a corporation for municipal purposes, with perpetual succession, under the name and style of "The Village of Shakopee," and as such corporation shall possess and enjoy all of the powers, rights and privileges that can now or hereafter be possessed or enjoyed by municipal corporations, and by that name may sue and be sued, make contracts, purchase, take and hold real and personal property, and convey the same, and may have a corporate seal, alterable at pleasure. Every grant or 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 effect as if made to the village by name. The territory described in this act, described as the Village of Shakopee, shall be and constitute but one school district, and the trustees of said village shall be trustees of such school district, and shall be subject to the same regulations and possess the same powers and authority under the general laws of this State, as trustees of other school districts possess and enjoy: *Provided,*

School District—
Trustees.

That the clerk of said village shall be clerk of said school district, and the treasurer of such village shall be treasurer of such district: *Provided*, That so much of this section as relates to schools shall have no force or effect until a majority of the trustees of said village shall at a regular meeting of the board vote to accept, and be governed by the provisions of this section relating to the common schools of said village.

SEC. 2. The management of its municipal concerns shall be vested in five trustees—one of whom shall be selected by them as president—a clerk, treasurer and marshal and such other officers as the trustees may create and appoint. The terms of all officers shall commence on the third Monday of May, and shall continue for one year (unless elected or appointed to fill a vacancy,) and until their successors are elected and qualify. All officers shall be residents of the village, and the trustees and treasurer must be freeholders thereof, and all officers shall, before entering upon the discharge of the duties of their respective offices, each take and subscribe an oath to faithfully and honestly discharge the duties of their office, which said oath of office shall be filed with the clerk of said village.

Municipal affairs
to be vested in
Trustees.

SEC. 3. There shall also, at the first election of officers under this act, be elected by the legal voters of said village, and biennially thereafter, one village justice, who shall hold his office for the term of two years, and until his successor is elected and qualified, and shall have exclusive jurisdiction of all the judicial powers granted the said corporation by this act, except as herein otherwise provided. Such village justice shall at the time of his election, and during his term of office, be a resident of said village, and shall keep his office therein, and shall have and exercise all the powers and jurisdiction of, and when acting as such, receive the same compensation as justices of the peace elected under the general laws of this State. Such justice shall execute a bond for the faithful discharge of the duties of his office, which bond shall be affirmed by said trustees, and filed with the clerk of said village; he shall also take the same oath of office as is required of the other village officers by this act.

Officers to be
elected—term of
office.

Justice to exe-
cute bond.

SEC. 4. There shall be an annual election held on

Time of annual election.

the first Tuesday in May 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, clerk, treasurer and marshal. The trustees shall give ten days' notice of the time and place of holding said election, by posting up written notices thereof, in three public places of the village, or by causing such notice to be published in one or more of the newspapers printed and published in said village: *Provided*, That the first election of officers in said village shall be held on the first Tuesday in May, eighteen hundred and sixty-six. The elections shall be held and conducted in the same manner as town elections, and the laws of this State applicable to elections generally, shall apply as far as consistency will admit, and the oath of a voter shall be the same as at town meetings, and false swearing shall be perjury.

Appoints inspectors of election.

SEC. 5. That for the purpose of the first election under this act, Warren Callar, William Cressey and Charles Hartman shall be inspectors of election, and also the board of canvassers of such election, and shall perform all the duties and possess all the powers of inspectors of election and board of canvassers, prescribed by this act; they shall appoint the place of holding the polls of such election, and post or publish notice thereof ten days before the same. At said election all the officers provided for by this act shall be elected: *Provided*, In case any of the foregoing board of canvassers should not be present, or should fail to act as such inspectors, then and in that case it shall and may be lawful for the by-standers to fill any such vacancy that may occur in said board.

Salaried officers.

SEC. 6. No officers shall receive compensation except the treasurer, clerk, village justice and marshal, and such other officers as shall be created and appointed by the trustees; and in all cases such compensation shall be fixed by the by-laws.

Majority to form quorum.

SEC. 7. A majority of the trustees shall be a quorum for business, and may remove the other officers at pleasure, and fill vacancies by appointment; and may by by-law prescribe the kind of security, and the mode of giving the same, for the other officers, and may prescribe the duties of all officers. The marshal

shall have the same powers, and his duties shall be the same as a constable elected in a town, and (have) the same fees for the same kind of service.

SEC. 8. Any person having been an officer of the village, who shall not within six 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 the village, shall forfeit to the use of the village one hundred dollars, and shall be also 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.

Penalty for retaining books, etc.

SEC. 9. The trustees may enact ordinances and by-laws for all purposes contemplated by this act, and may fix penalties for violating the same; and they shall have the force of law. Before they shall become laws they shall be signed by the president, and published ten days in at least one newspaper printed at Shakopee, and proof of such publication shall be filed and recorded by the clerk. They shall have exclusive power:

Trustees may enact ordinances and fix penalties for breach thereof.

First—To license common showmen, or any public exhibition; billiard tables, bowling saloons, and all persons to vend or deal in spirituous, vinous, fermented, mixed, intoxicating, or any kind of liquors or drinks, to be used or sold in the village of Shakopee.

Second—To restrain the running at large of hogs, cattle or other animals.

Third—To prescribe what shall constitute nuisances, and provide for the removal or abatement thereof, either under the ordinances, or at common or statute law.

Fourth—To suppress or restrain disorderly houses, or groceries, or saloons, or tippling or gambling houses, and to authorize the destruction of all instruments used for the purpose of gaming.

Fifth—To direct the location or management of slaughter houses, markets, tanneries, the storage or keeping of gunpowder, or other combustible materials.

Sixth—To compel the owner or occupant of any cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewers, or any unwholesome, nau-

Trustees may enact ordinances, and fix penalties for breach thereof.

seous house or place, to cleanse, remove or abate the same.

Seventh—To prevent the incumbering of streets, side-walks, lanes, public grounds and alleys, and to define the same.

Eighth—To prosecute immoderate riding or driving in the streets, and riding or driving on the side-walks, and to regulate the places of bathing or swimming.

Ninth—To prevent any damage to the side-walks, cross-walks, fences, buildings, shade or ornamental trees, or any public improvements or property in the village.

Tenth—To establish and create pounds, pumps, water cisterns, reservoirs, drains or ditches.

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

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

Thirteenth—To prevent the dangerous construction, placing or continuance of chimneys, fire-places, hearth-stones 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 removed or made secure, and to prosecute the deposit of ashes in any unsafe place, and to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fires.

Fourteenth—The trustees shall have power to enact any other by-laws, or to do any other act necessary and proper to perform the duties contemplated by this act.

Fifteenth—They may erect suitable buildings for village purposes.

Powers in regard to fires.

SEC. 10. They shall have power to purchase fire engines and other fire apparatus; to organize hook and ladder, and hose and fire companies, and to provide for the support and regulation thereof, and to order such

companies to be discharged, and their apparatus to be delivered up; and they may appoint a chief engineer to take charge of the fire department, fire wardens to inspect chimneys and all places dangerous on account of fire, and to perform such duties as may be prescribed by by-laws, foremen and other officers of said companies, and they shall have power to compel citizens to work at fires.

SEC. 11. The members of all hook and ladder, hose, fire engine, and other fire companies accepted by and under the control of said trustees, shall be exempt from serving on juries, and from doing highway labor except on property tax, so long as they shall continue active members of such fire company.

Firemen exempt from certain duties.

SEC. 12. They 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, who shall be the chief of police, and the whole shall be under the control of and subject to said trustees.

May appoint police, etc.

SEC. 13. The costs and expenses of surveying the streets, lanes, alleys, side-walks, sewers, public grounds, reservoirs, cisterns and drains, and the erection of buildings for village purposes, and of cleansing and repairing the same, and constructing and repairing reservoirs and sewers, street crossings and cross-walks, may be paid out of the general fund; or reservoirs may be built by districts designated by the trustees, but the expense of opening, grading, graveling, paving or repairing streets or alleys to the center thereof, and also of side-walks, shall be chargeable to the lots fronting on such improvements. The trustees shall not improve streets or walks, except by a petition in writing, signed by two-thirds of the owners and occupants that are living opposite such improvements. Sewers may be built, and the expenses apportioned by the trustees among the lots and parcels of land benefited thereby. All resolutions or orders directing such improvements, shall be filed and recorded by the clerk.

Cost of public improvements — how defrayed.

SEC. 14. The village of Shakopee may be constituted one or more road districts, to be defined by the trustees, and the highway labor and taxes shall be

Road districts formed.

long to the general fund, but shall be expended in the road district where the same is levied and raised.

Overseers appointed—their duties.

SEC. 15. The trustees shall appoint one overseer of each 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 by him to the clerk 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 trustees shall have full power to direct the overseer when, where and how to expend said 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 points beyond the limits of the village. The trustees shall perform the duties imposed by law on the supervisors of towns, in levying highway taxes, and shall be governed and restricted in the amounts so levied by the same laws, applicable to supervisors of towns, in levying highway labor and taxes.

Work to be let on contract.

SEC. 16. All work by the village (except the highway taxes) shall be let by contract to the lowest bidder, and the trustees 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 posting of notices by the clerk in two public places in the village, to be signed by the president, and also filing said notice with the said clerk at the same time.

Taxation limited—exceptions.

SEC. 17. All property, real and personal, in the village, except such as may be exempt by the laws of the State, or is village property, shall be subject to taxation to an amount not exceeding the sum of one thousand dollars in each year, for general purposes, except for the purchase of fire engines or a cemetery, which is not limited; such property shall also be liable for such special taxes as the trustees shall levy. Property exempt from taxation shall be liable to assessment for building and repairing side-walks.

Duties of trustees and other officers.

SEC. 18. The trustees shall report to the auditor of the county of Scott, the amount of general taxes levied on 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 so levied, and it shall be the duty of the county auditor, to insert so much of such taxes in the assessment roll of each of the towns of Shakopee and Eagle Creek as is levied on property in said towns respectively, 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. The village shall be a town so far as the collections of taxes will admit. All residents of the village shall pay a village tax on their personal property, wherever situated, proportionally with their real estate tax.

SEC. 19. The damages sustained by reason of laying out, opening or altering any road, street or alley, may be agreed on in the same manner as in a town, under the laws of the State, and the State laws shall apply in all respects, in relation to the release of damages, the filing thereof, or the assessing thereof by the trustees, and appealing therefrom to the county commissioners, except, the village clerk is substituted for the town clerk, and the trustees for supervisors. All such damages and repairs shall be levied as a tax on the village at large.

Damages—how
agreed on—how
levied.

SEC. 20. In any action brought to recover any penalty or damages, under this act, or the by-laws made by the trustees, it shall be proper to complain that the defendant is indebted for the amount of such penalty or damages, and to refer to the act or by-law under which the same is claimed, and to give the 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, or prosecute all such actions, on the part of the village, when said village shall be a party or interested in such action.

Of actions.

SEC. 21. Such action shall be commenced before said village justice, unless he is for some cause disqualified or unable to try the same, in which case such action may be commenced in the district court, or before any justice of the peace of the county of Scott, and no person shall be an incompetent judge, justice

Where action
commenced—
penalties.

or juror, by reason of being an inhabitant of such village, in an action to which the village shall be a party. Every execution issued upon any judgment recovered therein for any penalty, may contain a clause, directing, in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail for thirty days, if the damages recovered by such judgment shall be ten dollars or less, and sixty days if such damages exceed that sum, and for that purpose the village shall have the use of the jail of the county of Scott, and persons thereto committed shall be under the charge of the sheriff of said county. All penalties and judgments shall be paid into the village treasury.

Defines Shakopee village.

SEC. 22. In all respects not herein provided for, Shakopee village shall constitute and be a part of the towns of Shakopee and Eagle Creek.

To be a public act.

SEC. 23. This act shall be considered a public act, and be in force from and after its passage: *Provided*, That if twenty-five of the legal voters of the district in the first section of this act described as the village of Shakopee, shall petition the canvassers in this act named, in writing, on or before the fifteenth day of April, 1866, for an election to determine whether the people of said district desire this act of incorporation, the said canvassers shall appoint and fix a day for such election, which shall not be after the first day of May, 1866, and shall give due notice thereof, which notice shall be substantially the same as is required by section four of this act for annual elections. Said canvassers shall be judges of such election, and said election shall be held and conducted in the same manner as is provided in this act for annual elections. Those voting at such election shall possess the same qualifications, and be subject to the same penalties for illegal voting or false swearing as is provided for and required by this act for annual elections. The ballots used at such election shall be written or printed on paper, as follows: "For Village Charter;" or, "Against Village Charter," as the case may be. The votes at said election shall be canvassed by said canvassers, and the result thereof declared and published by them. If said canvassers shall declare and publish that a majority of the votes cast at such elec-

Election to be held.

How election conducted.

tion were "For Village Charter," or if the petition in this section referred to and provided for should not be presented to said canvassers as provided herein, then in such case this act shall be and remain in full force and effect, the same as would have been the case had not this proviso been inserted in this act. But if a majority of said votes should be "Against Village Charter," then in such case all rights, privileges and powers by this act granted, shall be forfeited, and no further election or action under or by virtue of it, shall be taken or be valid. No irregularities in conducting the proceedings or election in this proviso provided for, shall affect or default this act. The polls of the election in this section provided for, shall be opened at nine o'clock in the forenoon of the day fixed for said election, and closed at four o'clock in the afternoon of said day.

Irregularities not
to affect election

Approved March 1, 1866.