

sors to the present incorporated village of Northfield, and be entitled to all the rights, privileges and property of said village, of all moneys due or becoming due to said village by taxation or otherwise, and the officers thereof, or other persons having the care and custody of any moneys, books, papers, records or other property of said village, shall deliver the same to the common council of the city of Northfield, and all moneys belonging to the township of Northfield or due or becoming due to said township by virtue of any tax heretofore levied, and in which the village of Northfield have a joint interest, shall be equally divided between the said township of Northfield and the city of Northfield.

Sec. 10. This act shall take effect and be in force from and after its passage; *Provided*, That at least ten days before the time fixed in section four of chapter one of this act, for the first election under said act, the whole of said act shall receive such publication within the county of Rice and state of Minnesota, as A. H. Rawson, Sam'l L. Bushnell and F. A. Nobles shall fix and determine upon, or in case any of them shall fail or neglect to fix and determine upon such publication, then and in that case this act shall be published within said county in such manner as any other like number of legal voters residing within the limits of the city of Northfield shall determine, and such publication shall have the same effect and be deemed as sufficient as if said act had been published in the same manner as other special laws of Minnesota.

Approved February 26, 1875.

CHAPTER XVIII.

AN ACT TO INCORPORATE THE VILLAGE OF MARINE.

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

CHAPTER I.

SECTION 1. That all that part of the township of Marine, county of Washington and state of Minnesota included within the following described limits, to-wit: All that part of the south half of section thirty-one, town thirty-two, and section six, seven, and the north half of the north half of section eighteen, town thirty-one, range nineteen, lying west of the St. Croix river; also, the south half of section thirty-six, town thirty-two, and sections one, twelve, and the north half of the north half of section thirteen, town thirty-one, range twenty, shall constitute the village of Marine, and as such corporation shall have all the powers generally possessed by municipal corporations at common law, and in addition thereto, shall possess all the powers hereinafter granted, and by that name may sue and be

sued, make contracts, purchase, take and hold real and personal property, and have a corporate seal, alterable at pleasure.

SEC. 2. The elective officers of said corporation shall be, one president, one recorder, three trustees, one treasurer, one justice of the peace and one marshal, who shall each, except the justice of the peace and marshal, hold their respective offices for the term of one year, and until their successors in office are elected and qualified. The justice of the peace and marshal shall hold their offices for the term of two years, and until their successors are elected and qualified. In addition to the above mentioned officers, the village council shall [have] power to appoint such other officers as to said council may seem necessary, to define the duties and regulate the compensation of such officers, and to remove such officers at pleasure.

SEC. 3. There shall be held an annual election of officers on the first Monday in December of each year, at which the electors of said village qualified to vote at township elections, may elect by ballot and plurality of votes all the officers mentioned in the foregoing section. The trustees shall act as judges of election and the recorder as clerk, but in case of the absence of either of the trustees, any qualified voter of said village may be selected by the voters present to act as such judge. At all elections held under this act, the polls shall open at one o'clock p. m. and close at five o'clock p. m., 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 recorder shall give ten days' notice of all elections, both general and special, required by this act; *Provided*, That any failure to give the notice aforesaid, shall not invalidate in any manner any election. Special elections may be called at any time by the trustees, on the petition of ten freeholders of said village, by giving the notice above required, stating the object of the election. They shall canvass the votes and issue certificates of election to those receiving the highest number of votes.

SEC. 4. The first election in said village under this act, shall be held at the town house in said village of Marine, on the last Wednesday of March, A. D. eighteen hundred and seventy-five, and Dr. J. R. M. Gaskill, Samuel Judd and Ole Westergren, or any two of them, shall be the judges of election, and shall perform all the duties and possess all the powers of judges of election and board of canvassers prescribed by this act. At said election all the officers provided for by this act shall be elected. And in case any of the foregoing board should not be present, or should fail to act, then, and in that case, it shall be lawful for the bystanders to fill such vacancy that may occur in such board, and said judges of election shall, within three days after said election, make return thereof to the county auditor, in the same manner as for township elections. The officers so elected shall, within eighteen days after said election, qualify, enter upon and discharge the duties of their offices until the first Monday in January, A. D. eighteen hundred and seventy-six, and until their successors are elected and qualified.

SEC. 5. All officers of said village of Marine (except those mentioned in section four of this chapter) shall enter upon the duties of their respective offices on the first Monday of January immediately

following their election, and all such officers are required to qualify within ten days after receiving notice of their election or appointments, otherwise such offices shall be declared vacant by the council.

SEC. 6. When an election shall be closed, and the number of votes for each person voted for counted, the said judges shall make return thereof, stating the whole number of votes, and the number of votes each person has received for each and every office, and shall deliver, or cause to be delivered, such return to the village recorder, who shall within ten days give notice to each of the persons receiving the highest number of votes of their election.

SEC. 7. All frauds in conducting elections, or making false returns, or illegal voting, shall be amenable to the state law.

SEC. 8. Each officer elected or appointed to any office, or to fill any vacancy in office before entering upon the duties of his office, and within ten days after his election, shall take and subscribe an oath to faithfully discharge the duties of his office in accordance with the law and the ordinances of said village, and to support the constitution of the United States, and of the state of Minnesota, and in addition thereto, the recorder, treasurer, marshal, and justice of the peace, shall severally give a bond to the president and trustees, in such sum not less than two hundred dollars, and with such sureties as a majority of said trustees shall direct, which said oath and bond shall be filed in the office of the recorder of said village, except the recorder, whose bond shall be filed with the treasurer of said village.

CHAPTER II.

DUTIES OF THE VILLAGE COUNCIL.

SECTION 1. There shall be a village council, to consist of a president, recorder, and three trustees.

SEC. 2. The said council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections for village officers; *Provided*, that no person shall be eligible to any office under said corporation unless he is a legal voter in said village, except the village attorney, who shall be a resident of this county.

SEC. 3. A majority of the council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

SEC. 4. The council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member for sufficient cause.

SEC. 5. The style of the ordinances of the council shall be, "Be it ordained by the council of the village of Marine."

SEC. 6. The council shall keep a journal of its proceedings, and ayes and nays, when demanded by any member present, shall be entered on the journal.

SEC. 7. No member of the council shall be appointed to any office

under the authority of the village, which shall have been created, or for the compensation of which shall have been increased during the time for which he shall have been elected.

Sec. 8. Whenever there shall be a tie in an election, there shall be a new election ordered in such a manner as shall be prescribed by ordinance, and whenever a vacancy shall occur by death, resignation or otherwise, of any member of the council, said vacancy shall be filled by the legal voters of said village at a general or special election, unless otherwise provided by ordinance.

Sec. 9. The council shall hold meetings for the transaction of business, at least once in three months, or at such times and places as may be prescribed by ordinance.

Sec. 10. The council shall have power to assess, levy and collect taxes on all property, real, personal and mixed, within the limits of the village, for the general purposes of the corporations created by this act.

Sec. 11. No tax shall be levied on the taxable property of said village, to exceed in any one year, twelve mills on the dollar of the assessed valuation of the property of said village of the last preceding year, unless authorized by a previous vote of the electors of said village.

Sec. 12. The council shall have power to provide by ordinance for the manner of assessing and enforcing the collection of all taxes levied under the provisions of this act, but until express provision is made in regard to that subject, all taxes shall be collected as follows: The recorder shall deliver to the county auditor of Washington county a certificate signed by him, under the seal of the corporation, setting forth the amount levied upon every dollar in value of the taxable property within the limits of the corporation as incorporated by this act, it thereupon shall become the duty of said auditor to add the amount thus levied, to the assessment rolls of the year in which such levy was made, and it shall become the duty of the county treasurer of said county to collect the amount thus added to the assessment roll, and to enforce the collection of the same in like manner as other taxes of said county of Washington, placed in his hands for collection, and to pay the amount so collected to the treasurer of the village of Marine incorporated by this act.

Sec. 13. The council shall have the management and control of the finances, (subject to the provisions of this act,) and all the property of the corporation, 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, rules and by-laws 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; they shall have the power to establish and maintain a village prison and watch house, and to make all rules and regulations for the government and management of such prisons and watch house. The council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law passed and ordained by them, and all such ordinances, rules

and by-laws are hereby declared to be and have all the 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 exhibition of common showman [men] and shows of all kinds, and the exhibitions of caravans, circuses, concerts and theatrical performances, and also to license and regulate all auctioneers, billiard tables, pigeon-hole tables, nine or ten pin alley[s], bowling saloons, butcher shop[s] and butcher stalls and vendors of butchers' meat, pawnbrokers, taverns, lager beer saloons, victualling houses, and all persons vending, dealing in or disposing of intoxicating liquors; *Provided*, That this act shall not be so construed as to prevent pork packers from disposing of offal or trimmings of hogs, nor shall any person selling game, or who may dispose of any animals raised or fattened by him, or who may sell fresh meats by the carcass or quantities not less than by the quarter, be denied or held to be a vendor of fresh or butcher's meat under the provisions of this act; and also to license and regulate the selling or contracting for the sale of any goods, wares or merchandise by samples, when such goods, wares or merchandise are thereafter to be sent or delivered to the purchaser; *And provided further*, That not less than five dollars nor more than one hundred dollars, shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed one dollar, and said council may at any time revoke any license granted under this act, for malconduct in the course of trade, and may regulate or restrain the sale of fresh or butcher's meats within the corporation, and punish or restrain the forestalling of poultry, game, eggs or fruit within said village.

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

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

Fourth.—To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or unwholesome, nauseous house 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 said village.

Fifth.—To direct the location and management of slaughter houses and markets, breweries, distilleries and pawn-brokers, and to establish rates for and license vendors of gunpowder or other combustible materials, and to erect market houses, establish markets and market places, and to provide for the government and regulation thereof, and direct the location of slaughter houses; to improve, erect and preserve the landings, public wharves and docks on the St. Croix river

within the limits of the village, and to regulate the rates of wharfage thereat.

Sixth.—To open, alter, abolish, widen, extend, establish, repair, or otherwise improve and keep in repair streets, avenues and alleys, subject to the assessment of all damages as hereinafter provided, and prescribe the width of sidewalks and establish the grade of the same, and may establish different widths in different locations, and may determine the kind of material of which they shall be constructed and the manner of construction, and shall have power to establish the grade of [any street in said village and regulate the grading of] the same.

Seventh.—To erect and keep in repair bridges.

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

Ninth.—To prevent and punish horse racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing in the streets, and to regulate places of bathing and swimming within the limits of the village

Tenth.—To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for the violation of the ordinances; *Provided*, That when a sale of such animals shall be made, the proceeds thereof, after deducting the expense 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 not called for within one year from the date of such sale.

Eleventh.—To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the destruction of the same in a summary manner, when at large contrary to ordinance.

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

Thirteenth.—To make and establish public pounds, pumps, wells cisterns, hydrants and reservoirs, to provide for and conduct water into and through said village, and into and through its streets and public grounds, and to provide for and control the erection of water works for the supply of water to its inhabitants.

Fourteenth.—To establish and regulate boards of health, provide hospitals and hospital grounds, the registration of births and deaths, and the return of the bills of mortality, and regulate or prevent the burial of the dead within the limits of the village, and to appoint a sexton and regulate and assign his duties and fees.

Fifteenth.—To regulate the assize and weight of bread, and to

provide for the seizure and forfeiture of bread baked contrary thereto.

Sixteenth.—To prevent all persons riding or driving any ox, mule, cattle, or any other animal, on the sidewalks or other public grounds or property in said village, or in any way doing any damage to such sidewalks, grounds or property.

Seventeenth.—To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks, in any situation which may be considered by the council dangerous to the village, or any property therein, or annoying any citizen thereof.

Eighteenth.—To prevent open or notorious drunkenness and obscenity, blasphemy or swearing, loud and unusual noises, shouting or hallooing 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.

Nineteenth.—To restrain and regulate porters and also runners, agents and solicitors for boats, vessels, stages, cars, public houses and other establishments.

Twentieth.—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.

Twenty-first.—To provide for the receipt, storage, transportation, safe keeping and dealing and traffic in gunpowder, petroleum, kerosene or other dangerous, explosive or inflammable oils or substances, within said village, or within one mile of the corporate limits thereof, and to provide for the summary condemnation or destruction of any of said articles as may be kept or stored, dealt in, transported through or received in said village contrary to such ordinances as said village may enact for the safety of life or property therein; to regulate the fixing of chimneys, stovepipes and the flues thereof.

Twenty-second.—To regulate the places and manner of weighing hay and selling the same, and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Twenty-third.—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof, by some officer of the village, at the expense of such owner or occupant.

Twenty-fourth.—To construct or authorize any individual or corporation, under such restrictions as may be prescribed by ordinance, to construct docks, piers or wharves, in the St. Croix river within said village, and to have a general supervision over the same, so as to secure uniformity of construction and freedom of navigation.

Twenty-fifth.—To regulate, control and prevent the landing and conveyance of paupers and persons in a destitute condition into said village, not having any legal settlement or residence therein, by any boat or vessel, or other means of conveyance, and to require that

such persons shall be taken back to the place from whence they may have been brought, by the person or persons bringing or leaving them in said village.

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

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

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

Twenty-ninth.—To regulate the inspection of flour, pork, beef, fish, salt, whisky and other liquors and provisions.

Thirtieth.—To regulate the measurement and inspection of lumber, shingles, timber and building materials.

Thirty-first.—To appoint inspectors, weighers and gaugers; to regulate their duties and prescribe their compensation.

Thirty-second.—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Thirty-third.—To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, wharves, public grounds and highways of the village.

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

Thirty-fifth.—To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to prevent the introduction of contagious diseases into the village, and to make quarantine laws and to enforce the same within the limits of the village. The jurisdiction of said village shall extend to and be in force over any lands within the county of Washington, purchased or used by said village for the purposes of quarantine, for police and sanitary regulations, and for the preservation of the health of said village and the suppression of disease and abatement of public nuisances, and the suppression of any business contrary to the sanitary regulations of the council or board of health, the jurisdiction of said village shall extend into Washington county aforesaid.

Thirty-sixth.—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Thirty-seventh.—Fines, penalties and punishments imposed by the council for the breach of any ordinance, by-law or regulation of said village may extend to a fine not exceeding one hundred dollars, and imprisonment in the village prison or county jail not exceeding sixty days, or both, 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 not exceeding six months, and in a sum not exceeding five hundred dollars.

SEC. 14. All ordinances, regulations, resolutions and by-laws, shall be passed by an affirmative vote of a majority of the members of the council present, by ayes and nays, and published as required by this act, and shall be admitted as evidence in any court of the state, without further proof, and they shall be recorded by the recorder in books provided for that purpose, and no appropriation shall be made without a vote of the majority of the council in its favor, which vote shall be taken by ayes and nays, and entered upon the proceedings of the council.

SEC. 15. The powers conferred upon the council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Depots, houses or buildings of any kind within the limits of said village, wherein more than twenty-five pounds of gunpowder, or more than five barrels of thirty-six gallons each (or such greater or less quantity as said council may direct by ordinance) of petroleum, kerosene, naphtha, or inflammable or explosive oils or substances, are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where intoxicating liquors are sold without license required therefor, within the limits of said village, are hereby declared, and shall be deemed public or common nuisances.

SEC. 16. The council shall have power to condemn private property for public uses within the limits of said village, in manner and form prescribed by this act.

SEC. 17. The council shall have the exclusive right to license persons vending or dealing in intoxicating liquors within the limits of said village, and persons so licensed shall not be required to obtain a license from the board of county commissioners; *Provided*, that no license shall be granted for less than ten dollars nor more than one hundred dollars per year. Previous to the granting of any such license, a bond shall be filed with the recorder, and approved by the council, with the same penal sum and with the same conditions as are required by chapter sixteen of the general statutes. The council shall have full power and authority to declare and impose fines, penalties and punishments, and to enforce the same against any person or persons who may violate this section of this act, and any ordinance or regulation made in accordance therewith, or contrary to any of the conditions of the bonds herein required, or who may vend or traffic in intoxicating liquors, unless duly licensed by said council, said fine to be not less than twenty-five dollars nor more than one hundred dollars, for each and every offense. And in case of conviction under this section of this act, and any ordinance or regulation made in accordance therewith, there shall be no appeal allowed from the decision of the justice, when judgment or fine imposed shall not exceed twenty dollars, exclusive of costs.

CHAPTER III.

DUTIES OF OFFICERS.

President.

SECTION 1. No person shall be eligible to the office of president who shall not have been a resident of the village one year next preceding his election, being a householder or owner of real estate, and a qualified elector.

SEC. 2. The president shall preside over all meetings of the village council, and shall sign all orders, contracts, agreements, commissions, licenses and permits, and shall sign the journals of all the meetings of the council.

SEC. 3. In case of absence of the president at any meeting of the council, the council shall elect one of their members to preside *pro tempore*.

SEC. 4. The president, or any two members, may call a special meeting of the council.

SEC. 5. The president shall from time to time communicate to the council such information and recommend all such measures as in his opinion, may tend to the improvement of the finances, the health, the police, the security, the comfort and ornament of said village.

SEC. 6. He shall have power to administer oaths, and to execute all acts that may be required of him by any ordinance made in pursuance of this act.

Recorder.

The recorder shall be the recording officer of the village council. He shall have the custody of the seal of said corporation, and all the records thereof. He shall keep all the accounts of the corporation, receive all claims against the same, and draw orders upon the treasurer for moneys payable to said corporation, but no such order shall ever be drawn by said recorder unless the same shall be in full or part payment of a claim against said corporation previously audited or allowed by the council. He shall also certify the taxes levied by the council to the county auditor, each year, at or before the time the clerks of towns are required to make such certificates, under the general laws of the state. He shall also make to the village council at the close of each official year, a condensed report of all his doings as such officer during such year, which report shall be published in such manner and to such extent as may be provided by ordinance; and he shall, with all reasonable dispatch, make such other reports and at such times as the council shall require. He shall also receive, file and keep record of all chattel mortgages pertaining to property within the limits of said village, presented to him for such purpose, in the same manner and way as prescribed by law for town clerks, and all chattel mortgages filed in the office of said recorder, shall have the same effect and be notice to the same extent as chattel mortgages filed in the office of town clerks, and he shall receive like

compensation for like services, as town clerks receive under the general laws of the state.

Treasurer.

The treasurer shall be the depository for all moneys belonging to said corporation. He shall from such moneys pay, upon presentation, all orders therefor, drawn by the recorder and countersigned by the president; *Provided*, That no order shall be paid by him unless first endorsed in writing thereon, with the name of the payee and the party receiving the money therefor. He shall at the end of six months, make a report to the council containing a detailed statement of all moneys received by him and all moneys paid by him on account of the village. He shall upon receiving any moneys as treasurer, file with the recorder of said village a duplicate receipt, which receipt shall be filed and numbered by said recorder, and the amount and date thereof entered in a book to be kept for that purpose. He shall, at the close of his term of office, deliver over all moneys and property in his hands to his successor in office. He shall receive for the duties imposed by this act such compensation as may be prescribed by the council.

Justice of the Peace.

The justice of the peace shall have and possess all the powers and jurisdiction of justices of the peace provided and elected under the general laws of the state, and in addition thereto, shall have exclusive cognizance and jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of said corporation or under this act, or for the breach or violation of any such by-law, ordinance or regulation; and in all cases of assault, batteries and affrays, not indictable, and for a breach or violation of any by-law, ordinance or regulation, shall be commenced in the name of the state of Minnesota on behalf of the village of Marine, and the same proceeding shall be had in all civil and criminal suits or prosecutions before said justice, when not otherwise herein directed, as are established and required to be had in all civil and criminal actions by the general laws of the state before justice[s] of the peace, except that no change of venue shall be taken. All fines, forfeitures and penalties imposed by or recovered before said justice in any suit, prosecution or proceeding had and commenced in the name of said village, shall be promptly paid by said justice to the treasurer of said corporation for the use thereof. The justice of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary in any action, civil or criminal, before said justice, to plead or refer to the same in any manner whatever, in any pleading or complaint; but said by-laws, ordinances and regulations shall in said justice court be held and deemed to be public law. The justice of the peace shall at least once in three months make to the council a full report of any moneys received by him for fines, forfeitures and penalties, and shall pay them into the hands of the treasurer, taking his

receipt therefor. In case of prosecutions for a breach or violation of an ordinance, by-laws or regulation of said corporation or of this act, or for an assault, battery or affray not indictable, committed within the limits of said corporation, no appeals shall be allowed when judgment or fine imposed exclusive of costs is less than ten dollars. All such proceedings shall be in the name of the state of Minnesota on behalf of the village of Marine, and in all prosecutions for any violation of this act or [any] by-law, ordinance, regulation or rule, the first process shall be a warrant; *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance of the village of Marine; but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged, in the same manner as if the arrest had been made by warrant. The fees of the justice of the peace shall be the same as allowed and fixed by the general laws of the state for justices of the peace. All warrants, writs and processes of every nature issued by such justice, shall be directed to the sheriff or any constable of the county of Washington, and may be executed or served by the marshal elected under the provisions of this act, or by the sheriff or any constable of said county, and for such purpose said marshal, sheriff and constable shall have and possess the power and authority which by the general laws of the state they have and possess in the execution or service of warrants, writs and other processes issued by justices of the peace elected under such general laws.

Marshal.

The marshal shall be the ministerial officer of the council, and shall have and possess all the powers, and be subject to the same liabilities pertaining to constables elected under the general laws of the state, and his compensation shall be fixed by ordinance of the council, and said marshal shall, within the county in which he resides, also have and exercise all the powers, and perform all the duties of, and when acting as such receive the same compensation as sheriffs elected under the general laws of the state. He shall also be chief of the police force of said village, but as such shall be subordinate to the president. It shall be his duty to execute all writs and processes to him directed by the president, justice of the peace, or other judicial officer, and when necessary in criminal cases, or for the violation of any of the provisions of this act, or of any ordinance, rule, by-law, regulation or resolution of said council, he may serve the same in any part of the state of Minnesota. It shall be his duty to suppress all riots, disturbances, and breaches of the peace, and to apprehend all disorderly persons in said village, and pursue and arrest any person fleeing from justice in any part of the state of Minnesota.

CHAPTER IV.

PUBLIC IMPROVEMENTS.

SECTION. 1. That the municipal corporation of Marine is hereby

authorized to levy assessments for local improvements upon the property fronting such improvements, or upon the property to be benefited by such improvements, without regard to a cash valuation.

SEC. 2. That such assessment may be made by the village of Marine for filling, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing, planking, opening, extending, widening and straightening any street, lane, alley, highway, wharf, dock or levy, and for keeping the same in repair; also, for filling, grading, protecting, improving and ornamenting any public square, now or hereafter laid out; also, for constructing, laying, relaying, erecting, cleaning and repairing cross and sidewalks, area walls, gutters, sewers and private drains.

SEC. 3. The expenses of any improvements mentioned in the foregoing section shall be defrayed, save as herein otherwise provided, by a special assessment upon the real estate benefited thereby, to be levied in the manner hereinafter described.

SEC. 4. Such assessments shall be made by a board of commissioners, to be known as the commissioners on assessments, and to be appointed as follows: The village council shall, on the first Monday of March each year, or as soon as practicable thereafter, appoint three persons, who shall be each reputable freeholders of said village, and qualified electors of said village, and none of whom shall be a member of said council; *Provided*, That none of said commissioners shall act in relation to any assessment upon property in which he is interested, and that the council may in such case appoint a commissioner *pro tempore*, to act in place of any commissioner who may be disabled from acting, or on account of being interested as aforesaid; but in all cases of such vacancies, the party appointed to fill the same shall be a reputable freeholder of said village, and a qualified elector. Each commissioner, before entering upon the discharge of his duties, shall take and subscribe an oath to the effect that he will faithfully and impartially execute his duties to the best of his ability. Each of said commissioners shall be entitled to receive a compensation for his services, to be fixed by the council. Meetings of said board of commissioners shall be called by the chairman, whenever required, and in case any such commissioner, upon being so notified of such meeting, shall neglect or refuse to attend, he shall, except in case of sickness, or absence from the village, forfeit and pay a fine to said village not exceeding fifty dollars in each case, and shall be liable to be prosecuted therefor before the justice of said village. A majority of said board shall constitute a quorum for the transaction of business, and they shall keep a record of all their proceedings, and report the same to the council whenever required; and such record, to be kept in the village recorder's office, shall at all times be open to public inspection. The recorder shall act as secretary of said board of commissioners.

SEC. 5. Whenever an apparent majority of owners of property to be assessed for any improvement, as mentioned in section two of this chapter, shall petition the council for such improvement, the council shall refer the same to the board of commissioners as referred to in the foregoing section. Said board shall then proceed to inves-

tigate the same, and if they shall determine that such improvement is necessary and proper, they shall report the same to the council, accompanied with an estimate of the expense thereof. If they do not approve of such improvement, they shall report the reasons for their disapproval, and the council may then in either case order the doing of such work, or the making of such public improvement, after having first obtained from said board an estimate of the expense thereof. In all cases the council, after having obtained from said board of commissioners an estimate of the expense, may make such changes in the proposed plan as may be petitioned for by any of the owners of such property to be assessed, or as the council may think proper.

Sec. 6. Whenever such board of commissioners shall recommend the opening, straightening, widening, extending or grading of any street, lane, alley or highway in said village, they shall furnish to the council a plan or profile of the contemplated improvement, and shall also specially report whether, in their opinion, real estate to be assessed for said improvement can be found benefited to the extent of the damages, costs and expenses necessary to be incurred thereby; and whenever in any case they shall recommend to the council the doing of any work, or the making of any public improvement, to be paid for by special assessment, they shall, with such recommendation, certify to the council whether the contemplated improvement is asked for by the petition of owners of a majority of the property to be assessed for such improvement, and if the owners of a majority of the property so to be assessed, shall have failed to petition therefor, the same shall be ordered only by the votes of at least four-fifths of all the council, such votes to be entered by ayes and nays on the records of the council. The certificate of said board of commissioners shall be *prima facie* evidence as to the number of said petitioners and of their interest in the property assessed.

Sec. 7. Whenever any order is passed by the council by virtue hereof, for the making of any public improvement mentioned in section two of this chapter, save as herein otherwise provided, which shall require the appropriation or condemnation of any land or real estate, the said board of commissioners shall as soon as practicable, proceed to ascertain and assess the damages and recompense due the owners of such land respectively, and at the same time to determine what real estate will be benefited by such improvement, and assess the damages together with the costs of the proceedings on the real estate by them deemed benefited, in proportion as nearly as may be, to the benefit resulting to each separate lot or parcel.

Sec. 8. The said board of commissioners shall then give two weeks' notice by publication in the official newspaper of the village, or by posting, as in case of ordinances, of the time and place of meeting, for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for, and shall describe the land to be condemned, as near as may be done by general description. The meeting of said board of commissioners when engaged in making such assessment, shall be held in the office of the village recorder, to be specified in said notice, and all persons interested in any such assessment, shall have the right to be present and be heard either in person or by counsel. The said board of commis-

sioners shall view the premises to be condemned, and receive any legal evidence that may be offered, for the purpose of proving the true value thereof, or the damages that will be sustained, or benefits conferred, by reason of the contemplated improvement; and the said commissioners for this purpose, are hereby authorized to administer oaths to all witnesses produced before them. They shall permit the council or the village attorney, to appear before them at such hearing, to represent the interests of the village, and may adjourn from time to time until such assessment is completed.

Sec. 9. The said board of commissioners, in making said assessment, shall determine and appraise to the owner or owners, the value of the real estate appropriated for the improvement, and the injury arising to them, respectively, from the condemnation thereof, which shall be awarded to such owners respectively, as damages, after making due allowances therefrom from any benefit which said owners may respectively derive from such improvement.

Sec. 10. If the damage to any person be greater than the benefit received, or if the benefit be greater than the damage, in either case the said board of commissioners shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collectible of them or paid to them.

Sec. 11. In the assessment of damages and benefits for the opening of any street or alley, it shall be lawful for the said board of commissioners, in their discretion, in making such assessment where part of the land to be laid out into such street or alley, has been theretofore donated by any person or persons, for such street or alley, to appraise the value of the land so donated, and to apply the value thereof, as far as the amount so appraised shall go, as an offset to the benefits assessed against the person or persons making such donations, or those claiming under them; but nothing herein contained shall authorize any person or persons, by whom such donation is made, to claim from the village the amount of such appraisal, except as an offset as herein provided, and [where] when the assessment is one for the widening of any street which may have been theretofore, either in whole or any part, donated to the public by the proprietors of the adjoining lands, it shall also be lawful for said board of commissioners, in their discretion, to make such allowance therefor, in their assessment of benefits, as shall in their opinion be equitable.

Sec. 12. If there should be any building standing, in whole or in part, upon the land to be taken, the said board of commissioners shall add to their estimate of damages for the land the damages also for the building, or part of building, necessary to be taken, if it be the property of the owner of the land. When owned by any other person, the damages for the building shall be assessed separately. The value of such building to the owner to remove, or of the part thereof necessary to be taken, shall also be determined by said board of commissioners, and notices of such determination shall be given by them to the owner, when known, if a resident of the village, or left at his usual place of business or abode. If the owner is not known, or is

a non-resident, notice to all persons interested shall be given by publication for three weeks in the official paper of the village or county. Such owner may at any time, within twenty days after service, or the first publication of such notice, notify to such board of commissioners, in writing, his election to take such building, or part of building, at their appraisal; and, in such case, the amount of such appraisal shall be deducted by the said board of commissioners from the estimated damages for the land and building, where they belong to the same owner, and from the estimated damages for the building where they belong to different owners; and the owner shall have such time for the removal of the building, after the confirmation of the assessment as the board of commissioners may allow. If the owner shall refuse to take the building at the appraisal, or fail to give notice of his election as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the said board of commissioners, shall, after the confirmation of the assessment, and after the money is collected or otherwise provided, and ready in the hands of the treasurer to be paid over to the owner for his damages, proceed to sell such building, or part of building, at public auction, for cash, giving at least ten days' notice of the sale by publication in the official paper of the village or county, and cause such building to be then forthwith removed. The proceeds of such sale shall be paid into the village treasury to the credit of the special assessment fund raised for said improvement.

Sec. 13. If the lands and buildings belong to different persons, or if the land be subject to lease, the injury to such persons respectively may be awarded to them by the commissioners, less the benefits resulting to them [respectively] from the improvement.

Sec. 14. Having ascertained the damages and expenses of such improvement, as aforesaid, the said commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate by them deemed benefited, in proportion to the benefits resulting thereto, from the improvement, as near as may be, and shall briefly describe the real estate upon which the assessment may be made, and it shall constitute no legal objection to such assessment that the amount thereof either exceeds or falls short of the original estimate of the cost of the improvement, submitted to the council by the board of commissioners.

Sec. 15. When completed, the board of commissioners shall cause the assessment roll to be entered in a book to be kept for that purpose in the office of the village recorder, and sign the same, and shall file the same in his office. Notice shall be given by said board of commissioners, by one week's publication in the official paper of the village or county, of the filing of the assessment roll, and that at the next regular meeting of the council, to be held after the expiration of such publication, they will apply to the council for a confirmation of said assessment. Objections to said assessment may be heard before the council, but all parties objecting shall file their objections in writing, in the office of the recorder, at least one day prior to such meeting of the council. Should no quorum be present at the appointed meeting of the council, the matter shall stand postponed to the next regular meeting when there shall be a

quorum, or it may be laid over till any subsequent regular meeting. The council shall have power to adjourn such hearing from time to time, and shall have power, in their discretion, to revise and correct the assessment, and confirm and annul the same, and direct a new assessment to be made. Said assessment, when confirmed by the council shall be final and conclusive upon all parties interested therein, except as hereinafter provided; and when said assessment is confirmed, and no appeal is taken, as herein provided, a warrant shall issue for the collection of the same, signed by the president and recorder. If said assessment shall be annulled by the council, or set aside by the court, the board of commissioners by whom the assessment was made shall proceed to make a new assessment, and return the same in like manner, and give like notice, as herein required in relation to the first; and all parties in interest shall have the like rights, and the council shall perform like duties, and have like powers, in relation to any subsequent determination as are hereby given in relation to the first.

Sec. 16. Any person whose property has been appropriated and who has filed objections to said assessment as hereinbefore provided, shall have the right at any time within twenty days after confirmation of the same by the council, and not after that time, having first given notice of his or her intention to do so, to the council, specifying in such notice the court to which the appeal is to be taken, conditioned to pray an appeal to any court of general jurisdiction in Washington county from the order of the council confirming such assessment, upon filing a bond to said village, approved by the judge of the court to which the appeal is taken, conditioned to pay all costs which may be awarded against the appellant. In case of appeal, a copy of the assessment roll as confirmed by the council, and of the objections to the final order confirming the same, shall be filed in the office of the clerk of the court to which said appeal shall be taken, and the cause shall be docketed by such clerk in the name of the person taking such appeal against the village of Marine as "an appeal from assessments." The said cause shall then be at issue, and shall have the preference in order of trial over all civil cases pending in said court. Such appeal shall be tried by such court, and on such trial the only question to be passed upon shall be, whether the council had jurisdiction in the case, and whether the valuation of the property specified in the objection is a fair valuation, and the assessment, so far as it affects said property, is a fair and impartial assessment. The judgment of the court shall be either to confirm or annul the assessment, from which judgment no appeal or writ of errors shall lie.

Sec. 17. When such assessment shall have been confirmed by the council and no appeal have been taken therefrom, or if an appeal shall have been taken when judgment to confirm the assessment shall have been rendered thereon, the same shall be a lawful and sufficient condemnation of the land or property ordered to be appropriated. The council shall thereupon cause to be paid to the owner of such property, or to his agent, the amount of damages over and above all benefits which may have been awarded therefor, as soon as a sufficient amount of the assessment shall have been collected for that purpose; but the claimant shall in all cases furnish an abstract of

title, showing himself entitled to such damages before the same shall be paid. If in any case there shall be any doubt as to who is entitled to damages for the land taken, the village may require of the claimant a bond with good and sufficient sureties, to hold said village harmless from all loss, costs and expenses, in case any other person should claim such damages. In all cases the title to land taken and condemned in manner aforesaid, shall be vested absolutely in the village of Marine in fee simple.

SEC. 18. As soon as the money is collected and ready in the hands of the treasurer to be paid over to the parties entitled to damages for property condemned, two weeks' notice thereof shall be given by the treasurer in the official paper of the village, and the village may then, and not before, enter upon and take possession of and appropriate the property condemned; and whenever the damages awarded to the owner of the property condemned by said village for public use shall have been paid to such owner or his agent, or when sufficient money for that purpose shall be in the hands of the treasurer, ready to be paid over to such owner, and two weeks' notice thereof shall have been given, the village may enter upon and appropriate such property to the use for which the same was condemned.

SEC. 19. When the whole of any lot or parcel of land or other premises under lease or other contract, shall be taken for the purposes aforesaid, by virtue of this act, all covenants, contracts and engagements between landlords and tenants, or any other contracting parties, touching the same or any part thereof, shall, upon publication of the notice required in the preceding section, respectively cease and be absolutely discharged.

SEC. 20. When part only of any lot or parcel of land or other premises, so under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all the covenants, contracts and agreements and engagements respecting the same, upon publication of the aforesaid notice, shall be absolutely discharged, as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for or in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid and recoverable for the same.

SEC. 21. Any proceedings taken by the board of commissioners in carrying out the provisions of this act, shall be recorded by said board in a book to be kept for that purpose in the office of the recorder, describing particularly the respective improvements and the real estate taken and assessed.

SEC. 22. All owners of real estate or occupants of such real estate, in front of, or adjacent to, or upon whose premises the council shall order or direct any sidewalk to be laid, or gutter or curbing to be constructed, relaid or repaired, shall construct, relay or repair such sidewalk, gutter or curbing at their own costs and charges in the manner prescribed by said council, and within such time as the council may direct by publication in the paper or by posting, as in the case of ordinances. If the work be not done in the manner and time so prescribed by the council, the council may forthwith proceed

to assess the amount necessary to be assessed therefor, together with all costs upon the real estate aforesaid, which assessments may be collected in the same manner as other special assessments are collected under the provisions of this act.

SEC. 23. Whenever any order shall be passed by the council for filling, grading, levelling, paving, walling, graveling, macadamizing, planking, bridging or repairing of any street, lane, alley, highway, wharf, dock or levee, or for the construction of underground sewers or private drains, the subject shall be referred to the board of commissioners, who shall forthwith proceed to assess the amount directed by the council to be assessed for that purpose, with the costs of the proceedings therein, upon the real estate by them deemed benefited by any such improvement, in proportion as nearly as may be to the benefit resulting thereto in the manner hereinafter provided; *Provided*, That the repairing of any street, lane, alley, highway, public grounds, bridges, sewers, wharves, docks or levees, the cost of which repairs is estimated not to exceed the sum of two hundred dollars, may be done by the village council, or under their direction, and be paid out of the street improvement fund.

SEC. 24. When in any case any portions of the costs and expenses of making any improvement mentioned in the foregoing section, shall, by virtue of any valid law ordinance, or by virtue of any valid contract, be chargeable upon any railway company, the amount so chargeable may be assessed upon such railway company, and the balance only upon the real estate benefited thereby, and the village may collect the amount so assessed upon said railway company by distress and sale of personal property, as in other cases, or by suit brought for that purpose; *Provided*, That any real estate belonging to such railway company, and deemed benefited by said improvement, shall be assessed as in other cases.

SEC. 25. Before proceeding to make an assessment for any improvement mentioned in section twenty-two, said board of commissioners shall give one week's notice, by publication or posting, as in case of ordinances, of the time and place of their meeting, for the purpose of making said assessment, in which notice they shall specify what such assessment is to be for, and the amount assessed. All persons interested in any such assessments shall have the right to be present and be heard, either in person or by counsel, and the board of commissioners may, in their discretion, receive any legal evidence, and may adjourn, if necessary, from time to time.

SEC. 26. When the board of commissioners shall have completed their assessment, they shall sign and return the same in like manner, and give like notice of the application to the council for confirmation, as herein required in relation to assessments for the condemnation of real estate; and all parties in interest shall have the like rights, and the council shall perform like duties and have like power in relation to such assessment, as are hereby given in relation to assessments for the condemnation of real estate. When confirmed by the council, said assessment shall be final and conclusive upon all parties interested therein, and shall be collected as in other cases, and no appeal shall lie in any case from the order of confirmation. If any assessment be annulled or set aside, the said board of com-

missioners shall proceed to make a new assessment, and shall return the same in like manner, and give like notices, as herein required in relation to the first.

SEC. 27. Whenever any public improvement shall be ordered by the council, by virtue of this act, and the assessment for the same shall have been confirmed, and one-half of such special assessment shall have been paid into the treasury, the recorder shall, by direction of said council, advertise for proposals for doing said work, a plan and profile of the work to be done, accompanied with specifications for doing the same, being first placed on file in the office of the recorder, which said plan, profile and specifications shall at all times be open for public inspection, which advertisement shall be continued for at least three weeks, as before stated, and shall state the work to be done. The bids for the doing of such work shall be sealed bids, directed to the village council of Marine, and shall be sealed in such a manner that they cannot be opened without detection, and shall be accompanied by a bond to the village in the sum of five hundred dollars, signed by the bidder [and] two responsible sureties, conditioned that he shall execute the work for the price mentioned in his bid, and according to the plans and specifications, in case the contract shall be awarded to him; and in case of default on his part to execute the contract and perform the work, said bond may be sued, and judgment recovered thereon by the village for the full amount thereof, in any court having jurisdiction of the amount. Said bids shall be opened by the council at their next regular meeting.

SEC. 28. All contracts shall be awarded to the lowest reliable and responsible bidder or bidders, who shall have complied with the above requisition, and who will sufficiently guarantee to the satisfaction of the council the performance of said work to the satisfaction of said council; *Provided*, That the contract price does not exceed the estimate or such other sum as shall be satisfactory to the council, copies of which contract shall be filed in the office of the recorder.

SEC. 29. The village council shall reserve the right in their said contracts, to finally decide all questions arising as to the proper performance of said work, and in case of improper construction, to suspend said work at any time and to re-let the same, or to order the entire reconstruction of said work, if improperly done, with the power hereby given to said council to adjust the difference of damages or price (if any there be,) which the contractor or contractors failing to properly construct said work, in such cases of default should, in their opinion, pay to the village according to the just and reasonable interpretation of such contract; which difference or balance shall be recoverable at law in the name of the village, before any court having competent jurisdiction thereof, against such contractor or contractors. In case[s] where contractor or contractors shall proceed to properly perform and complete their said contracts, the council may, in their discretion, from time to time as the work progresses, grant to said contractor or contractors, an estimate of the amount already earned, reserving fifteen per cent. therefrom, which shall entitle said contractor or contractors to receive the amount that may be due thereon, when the money applicable to the payment of such work

shall have been collected, and the conditions annexed to said estimate, if any, shall have been satisfied. Any person taking any contracts with the village, and who agree to be paid from special assessments, shall have no claim or lien upon the village in any event, except from the collection of the special assessments made for the work contracted for; and no work to be paid for by special assessments shall be let except to a contractor or contractors who will so agree.

SEC. 30. Two or more of the notices required or authorized by this act, to be given by the board of commissioners or the village recorder, by publication or posting as in the case of ordinances, in any special assessment proceedings may be comprised in one advertisement; *Provided*, Such notices are of the same general character, or for like objects; and, *Provided*, That in other respects the notices so published shall sufficiently comply with the essential statutory requirements. And the provisions of this section shall extend to and embrace all notices required to be given in the official paper of the village or county, or posted by the treasurer, of the delivery to him of all tax and special assessment warrants for collection, and of his intended application to some court of general jurisdiction for judgment thereon, provided by this act.

SEC. 31. When any special assessment shall have been confirmed by the council, and no right of appeal therefrom is given by this act, it shall be the duty of the recorder to issue a warrant for the collection thereof, which shall be under the corporate seal and signed by the president and recorder, and shall contain a copy of the assessment roll as confirmed by the council, or so much thereof as describes the real estate and the amount of the assessment in each case. If the right of appeal from the order of confirmation shall exist in any case, said warrant shall not be issued until the expiration of the time limited for the taking of such appeals; and if in any case an appeal should actually be taken, the issuing of the warrant shall be delayed until after the determination of such appeal.

SEC. 32. Upon the issuance of any warrant for the collection of any special assessment, the recorder shall forthwith give notice by two weeks' publication, or posting as in case of ordinances, that such warrant is in his hands for collection, briefly describing its nature, and requesting all persons interested to make immediate payments at his office, and that in default thereof the same will be collected at the cost and expense of the persons liable for the payment of such assessments.

SEC. 33. All warrants issued for the collection of special assessments shall, if not paid within thirty days, be delivered by the recorder to the county treasurer, taking his receipt therefor, as in the manner prescribed in warrants for the collection of the annual taxes; and all such assessments levied by the council under this act, shall be a lien upon the real estate on which the same may be imposed from the filing of such warrant with the county treasurer, and no conveyance of such real estate shall be recorded until such assessments are paid, and if the same are not paid within thirty days after the filing of such warrant, then such assessment shall bear interest at the rate of one per cent. per month thereafter for each and every month the same remains unpaid.

SEC. 34. All assessments levied by the village council under this act, shall be a lien upon the real estate on which the same may be imposed, and said lien shall continue until said assessments are paid.

SEC. 35. It shall be the duty of the village attorney, between the fifteenth day of January and the first day of May, of each year, to make report to the district of Washington county, at any general term thereof, of all assessment warrants then remaining unpaid in the hands of the county treasurer, asking for judgment against the several lots and parcels of lands described in such list of warrants for the amount of assessments, damages and costs respectively due thereon. The attorney shall give one week's notice by publication thereof in the official newspaper of the village or county, or posting, of his intended application for judgment, which shall briefly specify the nature of the respective warrants upon which such application is to be made, and request all persons interested to attend at such term. The advertisement so published shall be deemed and taken to be sufficient and legal notice of the aforesaid intended application by the attorney, to such court for judgment, and shall be held as sufficient demand and refusal to pay the said assessments.

SEC. 36. The attorney shall obtain a copy of the advertisement or advertisements referred to in the preceding section, together with a certificate of the due publication thereof, from the printer or publisher of the newspaper in which the same was published, together with the warrant, and a certificate of the county treasurer, that the same remains unpaid in his hands at date of making certificate, and shall file the same with the clerk of the court at the said term with said reports.

SEC. 37. The clerk of said court, upon the filing of such reports by the village attorney, shall receive and preserve the same, and shall record thereon all judgments, orders and other proceedings of said court in relation thereto. Each of said reports shall constitute a separate suit, and shall be docketed by the clerk in the following as nearly as may be, to-wit:

Village of Marine vs. and others.

Suit for assessment on warrants for.

Or in such manner as will sufficiently indicate the nature of the improvement for which the assessment is due.

SEC. 38. It shall be the duty of the court upon the filing of said reports, to proceed immediately to the hearing of the same, and they shall have priority over all other [causes] cases pending in said court; the said court shall pronounce judgment against the several lots and parcels of land described in said reports for which no objections shall be filed, for the amount of the assessment, costs and damages due severally thereon, including the fees of the county treasurer as fixed by this act, and the costs as allowed in civil actions under the general laws of the state. The owner of any property described in said reports, or any person beneficially interested therein, may appear at said court at the time designated in the attorney's notice, and file objections in writing to the recovery of judgment

against such property ; but no objections shall be sustained founded on any mere formal irregularity or defect. The court shall hear and determine all objections in a summary way, without pleadings, and shall dispose of the same, with as little delay as possible, consistently with the demands of public justice, but should justice require that for any cause the suit, as to one or more owners, should be delayed for more than twenty days, judgment shall then be rendered as to the other property and lands, and process shall issue for the sale thereof, the same as in all other cases.

SEC. 39. In all cases where judgment shall be rendered by default against the property described in said reports, the court shall thereupon direct said clerk to make out and enter an order for the sale of the same, which said order shall be substantially in the following form :

“Whereas, due notice has been given of the intended application for a judgment against said lands, and no owner hath appeared to make defense or show cause why judgment should not be entered against the said lands and other property for the assessment, damages and costs due and unpaid thereon ; therefore, it is considered by the court that judgment be and is hereby entered against the aforesaid lots and parcels of land, in favor of the village of Marine, for the sum annexed to each lot or parcel of land, being the amount of the assessment, damages and costs due severally thereon ; and it is ordered by said court that the said several lots and parcels of land, or so much thereof as shall be sufficient of each of them to satisfy the amount of the assessment, damages and costs annexed to them severally, to be sold as the law directs.”

In all cases where a defense shall be interposed, and judgment shall be rendered against the property, a similar order adapted to the circumstances of the case shall be made and entered of record.

SEC. 40. It shall be the duty of the clerk of such court, within twenty days after such order is granted as aforesaid, to make out, under the seal of said court, a copy of so much of said judgment in such case as gives a description of the land against which judgment shall have been rendered, and the amount of such judgment, together with the order of the court thereon, which shall constitute the process on which all lands, lots, sub-lots, pieces and parcels of land, shall be sold for the amount of any assessment, damages and costs so levied, assessed or charged upon them ; and the sheriff of Washington county is hereby expressly authorized and empowered to make sale of such lands, lots, pieces or parcels of land, or other property, upon thirty days' notice, and to be published at least three times in the official newspaper of said village or county.

SEC. 41. The advertisement of sale to be published in each case of a judgment upon any special or general collection warrant and report aforesaid, shall contain a list of delinquent lots and parcels of land to be sold, the names of the owners, if known, the amount of the judgments rendered thereon, respectively, and the warrant upon which the same was rendered, the court will pronounce the judgment, and a notice that the same will be exposed to public sale, at a time and place to be named in said advertisement, by said sheriff. The omission of the name of any owner, or any mistake

respecting the same, shall not invalidate the sale, if the property be otherwise described with sufficient certainty. The proceedings may be stopped at any time upon the payment of said judgment to the county treasurer.

SEC. 42. In all proceedings and advertisements for the collection of such assessments, and the sale of lands therefor, letters and figures may be used to denote lots, sub-lots, lands and blocks, sections, townships, ranges, and parts thereof, the year and the amounts.

SEC. 43. Certificates of sale shall be made and subscribed by the sheriff, which shall be delivered to the purchaser, which certificates shall contain the name of the purchaser, a description of the premises sold, the amount of the assessment, with the amount of the judgment for which the same was sold, and the time when the right to redeem shall expire. The sheriff shall continue such sale from day to day, until all the lots of parcels of land contained in his precept on which judgment remains unpaid shall be sold or offered for sale.

SEC. 44. The person purchasing any lot or parcel of land shall forthwith pay to the sheriff the amount of the judgment due thereon, and on failure so to do, the said property shall again be offered for sale in the same manner as if no such sale had been made, (and in no case shall the sale be closed until payment shall have been made.) If no bids shall be made for any lots or parcels of land, the same shall be struck off to the village of Marine, and thereupon the village shall receive in the corporate name a certificate of the sale thereof, and shall be vested with the same rights as other purchasers at such sale.

SEC. 45. The sheriff shall make return of his precept to the court from which the same was issued, and said record or copies thereof, certified by the clerk, shall be deemed sufficient evidence to prove the sale of any land or other property for assessments, or any other fact authorized to be recorded therein.

SEC. 46. The right of redemption in all cases of sales for assessments shall exist to the owner, his heirs, creditors or assigns, to the same extent as is allowed by law in the case of sales of real estate under execution, on the payment of lawful money of the United States of the amount for which the same was sold, and all taxes accruing subsequent to the sale, with interest at the rate of twenty-four per cent. per annum. If the real estate of any infant or lunatic be sold under this act the same may be redeemed at any time within one year after said disability shall be removed. Redemption shall be made by the payment of the amount of redemption money to the county treasurer, and taking his voucher therefor, and filing the same in the office of the clerk, who shall thereupon note the fact of said redemption upon his record of sales; or, any person holding a certificate of sale, may surrender the same to the clerk of said court, to be cancelled, and the fact shall in like manner be noted upon said record. Upon the return of said certificate, or proof of its loss, and the filing with the clerk an affidavit to that effect, if the property shall not have been redeemed according to law, a deed shall be executed to the purchaser or his assigns by the sheriff to such purchaser, holder or assigns, of the premises so sold and unredeemed. Such deed shall be recorded, have all the force and effects of sheriffs'

deeds under sales and executions in civil actions, and the sheriff shall receive the same fees for his services as he is entitled for the similar services under the general laws of the state.

SEC. 47. Such certificate of purchase shall be assignable by endorsement, and an assignment thereof shall vest in the assignee or his legal representatives, all the right and title of the original purchaser.

SEC. 48. All deeds made to purchasers of lots and lands sold for assessments, shall be made *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his or her heirs or assigns, to the premises thereby conveyed, of the following parts:

First.—That the land or lot conveyed was subject to assessment at the time the same was advertised for sale, and had been listed and assessed in the time and manner required by law.

Second.—That the assessments were not paid at any time before the sale.

Third.—That the lot or land conveyed had not been redeemed from the sale at the date of the deed.

And shall be conclusive evidence of the following facts:

First.—That the land or lot was advertised for sale in the manner and for the length of time required by law.

Second.—That the land or lot was sold for assessments, as stated in the deed.

Third.—That the grantee in the deed was the purchaser.

Fourth.—That the sale was conducted in the manner required by law.

And in all controversies and suits evolving the title to the lot or land claimed and held under and by virtue of such deed, the person or persons claiming title adverse to the title conveyed by such deed, shall be required to prove, in order to defeat the said title, either that the land or lot was not subject to assessment at the date of sale, that assessments had been paid, that the land or lot had never been listed or assessed for assessments, or that the same had been redeemed according to the provisions of this act, and that such redemption was made for the use and benefit of the persons having the right of redemption under the laws of this state; but no person shall be permitted to question the title acquired by said deed, without first showing that he, she or they, or the person under whom he, she or they claim title, had title to the land or lot at the time of sale, or that the title was obtained from the United States, or of this state, after the sale, and that all taxes due upon the lots or lands have been paid by such person, or the person under whom he claims title as aforesaid.

SEC. 49. Any change made in the incumbent of any office during the pendency of any such proceedings, shall not operate to affect or delay the same, but the successor or successors in office shall be authorized to do all acts necessary to complete such proceedings, the same as if his predecessors had continued in office.

SEC. 50. All sales of property for non-payment of assessments for any improvement of what kind soever, shall be held at the same time of the general sale of property for non-payment of taxes in each year, unless in particular cases said sale stayed or delayed by

examination or process of law, the interest [intent] thereof being that there shall be but one general collection, by sale of all taxes and assessments whatsoever, in each and every year, which sale shall take place in the manner hereinbefore provided, and at the same time in each year; *Provided*, that in all cases where judgment shall be delayed in consequence of any appeal or delay of any court in rendering its decision, shall have been rendered upon notice to be given as in other cases.

SEC. 51. No assessment of property, or charge for assessments thereon, shall be considered illegal on account of any irregularity or informality in the assessment rolls, or on account of the assessment rolls not being made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment list without name, or in any other name than that of the rightful owner, and no error or informality in the proceedings of any of the officers entrusted with the levying and collection of special assessments, or affecting substantial justice of the assessment itself, shall vitiate or in any way affect the assessments.

SEC. 52. If any purchaser of lands, lots or other property sold for assessments shall suffer the same to be sold again for like assessments before the expiration of two years from the date of his or her purchase, such purchaser shall not be entitled to a deed for the property until the expiration of two years from the date of the second sale, during which time the land, lot or other property shall be subject to redemption, and the person redeeming shall only be required to pay for the use of the purchaser at the first sale the amount paid for the property, and the amount paid by the second purchaser for his use as in other cases.

SEC. 53. After any real estate shall have been bid in by or struck off to the village, said village may enter upon such real estate and take possession thereof, and through and by the village treasurer may rent or lease the same until the rent shall pay the amount due on such special assessment, interest, penalty and costs.

SEC. 54. The county treasurer shall receive a fee of three per cent. on all warrants for special assessments collected by him, in compensation of the additional duties imposed upon him by this act.

SEC. 55. The village council shall have power to lay out public squares, grounds, lanes, alleys, docks [and] wharves, and to widen and enlarge the same as follows: Whenever twenty or more freeholders, residing in said village, by petition represent to the council that it is necessary to take certain lands within the village for the purpose of laying out public grounds, squares, streets, alleys, wharves, or enlarging or widening of the same; the courses, distances, meets and bounds of the land proposed to be taken, together with the names and residences of the owners of such premises, if known to the petitioners, to be set forth in the petition; the council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if there be any, and if such lands, or any portion of them, shall not be in actual occupancy of any one, then the council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in some newspaper in the village; or if there be none published in the village, then in the nearest

newspaper published in the state, for three weeks successively, once at least in each week, and the publisher of such, or his foreman, shall make affidavit of such publication and deposit the same with the recorder.

SEC. 56. Such notice shall state that on a certain day therein named, not less than six days from the day of service of such notice, or the expiration of such publication, as the case may be, the village council shall appoint three commissioners to review said premises and determine whether it is necessary to take the same for the purposes specified in said petition; and at the specified time, the council shall proceed and appoint three reputable freeholders, residents of said village but not interested in the result of said petition, and shall enter an order in their proceedings requesting the said commissioners within thirty days to view said premises to be specified in said order, and to make return to the council whether in their judgment it is necessary to take said premises for the public use for the purposes specified in the petition.

SEC. 57. The recorder shall within three days notify the said commissioners of their appointment, embracing therein a copy of such order; and if any of the said commissioners shall be disqualified from acting, or shall at any time refuse to act, the council shall appoint others to act in their places, whom the recorder shall likewise notify, and a memorandum of such substitution shall be endorsed on the notice.

SEC. 58. The said commissioners, at such time as they may agree upon, within thirty days of the time of their appointment, shall, after giving three days notice to all parties whose property is to be taken in the proposed condemnation, proceed to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of their number, and either of the commissioners shall be authorized to administer the necessary oaths to witnesses; *Provided*, That the said commissioners shall before entering upon the discharge of their duties take and subscribe an oath faithfully and impartially to discharge their duties as such commissioners.

SEC. 59. After viewing the premises and hearing the testimony offered, said commissioners shall, if they decide that it is necessary to take the premises in question for the public use, proceed to make their assessment of damages and appraise to the owner, or other parties having an interest in the premises, the value of the premises proposed to be taken, and the injury arising to them, respectively, in consequence of the taking thereof, shall be awarded to such persons as damages. If the lands or buildings belong to different persons, or if the lands be subject to lease, mortgage, judgment or lien, or if there be any estate in it less than an estate in fee, the injury done to such person or interest respectively may be awarded to them, respectively, from the proposed appropriation to the public use.

SEC. 60. Having ascertained the damages and expenses of the proposed improvement as aforesaid, the said commissioners shall thereupon apportion and assess the same upon the real estate by them deemed benefited, in proportion to the benefits resulting from the proposed improvement, as nearly as may be, and shall describe the

real estate upon which this assessment may be made; the award of said commissioners shall be in writing and signed by them, together with the testimony taken, and returned to the council, within the time limited in the order of appointment. Should they fail to do so, they shall receive no compensation for their services, and the council shall appoint new commissioners, which further time the council may by order grant.

Sec. 61. The said assessment shall be inserted in the next annual tax roll, and collected in the same manner as other taxes upon real property.

Sec. 62. The land required to be taken for the purpose mentioned in this chapter, shall not be taken till the damages awarded to the owners thereof, for the taking of the same, shall be paid or tendered to the owner, or his agent or attorney, or deposited for his use with the treasurer, in case the owner is unknown, and the said lands and premises so taken and appropriated, shall thereafter be subject to all the laws and ordinances of the village in the same manner as streets, alleys or public grounds heretofore opened or laid out, and the damages so assessed shall be paid or tendered, or so deposited within three months of the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in such case shall be void from the beginning.

Sec. 63. When any known owner of any lands or premises affected by any proceedings under this act, shall be an infant, or labor under any other legal disability, the judge of probate of Washington county shall, upon the application of any party interested, appoint a guardian for such person, upon whom shall be served all notices required by this act, and who shall act for and in behalf of such minor.

Sec. 64. Any person whose property is taken, or against whom an assessment is made, may, within ten days after the return of said commissioners to the council, appeal from such determination of damages or benefits to the district court of Washington county, when such appeal shall be tried as in ordinary cases in said court, the notice of appeal in such cases to be served upon the village attorney. And the recorder, upon the taking of such appeal, shall, within ten days, certify all the proceedings to the clerk of the district court, and thereupon all further proceedings in said matter shall be stayed until said appeal is determined.

Sec. 65. Whenever any public ground, street or alley shall be laid out, altered or enlarged, under the provisions of this act, the council shall cause an accurate survey to be made of said grounds, and a plat thereof to be filed with the recorder and the register of deeds of said county.

CHAPTER V.

ISSUING BONDS.

SECTION 1. The village council is hereby authorized to issue bonds, as hereinafter provided, to aid in the construction of any

railroad running to said village, or the construction of any bridges, roads, wharves, or other public improvements of the village.

SEC. 2. Said bonds shall be issued in sums not less than one hundred dollars, and may bear interest not to exceed twelve per cent. per annum, payable annually. Such bonds may be issued with or without coupons, shall be payable in not less than one year nor more than twenty years from their respective dates, and shall be signed by the president of the council and countersigned by the recorder, and the seal of the corporation shall be attached thereto.

SEC. 3. No bonds shall be issued under this act until a majority of the legal voters residing in said village, present and voting, shall have voted in favor of issuing the same, nor shall any greater amount than ten per cent. of the assessed value of said village for the previous year, be issued by virtue of this act for any one purpose.

SEC. 4. Whenever the council shall deem it necessary to issue any bonds under this act, they shall call a special meeting of the legal voters of the village, in the usual manner, stating in the notice the time, place and object of the meeting. The voters at such meeting shall vote upon each question separately, by ballot. The president shall preside at such meeting, and the trustees shall act as judges of the election, and receive and count the ballots, as in case of town elections. Those voting in favor of issuing bonds, shall have written or printed on their ballots the words, "Shall bonds be issued?—Yes." Those opposed to issuing bonds shall have written or printed on their ballots the words, "Shall bonds be issued?—No." And said votes shall be counted, returned and canvassed, in the same manner as provided for counting, returning and canvassing votes for town officers.

SEC. 5. If a majority of the votes cast shall be in favor of issuing bonds, the council shall proceed to cause such amount of said bonds to be issued and delivered as they shall deem advisable, and shall make all needful rules and regulations concerning the same. It shall be the duty of the council to cause to be levied, from year to year, taxes upon the taxable property of said village, to pay the interest on said bonds annually, and to pay the principal at maturity, which taxes may be levied in addition to the taxes which the council may impose for general purposes.

CHAPTER VI.

MISCELLANEOUS.

SECTION 1. If any election by the people for village officers, for any cause, shall not be held in the manner and at the time herein prescribed, it shall not be considered a reason for arresting, suspending and absolving said corporation, but such elections may be held at a subsequent day; and if any of the duties enjoined by this act, or the ordinances, by-laws, rules and regulations of said village, to be done by any officer at any specified time, the council may appoint another time at which the said acts may be done and performed.

SEC. 2. The council, on behalf of the village, may lease, purchase

or receive by gift and hold real estate sufficient for the convenience of the inhabitants and the due administration of the government of the village, and may sell and convey the same at pleasure, and the same may be free from taxation.

Sec. 3. No general laws of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Sec. 4. Appeals and certioraries shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinances, rules, by-laws or regulations passed in pursuance thereof, the same as in other cases arising under the general laws of this state; *Provided*, That in all cases of prosecution for a breach or violation of any ordinance, by-law or regulation of said village, or its charter, or for any assault, battery, breach of the peace, or affray, not indictable, committed within the village limits, no appeal shall be allowed when the judgment or fine imposed shall not exceed ten dollars, exclusive of costs.

Sec. 5. The township clerk of Marine is hereby authorized and required to deliver to the village recorder all chattel mortgages and other papers now on file in his office, affecting or concerning any property in the corporate limits of said village, and such transfer shall not invalidate or render necessary any refileing of any paper, but the original filing shall be as valid in all respects as though made by said recorder.

Sec. 6. The village of Marine shall constitute one road district and the property thereof shall be subject to taxation by the township of Marine, in the same manner and for the same purposes as other like property of the township. The overseer of highways of said district shall be styled street commissioner, and shall be appointed by and be under the exclusive control of the village council.

Sec. 7. The village council shall have power, for the purpose of keeping the streets, lanes, alleys, avenues and sidewalks of said village in repair, to require every male inhabitant of said village, over the age of twenty-one years and not exceeding fifty years, to labor on said streets, lanes, alleys, avenues and sidewalks, not exceeding two days in each and every year, and every person failing to perform such labor when duly notified by the street commissioner, shall forfeit and pay to the said street commissioner the sum of one dollar and fifty cents for each and every day so neglected or refused to work, and the said commissioner shall cause the money thus received to be expended on said streets, lanes and alleys.

Sec. 8. The supervisors of Marine township, by this act, are required, each and every year, as soon as they shall ascertain the amount of road funds due from the county treasurer, proceed to make a fair and impartial division of said money to the several road districts in said town, including the corporation district, and shall cause to be paid over to the village treasurer, he receipting for the same, the amount of such funds belonging to said corporation district.

Sec. 9. The village shall in common with the township of Marine, have the use of the town house within the limits of the corporation, for all such purposes as the village council may require.

SEC. 10. In all respects not herein provided for, said village of Marine shall be and continue a part of the township of Marine.

SEC. 11. The auditor of Washington county is hereby required to notify the recorder of the village of Marine, from year to year, of the amount of all moneys arising from taxes in the hands of the county treasury, belonging to said corporation, at such time as he is required to notify township clerks.

SEC. 12. All ordinances passed by the village council shall be published at least fourteen days before becoming operative and going into effect. Such publication may be made by inserting in a newspaper printed at least once each week in said village, for two successive weeks, or else by posting a copy of the same at the front door of the building where the council held their meeting, or else at some other public place, to be designated by ordinance, and the printer's affidavit, or that of the person posting such ordinance, shall be conclusive evidence of the fact of such publication. The council may, by ordinance, provide for the punishment of persons who shall tear down, deface or alter the reading of any copy of the ordinance so posted as aforesaid.

SEC. 13. All ordinances passed by the village council shall be signed by the president, and in his absence, by the member of the council who shall have presided at the time of their passage as president *pro tem.*, and shall be attested by the recorder. Prior to such signing and attestation, they shall be enrolled by or under the direction of the recorder, either separately or in a book provided for the purpose, and after being signed and attested, shall remain in the custody of the recorder, and when so enrolled, signed and attested, and produced from the proper custody, shall be received in evidence in all courts and places without further proof; *Provided*, that certified copies of such ordinances under the hands of the recorder and seal of the corporation, as well as when printed in a book form, by authority of the village council, such certified copy or book shall in like manner be received in evidence.

SEC. 14. The president, recorder and other officers of said corporation shall, on demand, deliver to their successors in office, all such books, papers and other property belonging or appertaining in any wise to said corporation; and upon neglect or refusal so to do, shall forfeit to the use of the village one hundred dollars, and shall be liable for all damages caused by such refusal or neglect; and such successor may recover possession of such books, papers and property or effects in the manner prescribed by the laws of this state for other officers.

SEC. 15. Any member of the village council is hereby authorized to call upon every male inhabitant of said village over the age of twenty-one years, to aid in enforcing the laws and ordinances, and in case of riot the president shall have power to call out the militia to aid in suppressing the same, or carrying into effect any law or ordinances, and any person who shall not obey such call shall forfeit to said village a fine not exceeding ten dollars, or be imprisoned not less than five nor more than twenty days.

SEC. 16. In case the president or any village officer shall at any time be guilty of any palpable omission of duty, or shall willfully or

corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his or their office, he or they shall be liable to be indicted in the district court for Washington county, or shall answer in a civil action to such omission, oppression, defalcation, malconduct or partiality, and on conviction, he or they shall be fined not more than five hundred dollars; and the court shall have power (on recommendation of the jury,) to add to the judgment of the court, that he or they be removed from office, and have power to increase the fine.

SEC. 17. It shall be lawful for the village trustees to purchase or receive by gift in the name of the corporation, a suitable piece or pieces of land, not exceeding fifty acres, either within or without the limits of the corporation, for cemetery purposes, and may cause the same to be surveyed and a plat thereof made and filed with the village recorder, and at the expense of said village, whenever the legal voters of said village by vote shall direct them so to do. They may also sell lots therein, and convey title to the same, and have the care and custody of the grounds. Deeds of lots in said cemetery shall be as other deeds of real estate, except they shall be used for cemetery purposes only, and be signed by the president of the board of trustees and the village recorder.

SEC. 18. No judgment recovered in favor of the village, or fine imposed, shall be remitted or discharged, unless fully paid, except by a vote of four-fifths of the council.

SEC. 19. No person shall be an incompetent judge, justice, witness, juror or commissioner by reason of his being an inhabitant of the village, in any action or proceeding in which the village shall be a party in interest.

SEC. 20. All jobs of work for the village of which the estimated cost shall exceed one hundred dollars, shall be let by contract to the lowest responsible bidder therefor, and the council may require of the bidder a bond, with sureties for the faithful performance of the contract. *Provided*, That if, in the opinion of the council, no just or reasonable bid shall have been received for any such work, after due notice as aforesaid, the council may by a four-fifths vote, provide for doing such work without contract, by direct employment of labor and purchase of materials.

SEC. 21. This act is hereby declared to be a public act, and may be read in evidence in all courts of law in this state without proof.

SEC. 22. This act shall take effect from the passage thereof, and the legislature may alter or repeal the same at any time.

Approved March 4, 1875.