

CHAPTER 62.

AN ACT TO AMEND AND CODIFY THE SEVERAL ACTS INCORPORATING THE VILLAGE OF FARMINGTON, [IN] DAKOTA COUNTY, MINNESOTA.

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

SECTION 1. The inhabitants of that portion of the township of Empire, in Dakota county, State of Minnesota, hereinafter described, shall henceforth be a body politic and corporate by the name of the Village of Farmington, and shall have all the powers of a municipal corporation at common law, together with such other powers as are hereinafter specially granted; and the authorities thereof shall have perpetual succession, and be capable of suing and being sued, contracting and being contracted with, pleading and being impleaded with in all courts of law or equity, and shall have a common seal which they may alter at pleasure.

SEC. 2. The territory included in said village of Farmington shall be all of section thirty-one (31) in township one hundred and fourteen (114), in range nineteen (19) west, in the said county of Dakota; and the jurisdiction of said village authorities shall extend beyond said limits in all directions a distance of one (1) mile for the purpose of prosecuting or punishing for violations of the laws of the State, this charter or ordinances or by-laws of said village.

SEC. 3. The government of said corporation and the management of all its municipal concerns shall be vested in three (3) trustees, (one of whom shall be elected by themselves as president) one (1) treasurer, two (2) justices of the peace, one (1) assessor, one marshal, one (1) street commissioner and one (1) clerk, all of whom shall be residents of said village.

The trustees, treasurer and justices of the peace shall be elected by the qualified voters of said village.

The assessor, street commissioner, marshal and clerk of said village shall be appointed by the trustees of said village annually at the first session of the trustees after the expiration of the time for the qualification of the newly elected trustees, and may be removed at any time by said trustees. All officers shall hold over until their successors are elected or appointed and qualified.

The trustees may fill, by appointment, any vacancy in any village office.

At the next election after the passage of this act there shall be elected three (3) trustees who shall hold their office respectively, one (1) for one (1) year, one (1) for two (2) years and one (1) for three (3) years and two (2) justices of the peace, who shall hold

their offices one (1) for one (1) year and one (1) for two (2) years, and thereafter at every annual election there shall be elected one (1) trustee and one (1) justice of the peace, the term of office of the trustees and justices of the peace elected at said first election shall be determined by the electors in their localities.

OFFICERS, THEIR POWERS AND DUTIES.

SEC. 4. Every person elected or appointed to the office of treasurer, assessor, street commissioner, marshal and clerk under this charter and within ten (10) days after he is notified by the clerk of his election or appointment shall take and subscribe before some officer authorized to administer oaths, an oath to support the constitution of the United States and of the State of Minnesota, and faithfully discharge the duties of his office (naming the same) to the best of his ability. Such oath shall be administered without fee and be certified by the officer before whom it was taken, with the date of taking the same; and the person taking such oath shall immediately and before entering on the duties of his office, file such certificate with the clerk of said village. Every person elected or appointed to the office of treasurer of said village before he enters on the duties of his office shall execute and deliver to the trustees of said village and their successors in office a bond with one or more sureties to be approved of by the president of said village, such bond to be in the probable amount of moneys to be received by him which amount shall be determined by said board or trustees of said village; which bond with the approval thereon shall be filed in the office of the clerk of said village.

The treasurer of said village shall receive all moneys belonging to the village, and keep an accurate and detailed account thereof, and semi-annually he shall exhibit to the board of trustees a full and detailed account of all the receipts and expenditures after the date of the last semi-annual report and also the state of the treasury, which accounts shall be filed with the village clerk. Every person elected or appointed to the office of justice of the peace in said village shall, within ten (10) days after he is notified of his election, execute a bond to the trustees or their successors in office, with two or more sufficient sureties to be approved by the president of said village in the penal sum of not less than five hundred dollars (\$500), nor more than one thousand dollars (\$1000), conditioned for the faithful discharge of his official duties. Said president shall indorse thereon his approval of the sureties named in such bond, and such justice shall immediately file the same together with his oath of office duly certified with the clerk of the district court of Dakota county for the benefit of any person aggrieved by the acts of said justice; and any person aggrieved may maintain an action on said bond in his own name against said justice and his sureties.

The trustees of said village or a majority of them shall constitute a village board for the purpose of auditing all accounts payable by the said village, and shall meet as often as they deem necessary for that purpose, and shall have power to determine the amount of taxes to be levied each year on the taxable property of said village for all village purposes, and shall have power to abate such taxes in their discretion in whole or in part.

The said marshal of said village shall have all the powers of a constable under the laws of Minnesota, and shall perform such other duties as shall be prescribed by said village trustees for the preservation of the public peace.

The assessor shall have the same powers and authority and perform the same duties as are or may be required by the laws of this State of town assessors, and shall qualify in the same manner; said assessor shall, whenever the village board so determine, make and return a census of the population of the village in the manner and form prescribed by said village board.

SEC. 5. The said village of Farmington and the remaining portion of the town of Empire outside of the limits of said village shall for general and township election purposes be and constitute as heretofore one (1) election district or precinct of Dakota county and the officers of said town of Empire shall conduct such general and township elections and make returns thereof as is prescribed by the general election laws of this State, and the people of the town of Empire may hold their general elections and town meetings within the corporate limits of the village of Farmington if they choose so to do.

SEC. 6. There shall be an annual election held on the first (1st) Tuesday in April in each year in said village, at which the electors of said village qualified to vote as hereinafter required may elect by ballot and by plurality of votes the trustees, treasurer and justices of the peace of said village.

The trustees of said village shall act as judges of election, but in case of the absence of either of them any qualified voter of said village may be selected by the voters present to act as such judge; at all village elections held under this act the polls shall be opened at ten (10) o'clock in the forenoon and continue open until four o'clock in the afternoon of the same day; and the election shall be by ballot and shall be conducted and governed in the same manner as far as may be as township elections. The village clerk shall give notice of such elections similar to that required for township elections. *Provided*, that any failure to give the notice aforesaid shall not in any manner invalidate any election. Special elections may be called at any time by the trustees of said village on the petition of ten (10) freeholders of said village, and by giving the notice above required, stating the object of such election.

The first election under this act shall be held on the first (1st) Tuesday of April, A. D., one thousand eight hundred and eighty-one, (1881) and W. C. Eustis, Daniel Underwood and George W. Dilly or any two of them shall act as judges of said election, and

shall give ten (10) days notice of the time and place of holding said election by posting up notices thereof in three (3) public places in said village; they shall canvass the votes and issue certificates of election to those receiving the highest number of votes; and it shall be the duty of the trustees elected in said village or a majority of them to choose annually one (1) of said justices of the peace as village justice. In case of absence, sickness or other disability of the village justice the other justice shall exercise the functions and duties of the village justice during such disability, and no longer.

SEC. 7. Any person appointed to any office by the trustees of said village may be removed by said trustees or a majority of them whenever they shall deem it for the interest of the people of said village that such removal be made, and any officer elected by the people may also be removed by said trustees or a majority of them on cause being shown for such removal, and by serving the person sought to be removed with a written statement of said charges and containing a notice of the time and place for said officer to appear before said trustees, which notice shall be served at least five (5) days before the hearing, and may be enlarged on cause being shown to enable the officer to make his defense or the complainant to procure witnesses.

ELECTIONS SHALL BE BY BALLOT.

SEC. 8. All elections by the people shall be by ballot, and each ballot shall contain the names of the person voted for, with a proper designation of the officer written or printed thereon, and a plurality of votes shall constitute an election.

QUALIFICATION OF ELECTORS.

SEC. 9. All persons qualified and entitled to vote for State or county officers and have resided in the village thirty (30) days next preceding the election shall be entitled to vote for any officer to be elected under this charter, and to hold any office hereby created.

ELECTIONS. HOW CONDUCTED.

SEC. 10. The elections in said village shall be held and conducted by the trustees of said village, who shall be inspectors of election and shall take the usual oath or affirmation as prescribed by the general laws of the State, to be taken by the judges and inspectors of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths.

SPECIAL ELECTIONS TO BE HELD, WHEN.

SEC. 11. Special elections shall be held and conducted by the trustees in the same manner as annual elections are held and conducted in said village.

OFFICERS REMOVING, ETC.

SEC. 12. Any officer removing from the village in which he was elected, or any officer who shall refuse or neglect for ten (10) days after notice of his election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the trustees shall proceed to fill the vacancy as herein prescribed.

FAILURE BY PEOPLE TO ELECT.

SEC. 13. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the trustees may order a new election to be held, ten (10) days notice of the time and place being given.

VILLAGE JUSTICES, THEIR POWERS AND JURISDICTIONS.

SEC. 14. The justices of the peace elected in said village shall possess all the authority, power and rights of a justice of the peace of the county, under the laws of this State; and the justice of the peace elected, chosen and selected by the trustees of the village, as village justice, shall have, in addition to his general duties, exclusive jurisdiction to hear and try all complaints for violation of any provision or provisions of the village charter or any ordinance, by-law, regulatoin, rule or regulation made or adopted under or by virtue thereof, and of all cases cognizable before a justice of the peace in which the village is a party, and of all writs, prosecutions, and proceedings in the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the said village or its charter, and in all cases of offenses committed against the same. And the the said village justice shall have jurisdiction in case of larceny, and may hear and try the same when the amount claimed to have been stolen does not exceed the sum of twenty dollars (\$20). In all prosecutions for assaults, batters and affrays and for all other offenses not indictable and in all civil suits or proceedings before said village justice, the same forms and proceedings shall be had and used where not otherwise directed, as are established and required to be had in civil and criminal actions by the laws of this State before a justice of the

peace. And appeals from the judgment and decisions of said village justice shall be allowed as now provided by laws for appeals from judgments rendered by justices of the peace. In all cases of convictions for assaults, batteries and affrays within said village, and in all cases of convictions under any ordinances of said village for breach of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, or of keeping or maintaining disorderly or ill-governed houses, the said village justice shall have power in addition to the fine and penalty imposed, to compel said offenders to give security for their good behavior and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500); the said village justice shall have the same power and authority in cases of contempt as justices of the peace under the laws now in force.

All fines and penalties imposed by the village justice for offenses committed within the village limits, for the violation of any ordinance, by-law or regulation of said village shall belong to and be a part of the finances of said village, for offenses against the laws of the state of the county treasury.

SHALL REPORT TO THE TRUSTEES.

SEC. 15. The village justice shall as often as the village trustees shall require, report to the village trustees all the proceedings instituted before him, in which the village is interested, and shall at the same time if required by said trustees, account for and pay over to the village treasurer all fines and penalties collected or received by him belonging to said village, and said justice shall be entitled to receive such fees in criminal cases as are allowed by statute to justices of the peace for similar services, and in case said justice shall refuse or neglect to report to the village trustees as required in this section, he shall be liable to be removed by said trustees as such village justice, without requiring any other cause to be shown.

FURTHER POWERS OF BOARD OF TRUSTEES.

SEC. 16. The board of trustees shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed not inconsistent with this act, and to appoint a marshal to be known as village marshal who shall have full power and authority to arrest and bring offenders before the village justice or other justice of the peace for acts committed in said village, and said marshal shall be entitled to such compensation for his services as said trustees shall deem proper, to allow and hold his office as such marshal during the pleasure of the trustees of said village, and said trustees may appoint if necessary for the safety and good order of the citizens of said village, such other

officers as they may deem proper to aid in protecting the citizens of said village. *Provided*, that the trustees of said village of Farmington shall receive no compensation for their services.

WHAT OFFICERS ARE CONSERVATORS OF THE PEACE.

SEC. 17. The trustees of said village, justices of the peace of said village, marshal and watchmen, shall be officers of the peace of said village, with powers of constables at common law, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of said village, and for such purpose may command the assistance of the by-standers and if need be of all the citizens and of all military companies, and if any person, by-stander, military officer or private shall refuse to aid in maintaining the peace when so required each person shall forfeit and pay a fine not to exceed fifty (\$50) dollars.

POWERS OF THE TRUSTEES IN PASSING ORDINANCES.

SEC. 18. The trustees of the village of Farmington shall have the management and control of the finances and all the property of the village, and shall, likewise in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the village for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient; *Provided*, that until otherwise ordered by the trustees of said village, the village jail of the village shall be used as a village prison; and it shall be the duty of the marshal of said village to take into custody and safe keeping in said jail, all persons committed thereto until discharged according to law. The village trustees shall have power and authority to declare and impose penalties and punishments and to enforce the same against any person or persons who may violate any provisions of any ordinance or by-law passed or ordained by them; and all such ordinances, rules or by-laws are hereby declared to have full force of law; *Provided*, that they be not repugnant to the constitution and laws of the United States or of this State, and for these purposes shall have authority by ordinance, resolution or by-laws.

First. To license and regulate the exhibitions of common showmen of all kinds or the exhibition of caravans, circuses, concerts, or theatrical performances, billiard tables, nine or ten pin alleys, bowling saloons, to grant licenses to and regulate auctions and auctioneers, tavern keepers, and victualing house keepers, and all persons dealing in spirituous, vinous or fermented liquors.

Provided, that all licenses for so dealing in spirituous, vinous or fermented liquors shall not be less than fifty dollars a year, and no

license shall be granted for a less term than one year, and all licenses shall commence on the first day of May of each year and terminate on the first day of May of the year subsequent to granting the same. *Provided, further*, that said trustees shall have exclusive jurisdiction and control of all matters in the sub-division specified to the entire exclusion of any control or right to regulate or restrain in said matters by any board, officers, persons, or municipality of this county, and that nothing herein contained shall be so construed as to prevent the voters of said village from deciding for themselves whether licenses shall be granted in said village to such persons and in such number as the trustees of said village may think proper for the sale of spirituous, vinous, fermented or malt liquors in less quantities than five gallons, and the village clerk is hereby required upon the petition of ten (10) or more legal voters of said village at any time not less than twenty (20) days before any annual village election to give notice at the time of giving [notice] of such election that the question of license will be submitted at said election, which question shall be determined by ballots containing the words, "In favor of license" or "Against license," as the case may be, which ballots shall be determined and canvassed as by this act prescribed for canvassing and determining the votes cast at said election for village officers, and if upon such canvass it is found that a majority of voters cast at such election on that question shall be against license a certificate of such result shall be filed with the clerk, and said trustees shall not hereafter until subsequent contrary vote grant any license for the sale of spirituous, vinous fermented, malt or intoxicating liquors.

Second. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices and all playing of cards, dice or other games of chance for the purpose of gambling, in said village and to restrain any person from selling, giving or dealing in spirituous, vinous or fermented liquors, unless duly licensed by said trustees, and to revoke any license, granted for selling the same, when any person so licensed shall allow gambling, card playing or shaking of dice in the saloon kept by the person so licensed, or who shall keep his saloon open on the Sabbath or allow any person to enter therein on the Sabbath.

Third. To prevent any riots, disorderly assemblages in said village and provide for the arrest of and punishment of any person or persons who shall be guilty of the same, to suppress disorderly houses and houses of ill fame and provide for the arrest and punishment of the keepers thereof and to authorize the seizure and destruction of all instruments used for the purpose of gambling.

Fourth. To compel the owner or owners of cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome structure or place to cleanse, remove or abate the same from time to time as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of the village.

Fifth. To direct the location and management of slaughter houses and markets, and to establish rates for, and license vendors

of gunpowder and regulate the storage, keeping and conveying gunpowder or other combustible materials.

Sixth. To prevent the encumbering of streets, alleys, lanes and public grounds, with carriages, carts, wagons, sleighs or other vehicles or with boxes, lumber, firewood, posts, awnings or any other material or substance whatever.

Seventh. To prevent and punish immoderate driving or riding in the streets, to regulate the speed of cars or locomotives in said village, and to prevent their obstructing the streets in said village, to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the street, and to regulate places of bathing and swimming in the waters within the village limits.

Eight. To restrain the running at large of horses, cattle, swine, sheep and other domestic animals and authorize the distraining and sale of the same and to impose penalties on the owners of such animals for a violation of the ordinances. *Provided,* that when a sale of such animals shall be made the proceeds thereof after deducting the expenses of distraining, keeping, advertising and selling such animals, shall be deposited in the office of the treasurer of said village for the use and benefit of the owners thereof if called for by such owner within one year from the day of such sale.

Ninth. To prevent the running at large of dogs and may impose a tax on the same in a summary manner when at large contrary to the ordinances of said village.

Tenth. To prevent any person from bringing, depositing or having within said village any putrid carcass or unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substances or any putrid or unsound meat, flesh, or fish or hides or skins of any kind, and to authorize the removal of the same at the expense of the owners or persons depositing the same.

Eleventh. To establish and construct public pounds, pumps, wells, cisterns, reservoirs and hydrants. To erect lamp posts and provide for the lighting of the village and to control the erection of gas works or other works for lighting the streets, public grounds and public buildings and to create, alter and extend lamp districts; to regulate hacks, carts, omnibuses and the charges of hackmen, draymen, cabmen and omnibuses in the village.

Twelfth. To establish and regulate boards of health, provide hospitals and hospital grounds and the regulation of births and deaths and the returns of bills of mortality and to regulate or prevent if deemed expedient the burial of the dead within the village limits.

Thirteenth. To prevent all persons riding or driving any horse, mule or ox or other animal on the sidewalks in said village or in any way doing any damage to said sidewalks.

Fourteenth. To prevent the discharging of firearms or crackers and to prevent the exhibition of any fireworks in any situation which may be considered by the trustees dangerous to the village or any property therein or annoying to any of the citizens thereof.

Fifteenth. To prevent open and notorious drunkenness, brawl-

ing and obscenity in the streets or public places of the village and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Sixteenth. To establish public markets and other public buildings and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Seventeenth. To license and regulate butcher shops and stands for the sale of game, poultry, butchers' meats, butter, fish and other provisions.

Eighteenth. To regulate the place and manner of selling hay and measuring and selling of firewood, coal, peat and lime and to appoint suitable persons to superintend and conduct the same.

Nineteenth. To compel the owner or occupant of buildings or grounds to remove snow, dirt, or rubbish from the side walk, street or alley, opposite thereto and to compel such owner or occupant to remove from the lot owned or occupied by him all such substance as the board of health shall direct and in default to authorize the removal or destruction thereof by some officer at the expense of such owner or occupant.

Twentieth. To regulate, control and prevent the landing of persons from cars, wagons, buggies or other conveyances whereon are persons afflicted with contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the village.

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

Twenty-second. To provide for watchmen and to prescribe their number and duties and regulate the same, and to create and establish the police of said village and prescribe the number of police officers and their duties and to regulate the same.

Twenty-third. To provide by ordinance for a standard of weights and measures for the appointment of a village sealer and require all weights and measures to be sealed by the village sealer and to provide for the punishment of the use of false weights and measures.

Twenty-fourth. To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, public grounds and highways of the village.

Twenty-fifth. To remove and abate any nuisance injurious to the public health or safety, and to remove or require to be moved any building which by reason of dilapidation, defects in structure or other causes may have or shall become imminently to life or property; and to provide for the punishment of all persons who shall cause or maintain such nuisances and to charge the expense of removing or abating the same upon the lot or lots upon which such nuisance or dangerous building may be maintained.

Twenty-sixth. To remove and abate any nuisance, obstruction, encroachment upon the streets, alleys, public grounds and highways of the village.

Twenty-seventh. To restrain and punish vagrants, mendicants, street beggars and prostitutes and provide for the punishment of the same.

Twenty-eighth. Fines, penalties and punishments imposed by the trustees for the breach of any ordinance, resolution, by-law or regulation of said village may extend to a fine not exceeding one hundred dollars (\$100) and imprisonment in the village jail or both, and to be fed on bread and water at the discretion of the village justice; and offenders against the same may be required to give security for their good behavior and to keep the peace for a period not exceeding six months and in a sum not exceeding five hundred dollars (\$500), and in cases in which imprisonment of the accused is judged proper by the village justice, and the nature of the offense is such, and the condition of the village jail is such that the village justice deems it best that the accused be confined in the county jail of Dakota county, Minn., the village justice may order the accused to be imprisoned in the county jail of said Dakota county at the expense of said village, and the sheriff of said Dakota county shall receive the said accused accordingly.

Twenty-ninth. To regulate the width and surface line of sidewalks and to prevent damage thereto.

Thirtieth. To prescribe limits within which wooden buildings or buildings of other materials that shall not be deemed fireproof, shall not be erected, placed or repaired.

Thirty-first. To prevent the construction, placing and condition of chimneys, fire-places, hearths, stoves, stovepipes, ovens, boilers and appurtenances used in and about any building in a dangerous manner, and when found so constructed, to cause the same to be placed in a safe and secure condition, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the village.

Thirty-second. To provide that any male person convicted of any offense before the village justice subjecting such person to imprisonment, may be kept at hard labor in any work-house established by the village trustees for that purpose, or upon the public streets or other improvements of said village, or both, until such person shall work out the amount of such fine in conformity with any ordinance of said village.

Thirty-third. The village trustees shall have power to authorize the formation of fire companies, hook and ladder, bucket and hose companies, and to provide for the regulation of the same, and to order such companies to be disbanded at any time. Each member of every such company shall be exempt from a poll tax, from serving on juries and from militia duty during the continuance of such membership.

SEC 19. The style of all ordinances shall be: "The trustees of the village of Farnington do ordain" etc., and all ordinances, regulations, resolutions and by-laws shall be passed by an affirmative

vote by a majority of the trustees, a quorum being present, (the president of the board of trustees having a right to vote) by ayes and noes, and published in a newspaper printed in said village for two (2) successive weeks, or posted up in three (3) public places in said village for ten (10) days before the same shall be in force and shall be admitted in evidence in any court in the state without further proof; they shall be recorded by the village clerk in books provided for that purpose.

SEC. 20. The trustees shall examine, audit and adjust the accounts of the village treasurer, village justice and all other agents and officers of the village at such time and times as they shall deem proper, and also at the end of each year and before the terms for which the officers of said village were elected or appointed shall have expired; and the trustees may require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of the village trustees in the discharge of his said duties in pursuance of this section, it shall be the duty of said trustees of said village to declare the office of such officer vacant without requiring any further or other cause shown for such removal.

SEC. 21. The trustees of said village shall have power to levy upon all the taxable property of said village, taxes to provide for the current expenses of the government and police of the village, for the opening, maintaining and improvement of public grounds, sidewalks, and the construction of buildings, and improvements of general character, for constructing and maintaining bridges and culverts, and opening, constructing and maintaining streets and alleys, constructing reservoirs, cisterns, sewers, drains and street gutters, grading streets, and for all purposes conducive to the good order, cleanliness and protection of the inhabitants that may be necessary to carry out and exercise the corporate power herein granted; *Provided*, that no tax in any one year shall exceed the sum of one (1) per cent. of the assessed valuation of all the property taxable in said village.

SEC. 22. The trustees of said village shall cause to be transmitted to the county auditor of the county, on or before the first (1st) day of October of each year, a statement of all taxes by them levied, and such taxes shall be collected and the payment thereof enforced with and in like manner as State and county taxes are paid, and the payment thereof enforced, and the county treasurer of said county shall pay such taxes over as fast as collected, to the treasurer of the village of Farmington.

SEC. 23. Every male inhabitant between the ages of twenty-one (21) and fifty years (50) years in said village, shall annually pay a capitation or poll tax of two (2) days work upon the streets, highways or other improvements, within the said village of which said inhabitant is a resident: All persons liable to pay such capitation or poll tax, may in lieu of work pay to the street commissioner one dollar and a half (\$1.50) per day, and the street commissioner

shall pay all moneys so received to the village treasurer, to become a part of the general funds of said village. *Provided*, that the same shall be levied by the village trustees, and collected by the street commissioner in the manner provided by the laws of this State for the collection of highway labor taxes in towns, by overseers of highways.

TRUSTEES TO CONTROL HIGHWAYS.

SEC. 24. The trustees of said village shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds within the limits of said village, and shall cause all streets which may have been opened and graded to be kept open and in repair and free from nuisances, and the trustees of said village or a majority of them shall have power to lay out, open and alter and vacate public squares, streets, grounds, highways and alleys, and to widen and straighten the same. *Provided*, that whenever it shall be required to take private property for the purpose above stated the trustees shall appoint three disinterested commissioners to appraise the damages for taking said private property, who shall give to the parties interested a reasonable notice of the time and place, when and where they will meet to hear reasons for and against the same. The commissioners shall file their report of the amount of damages (if any) allowed with the clerk of said village, and the amount allowed (if any) shall be a charge against said village.

SEC. 25. All actions brought to recover any penalty, sum of money, or forfeiture, under this act, or the ordinances, resolutions or by-laws made by the trustees shall be brought in the corporate name of the village, and it shall be proper to complain that the defendant is indebted for the amount of such penalty or damage, and to refer to the act or by-law under which the same is claimed, and to give special matter in evidence under it, and all civil actions and cases of misdemeanors shall be under the direction and control of the trustees, and they shall have the power to settle and compromise, prosecute and defend all such actions on the part of the village. In actions against the village, service of process shall be on the president of said village, and the village shall have the right of appeal, as individuals have.

SEC. 26. Such actions may be commenced in the district court of Dakota county, or before any justice of the peace, except such actions as the village justice has exclusive jurisdiction, without being required to give security for costs in any action; and in no case shall any judgment be rendered against said village for costs in criminal actions; and no person shall be an incompetent judge, justice or juror, by reason of being an inhabitant of said village, in an action to which the village shall be a party; every execution issued upon any judgment recovered therein for any penalty, or for the violation of any of the provisions of this act, or any

ordinance, by-law or resolution made by virtue thereof, may contain a clause directing, in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail of said county of Dakota, not exceeding thirty (30) days, if the damages and penalty recovered by such judgment shall be ten dollars (\$10) or less, and not exceeding sixty (60) days, if such damages or penalty exceed that sum; and the sheriff of said Dakota county shall receive and take charge of such defendant committed to said jail.

SEC. 27. Penalties and judgments shall be paid into the village treasury. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by the village justice, pursuant to any ordinance or by-law of said village, as punishment for any offense, or for the violation of any ordinance or by-law, as aforesaid, the offender shall be forthwith committed to the village jail of said village; or, if there be no such village jail suitable therefor, then to the common jail of the county of Dakota and be there imprisoned for a term not exceeding three (3) months, in the discretion of the village justice, unless the said fine or penalty be sooner paid or satisfied, and from the time of the arrest of any person or persons for any offense under any of such ordinances or by-laws, when such person or persons shall neglect or refuse to furnish such reasonable bail as may be required until the time of trial, may be confined in said village jail, or in the common jail of the county, until the hour of trial.

Provided, that all expense of keeping such prisoners, if not otherwise paid, shall be paid by the village of Farmington.

SEC. 28. All acts and parts of acts relating to the incorporation of said village of Farmington, or amendatory thereof, or providing for the election or appointment of any officer thereof not provided for in this act are hereby repealed.

Provided, that the present officers of said village shall continue to discharge their respective duties as defined by this act, until their successors are elected and qualified under this act.

Provided further, that said repeal shall not in any manner affect any act done, contract made, right accrued, or any suit or prosecution commenced prior to this act, but every such act, contract, right or proceeding shall be valid and effectual as if this act had not been passed.

SEC. 29. No amendment to nor alteration of this charter shall have the force of law until submitted to and ratified by a majority vote of the qualified electors of the said village of Farmington.

SEC. 30. This act is hereby declared to be a public act.

SEC. 31. This act shall take effect and be in force from and after its passage.

Provided, that the further assent of the legal voters in the present limits of the village of Farmington shall be given to this enactment at an election to be held in said village on Tuesday the fifteenth (15th) March, A. D. one thousand eight hundred and eighty-one (1881), of which election the clerk of

said village shall give five (5) days notice by posting notices thereof in three (3) of the most public places in said village, which said election shall be conducted and the votes canvassed and declared as now provided for village elections in said village; *Provided further*, that the ballots used at said election shall have written or printed, or partly written and partly printed thereon the words, "For village charter" or "Against village charter." If the officers of said village authorized to canvass said votes shall after such canvass declare that a majority of the votes cast were for village charter then this act shall be and remain in full force, but if a majority of the votes cast at said election are declared to be against village charter then no further action or election under this act shall be taken; and *provided further*, that such declaration of the result shall be filed and recorded in the records of said village, and the said declaration, or its said record or certified copies thereof, shall be prima facie evidence of the adoption of this act as hereinbefore required, and all acts or parts of acts inconsistent with this act shall, after such ratification, be repealed as to all future proceedings and powers.

Approved February 23, 1881.

CHAPTER 63.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF HOUSTON, IN THE COUNTY OF HOUSTON, AND STATE OF MINNESOTA.

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

SECTION 1. That section twenty-one (21) of said act is hereby amended to read as follows:

"Should a vacancy occur in any of the offices provided by this act, the village council are hereby authorized to fill the same by appointment."

SEC. 2. This act shall be in force from and after its passage.

Approved February 9th, 1881.