

P. M. of said day, and after taking the oath prescribed to be taken by judges of election, and the appointment of a clerk, shall in all things proceed in the election of the officers mentioned in this act, as provided by law and this act, and the said clerk of said election together with the said board of inspectors shall under their hands give to each person having the highest number of votes a certificate of such election, and the persons so elected may proceed and qualify as provided by law.

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

Approved February 19, 1870.

CHAPTER VII.

An Act to incorporate the Village of Farmington.

Febry 12, 1870.

- SECTION 1. Corporate rights of the village of Farmington.
2. When electors to meet for the election of officers—term of office—jurisdiction of Justice of the Peace—compensation.
 3. When annual election to be held—notice of election to be given—may hold special elections—who to be judges of elections.
 4. Eligibility to office.
 5. How elections to be conducted.
 6. Vacancies, how filled.
 7. Every person elected or appointed to office to take oath conditioned for faithful performance of duty.
 8. What officers to give bonds.
 9. Who to be presiding officer of Board of Trustees—President to sign all commissions, licenses, &c., to maintain peace and good order, and to see that the ordinances are duly enforced—when President entitled to vote.
 10. Board of Trustees to prescribe time and place of meeting—duty of village Clerk.
 11. Who to be officers of the peace.
 12. Duty of Marshal.
 13. Duty of Treasurer.
 14. Duty of Clerk.
 15. Duties of the Trustees of the Cemetery.

16. Style of all ordinances—what to constitute a quorum of the Board of Trustees.
17. Powers of the Board of Trustees.
18. Penalty for keeping a slaughter house, yard or pen within the limits of said village.
19. The Board of Trustees to have control of the finances—further powers of the Board.
20. What officers to be appointed by the Board of Trustees—Board to prescribe duties and fix compensation.
21. Board to establish the grade of all streets, &c.—to cause accurate profiles to be made.
22. Street Commissioner to collect special taxes.
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39. Duty of County Auditor—penalty for neglect of duty.
40. Duty of Town Assessor.
41. No law shall be considered repealing or modifying the same unless expressly set forth in such law—duty of Clerk of said village—duty of Clerk of District Court of said county.
42. Provisions of this act to be submitted to the legal voters of said village—when.
43. When act to take effect.

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

SECTION 1. That all of section thirty-one, town one hundred and fourteen, range twenty-nine, in the county of Dakota, in this state, shall hereafter be known and designated by the name of the village of Farmington; and the inhabitants residing, or who may hereafter reside within said limits, are hereby constituted a body corporate,

Corporate rights.

by the name of the president and trustees of the village of Farmington, and by that name they, and their successors forever after shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all suits whatsoever.

SEC. 2. It shall be lawful for all the legally qualified voters residing within the limits of said section thirty-one, to meet at the Occidental Hotel, within said limits, on the second Monday of March, A. D. one thousand eight hundred and seventy, at one o'clock P. M. of that day, to choose viva voce, two judges of election and one clerk; and elect by ballot, one president, who shall be ex officio, a trustee, four trustees, one clerk, one treasurer and one constable, who shall be ex officio marshal of said corporation. The above mentioned president, trustees, clerk, treasurer and constable, shall hold their respective offices for one year, or until others are elected and qualified. They shall also elect by ballot two trustees of the cemetery, one of which shall be designated on the ballot, for the short term, who shall hold his office for one year, or until another is elected and qualified, the other shall be designated on the ballot, for the full term, and shall hold his office for two years, or until another is elected and qualified, and there shall annually thereafter be elected one trustee of the cemetery, who shall hold his office two years, or until his successor is elected and qualified. The said electors shall also at the time and place above named for the election of other village officers, elect one village justice, whose term of office shall be two years, and until his successor shall be elected and qualified. Said village justice shall have concurrent jurisdiction with the other justices of the peace in his county, and exclusive jurisdiction of all actions arising under the provisions of this act, and shall receive the same fees for services by him rendered as such justice.

What officers
elected annually
—jurisdiction of
justice.

SEC. 3. On the second Monday of March, of each year thereafter, there shall be an annual election of the officers of said village above specified; and the village clerk shall give at least ten days notice of the time and place of holding the same, together with a list of the officers to be elected, by publishing the same in a paper printed in said village, and in case none is printed in said village, by posting a printed or written notice in three of

Annual election;
when held—no-
tice to be given.

the most public places in said village. Like notice shall also be given by the clerk of any special election. Special elections may be called by a majority of the president and trustees to fill any vacancies that may arise under this act, or to transact any other lawful business. Every notice given for a special election shall specify the purpose for which said election is to be held, and no other business shall be transacted at such meeting than such as is specified in such notice. The president and any two trustees, or any three trustees shall be judges of any election, and together with the clerk shall constitute the board of election.

SEC. 4. No person shall be eligible to the office of president or trustee unless he is a freeholder in said village, nor for any office under said corporation unless he is a legal voter in said village.

Eligibility to office.

SEC. 5. At all elections by the voters of said village, held under this act, the polls shall be opened at one o'clock P. M., and continue open until four o'clock P. M., and the election shall be conducted in similar manner as near as may be, as general elections are by law conducted. A plurality of votes shall in all cases decide the election.

How elections to be conducted.

SEC. 6. Vacancies in the office of president and trustees shall be filled by the voters of said village at a special election, and vacancies in all other offices by appointment by the trustees.

Vacancies, how filled.

SEC. 7. Every officer elected or appointed to fill any vacancy under this act, before he enters upon the duties of his office, and within ten days after his election, shall take and subscribe to an oath, to faithfully discharge the duties of his office, and to support the constitution of the United States, and the constitution and laws of the state of Minnesota, which said oath shall be filed in the office of the clerk of said village.

Officers to take oath.

SEC. 8. The treasurer and constable before they enter upon the duties of their office, shall severally give bonds to the president and trustees in such sum, and with such sureties, as said trustees or a majority of them shall direct.

What officers to give bonds.

SEC. 9. The president shall preside at all meetings of the trustees, sign all commissions, licenses and permits which may be granted by the trustees, and all orders upon the treasurer. He shall maintain peace and good order, and see that the ordinances of the village are observed and executed. The president when presiding at any meeting

Who to be presiding officer—duty of president.

of the trustees, shall have the casting vote when the votes of the members are equal.

SEC. 10. The president and trustees shall prescribe the time and the place of their meetings, which shall at all times be open to the public, and shall determine the rule of their proceedings, and the village clerk shall keep a journal thereof, which shall be open for the inspection of every respectable citizen at all reasonable hours and times; and shall have power to preserve order and propriety in their proceedings, and may adopt such by-laws, rules and regulations for their government as are not inconsistent with the provisions of this act, and shall have power to compel the attendance of its members.

Board to prescribe time and place of meeting
—duty of clerk.

SEC. 11. The president, each and every trustee, the marshal, each and every justice of the peace and constable of the county in which said village is situated, shall be officers of the peace, and may command the peace, and may suppress in a summary manner all rioting and disorderly behavior within the limits of said village, and may command the assistance of all bystanders, and if need be, of all citizens, and if any person refuses to aid when so required, every such person shall forfeit and pay a fine of not less than five dollars, and stand committed until paid.

Who deemed to be officers of the peace.

SEC. 12. The marshal shall possess all the power, enjoy all the rights, and be subject to all the liabilities of a constable of this state. It shall be his duty to execute all writs and process to him directed by the president, justice of the peace or other judicial officer, and when necessary in criminal cases, or for the violation of any of the provisions of this act, or of any ordinance, rule or by-law, regulation or resolution of said village, he may serve the same in any part of the state of Minnesota. It shall be his duty to suppress all riots, disturbances, and breaches of the peace, and to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of the state of Minnesota, to apprehend any person in the act of committing any offence against the provisions of this act, or of the laws of this state, or the ordinances, by-laws, rules, regulations or resolutions of the village, and forthwith to bring such persons before competent authority for examination; and for such and similar services, he shall receive like fees as are allowed to constables for like services. It shall be the duty of the marshal to see that all peddlers and hawkers, and common showmen and all other exhibitors, pay their licenses ac-

Duty of marshal.

ording to law, and this act, and the ordinances of the village; and in default of payment to prosecute for the same in the corporate name of the village, and to pay over the same to the treasurer when received by him.

Duty of treasurer.

SEC. 13. The treasurer of said village shall perform such duties and exercise such powers as may be lawfully required of him. All money raised, received and collected by means of any tax, license, fine, forfeiture, or otherwise, under the authority of this act, or which belongs to said village, shall be paid to, and be received by him, and shall not be drawn therefrom, except by a written order, signed by the president and countersigned by the clerk, by order of trustees. Such order shall specify the amount of money to be drawn, and its object. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the trustees for that purpose, which shall remain the property of the village, wherein he shall note the time when, the person from whom, the amount of the several sums received, and the source from whence the said sums arose, which said book, at all reasonable times, shall be open to the inspection of the electors of the village. He shall, as often as the trustees require, render to said trustees a minute account of his receipts and payments, and at the expiration of his term of office, he shall pay over and deliver to his successor, all moneys, books and vouchers in his possession belonging to said village.

Duty of clerk.

SEC. 14. It shall be the duty of the clerk to keep a record of the doings of the board of trustees, especially of the passing of by-laws, ordinances, rules, resolutions and regulations; and also a faithful record of all the doings and votes of the inhabitants of said village, at their annual and other legal meetings, and to keep on file all papers which may be ordered by the trustees. The records of the clerk shall be evidence in all legal proceedings; and copies of all papers duly filed in his office, and transcripts from the record of proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of the contents of the same. He shall keep the corporate seal of the said village. He shall keep a full and accurate account of all orders drawn on the treasury, in a book provided for that purpose, and shall keep all accounts of the corporation with individuals, and shall also keep an accurate account with the treasurer, and charge him with all taxes levied, and sums of money paid

into the treasury, and all receipts of the payment of money or property to the treasurer shall be countersigned by the clerk, before they shall be a legal voucher against the village.

SEC 15. The trustees of the cemetery shall have the exclusive charge and direction of any cemetery at any time belonging to said village corporate, whether situated within or without the limits of said village. They shall cause the same to be properly surveyed, platted and mapped. They shall establish the price of lots which may be changed from time to time as they may deem for the best interests of said village. They shall be fully empowered to sell the lots in said cemetery and to legally convey the titles to the same. They shall have exclusive charge of all money arising from any vote of the citizens of said village for the purchase of grounds for said cemetery, or for the fencing, improving or beautifying the same, and also of all moneys received from the sale of lots in said cemetery. They are also hereby empowered to expend said moneys for the purchase of said grounds and for the survey and mapping of the same, and also for the fencing, arranging and beautifying the same, as they may deem proper. They are also empowered to build a vault for the reception of the dead during the winter months, to build and keep in repair all necessary roads, paths and avenues, and to set out trees and shrubbery, within the limits of said cemetery, and to employ a sexton and other laborers, and to discharge the same at any time as they may deem best. No indebtedness of their creating shall be binding upon the village corporate, except it be previously ordered by vote of a majority of the legal voters of said village, voting at an annual or special election. They shall make an annual report and statement of the finances of the cemetery, which shall accurately state each and every item of expenditure, the sources from which it was derived, and the amount if any then remaining in their hands, they shall also report what sum in their judgment is necessary to be raised by tax for the next succeeding year, to be expended for the interests of said cemetery. Said report shall be read at the annual village election, shall be signed by each of said trustees of the cemetery and shall be filed in the office of the village clerk.

SEC. 16. The style of all ordinances passed by the president and trustees shall be, "The president and trustees of the village of Farmington do ordain as follows:"

Duties of trustees
of the cemetery.

Style of all ordi-
nances—what to
constitute a quo-
rum.

The president and two trustees, or three trustees, shall constitute a quorum for the transaction of any business, and in the absence of the president, the trustees shall appoint one of their number president pro tem., who shall possess all the powers of president.

Powers of board
of trustees.

SEC. 17. The president and trustees shall have exclusive authority within the corporate limits of the said village, to grant, according to law or ordinance, or both, licenses for selling wine, beer or cider, or spirituous, intoxicating, alcoholic, vinous, fermented, malt or mixed liquors, liquids or drinks; regulate and license groceries, taverns, hotels, victualing houses and saloons; and all persons vending or dealing in any such liquors, drinks or liquids, and to revoke the same, and no person shall sell, vend, deal in, or, for the purpose of evading the provisions of law or of this act, or the ordinances of said village, give away any of the aforesaid liquors, drinks or liquids, within such corporate limits, without having first obtained license therefor, as provided by this act, the laws of this state, and the ordinances of the said village, and any person who shall in any manner violate any of the provisions of this section, or the ordinances or the laws herein referred to, shall, on conviction thereof, be punished as provided by the laws of this state, and the ordinances of said village on this subject, and all such offenses shall be prosecuted as provided by such laws and ordinances. All money received for such licenses shall be paid to the treasurer of said village for its use. *Provided*, That the sum to be paid for any such license shall not be less than the amount fixed and provided by the laws of this state, or the ordinances of the said village; and that no license shall be granted for a less time than one year; *And provided further*, That no person shall sell or give away any such wine, beer, cider, or spirituous, intoxicating, alcoholic, vinous, fermented, mixed or malt liquors, liquids or drinks on any election day, or on Sunday. In all prosecutions for any violation of this section, it shall be sufficient to allege in general terms, the selling, vending, dealing in or giving away without such license of such inhibited liquors, liquids or drinks, and the proof on trial of such selling, vending, dealing in or giving away to any person of any such inhibited liquors, liquids or drinks, shall be sufficient to warrant and sustain a conviction or proof that the person charged kept a bar, sideboard or other thing or fixture, with bar furniture usually used by:

persons vending or dealing in such inhibited liquors, liquids or drinks, shall be prima facie evidence sufficient to warrant and sustain a conviction or proof that he delivered any such inhibited liquors, liquids or drinks to any person, shall also be prima facie evidence sufficient to warrant and sustain a conviction for any such violation.

SEC. 18. No person shall keep a slaughter house, yard or pen, or occupy any open ground for slaughtering purposes, within the corporate limits of said village, or keep any such place for depositing the offal of slaughtered animals within such limits, without the consent of the said president and trustees, entered of record; and any person who shall violate this section, shall, on conviction thereof, forfeit and pay for each day he shall keep or occupy any such place for such purpose, the sum of ten dollars, with costs of prosecution, and shall also in addition thereto, be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment, or both, at the discretion of the court; all such places are hereby declared to be common nuisances, and shall be abated as provided by law and the ordinances of said village.

Penalty for keeping slaughter house, &c., within village limits.

SEC. 19. The president and trustees shall have the control and management of the finances, and of all the property of the village, and shall likewise, in addition to the powers herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, regulations, resolutions and by laws for the government and good order of the village, for the suppression of vice and immorality, for the prevention of crime, and for the benefit of trade, commerce and health, as they shall deem expedient; declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, regulations, resolutions or by-laws, and such ordinances, rules, regulations, resolutions and by-laws, are hereby declared to be and have the power and force of laws; *Provided*, That they be not repugnant to the constitution and the laws of the United States or of this State, and for these purposes shall have authority by ordinances, rules, regulations or by-laws—

Who to control finances—further powers of board.

First.—To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, menageries, or theatrical performances,

and to provide for the abatement and removal of all nuisances under the ordinances or at common law; to restrain, prohibit, or license billiard tables, ten pin or other ball alleys, pigeon-hole tables, or the setting up or playing on the same in said village.

Second.—To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said village, and to restrain any person from vending, giving or dealing in spirituous, intoxicating, alcoholic, malt or mixed, fermented or vinous liquors, liquids or drinks, unless duly licensed by them.

Third.—To prevent any riots, noises, disturbances, disorderly conduct or assemblages, suppress and restrain disorderly houses, grog shops or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming.

Powers of board
of trustees.

Fourth.—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove, purify or abate the same from time to time as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of said village.

Fifth.—To direct the location and management of all slaughter houses and markets, and to prevent the erection, use and occupancy of the same, and to establish rates for and license venders of gunpowder, and regulate the storage, keeping and conveying the same, or other combustible materials.

Sixth.—To prevent the encumbering of the streets, sidewalks, lanes, and alleys with carriages, sleighs, boxes, lumber, firewood or any other materials or substances whatever, and to prevent the digging of holes in the streets, alleys, or other public grounds in said village.

Seventh.—To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing in the water within the limits of said village.

Eighth.—To restrain the running at large of horses, cattle, mules, asses, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same.

Ninth.—To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner when at large, contrary to the ordinances; also to license and regulate the keeping of the same.

Tenth.—To prevent any person from bringing, depositing, or having within said village, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, putrid or unwholesome or unsound beef, pork, fish, hides or skins of any kind, and in default of such person, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Eleventh.—To make and establish pounds, and appoint pound masters and fence viewers, and prescribe their powers and duties; also to protect shade and ornamental trees on the public squares, or in the streets of said village; also to fence the public squares and grounds, and to protect the same, and the bridges and monuments in said village.

Twelfth.—To establish and regulate boards of health, provide hospitals for those infected with small pox, or other contagious diseases, and order and regulate the removal of such persons from the village, when its health and safety so require, and to provide ground for the burial of the dead.

Powers of board
of trustees.

Thirteenth.—To call regular and special meetings of the voters of said village, and to prescribe the compensation of all officers of the corporation except their own, and shall examine, audit and adjust the accounts of all persons and of all officers against the corporation.

Fourteenth.—To organize fire companies, hook and ladder companies, and hose companies, to regulate their government, and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale in any manner, and if the owner shall neglect or refuse to procure suitable ladders or fire buckets, after reasonable notice, the trustees may procure and deliver the same to him, and in default of payment therefor, may recover of such owner the value of such ladder or fire buckets, or both, with costs of suit; to regulate and direct the safe construction of places for the deposit of ashes, to appoint one or more fire wardens to enter into at reasonable times, and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as they may

deem dangerous to be put in a safe condition, to regulate the manner of putting up stoves and stove pipes, to prevent fires, and the use of fire works and firearms within the limits of said village, or such part thereof as they may think proper, to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and raze such buildings in the vicinity of the fire as shall be directed by the trustees, or any three of them who may be at the fire, for the purpose of preventing its communication with other buildings, and any building so destroyed shall be paid for by the corporation, to construct and preserve reservoirs, pumps, wells and other water works, and to regulate the use thereof, and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper.

Powers of board
of trustees.

Fifteenth.—To prevent any and all persons from riding or driving any horse, ox, mule, cattle, or other animal on the sidewalks, or in any manner or way doing any damage to such sidewalks.

Sixteenth.—To restrain drunkards, immoderate drinking or obscenity in the streets or other places in said village, and to provide for the arresting, removing and punishing any person or persons who may be guilty of the same.

Seventeenth.—To prevent the shooting of fire-arms or the exhibition of any fireworks in any place which they may consider dangerous to the village, or any property therein, or annoying to any person thereof.

Eighteenth.—To regulate the police of the village; to regulate the place and manner of selling and weighing hay, and measuring and selling fuel, either wood or coal, and to appoint suitable persons to superintend and conduct the same.

Nineteenth.—To regulate, suppress or license hawkers and peddlers who travel from place to place to sell goods, wares and merchandize within said village, and to license transient dealers and traders to sell the same.

Twentieth.—To compel the owners of buildings or grounds, or the occupants, when the same are occupied, to remove snow, dirt or rubbish from sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in default, to authorize the removal or destruction of the objectional substance, by some officer of the village, at the expense of such owner or occupant.

Twenty-first.—To regulate the time, place and manner of holding public auctions and vendues.

Twenty-second.—To provide for the punishment of users of false or untrue weights and measures.

Twenty-third.—They shall have power to require the owner of any lots or grounds in the village to set out ornamental trees in the street or streets fronting the same, and in default thereof to cause the same to be done, and to lay a special tax upon such lot or grounds, to pay the expense of the same.

Twenty fourth.—To make, open, keep in repair, grade, improve, lay out, alter, widen, vacate or discontinue streets, avenues, lanes, alleys, sewers and sidewalks; to keep them free from obstructions, and to protect them from injury in said village.

Twenty-fifth.—To tax every male inhabitant and resident of said village, above the age of twenty-one years and under the age of fifty years, one day's labor, or in lieu thereof one dollar, to be appropriated to improving the roads and streets of said village, under the direction of such person as they may appoint.

Twenty-sixth.—Upon the application of the owners of two thirds of the lots on any street or part of a street, or on one side of any block, to levy and collect a special tax on the owners of the lots on such streets, parts of streets, or blocks, according to their respective parts, for the purpose of making a sidewalk along the same, or grading, paving and improving the street along the same.

SEC. 20. The trustees shall have power to appoint, and at their pleasure to remove the following officers, to-wit: One chief engineer of the fire department, two fire wardens, one street commissioner, and one pound keeper. They may prescribe their duties and fix their compensation, under the provisions of this act, and to impose and enforce in law such penalties as to the said trustees may seem proper, for any malfeasance or any improper conduct of any of said officers; and may require bonds satisfactory to themselves for the faithful performance of the duties of any of them or any such of them as may be deemed expedient and necessary by the said trustees.

What officers to be appointed—who to prescribe duties and fix compensation.

SEC. 21. The president and trustees shall, at such times as they may deem proper, establish the grade of all streets, alleys and sidewalks of said village, and shall cause accurate profiles thereof to be made, which shall be filed with the village clerk.

Street grades—profiles to be filed—where.

Who to collect
special taxes.

SEC. 22. Whenever the trustees shall levy any tax for the purpose of grading, paving, or otherwise improving any street, or for the building or repairing of any sidewalk, or for any other special purpose, they shall make out and deliver to the street commissioner such tax, to be collected and expended, a list of persons and a description of the property taxed, and thereupon the said street commissioner shall notify the persons named in such tax list, by posting a notice in three or more of the most conspicuous places in said village, or in some public newspaper published in said village, and shall specify in such notice a time not less than twenty days, nor more than thirty days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money, and the persons charged with such tax may, within such time, and at such place as may be required by said street commissioner, pay their taxes in labor or materials; *Provided*, The labor and materials offered in payment for such taxes, are suitable, and such as may be required by said street commissioner.

Duty of street
commissioner—
when clerk to re-
turn delinquent
taxes to auditor.

SEC. 23. At the expiration of thirty days from the time the said street commissioner shall have received such tax list, he shall return the same to the trustees, accompanied by a statement verified by his affidavit, subscribed thereto, showing the amount of tax collected in labor and materials, and the amount collected in money, and the manner in which such money was expended and the items of expenditure; also the taxes which remain unpaid, and the persons and descriptions of real estate and lots to which such unpaid taxes stand charged, and the clerk of said village shall make out a certified copy thereof, and deliver the same to the county auditor of Dakota county, who shall in making out the duplicate tax and assessment of the town of Empire next thereafter, enter such unpaid special taxes therein in a separate column, with ten per cent. added thereto opposite the names of the persons and descriptions of property against which the taxes so remain charged and unpaid; and such taxes shall be collected in the same manner as the general taxes of said village and town are collected, and when so collected, shall be paid over to the order of the trustees, and when not previously applied, shall be expended under their direction on the street or sidewalk, or for the purpose for which they were originally assessed.

SEC. 24. In all cases in relation to which, by the pro-

visions of this act, the president and trustees have power to enact or pass ordinances, rules, regulations, resolutions, or by-laws, in relation to any subject, they may prescribe any penalty for the violation of such ordinances, rules, regulations, resolutions or by-laws, not exceeding fifty dollars for any one offense in violation or non-observance thereof, and may also provide that in default of payment of any judgment rendered for such violation or non observance, the offender may be imprisoned for such term as they may by such ordinance, by-law, rule, regulation or resolution direct, not exceeding thirty days, for which purpose the said village shall have the use of the jail of Dakota county, at Hastings, for the imprisonment of any person liable to be imprisoned; and all such persons committed to said jail by the marshal or any other officer, shall be under the charge of the sheriff of said county.

Board may prescribe penalty for violation of ordinances.

SEC. 25. All actions brought to recover any penalty or sum of money or forfeiture under this act, or the ordinances, by-laws, rules, regulations, resolutions, or police, or health regulations made in pursuance thereof, shall be brought in the corporate name of the village, without being required to give security for costs in any such action; and the process may be either by summons or warrant, and it shall be sufficient without setting forth the special matter, to declare generally, stating the clause of this act, or by-law, ordinance, resolution, rule or regulation under which the action is brought. The defendant may plead the general issue and give the special matter in evidence, and a printed copy of an ordinance, by-law, rule, regulation or resolution published in a newspaper or pamphlet by authority of the trustees, shall be prima facie evidence of the passage and publication of such ordinance, by-law, rule, resolution or regulation.

How actions to be brought—was deemed legal evidence of the passage of ordinances.

SEC. 26. Every execution issued upon judgments for any violation of the provisions of this act, or for the violation or non-observance of any ordinance or by-law, rule, regulation or resolution of said village, shall contain a clause directing, in the event of non-payment of judgment, the imprisonment of the defendant in the said county jail, or the jail provided by said village, for such term as shall have been provided for by this act, or the ordinance, rule, regulation, resolution or by-law under which the judgment shall have been rendered, or in the discretion of the court in the absence of such provision by this act, or by rule, regulation, resolution, by-law or ordinance. All fines,

Non-payment of fines how punished.

penalties and forfeitures, when collected, shall be paid into the treasury of said village for its use.

All ordinance to be published or posted.

SEC. 27. Any ordinance, regulation, resolution, rule or by-law, imposing any penalty or forfeiture for the violation of its provisions, shall be published one week in some newspaper in the village, if there be one, and if no such paper be published in said village, then the same shall be posted up, either in writing or print, in three or more of the most public places in the village for one week before the same shall be in force, except as hereinafter provided, and proof of such publication, by affidavit of the printer or foreman in the office of such newspaper or by producing a copy of such newspaper containing such publication, or by affidavit of the clerk or other person who posted the same, shall be conclusive evidence of the publication, promulgation or posting of such ordinance, rule, regulation, resolution or by-laws, in all courts and places, and within ten days after such publication or posting, they, with said affidavit, shall be recorded by the clerk of the village in books to be provided for that purpose, which record shall also be conclusive evidence of such publication, posting or passage of such rule, regulation, resolution, by-law or ordinance in all courts and places. No ordinance, rule, regulation, resolution, by-law or appropriation, shall be passed, made, altered, amended or repealed, without an affirmative vote of a majority of the president and trustees in its favor, which vote shall be taken by ayes and noes and entered of record.

Right of appeal.

SEC. 28. In all actions brought by or in the name of the said village, or against it, the said village shall have the same right of appeal or to a writ of certiorari or of error as individuals have, and in no case shall any judgment be rendered against said village for costs, but it shall be liable for costs, to the same extent that the state is liable for costs in criminal cases and no more.

Authorized to hire or build a prison.

SEC. 29. The said trustees shall have power to hire and fit up a building or room to be used as a temporary prison or lock-up. They shall also have power to build and erect a jail for the use of the corporation, which may be used for confining offenders, either for safe keeping or punishment in like manner, as the county jail may be used by the said corporation, whenever a majority of the voters of said village at any special election for that purpose do so elect.

SEC. 30. No person shall be an incompetent judge

justice, witness, or juror, by reason of his being an inhabitant of said village, in any action or proceeding in which said village is a party, or interested.

Qualifications of judge, &c.

SEC. 31. The powers conferred upon the said president and trustees, to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law; gambling houses, houses of ill-fame, disorderly taverns or saloons, and houses or places where intoxicating, alcoholic, malt, mixed, spirituous, vinous or fermented liquors are sold without the license required therefor, houses or buildings of any kind wherein more than ten pounds of gunpowder are deposited, or kept at any one time, are hereby declared and shall be deemed public or common nuisances, and shall be abated as herein provided and according to the laws of this state, for abating nuisances.

What deemed to be common nuisances.

SEC. 32. When any suit or action shall be commenced against the said village, the service in such case may be made by leaving a copy of the process duly certified to by the proper officer, with the president, and it shall be the duty of the president forthwith to inform the trustees thereof, or to take such other proceedings as by the ordinances or resolutions of said village may be in such case provided.

How actions may be brought.

SEC. 33. Any peace officer may, and it shall be the duty of the marshal to arrest without process, any person found in a state of intoxication or guilty of immoderate drinking, improper revelling, obscenity, or noisy, boisterous or disorderly conduct, in the streets or public places, and 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 said justice can reasonably hear and dispose of such offender.

In what cases arrests may be made without process.

SEC. 34. The president and trustees in case of laying out or widening any street, alley or public walk, shall pay to the owner or owners of any land or lots through which any such street, alley or public walk, so laid out or widened by them shall pass, adequate compensation for any damages which may be sustained in consequence.

Compensation for taking private property for public use.

SEC. 35. Such damages shall be ascertained by six freehold electors of the said village, to be summoned by or under the direction of the president of said village for that purpose, as a jury, who shall determine the necessity thereof. They shall be selected one-half by the president,

Damages sustained, how ascertained.

and one-half by the party claiming damages, and after being sworn by the said president truly to ascertain upon actual view, first, the necessity thereof, and then such damages; they shall take into consideration the benefit, if any, as well as the damage, from the laying out or widening of such street, alléy or public walk, to such party claiming damage, and the persons so selected, summoned and sworn, shall proceed to the discharge of their duty in the premises, and make a report in writing over their several signatures, to said president within twenty four hours, which report shall be binding upon the corporation and the party claiming such damages.

Authorized to
levy annual tax--
for what purpose.

SEC. 36. The president and trustees shall have power, and it is hereby made their duty, in each year, to levy and assess upon the taxable property in said village, such a sum of money as taxes as shall be sufficient to pay and discharge the outstanding debt of the corporation, if any, and its expenses for the current year, after applying the money derived from other sources to such purposes, and no more.

What property
liable to taxation.

SEC. 37. All taxes raised and collected in the said village of Farmington, for the purposes authorized by the last preceding section, shall be levied and assessed upon the same kinds of property, real and personal, within the corporate limits of the said village, as taxes for town, county and state purposes are levied and assessed.

When to trans-
mit statement of
taxes levied.

SEC. 38. The president and trustees of the said village shall on or before the first Monday of November in each year, by resolution to be entered on their records, determine the amount of such corporation tax to be levied and assessed on the taxable property within the corporate limits of the said village, for the current year, and the clerk of the said village shall thereupon, on or before the twentieth day of November in each year, deliver to the county auditor of Dakota county a certified copy, under his hand and name and the corporate seal of the said village, of all resolutions of the said president and trustees, determining the amount of taxes to be levied and assessed for the current year, together with a description of the territory included within the corporate limits of the said village.

Duty of auditor
—penalty for
neglect of duty.

SEC. 39. The county auditor of the county in which said village is situated, shall assess, apportion and carry out such corporation taxes *pro rata*, according to the dollar valuation upon all the real and personal property liable

therefor, in a separate column in the tax and assessment roll and warrant of his town, next thereafter issued and delivered to the county treasurer of said county for collection, in the same manner as he shall assess, apportion and carry out town, county and state taxes; and if for any reason, such corporation taxes shall not be assessed, apportioned and carried out in the next assessment and tax roll and warrant, as herein provided, it shall or may be assessed, apportioned, carried out and collected in that or any succeeding year. The said corporation taxes shall be in all respects collected, or returned delinquent, in the same manner as town, county and state taxes are collected by law, and when collected shall be paid over by any officer collecting or receiving the same, to the treasurer of the said village. Any officer or other person who shall neglect or refuse on demand to pay over any such corporation taxes when collected or received by him in any manner, to such village treasurer, shall be liable to an action therefor, with twenty per cent. damages to be added thereto, to be sued for and recovered in the corporate name of the said village, both against such defaulting officer, or other person, and his sureties.

SEC. 40. The town assessor of the town in which said village is situated, in assessing the taxable property in his town in each year, shall assess the taxable property, real and personal, within the corporate limits of the said village, in one continuous part of his assessment roll, and foot up the valuations of all the items of property assessed and valued by him within said limits.

Duty of town assessor.

SEC. 41. No general law, contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law. It shall be the duty of the clerk of said village, immediately after any election under this act, to make out a statement of the persons elected as corporation officers, and of the persons appointed by the president and trustees to any office in said village, whenever an appointment of such officer is made to fill a vacancy, with the fact of the acceptance and qualification of such officers so elected or appointed, under his hand and corporate seal, and file the same in the office of the clerk of the district court in the county in which said village is situated, and it is hereby made the duty of the clerk or said district court to file the same in the same manner as he files and preserves like certificates of the election and qualification of justices of the peace.

No law considered repealing or modifying the same unless expressly set forth.

To be submitted
to legal voters.

SEC. 42. 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 Occidental Hotel within such limits, on the first Monday in March, A. D. one thousand eight hundred and seventy, 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.

When act to take
effect.

SEC. 43. 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.

Approved February 12, 1870.

Feb'y 24, 1870.

CHAPTER VIII.

An Act to incorporate the village of Caledonia.

- SECTION 1. Corporate rights of the village of Caledonia.
2. Boundary lines of said village.
3. Management of said corporation vested in a Board of Trustees—elective officers—officers to be appointed—term of office.
4. When annual election to be held—who to be judges of election—how elections conducted—when first election under this act to be held.
5. What to constitute an election district in said county.
6. When to enter upon the duties of office—duties of President of Board—duties of Treasurer—duties of Constable.
7. What to constitute a quorum—powers of said Board of Trustees.
8. When Trustees to make financial statement.
9. Said village to constitute a road district—Trustees to appoint an overseer of highways—duties of overseer.
10. Penalties and forfeitures, how collected—expense of opening and grading streets and maintaining and repairing sidewalks, how paid.
11. What property subject to taxation.