

CHAPTER IX.

An Act to incorporate the village of Hokah.

March 2, 1871.

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

SECTION 1. All that part of the township of Hokah, in the county of Houston and state of Minnesota, herein-after mentioned and described, shall be known and constitute the village of Hokah, and as such corporation shall have all the powers generally possessed by municipal cor-

Incorporation of the village of Hokah.

porations at common law, and in addition thereto shall possess the power 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.

What to constitute said village.

SEC. 2. The territory included in said village of Hokah shall be the original recorded plat thereof, and all its recorded additions.

Who to have management of municipal concerns—elective officers—appointed officers.

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 constable, one assessor and one recorder, who shall be residents of said village. The trustees, treasurer, justice of the peace and constable shall be elected by the qualified voters of said village; the assessor and recorder shall be appointed by the trustees of said village, and may be removed at any time by said trustees for cause. The trustees may fill, by appointment, any vacancy, except justice of the peace.

Annual election—how conducted—special elections may be called—when first election to be held.

SEC. 4. There shall be an annual election held on the first Tuesday in April of each year, at which the electors of said village qualified to vote at township 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 under this act the polls shall open at ten o'clock in the forenoon and continue open until four o'clock in the afternoon of said 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 recorder shall give notice of such election, similar to that required by law 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, on the petition of ten freeholders of said village, by giving the notice above required, stating the object of the meeting. The first election under this act shall be held on the first

Tuesday in May, A. D. one thousand eight hundred and seventy-one, and S. J. Prentiss, Matthias Wiskerchen and E. A. Keeler, or any two of them, shall act as judges of said election, and shall give ten days' notice of the time and place of such election by posting up notices thereof in three public places in said village. They shall canvass the votes and issue certificates of election to those receiving the highest number of votes.

SEC. 5. Said village of Hokah, as defined by this act, and the remaining portion of the township of Hokah, outside of said village, shall, for general election purposes, constitute, as heretofore, an election district of said Houston county, and the officers of said Hokah 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 Hokah may hold their township elections within the corporate limits of said village if such township may desire to do so.

SEC. 6. All officers of said village shall enter upon the duties of their respective offices within ten days after their election or appointment, otherwise such office shall be vacant. The justice of the peace shall have the same jurisdiction, and together with the assessor, treasurer, constable and recorder 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 the village; *Provided*, That recorder is substituted for town clerk. The president shall preside at all meetings of the trustees, and shall sign all orders, commissions, licenses and permits granted by the trustees, which shall also be attested by the recorder, and no money shall be paid out of the treasury of the village, except by the affirmative vote of the trustees, or a majority of them, and upon a written order signed by the president and recorder. 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 provided by the trustees for that purpose, which book shall be 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 disorderly persons in said village, for this purpose he shall have all the authority and power of the sheriff of any county of this state.

Quorum—duties
of Board—style
of ordinances—
further powers.

SEC. 7. A majority of the trustees shall be a quorum for the transaction of business. They shall appoint a recorder and assessor, and such other officers as may be deemed necessary by them, 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 fix 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 recorder, and posted up in a public place in said village ten days, and shall be filed and recorded by the recorder. The style of all ordinances shall be "The president and trustees of the village of Hokah, do ordain as follows." The trustees shall have exclusive power—

First.—To license and regulate within the corporation limits of said village, according to law or ordinance or both, the selling, vending or dealing in any manner in vinous, spirituous, malt, fermented or intoxicating drinks or liquors. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of any caravan, circus or theatrical performances. To license and regulate billiard tables, tenpin alleys or other ball alleys. To license and regulate auctioneers and peddlers, and venders of gunpowder, and to revoke any such license. All moneys 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 be paid for any such license 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 purpose 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 explosive material, and to compel the owner or

occupant of any cellar, tallow chandler shop, soap factory tannery, stable, barn or privy, sewer or any unwholesome house or place, to cleanse, remove or abate the same.

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

Sixth.—To restrain the running at large of horses cattle, mules, swine, sheep and poultry, and to authorize the restraining, impounding and sale of the same, also to regulate or prevent the running at large of dogs, and authorize the summary destruction of the same. To make and establish a pound, and 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 and protect by suitable guards, shade or ornamental trees, in the street or streets fronting the same, and to compel the owners or occupants of buildings to remove snow, dirt or any rubbish from sidewalks, streets or alleys opposite thereto.

Further powers
of Board.

Seventh.—To organize fire companies, hook and ladder companies, and to regulate their government. To restrain drunkards, immoderate drinking, obscenity in the streets or public places, and to punish indecent exposure of person, 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 inhabitant of said village, above twenty-one and under fifty years of age, two days labor, or in lieu thereof, three dollars per annum to be applied on road, 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 establish and maintain pumps, cisterns, reservoirs in said village, and to purchase and hold any lands 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, fire places, stove pipes, and cause the same to be removed or made safe.

Eighth.—To have the power to appoint any number of special constables for extraordinary occasions, and they shall have the same powers and shall be under the immediate control of the constable, who shall be the chief of

police. To regulate or prohibit the places of bathing or swimming within the limits of said corporation.

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

SEC. 8. 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. 9. The village of Hokah shall constitute one road district, and the highway labor and taxes shall belong to the fund, and the trustees shall appoint an overseer of said road district, and they shall issue a warrant to him containing the whole amount of labor and taxes assessed and levied in said district, which said warrant shall be returned to the village recorder. The laws of the state shall apply to the 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 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 said village, and 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 amount so levied by the same laws applicable to supervisors of towns in levying highway taxes and labor.

SEC. 10. Penalties and forfeitures shall be sued for by the trustees in the name of "the village of Hokah," 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 charged to the lots fronting on such improvements, or paid in whole or in part from the general fund, at the discretion of the trustees.

SEC. 11. All property, both personal and real, in the village, except such as may be exempt by the laws of the state, or as village property, shall be subject to taxation,

When financial statement to be made.

To constitute one road district—
Overseer of road district—
how appointed—
duties of—how taxes collected.

Disposition of funds arising from fines, etc.—
how collected—
expense of opening streets, how paid.

What property liable 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 shall 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 voters of said village, not exceeding ten mills on every dollar of valuation for any one year, to be expended for such purpose as the voters of said village may direct.

SEC. 12. The trustees shall report to the auditor of Houston county, by the first day of October 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 of said village of Hokah, 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 under the laws of the state.

When to report to County Auditor—duty of Auditor—how taxes collected.

SEC. 13. 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 recorder is substituted for the town clerk, and the trustees for the supervisors.

Damages for opening streets, how ascertained.

SEC. 14. All actions brought to recover any penalty, sum of money or 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 corporation shall have the right to appeal as individuals have.

How actions to be brought.

SEC. 15. Such actions may commence in the district court or before any justice of the peace in Houston county, without being required to give security for costs in any such action, and in no case shall any judgment

Before whom actions brought—qualifications—punishment for non-payment of fines.

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 virtue thereof, may contain a clause directing, in the event of non-payment of the judgment, the imprisonment in the county jail of Houston county, or the village jail (if there be one), 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 damage or penalty exceed that sum; and the sheriff of Houston county, or keeper of the common jail, shall receive and take charge of such defendant when committed to the Houston county jail. All penalties and judgments shall be paid into the village treasury for its use.

Unexpired term
of office to be
expired out.

SEC. 16. Nothing in this act shall be taken or construed so as to prohibit any inhabitant of said village from holding any town office for said township of Hokah, nor to prohibit any inhabitant who has been elected to any town office from serving out his unexpired term of office.

Deemed a public
act—when to
take effect.

SEC. 17. This act shall be a public act, and shall be in force from and after its passage; and no law of this state contravening its provisions shall be considered as annulling or modifying the same, unless such purpose be expressly set forth in said law.

Approved March 2, 1871.