

SEC. 7. If any action brought to recover any penalty or damages under this act, or under any ordinance made by the village council, it shall be sufficient to complain that the defendant is indebted to the village to amount of said penalty or damages, and to refer to the act or ordinance under which the same is claimed, and to give the special matter in evidence under it. All civil cases shall be under the control and direction of the village council; they shall have power to settle, compromise or prosecute all such actions on the part of the village, when such village shall be a party or be interested in such actions. And no person shall be an incompetent juror by reason of being an inhabitant of said village, in any action to which the village shall be a party.

SEC. 8. All ordinances and resolutions heretofore made and established by the village council of the village of Jordan, not inconsistent with the provisions of this act, shall be and remain in force until altered, modified or repealed by the village council, after this act shall take effect.

SEC. 9. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 10. This act is hereby declared to be a public act, and need not be pleaded or proven in any court of this state.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 3, 1885.

CHAPTER 9.

AN ACT TO AMEND CHAPTER FIFTY-EIGHT (58), OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE (1879), ENTITLED AN ACT TO AMEND CHAPTER TWELVE (12), OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN (1877), BEING AN ACT TO INCORPORATE THE VILLAGE OF ZUMBROTA, AND TO REVISE THE SAME.

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

SECTION 1. That section four (4), of chapter fifty-eight (58), of the special laws of one thousand eight hundred and seventy-nine (1879), entitled "An act to amend chapter twelve (12), of the special laws of one thousand eight hundred and seventy-seven (1877), being an act to incorporate the village of Zumbrota, and to revise the same," be and the same hereby is amended so as to read as follows:

Sec. 4. The elective officers of said village shall be one (1) president of the common council, three (3) councillors, one (1) recorder,

one (1) treasurer, two (2) justices of the peace, one (1) assessor, one (1) marshal and one (1) constable, who shall each, except said justices of the peace and constable, hold his respective office for the term of one (1) year, and until his successor is elected and qualified.

SEC. 2. That section six (6), of said chapter fifty-eight (58), of the special laws of one thousand eight hundred and seventy-nine (1879), aforesaid, be and the same hereby is amended by striking out the words following, to-wit: "Justice of the peace of said village shall qualify as prescribed by the general laws of the state, except that his bond—," when the same occur in said section, and inserting in place thereof the words following, to-wit: "Justices of the peace, constable and assessor of said village shall qualify as prescribed by the general laws of the state, except that their bonds respectively—."

SEC. 3. That said chapter fifty-eight (58), of the special laws of one thousand eight hundred and seventy-nine (1879), aforesaid, be and the same hereby is amended by striking out the words "Justice of the peace," wherever the same occur in said chapter, and also the words "Him" and "His," wherever the same occur in said chapter and refer to such justice, and inserting in place thereof respectively the words following, to-wit: "Justices of the peace, them and their."

SEC. 4. That section nine (9), of said chapter fifty-eight (58), of the special laws of one thousand eight hundred and seventy-nine (1879), aforesaid, be and the same hereby is amended by adding at the end thereof the following, to-wit: "He shall have and possess all the powers and perform the duties given and required by the general laws of the state."

SEC. 5. That subdivisions twenty-nine (29), of section thirteen (13), of said chapter fifty-eight (58), of the special laws of one thousand eight hundred and seventy-nine (1879), aforesaid, be and the same hereby is amended so as to read as follows: "Fines, penalties and punishments, imposed by the common council for the breach of any ordinance, by-law or regulations of said village, may extend to a fine not exceeding one hundred (100) dollars and cost of prosecution, or imprisonment not exceeding ninety (90) days; and in case of the non-payment of any fine under the provisions of this section, to stand committed to the county jail of Goodhue county until such fine and costs are paid, not exceeding ninety (90) days: *Provided*, That a change of venue may be had from one (1) of the justices of the peace in said village to the other in the same manner and for like causes as are allowed under the general statutes of this state.

SEC. 6. That section twenty-nine (29), of said chapter fifty-eight (58), aforesaid, be and the same hereby is amended so as to read as follows:

SEC. 29. The recorder shall receive for his services such fees and compensation as are, by the general laws of the state, allowed to town clerks.

SEC. 7. That section thirty-one (31), of said chapter fifty-eight (58), of the special laws of one thousand eight hundred and seventy-nine (1879), aforesaid, be and the same hereby is amended so as to read as follows:

SEC. 31. The constable and assessor, elected under the provisions of this act, shall have and possess all the powers and perform all the duties of constable and assessor, elected under the general laws of the state.

SEC. 8. That said chapter fifty-eight (58) of the special laws of one thousand eight hundred and seventy-nine (1879) aforesaid be and the same hereby is amended by adding thereto the following section, to-wit:

Sec. 32. The said village of Zumbrota shall constitute one election district for all purposes of general and special elections under the laws of this state, and the councillors of said village shall be and act as judges of election at all elections held in said village, and shall have power to appoint one (1) clerk who shall be of an opposite party, if practicable, to the recorder, and who with the recorder shall be and act as clerks of such election, and administer the necessary oaths; such elections shall be held and conducted in the same manner, and under the same penalties, and vacancies in the board of election filled or required by the election laws of this state. The recorder shall give notice of all elections in the same manner as required by law of town clerks, and the councillors of said village shall perform all the duties pertaining to such elections in the same manner as township supervisors are required to do under the general election laws of this state; shall apply to and govern the judges and clerks of election at all elections held in said village, in all cases wherein the same do not conflict with the provisions of this act.

Sec. 33. The village councillors of said village shall have power to appoint one (1) assessor, justice of the peace and one (1) constable, who shall each hold their term of office until the next annual election of said village.

Sec. 34. All moneys hereafter received by the county treasurer of said Goodhue county for delinquent town taxes upon the taxable property within the corporate limits of said village of Zumbrota shall be by him paid to the treasurer of said village.

Sec. 35. Nothing in this act contained shall be so construed as to exempt or release those parts of said village heretofore embraced in said township of Zumbrota and Minneola respectively from their liability for and the payment of their proportionate part of the existing indebtedness of such townships respectively. But as to such existing indebtedness the parts of said village heretofore embraced in and forming a part of said townships respectively, shall be and remain liable for their respective proportions of such existing indebtedness; and all taxes and assessments now by law required to be levied or assessed upon the taxable property of the said townships of Zumbrota and Minneola, for the payment of the existing indebtedness of said townships respectively or the interest thereon, shall hereafter be levied or assessed in the same manner, as is now provided by law, upon the taxable property of said townships respectively, and upon that part of such townships respectively embraced in said village of Zumbrota, in the same proportions and with like effect as the same would have been so levied if this act was not in existence.

Sec. 36. This act is a public act, and need not be pleaded nor proven in any court of this state.

SEC. 9. This act shall take effect and be in force from and after March twentieth (20th,) one thousand eight hundred and eighty-five (1885).

Approved February 24, 1885.