

of this State, the said territory shall constitute the village of Dexter, and shall therefore be endowed with all the rights, powers and duties herein prescribed or to be prescribed for organized villages of this State, and the qualified electors of said village may elect two (2) justices of the peace and one (1) assessor.

SEC. 4. It shall be the duty of the assessor to assess all property liable to taxation within the limits of said corporation, and in the discharge of his duties he shall be governed by the laws of this State, in the same manner as township assessors.

SEC. 5. After the first (1st) election of officers, the annual meeting shall be on the day prescribed by the Statutes of the State for the election of township officers.

SEC. 6. The said village of Dexter shall be and constitute one (1) election district for all purposes of general and special elections under the election laws of this State.

SEC. 7. This act shall be a public act, and need not be pleaded nor proven in any court of this state.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 28, 1878.

CHAPTER 12.

AN ACT TO INCORPORATE THE VILLAGE OF LAKEVILLE.

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

SECTION 1. All that part of the township of Lakeville, in the county of Dakota, and State of Minnesota, hereinafter described, shall be known and constitute the Village of Lakeville, 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 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 Lakeville, shall be all the south-east quarter of section twenty-nine (29), in township one hundred and fourteen (114), in range twenty (20), situ-

ate in the county of Dakota and State of Minnesota, which shall be known as the Village Site of Lakeville, in the county of Dakota.

SEC. 3. The government of said corporation and the management of all its municipal concerns, shall be vested in one (1) president and three (3) trustees, one treasurer, one (1) justice of the peace, one (1) assessor, one (1) constable, one (1) clerk, who shall be residents of said village, except the justice of the peace may reside in the town of Lakeville, but shall keep his office as such justice in said village. The president, trustees, treasurer, 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 president and trustees of said village, and may be removed at any time by said president and trustees. The president, trustees and treasurer shall hold their office for one (1) year, and the justice of the peace and constable for two (2) years, and until their successors are elected and qualified. The president and trustees may fill by appointment any vacancy in any village office.

SEC. 4. In case the electors of said village shall fail to elect a justice of the peace at their annual election, or in case of a vacancy for any cause, the president and trustees of said village may select *one of the justices of the peace elected in the town of Lakeville* to act as the justice of said village, who shall keep his office as such justice in said village.

SEC. 5. The village justice shall have sole and exclusive jurisdiction, to hear all complaints and conduct all examinations and trials in cases arising under any of the ordinances of said village, and in all cases in which the village is a party, and shall also have the same power and authority as other justices of the peace of the county in all respects, and be entitled to like fees.

Provided, The defendant has the right of appeal in all cases from a judgment rendered against him for violation of any of the provisions of this charter, or any of its ordinances, to the same extent as allowed from judgments rendered by justices of the peace under and by virtue of the statutes of the State of Minnesota.

SEC. 6. There shall be an annual election held on the first (1st) Monday of April in 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 president, trustees, treasurer, justice of the peace and constable of said village. The president and 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 judges, and in case the first (1st) Monday of April in any year shall be on the first (1st) day of April, the election may be held on the succeeding day. At all village elections held under this act, the polls shall be opened at one (1) o'clock in the afternoon, and continue open until four (4) o'clock in the afternoon 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 president and trustees, or a majority of them, on the petition of five (5) freeholders of said village, and by giving the notice (above) required, stating the object of said election. The first (1st) election under this act shall be held on the first Monday of May, A. D. one thousand eight hundred and seventy-eight (1878), and James Perkins, G. F. Ackley and Matthias Barres, or any two of them, shall act as judges of said election, and shall give ten (10) days notice of the time and place of holding said election, by posting up notices thereof in three (3) public places in said village. They shall canvass the votes and issue certificates of election to those receiving the highest number of votes.

SEC. 7. Said village of Lakeville as defined by this act, and the remaining portion of the township of Lakeville, outside of said village, shall for the general election and township election purposes, constitute as heretofore an election district of Dakota county, and the officers of said Lakeville township shall conduct such elections and make returns thereof as prescribed by the laws of the State, and the said township of Lakeville may hold their township elections within the corporate limits of the village of Lakeville, if said township shall desire so to do, and any of the officers elected at the township election of said township of Lakeville, may reside in and execute the duties of their office in said village of Lakeville.

SEC. 8. All officers of said village shall enter upon the duties of their respective offices within ten (10) days after their election or appointment, otherwise such office shall be vacant. The justice of the peace, the treasurer, assessor, constable and clerk, shall, respectfully, 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 president and trustees of said village; *Provided*, That the president and trustees of said village shall receive no compensation for their services. The president shall preside at all meetings of the trustees and president, and sign all orders, commissions, licenses and permits, granted by said president and 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 president and trustees or a majority of them; and upon a written or printed order signed by the president and clerk. The treasurer of said village shall give to the president and trustees an official bond for such an amount as the president and 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 president and trustees for that purpose, which book shall remain the property of the village; he shall settle with the president and trustees at the end of every year and oftner 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. 9. A majority of the trustees, including the president, shall be a quorum for the transaction of business. They shall appoint a clerk, assessor, and such other officers as they may deem necessary, and prescribe by-laws for the use of such officers, when not defined by law. The president and 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 published in a newspaper printed in said county, or posted up in a public place in said village ten (10) days, and shall be filed and recorded by the clerk. The style of all the ordinances of said village shall be, "The President and Trustees of the Village of Lakeville" do ordain as follows. The president and trustees shall have exclusive power;

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 performances; to license and regulate billiard tables, ten-pin or other ball alleys; to license and regulate auctioneers and peddlers, venders of gunpowder, and to revoke any such licenses. 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 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 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 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 encumbering 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.

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, and also to prevent the running at large of dogs,

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 shade and 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 sidewalks, streets or alleys opposite thereto.

Seventh. To authorize fire companies, hook and ladder companies, and to regulate their government; to restrain drunkards, immoderate drinking or obscenity in the streets, and to 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 (21) and under fifty (50) years of age, two (2) days' labor, or in lieu thereof three dollars (\$3) per annum, to be applied on 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 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, fire-places, stove-pipes, and cause the same to be removed or made safe.

SEC. 10. Any peace officer may and it shall be the duty of the constable to arrest without warrant any person found in a state of intoxication in said village, or who shall be 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 the 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.

SEC. 11. The president and 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. 12. The village of Lakeville shall constitute one road district, and the highway labor and taxes shall belong to the general fund, and the president and 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 president and 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 president and 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.

SEC. 13. Penalties and forfeitures shall be sued for by the president and trustees in the name of the village of Lakeville, 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 president and trustees.

SEC. 14. All property both real and personal in the village except such as may be exempt by the laws of the State or as village property, shall be subject to taxation not exceeding five (5) mills on the dollar for any one year for general purposes, and such property shall also be liable for such special taxes as the president and trustees may levy in pursuance of law, and the president and 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 (10) mills on the dollar of valuation for any one year to be used for such purposes, as a majority of the voters of said village may direct.

SEC. 15. The president and 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 Lakeville, 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.

SEC. 16. 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 president and trustees for the supervisors.

SEC. 17. All actions brought to recover any penalty, sum of money or forfeiture under this act or the ordinances or by-laws, made by the president and 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 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 actions shall be under the direction and control of the president and trustees, and they shall have power to settle, compromise, prosecute and defend all such actions on the part of the village. In actions against such village, service of process shall be on the

president of said village; and the village shall have the right of appeal as individuals have.

SEC. 18. 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 the 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 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 (30) days, if the damage or penalty recovered by such judgment shall be ten (\$10.00) dollars or less and not exceeding sixty (60) days if such damage 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.

SEC. 19. It shall be lawful for all the legally qualified voters of said village residing within its corporate limits as hereinbefore described, to meet at the house of B. Ackerman in said village, on the first (1st) Monday in April, A. D. 1878, at one (1) o'clock in the afternoon of that day to choose, *viva voce*, two (2) judges and one (1) 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. 20. That 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 Lakeville.

Approved March 6, 1878.