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THE  
REVISED STATUTES,  
OF THE  
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE  
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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INCORPORATION OF VILLAGES.

Sec. 20. It shall be the duty of the trustees of every such corporation or company, to cause a book to be kept by the treasurer or clerk thereof, containing the names of all persons alphabetically arranged, who are or shall have been within six years, stockholders of such company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares, every transfer of stock, and the amount of stock actually paid in; which book shall, during the usual business hours of the day, on every day, except Sunday, be open for the inspection of stockholders and creditors of the company, and their personal representatives; at the office or principal place of business of such company, in the county where its business operations shall be located; and any and every such stockholder, creditor, or representative, shall have a right to make extracts from such book; and no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred, liable for the debts of the company, according to the provisions of this chapter, until it shall have been entered therein, as required by this section, by an entry showing to and from whom transferred; such book shall be presumptive evidence of the facts therein stated, in favor of the plaintiff in any suit or proceeding against such company, or against one or more stockholders; every officer or agent of any such company, who shall neglect to make any proper entry in such book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected, and extracts to be taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding six months; and the company shall forfeit and pay for every such neglect or refusal, to the party injured thereby, all the damages resulting therefrom; and every company that shall neglect to keep such book open for inspection as aforesaid, shall forfeit and pay the sum of fifty dollars for every day it shall so neglect; to be sued for and recovered in the name of the United States, by the district attorney of the county in which the business of such corporation shall be located.

Trustees to cause book to be kept; same to be kept open, and all transfers of stock to be entered therein.

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Not to exercise banking powers.

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What territory may be incorporated into a village.

SEC. 1. Any part of any county, or counties, not included within any incorporated village, and containing a resident population of not less than three hundred persons, and if it shall include within its boundaries a territory of more than one square mile in extent, containing a resident population of at the rate of not less than three hundred persons to every square mile of territory included within such boundaries, may be incorporated as a village, under this chapter.

Survey and map to be made.

SEC. 2. The persons intending to make application for the incorporation of such village as hereinafter provided, shall cause an accurate survey and map to be made, of the territory intended to be embraced within the limits of such village; such survey to be made by a practi-

al surveyor, shall show the courses and distances of the boundaries thereof, and the quantity of land contained therein; the accuracy of which survey and map shall be verified by the affidavit of such surveyor written thereon, or annexed thereto.

SEC. 3. Such persons shall also cause an accurate census to be taken of the resident population of such territory, as it may be on some day not more than ten weeks previous to the time of presenting such application to the court, as hereinafter provided, which census shall exhibit the name of every head of a family residing within such territory on such day, and the number of persons then belonging to such family, and it shall be verified by the affidavit of the person taking the same, written thereon, or annexed thereto.

Census to be taken.

SEC. 4. Such survey, map, and census, when completed and verified, as aforesaid, shall be left at the residence, or place of business, within such territory, of some person residing therein, and shall be subject to examination at all reasonable hours, by every person interested in such application, for a period of five weeks, from the posting, or first publication of the notice of such application, as hereinafter provided.

Survey, map and census, where to be left, &c.

SEC. 5. The persons intending to make such application, shall give notice that they will apply, on some day therein specified, to the district court for the county in which such territory shall lie, or if it shall lie in more than one county, to such court in one of such counties, to be named in such notice, for an order incorporating such territory as a village, by a name to be therein specified; such notice shall describe the boundaries of such territory, by courses and distances, and by specifying the town, or towns, in which it shall lie; and it shall state where such survey, map, and census have been left; and may be examined, as aforesaid.

Notice of application to court.

SEC. 6. If there be a newspaper printed within such territory, such notice shall be printed therein, once in each week for six successive weeks previous to the time specified for making such application; and if there shall be no such paper, such notice shall be posted in at least ten of the most public places in such territory, at least six weeks before the time so specified.

Notice how published.

SEC. 7. Such application shall be by petition, subscribed by the applicants who shall be residents of such territory, and setting forth the boundaries thereof, with their courses and distances, the quantity of land therein embraced, according to such survey, and the resident population therein contained, according to such census; such survey and map, and such census and affidavits, verifying the same, and an affidavit that they were left and kept subject to examination, as provided in the fourth section of this chapter, also a copy of the notice of application aforesaid, with an affidavit thereon, or affixed thereto, shall be annexed to said petition, otherwise it shall not be acted upon by the court; and it shall be presented at the time specified in such notice for presenting the same, or as soon thereafter as the applicants can be conveniently heard in respect thereto.

Application to court, how made.

SEC. 8. If such court, after hearing the parties, shall be satisfied that such survey, and the census taken, are correct; that all the requirements of this chapter, in respect to such application, have been complied with; and that such territory contained at the time such census was taken, a population as great in proportion to the quantity of land embraced within the bounds thereof, as that specified in the first section of this chapter, it shall make an order declaring that such territory, the boundaries of which shall be therein set forth by courses and distances, shall be an incorporated village, by the name specified in such application, if the electors thereof shall assent thereto, as hereinafter provided; and in such order it shall direct three judges of elec-

Order of court incorporating village.

tions of the precincts in which such territory shall lie, to be named therein, to perform the duties required of them by this chapter; and such order of the court shall be recorded in the office of the register of deeds of such county.

Notice of meeting of electors.

SEC. 9. Such judges shall, without necessary delay, give notice of a meeting of the electors of the territory described in such order, to be held at some convenient place therein, to be specified in such notice, for the purpose of determining whether such territory shall be an incorporated village; at such meeting the polls shall be opened at ten o'clock in the forenoon, and shall be kept open until four o'clock in the afternoon, when they shall be closed; and the time of opening and closing the same shall be specified in such notice.

Polls how held, &c.

Notice how published.

SEC. 10. If there be a newspaper printed in such territory, such notice shall be published therein once in each week for three successive weeks previous to such meeting; if there be no newspaper so printed, copies of such notice shall be posted in at least ten of the most public places in such territory, at least three weeks previous to such meeting.

Judges to preside, and how meeting conducted.

SEC. 11. Such judges shall preside and act as judges at such meeting; and all the laws of this territory applicable to the election of county officers, shall apply to such meeting, and to all the proceedings thereat so far as the same shall be applicable, and are consistent with the provisions of this chapter.

Who may vote, and how.

SEC. 12. Every elector residing in such territory, and qualified to vote for county officers in the county in which such territory, or some part thereof, shall lie, may vote at such meeting, by a ballot having thereon the word "Yes," or the word "No."

When to be deemed a village, and when not.

SEC. 13. If a majority of the ballots given at such meeting shall have thereon the word "No," the electors of such territory shall be deemed not to have assented to the incorporation thereof as a village, and no further proceedings shall be had in respect to such incorporation; but if a majority of such ballots shall have thereon the word "Yes," the inhabitants of such territory shall, from the time of the recording of the order of the court aforesaid, in the office of the register of deeds, be deemed a body politic and corporate, by the name specified in the order so made by the court; and the judges who shall have presided at such meeting, shall cause a statement of the holding of such meeting to be made, showing the whole number of ballots given thereat, the number having thereon the word "Yes," and the number having thereon the word "No;" which statement shall be verified by the affidavit of the said judges, written thereon, and shall be filed in the office of the register of deeds of the county; and the said judges shall, without unnecessary delay, give notice, in the manner prescribed in the tenth section of this chapter, of the time and place of a meeting of the electors of such village, to elect officers thereof. Every subsequent notice for the election of officers for such village, shall be given, in like manner, by the clerk of said village.

Certain duties of judges.

Meetings where held, and when polls opened and closed, &c.

SEC. 14. Such meeting, and every subsequent meeting for the election of officers in such village, shall be held at some convenient place therein. The polls shall be opened at ten o'clock in the forenoon, and shall not be finally closed before four o'clock in the afternoon of the same day; and the time of opening and closing the polls, shall be specified in the notice of such meeting.

When trustees to be judges and how elections to be conducted.

SEC. 15. Such judges shall preside at the first election, as judges thereof; the trustees shall preside as judges at every subsequent election, except in cases otherwise provided for by this chapter; and all the laws of this territory, in relation to the election of county officers and notifying them of their election, shall apply to such first election, and

to all subsequent elections of officers in such village, so far as the same can be so applied, and are consistent with this chapter.

SEC. 16. The officers presiding as judges at such first election, or at any such subsequent election, shall canvass the votes given thereat; shall openly declare the result, and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes given, the number given for each person voted for, and the office for which he shall have been voted for, which certificate shall be recorded in the records of such village.

Duties of judges.

SEC. 17. At the first election, and at all subsequent elections of officers in such village, every person residing therein, qualified to vote for county officers in the county in which such village, or any part thereof shall be situated, may vote for all the officers to be chosen. No person shall be elected as such officer, unless he shall be entitled to vote at the election at which he shall be elected; the persons eligible, and having the greatest number of votes, shall be declared elected; and if two or more shall have the greatest and an equal number of votes, the officers presiding at the election, shall forthwith determine by lot which shall be deemed elected; and in such case, the facts shall be set forth in the certificate of the result made by such officers.

Who entitled to vote and to hold office, &c.

SEC. 18. There shall be elected at the first election in such village, and at every subsequent election therein, a president and six trustees, and any number of assessors not exceeding three, as may be determined by the electors of said village, who shall hold their offices until the first Monday in April next following their election; and after the first meeting for the election of officers, the annual meeting thereafter for such elections, shall be held on the first Monday of April in each year; and the officers elected at an annual meeting, shall hold their offices for one year, and until others are elected and qualified.

Officers to be elected, and their term of office.

When annual election to be held.

SEC. 19. The president and a majority of the trustees, shall constitute a board for the transaction of business, to be called the board of trustees; the president shall preside at all meetings of the board, but shall have only a casting vote therein; it shall be the duty of the board of trustees, within ten days after the first, and within the like number of days after an annual election of officers of such village, to elect by ballot, a clerk, treasurer, and marshal, who shall hold their respective offices for one year, and until their successors are appointed.

President and trustees.

Board to elect clerk, &c.

SEC. 20. Every officer elected in such village shall, within ten days after he shall be notified of his election, take and subscribe an oath of office, and file the same with the clerk of such village; and in case of his omission to do so, he shall be deemed to have refused to serve, and his place shall be filled in the manner prescribed by this chapter.

Officers to be sworn.

SEC. 21. Special meetings may be called by the clerk of such village, by order of the trustees thereof, or any three of them, by giving ten days notice thereof, in a newspaper, if there be one printed in such village; but if there be none, by posting up such notices in four or more public places in such village; every notice of a special meeting, shall state the object for which such meeting is called.

Special meetings how called.

SEC. 22. Any vacancy in the office of president, trustee, or assessor, may be filled at a special meeting, called in the manner prescribed in the preceding section; and the trustees of such village, or any two of them, shall preside at such meetings, and shall have all the powers, and perform all the duties of judges of said election.

Vacancies, how filled.

SEC. 23. The board of trustees shall have the following powers to wit:

Powers of board of trustees.

1. To have a common seal and alter the same at pleasure :
2. To purchase, hold, or convey any estate, real or personal, for the use of the corporation :

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3. To organize fire companies; hook and ladder 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 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 said owner, the value of such ladder, or fire buckets, or both, with costs of suit; to regulate the storage of gunpowder and other dangerous materials; to direct the safe construction of a place for the deposit of ashes, and severally to enter into or appoint one or more fire wardens, to enter into at reasonable times and examine all dwelling houses, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition; and to cause such as may be 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 fire arms within the limits of said village, or such parts thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishment of said fires, and to pull, break down, and raise such buildings in the vicinity of the fire, as shall be directed by the trustees, or any four of them who may be present at a fire, for the purpose of preventing its communication to other buildings; and any buildings 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 shall deem proper:

4. To prevent, abate, and remove nuisances, and take such measures for the public health as they may deem proper:

5. To restrain from running at large, cattle, sheep, swine and geese, in such village, under a penalty not exceeding five dollars for every such animal found so going at large, in violation of the by-laws of such village; to establish pounds and appoint pound masters, and to prescribe their powers and duties:

6. To provide for the protection of shade trees and monuments in said village:

7. To purchase, hold, own and lay out, grave yards or cemeteries, and regulate the burial of the dead, and to make and enforce any regulations and ordinances relating to the same:

8. To establish and regulate markets, and restrain sales in the streets:

9. To suppress disorderly, lewd, or gaming houses, and devices for gambling:

10. To appoint fire wardens in such village, not exceeding four:

11. To appoint such number of street commissioners as may be necessary:

12. To construct and repair cross walks on the streets of said village:

13. To lay out, open, and keep in repair, grade, pave, or otherwise improve, streets, avenues, lanes, alleys, sewers, and side walks:

14. To prohibit the encumbering of the side walks of said village, with any materials whatever, and riding and driving thereon, except to cross the same:

15. To insure the public property of such village:

16. To direct in the prosecution and defence of suits, in which such village may be a party:

17. To procure the necessary blank books for records, and such stationery, as may be required for village purposes:

18. To cause the by-laws and ordinances to be published in a newspaper, if there be one published in such village:

19. To audit and allow all lawful accounts against such village; to draw an order on the treasurer for the payment of every such account allowed by them:

20. To determine the compensation of assessors, treasurer, clerk, marshal, and street commissioners, subject to the provisions of this chapter:

21. To levy and collect taxes on all such property as shall be subject to county taxes: *Provided*: That all taxes in any one year, for corporation purposes, shall not exceed one per cent, on the assessed valuation of taxable property in such village, unless two-thirds of the electors of such village voting at a meeting, legally called, for that purpose, shall vote to allow a larger sum to be raised, but in no case shall the said electors be allowed to raise more than two per cent on the assessed valuation aforesaid:

22. To prevent horse racing, and immoderate riding or driving in the streets of such village:

23. To prevent the running at large of dogs, by imposing a tax on the same, or otherwise; or to authorize their destruction in a summary manner, when running at large contrary to a by-law or ordinance of such village:

24. To make, pass, ordain, and establish such by-laws, ordinances, and regulations, not repugnant to the constitution of the United States, or the organic act and laws of this territory, for the purpose of carrying into effect the provisions of this chapter, as they may deem proper, and to repeal, alter, or amend the same at pleasure; but no such by-law, ordinance, or regulation, shall take effect, or be in force, until the same shall be published three weeks successively in some public newspaper in such village, or posted up the same length of time in three or more public places in such village.

SEC. 24. The said board of trustees, as often as they shall make any by-laws, ordinances, or regulations, may ordain and provide such reasonable fines, forfeitures, and penalties, upon the offenders against the same, as they shall deem proper, not exceeding twenty dollars, for any one offence, to be prosecuted before any justice of the peace or court having cognizance thereof, in the name of the corporation; all expenses incurred in prosecuting for the recovery of any penalty or forfeiture, shall be defrayed by the corporation; the said board of trustees shall also have power to remit such fines, forfeitures, or penalties, or any part thereof.

Board may impose fines, &c.; may remit same.

SEC. 25. The affidavit of the printer, of the publication of any by-law, or ordinance, or the affidavit of the clerk of the corporation, of the posting up of any notice, by-law or ordinance, as required in this chapter, shall be sufficient proof in all courts and elsewhere, that such notice, by-law or ordinance, was properly published or posted up.

Affidavit of publication and posting notices.

SEC. 26. No account or claim against such village, shall be paid until it shall have been presented to the trustees thereof, and audited, and allowed by them; and when any such account or claim shall be so audited, the trustees auditing the same, shall indorse thereon, or annex thereto, a certificate subscribed by them of such auditing, and of allowing or disallowing the same, in which the sum allowed, if any, and the charges for which the same was allowed, shall be specified.

Auditing claims, &c.

SEC. 27. No such account or claim shall be audited or allowed by the trustees, unless it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the services, or

How accounts to be made out and sworn to, &c.



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made the disbursements therein charged, that the several items of such account or claim are correct, that the services therein charged have been rendered, that the disbursements therein charged have been made, and that no part thereof has been paid; such affidavit shall be indorsed on or annexed to such account or claim, and presented and preserved therewith. And any one of the trustees, when such account or claim shall be presented to them, may administer the oath required in this section; and the said trustees may examine the claimant on oath, as to the items embraced in such account or claim.

Account may be disallowed, or other proof required.

SEC. 28. Nothing in the last preceding section shall be construed to prevent the trustees from disallowing any account or claim, in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

Accounts to be numbered and entered.

SEC. 29. Every account or claim against such village, presented to the trustees in any year, shall be numbered from number one upwards, in the order in which it shall be presented; and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, and of the person by whom it shall be presented, shall be entered in the records of the proceedings of the trustees.

Warrants, how drawn, &c.

SEC. 30. Every warrant drawn by the trustees to pay any account or claim, shall refer to such account by its number, the name of the person in whose favor it was made out, and the time when it was presented; and a memorandum of such reference, and of the amount of the warrant, shall be entered in such records, before such warrant shall be delivered to the claimant.

What accounts trustees not to allow, &c.

SEC. 31. No trustee shall allow or subscribe a certificate of the allowance of any item in any account or claim against such village, which such village shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax; nor shall any trustee sign any warrant for the payment of any such account or claim from any fund from which such account or claim, or any part thereof, shall not be payable.

How account shall be paid.

SEC. 32. No such account or claim shall be paid, except by the treasurer, on the warrant of the trustees, indorsed on or annexed to the account or claim for which it shall be drawn.

Account, affidavit and warrant to be filed.

SEC. 33. Whenever any such account or claim shall be paid, it shall, together with the affidavit presented therewith to the trustees, the certificate of auditing and allowing the same, and the warrant drawn for the payment thereof, be filed and preserved in the treasurer's office.

Village not to borrow money; what amount of debt may incur.

SEC. 34. Such village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its own account or advanced in its behalf, by its officers or by any other person; nor shall any of its money or property be applied to any such purpose; nor shall such village incur any debt or liability in any year, greater than the amount of tax allowed by this chapter to be raised in such village, in the year in which such debt or liability was incurred.

Improvement of streets; how tax levied.

SEC. 35. Whenever two-thirds of all the owners of real estate bounding both sides of any street, or part of a street, not less than sixteen rods in length, in any village, shall desire to have such street graded, paved, or otherwise improved, they may make and sign an application in writing to the board of trustees of such village, specifying in such application the sum necessary to be raised for that purpose; and it shall be lawful for the said trustees to levy, and cause to be collected a sum by tax on all the owners of real estate, or lots, on such street, or part of a street; said tax shall be levied on the last assessor's valuation of the said real estate and lots respectively, as the same shall appear in the assessment roll of said village.

Same of side walks.

SEC. 36. When two-thirds of all the owners of real estate and lots,

bounding on one side of any such street, or part of a street, shall desire to have a side walk built or repaired, the application for that purpose shall be made to the trustees by such owners, and the tax for the building or repairing of such side walk shall be levied, as prescribed in the preceding section.

SEC. 37. 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 side walk, they shall make out, and deliver to a street commissioner of such village a list of persons and a description of the property taxed; and thereafter the said street commissioner shall notify the persons named in such tax list, by posting up notices in three or more public places in such village, and shall specify in such notices a time or times, not less than twenty days, nor more than forty 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, at such time and place as may be required by the said street commissioner, pay their taxes in labor or materials, provided the labor or materials offered in payment for such taxes are suitable, and such as may be required by the said street commissioner.

How taxes for improvements may be paid.

SEC. 38. At the expiration of forty days from the time the said street commissioner shall have received such tax list, he shall return the same to the trustees, accompanied with a statement, verified by his affidavit subscribed thereon, 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 such expenditure; also, the taxes which remain unpaid, and the persons and descriptions of real estate, or lots, to which such unpaid taxes stand charged.

When and how tax list returned.

SEC. 39. The trustees, in making out the duplicate assessment roll of such village, next thereafter, shall enter such unpaid taxes in a separate column therein, with twelve per cent. interest added thereto, opposite the names of the persons and descriptions of property against which the taxes so remain unpaid; and such taxes shall be collected in the same manner as the general taxes of such village are collected; and when so collected, shall be paid over to a street commissioner, on the order of the trustees, to be expended on the street, or sidewalk for which they were originally assessed.

How unpaid taxes collected, &c.

SEC. 40. Whenever the trustees shall cause any street, lane, or alley, to be opened, widened, or extended, and damages shall be claimed by any owner of lands on such street, lane, or alley, they shall cause to be summoned six disinterested freeholders, who being first duly sworn for that purpose, shall inquire into, and take into consideration, the benefits, as well as the damages, that will be sustained by any person interested and owning lands, or lots, on such street, lane, or alley, and shall proceed to estimate the damages, and assess the benefits, if any, and make return of their determination to the trustees, in writing, signed by them; and each parcel of land, or lot, so assessed as benefited, shall be liable to the amount of such assessment, made by the said freeholders, respectively; and the same shall be a lien on every such parcel of land, or lot, in the same manner as the annual village taxes of such village. Such assessments shall be levied by the trustees, and when collected, shall be applied by them in the payment of damages allowed by the said freeholders; and the residue of such damages, if any, shall be paid out of the treasury of such village; but no street, lane, or alley, shall be opened, extended, or widened, until the damages aforesaid shall be paid to the persons entitled thereto.

Assessment of damages, &c., on opening and widening of streets.

SEC. 41. The trustees, whenever they shall have levied any such assessment, mentioned in the preceding section, shall make out and deliver the list thereof to a street commissioner, who shall collect such

Assessment of damages, how collected.

assessment within such time as may be required by the said trustees, not less than twenty, nor more than forty days from the time of the delivery of such list, and pay over the sums so collected, to the trustees, to be paid by them to the persons who may be entitled to such damages; and the said street commissioner shall make return, on affidavit, subscribed to by him, of the unpaid assessments on such list, and the persons and real estate, or lots, against which such unpaid assessment stands charged; and the said trustees shall cause such unpaid assessments to be levied and collected in the same manner as unpaid taxes prescribed in section thirty-nine of this chapter; and when so collected, pay the same to the persons so entitled to damages.

When trustees to determine and assess the amount of general tax to be collected.

SEC. 42. The board of trustees shall, between the first Monday in April, and the second Monday in June, in each year, determine the amount of general tax necessary to be assessed and collected in such village, the current year; the assessors shall, within the time above limited, assess all property subject to taxation, within the corporate limits of said village; and shall, on or before the first Monday in June, in such year, deliver to the board of trustees of said village, a full and complete roll thereof; which roll shall exhibit the description and value of the lands, lots, and all other property chargeable with tax in said village, together with the names of the owners thereof, so far as the same can be ascertained. The assessors shall receive for their services a compensation to be fixed by the by-laws of such village, which shall not exceed the compensation allowed to county assessors for similar services.

Compensation of assessors.

Notice of completion of assessment roll to be given, &c.

SEC. 43. Whenever the said assessment roll shall have been delivered to the board of trustees, as mentioned in the preceding section, such board of trustees shall, forthwith, direct their clerk to give public notice, by posting up notices in three or more public places in said village, of the completion of such roll by the assessors, and shall specify in said notice, the time when, and the place where, the said trustees will meet to hear appeals from the proceedings of such assessors; on any such appeal being made to the said trustees, they shall have power to alter and correct such assessment roll.

Trustees to complete assessment roll and issue warrant, &c.

SEC. 44. When such assessment roll shall be finally completed, the trustees shall cause to be levied such amount of tax as shall have been determined to be raised, and shall set opposite to each description and valuation of taxable property, the amount of tax charged upon such property, and to each person respectively; and when such tax list shall have been so completed, they shall, forthwith, cause a true copy thereof to be made, and a warrant annexed thereto, and deliver such tax list and warrant to the marshal of such village, as hereinafter provided; and the original assessment roll, and tax list, shall be deposited with the treasurer of said village.

Warrant to be signed by president and clerk; what warrant to contain and may be renewed.

SEC. 45. The warrant annexed to any tax list, delivered to the marshal, as aforesaid, shall be signed by the president and clerk of such village, or in the absense of the president, such warrant shall be signed by a majority of the trustees; such warrant shall command the marshal to collect the taxes, mentioned in such tax list, in sixty days, and pay over the same to the treasurer of said village, and make return of said warrant to the said treasurer. The trustees may renew the warrant annexed to any tax list, for thirty days, when they shall deem it necessary; but any such warrant shall be so renewed but once.

Marshal to execute bond.

SEC. 46. Before the marshal of such village shall receive any warrant for the collection of taxes, he shall execute to such village, by its corporate name, and deliver to the treasurer thereof, a bond, with sufficient sureties, to be approved by a certificate of approval, signed by the trustees, indorsed thereon, conditioned for the faithful performance

of his official duties; and if he shall neglect to execute and deliver to the treasurer such bond, within three days after being notified by the trustees so to do, his office shall be deemed vacant.

SEC. 47. Such marshal shall receive for his services, a compensation to be fixed by the by-laws of such village, which shall not exceed the compensation allowed to sheriffs for the collection of county taxes.

Compensation of marshal.

SEC. 48. Upon the receipt of the tax list aforesaid, it shall be the duty of the marshal to give public notice in a newspaper published in said village, or by posting notices in three public places therein, that such tax list has been committed to him for collection; and that he will receive payment for taxes at his office for the term of two months next ensuing such notice; and all taxes paid during said two months shall be subject to a deduction of four per centum upon the amount paid.

Marshal to give notice of tax list and of time and place taxes are to be paid, &c.

SEC. 49. If the taxes are not paid to the marshal within the said term, he may then proceed to collect the same by distress and sale of the goods and chattels of the person charged, wherever found in such village, giving six days notice of the time and place of such sale, by written notices set up in three public places in said village.

When taxes to be collected by distress and sale.

SEC. 50. It shall be the duty of such marshal, within the time prescribed in any such warrant for the return thereof, to pay over all sums collected by him, to the treasurer of such village; and to return such warrant to the said treasurer, with his return thereon written, subscribed by him, and specifying any such sum or sums of money not collected by him, by reason of being unable to find property in such village, out of which he could collect the same; and if any sum be returned, not collected by him, his return shall be accompanied by his affidavit, that the facts therein stated are true.

Marshal to pay over money and return warrant.

SEC. 51. In case the tax on any lot or other parcel of land shall remain unpaid on the first day of October, and no goods or chattels shall have been found, out of which to collect the taxes levied on any lot or lots, or other pieces of land, it shall be the duty of the treasurer, within ten days thereafter, to make out a general advertisement, stating that all lots, or other pieces of land upon which the taxes have not been paid, will be sold by him at a certain time and place therein mentioned, for the purpose of paying the taxes which may be assessed thereon, together with all costs and other liabilities which may accrue by advertisement and sale, agreeable to the provisions of this chapter; said advertisement shall be published three weeks successively, in a newspaper published in said village, if there be one, and if not, then by posting up such advertisement in three public places in said village.

When treasurer to advertise lots on which taxes not paid, &c.

SEC. 52. On the day, and at the time and place mentioned in the notice, the treasurer shall commence the sale of lands and lots; and continue the same from day to day, until so much thereof shall be sold as will pay the taxes, interest, and charges due, assessed, and charged thereon, agreeable to this chapter; and the treasurer shall give to the purchaser or purchasers of any lots of land, a certificate of the lots or lands purchased, stating the sum paid therefor, including fees, and the time when the purchaser will be entitled to a deed for the same.

Treasurer to sell lands; to give certificate.

SEC. 53. Such treasurer shall, immediately after the close of any such sale of lots or lands for taxes, deposit in the office of the clerk of said village, all affidavits, notices, and papers in relation to such tax sale, to be filed and preserved in the office of such clerk; also a statement containing a particular description of each lot or parcel of land so sold by him, specifying the name of the person to whom sold; the amount for which the same was sold, and the name of the owner, if known; and the said treasurer and clerk shall record such statement, in a book to be kept by each of them for that purpose, in their respective offices.

Treasurer to file with clerk all papers relative to tax sales, &c.

When treasurer may execute deed to purchaser; effect of conveyance and how executed.

SEC. 54. If the person claiming the title to the lots or lands so sold and described in such certificate given by the treasurer, shall not within two years from the date thereof, pay to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, together with the interest thereon, at the rate of twenty-five per centum from the date of such certificate; the treasurer shall, at the expiration of said two years, execute to the purchaser, his heirs or assigns, a conveyance of the lots or lands so sold, which conveyance shall vest in the person or persons to whom the same shall be given, an absolute estate in fee simple; and the said conveyance shall be evidence that the sale was regular, according to the provisions of this chapter; and any such conveyance executed by the treasurer, under his hand and the seal of the corporation, in the name and on behalf of said village, and the execution thereof witnessed and acknowledged, as by law in other cases provided, may be given in evidence and recorded in the same manner, and with the like effect as a deed regularly acknowledged by the grantor, may be given in evidence.

Treasurer to give notice of forfeiture of lots.

SEC. 55. In all cases, before lands shall be conveyed as aforesaid, the treasurer shall advertise the same by a correct description thereof, for three months in some public paper published in said village; or by written notices as prescribed by section fifty-one, of this chapter, stating that all such lands or lots will be forfeited, if the taxes and charges upon the same are not paid before the day mentioned in such notices.

Fees on advertisement and sale of lots.

SEC. 56. All lots or lands which shall be advertised for sale for non-payment of taxes, shall be subject to a charge of three cents for each lot, or piece of land so advertised for the first advertisement; and each lot or piece of land which shall be sold as aforesaid, shall be chargeable with the following fees: For each certificate to be given to a purchaser of any lot of land at such sale, twelve and a half cents; for certifying the amount necessary to redeem any lot or piece of land, twelve and a half cents; and one dollar for each conveyance executed in pursuance of this chapter; the said fees to be paid by the persons receiving such instrument; the charge for advertising the forfeiture of a piece of land, shall be ten cents for each lot or parcel.

Taxes paid by purchaser to be refunded on redemption.

SEC. 57. If any person who shall purchase any lot in pursuance of this chapter, shall pay any tax returned subsequent to such purchase, on such lot or piece of land the person who shall redeem such lot, or piece of land, shall pay to the treasurer the amount of tax with interest, at the rate of twenty-five per cent. per annum for the benefit of such purchaser.

Treasurer to execute bond.

SEC. 58. Before the treasurer of such village shall enter upon the duties of his office, he shall execute to such village by its corporate name, and deliver to the trustees thereof, a bond with sufficient sureties to be approved by them by a certificate of such approval, signed by them and indorsed thereon, conditioned for the faithful performance of his official duties; and if he shall neglect to execute and deliver to the trustees, such bond within three days after being notified by the president to do so, his office shall be vacant.

Duties of treasurer.

SEC. 59. Such treasurer shall receive and safely keep, and he shall pay out when lawfully required to do so, all moneys belonging to such village; he shall keep account of all such moneys as by law he shall be required to keep; he shall preserve all vouchers filed in his office; he shall comply with every law of this territory, and with every by-law of such village, legally adopted in respect to his duties; and he, or in case of his death, his executors or administrators shall, on demand, deliver to his successor in office, on oath, all books and vouchers belonging

to his office, and all money in his or their custody belonging to such village.

SEC. 60. The treasurer shall so keep his accounts, as to show when and from what sources all moneys paid to him shall have been received, and when and to whom, and for what purpose all moneys paid out by him, shall have been paid.

How treasurer to keep his accounts.

SEC. 61. When any money shall be raised by tax in such village, for any specific purpose, the treasurer shall keep a separate account in respect to such money which shall show the amount thereof received by him, and when and to whom any portion thereof, shall have been paid.

To keep separate account of funds.

SEC. 62. The treasurer shall exhibit his books of accounts and vouchers at every annual meeting of the electors of such village, and at every special meeting thereof, when required to do so by the president or any trustee; they shall at all times be open to the inspection of the president, or any one or more of the trustees; and whenever required by the trustees, he shall furnish abstracts or statements therefrom for their use, or to be presented to any such meeting.

To exhibit his books of account, &c.

SEC. 63. The treasurer shall receive such compensation for his services as shall be fixed by the by-laws of such village, not exceeding the compensation allowed to county treasurer, for similar services.

Compensation of treasurer.

SEC. 64. The clerk of the village shall have the custody of, and shall safely keep all records, books and papers thereof, except such as shall pertain to the treasurer's office, or to the business thereof, and of which the treasurer should have the custody; he shall attend all meetings of the trustees, and record all their proceedings; he shall file all papers and record all matters which he shall by law, or by the by-laws of such village, be required to file or record; he shall attend all meetings of the electors of such village, and keep a poll list at such meetings, when required by the trustees so to do; and he, or in case of his death, his executors or administrators shall, on demand, deliver to his successor in office on oath, all records, books, papers, and other property of such village in his or their custody.

Duties of clerk.

SEC. 65. The clerk shall record in such records, a copy certified by the register of deeds of the orders made by the court, and filed in the said register's office, to incorporate such village, which shall, when so recorded, be presumptive evidence of the facts therein stated; he shall also record the by-laws of such village; all votes, ordinances, and resolutions adopted by the trustees; the auditing and allowance or disallowance of every account or claim presented to them; the drawing of every warrant by the trustees upon the treasurer; the number thereof, and of the account for which it shall be drawn; all appointments made by the trustees, all of which shall be by resolution, and all other matters which shall be proper to be recorded in the records of such village, or which the trustees shall by by-laws direct to be so recorded; and he shall file in his office every account and claim which shall be disallowed by the trustees.

What clerk to record, &c.

SEC. 66. The clerk shall perform such other duties as shall be lawfully imposed upon him by the by-laws of such village; and he shall receive a compensation for his services, to be fixed by such by-laws, which shall not exceed the compensation allowed to the clerk of the board of county commissioners, for similar services.

Compensation of clerk.

SEC. 67. The marshal of such village, shall possess the powers and be subject to like liabilities, and enjoy the same privileges as are possessed and conferred by law upon constables; he shall collect the general taxes assessed in such village, and execute such legal orders as may be required of him by the trustees.

Powers and duties of marshal.

SEC. 68. The fire wardens shall from time to time examine the fire

Duties of fire wardens.

engines, fire buckets and other apparatus for extinguishing fires in such village, and report their condition to the trustees; they shall attend such fires and give directions in respect to the manner of extinguishing the same, and it shall be the duty of all persons who shall be required to assist in extinguishing such fires, to obey such directions; they may in the day time enter any building in such village, in which there shall be a fire place, stove or stove-pipe, for the purpose of examining the same; they may also in the day time, enter upon any premises in such village for the purpose of ascertaining whether ashes are safely kept thereon, and if they shall find any fire place, stove, stove pipe, or place of keeping ashes unsafe, they shall report the same to the trustees.

Duties of street commissioners and their compensation

SEC. 69. The street commissioners of such village shall, under the direction of the trustees, superintend the grading, paving, and improvement of streets, and the building and repairing of side walks, and the expenditure of taxes levied and collected for such purposes, they shall receive such compensation for their services as may be allowed by the trustees.

Inhabitants of village liable to ordinary highway taxes, &c.

SEC. 70. Nothing contained in this chapter shall exempt the inhabitants of any village, from the payment of highway taxes, legally assessed by the commissioners of the county in which such village may be situated, nor from the formation of such village into one or more road districts, irrespective of its corporate limits by such commissioners.

Trustees to publish annual statement of claims allowed.

SEC. 71. Within ten days next preceding every annual meeting of the electors of such village, if there be a public newspaper printed therein, the trustees shall cause to be published in such paper, and if there be none, they shall cause to be posted in two of the most public places in such village, a statement, which shall show the name of every person who shall have had an account, or claim, allowed by them, the amount of such account, or claim, as presented, the amount allowed, and a brief statement of the nature of the demand; the first statement so published, or posted, shall embrace all accounts allowed to the time of publishing, or posting the same, from the time of the incorporation of such village, and each subsequent statement shall embrace all accounts allowed to the time of publishing, or posting the same, from the time of publishing, or posting, the last preceding statement.

General laws to apply to villages.

SEC. 72. All the general laws of this territory, applicable to incorporated villages, and to the officers thereof, shall apply to villages incorporated under the provisions of this chapter, and the officers thereof, so far as the same can be so applied, and are consistent with the provisions of this chapter.

Proceedings on application to dissolve village corporation.

SEC. 73. When an application, in writing, signed by at least one-third as many persons entitled to vote for village officers in any incorporated village, as voted for such officers at the next preceding election thereof, shall be made to the trustees of such village, to call a meeting of the electors thereof, to determine whether the same shall continue to be an incorporated village, such trustees shall call such meeting, and preside as judges thereat; and the same shall be notified and held, the votes given thereat canvassed, the result declared, and a certificate thereof made and recorded, in the same manner, as nearly as practicable, as in case of the election of village officers.

Polls at meeting how to be conducted.

SEC. 74. The polls at such meeting shall be kept open from ten o'clock in the forenoon, to four o'clock in the afternoon, and every such elector may vote thereat, by a ballot having thereon the word "Yes," or the word "No." If a majority of all the ballots given shall have thereon the word "No," such village shall, at the expiration of six months from the time of holding such meeting, cease to be an incorporated village; and within that period, such trustees shall call a special meeting of such electors, to direct as to the disposition of the property

Proceedings if corporation dissolved.

of such village; and at such meeting such electors may direct such property as shall remain, after paying all claims for which such village shall be liable, to be disposed of as they shall deem proper.

SEC. 75. At the expiration of the said six months, all the records, books, and papers, belonging to such village, shall be deposited with the register of deeds of the county in which the same shall be located, or if located in more than one county, then with the register of deeds of one of such counties, whose duty it shall be to preserve the same, with the county records and papers of his county; and the commissioners of such county, or if such village was located in more than one county, the county commissioners of such counties, shall be the trustees of the property of such village. No suit in which such village shall be a party, nor any claim, for or against such village, shall be affected by its ceasing to be an incorporated village.

Records; &c. where to be deposited; county commissioners to be trustees; &c.

SEC. 76. At the meeting called after any such village shall have determined to dissolve its incorporation, it shall be lawful to raise, by tax, any sum that may be necessary to pay and discharge all the existing debts and liabilities of said village.

Tax to pay debts may be raised after corporation dissolved.

SEC. 77. The electors of any village, now incorporated, qualified to vote for officers therein, may, at any annual meeting at which such officers shall be elected, declare, by a resolution, that any of the sections of this chapter, to be specified in such resolution, shall apply to such village; and from and after twenty days from the adoption of any such resolution, the sections of this chapter, which shall be therein declared to apply to such village, shall apply to the same; and all laws inconsistent with the sections specified in such resolution, shall have no force, or effect, in respect to such village.

Provisions of this chapter when to apply to villages now incorporated.

SEC. 78. Whenever any resolution shall be adopted in any village, pursuant to the preceding section, the trustees of such village shall, within ten days thereafter, cause such resolution, together with the sections of this chapter specified therein, to be published in a newspaper printed in such village, if there be one; if there be none, then in the newspaper printed nearest to such village.

Trustees to publish notice of the adoption of any provisions of this chapter.

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CHAPTER 42.

GENERAL PROVISIONS RELATING TO CORPORATIONS.

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SECTION

1. General powers of corporations.
2. May make by-laws for certain purposes, and impose penalties.
3. First meeting, how called.
4. When justice may call meeting, and how.
5. When meeting valid though not called.
6. Powers of members when so assembled.
7. May hold and convey lands and transfer shares, and how.
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SECTION

9. When district court may appoint receivers of corporation.
10. District court to have chancery powers in such cases.
11. Franchises and property of corporations authorized to receive toll may be taken and sold on execution.
12. Proceedings of officer on execution.
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