

provisions of this act or any ordinance or thing done by virtue thereof, shall be considered or deemed as repealing, or amending or in any manner modifying the same, unless such purpose and intention shall be expressly set forth in such law.

SEC. 51. All acts and parts of acts in relation to the incorporation of the said borough of Le Sueur, or amendatory thereof, or providing for the election or appointment of any officer of said borough, are hereby repealed. *Provided*, that neither this act nor such repeal shall, in any manner invalidate or otherwise affect the provisions of any law or act authorizing said borough to issue bonds for the construction of a bridge across the Minnesota river, or to fund the floating indebtedness of said borough; but the said acts shall still continue in force, and the principal and interest of said bonds shall be paid in the manner required by said several acts, and taxes for the payment thereof shall be levied, assessed and collected in the manner therein stated. *And provided further*, that this act shall not affect any contract or act done or right accrued, or any suit or prosecution commenced prior to the passage of this act; but every such right, act, contract or proceeding shall be as valid and effectual in all respects, as if this act had not been passed.

SEC. 52. This act shall take effect from and after its passage.

Approved March 6, 1877.

CHAPTER 18.

AN ACT TO AMEND AND REVISE CHAPTER NINE (9) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY (1870), INCORPORATING THE VILLAGE OF EAST JANESVILLE, AND THE ACTS AMENDATORY THEREOF.

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

SECTION 1. The whole of chapter nine (9) of the Special Laws of one thousand eight hundred and seventy (1870), and acts amendatory thereto, are amended and revised so that said chapter shall read as follows:

SEC. 2. That all that part of the town of Janesville, known and described as follows, to-wit: All of the west half ($\frac{1}{2}$) of section twenty-six (26), all of the south half ($\frac{1}{2}$) of section twenty-seven (27), all of the south-east quarter ($\frac{1}{4}$) of section twenty-eight (28), all of the east half ($\frac{1}{2}$) of section thirty-three (33), all of section thirty-four (34), and all of section thirty-five (35), all in township one hun-

dred and eight (108) north, of range twenty-four (24) west; and all that part of the township of Alton known and described as follows, to-wit: All of section three (3), township one hundred and seven (107) north, of range twenty-four (24) west, in the county of Waseca, in the State of Minnesota, shall be known as the village of Janesville, and shall have powers generally possessed by municipal corporations at common law; and in addition thereto, shall possess the powers hereinafter specially granted, and be capable of suing and being sued; contracting and being contracted with; pleading and being impleaded in all the courts of law and equity. And may have a common seal, and may change and alter the same at pleasure. And also take, hold, purchase, lease, and convey such real and personal estate, within or without the limits thereof, as the purposes of the village may require.

SEC. 3. All lots and blocks, or parts of lots and blocks, heretofore described as being within the village of East Janesville, or additions thereto, shall be taken, considered to be, and described as being within the village of Janesville.

SEC. 4. The elective officers of said corporation shall be one (1) president, one (1) recorder, three (3) councilors, one (1) treasurer, one (1) justice of the peace, who shall be styled police justice; and (1) constable, who shall be called marshal; and shall each, except the justice of the peace and councilors, hold their respective offices for the term of one (1) year, and until their successors are elected and qualified. The justice of the peace shall hold his office for the term of two (2) years, and until his successor is elected and qualified. The councilors shall each hold their respective offices for the term of three (3) years, and until their successors are elected and qualified. The terms of all the above mentioned officers shall commence on the Tuesday next following their election, (except in case appointed to fill vacancy.) *Provided*, that at the first election under provisions of this act, one councilor shall be elected for the term of one (1) year; one (1) councilor shall be elected to serve two (2) years; and one (1) councilor shall be elected to serve three (3) years. And there shall be elected one councilor at each annual election thereafter, to serve them for three (3) years, as hereinbefore provided. In addition to the above mentioned officers, the common council shall have power to appoint, define the duties and term of office of, such other officers as said council may deem necessary, and may remove at any time any officer so appointed.

SEC. 5. Each officer, before entering upon the duties of his office, shall give notice in writing of his acceptance of the same to the recorder of said village, and shall take and subscribe before some officer by law authorized to administer oaths, an oath of office, to support the constitution of the United States, and the constitution of the State of Minnesota; and that he will faithfully perform the duties of his office in accordance with the law and ordinances of said village. And in addition thereto, the treasurer, recorder, justice of the peace and constable shall each give a bond in the sum of not less than two hundred dollars (\$200), to be

determined by said common council, conditioned for the faithful performance of the duties of their respective offices, which bond shall be filed with the recorder of said village.

SEC. 6. No elective officer shall receive compensation, except the recorder, constable, and justice of the peace, and in all cases compensation shall be fixed by the by-laws, except the justice of the peace, which is fixed by statute law.

SEC. 7. That the president, recorder, and councilors shall constitute the common council, to which body shall belong all the legislative powers granted by this act to said corporation. All actions of the council intended to have the force of rules or law, or authority for contract, shall be by ordinance, under the style of "Be it ordained by the common council of Janesville," but no ordinance shall embrace more than one subject, which shall be expressed by its title. The common council shall meet for the transaction of business at least once in three months, and a majority thereof shall be a quorum for the transaction of any business. The president, when present, shall preside at all meetings of the common council, but in case of his absence, the members present shall elect one of their number to preside during his absence, but no ordinance shall be passed except by a majority of all the members of the common council. A record, in bound book form, shall be kept by the recorder, in which he shall record all the proceedings of the common council, and ayes and noes on every ordinance voted upon shall be entered therein.

SEC. 8. That to the president shall belong the executive powers granted by this act to said corporation, except such of said powers as are especially vested in, or must from their nature necessarily pertain to the other executive officers of said corporation, and whether the said officers are created by this act or by the common council. He shall have power, and it shall be his duty to call out, and use in such manner as may seem most proper, all constabulary or police of said corporation, when he may deem it necessary to quiet or prevent riot.

He shall have the power to call a meeting of the council by giving notice thereof as may be provided by ordinance, or in default of such provision, in such manner as he may deem meet and proper.

SEC. 9. That the recorder shall be the recording officer of the village and common council. He shall have the custody of the seal of said corporation, and all the records thereof not necessarily and specially appertaining to the other officers thereof. He shall receive all moneys payable to said corporation, except as hereinafter provided, and shall immediately pay the same over to the treasurer, charging him therewith, and taking his receipt for the same. He shall keep all the accounts of the corporation, receive all claims against the same, and draw orders upon the treasurer for moneys payable by 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 and allowed by the common council. He shall also make to the com-

mon 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 common council may require.

SEC. 10. That the treasurer be the depository of all moneys belonging to the 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 thereon, and the party receiving the money therefor.

SEC. 11. The justice of the peace provided for and elected under the provisions of this act, shall have and possess all the powers and jurisdiction of justices of the peace provided for and elected under the general laws of the State, and in addition thereto shall have 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 any breach or violation of any such by-law, ordinance or regulation. Suit shall be commenced in the name of the village of Janesville, and the same proceedings 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 civil and criminal actions, by the general laws of the State, before justices of the peace, except that no change of venue shall be taken. All fines, forfeitures and penalties imposed by, or recovered before said justice of the peace, in any suit, prosecution or proceeding had and commenced in the name of the said village, shall be promptly paid by said justice of the peace to the recorder of said corporation, for the use thereof. The justice of the peace shall take judicial notice of the by-laws, ordinances or regulations of said corporation, and it shall not be necessary in any action, civil or criminal, before said justice of the peace, to plead or refer to the same in any manner whatsoever, in any pleading or complaint, but said by-laws, ordinances and regulations shall in said justice's court be held and deemed to be public law. The justice of the peace shall, at least once in three months, make to the common council a full report of all moneys received by him for fines, forfeitures and penalties, and shall pay the same into the hands of the recorder, taking his receipt therefor. Any justice of the peace elected or appointed in the towns of Alton and Janesville, Waseca county, under the general laws of the State, and residing within the limits of the corporation, upon filing the bond and oath of office hereinbefore described for the justices of the peace, shall have concurrent jurisdiction with the justice of the peace elected under the provisions of this act, and be subject to the same liabilities and restrictions. In case of prosecutions for a breach or violation of an ordinance, by-law 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 appeal shall be allowed when the judgment or fine imposed, exclusive of costs, is less than ten (10) dollars. 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 process of every nature, issued by such justice, shall be directed to the sheriff or any constable of the county of Waseca, and may be executed or served by the constable elected under the provisions of this act, or by the sheriff, or any constable of said county, and for such purpose said sheriff and constables 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 process issued by justices of the peace elected under the general laws.

SEC. 12. The constables elected under the provisions of this act, shall be the ministerial officers of the council, and shall have and possess all the powers belonging to the constables elected under the general laws of the State, and his compensation, except as in this act is otherwise provided, shall, be fixed by the ordinance of the council; and said constable 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 constables elected under the general laws of the State. He shall also be chief of the police force of the village, but as such shall be subordinate to the president.

SEC. 13. There shall be an annual election for elective officers, herein provided for, on the first Tuesday in April, in each and every year, and the polls shall be kept open from ten (10) o'clock in the forenoon until four (4) o'clock in the afternoon, and ten (10) days previous notice shall be given by the common council of the time and place of holding such election, and the officers to be elected, by posting notices thereof in three (3) of the most public places in the village. At the said election, the councilors, or any two of them, shall act as judges of election, and the recorder as clerk of election; and in case of the inability or non-attendance of any of said officers, the vacancies shall be filled by an appointment made by those officers present. At the close of the polls the votes shall be counted, and a true statement thereof be proclaimed to the voters present by one of the judges, and the recorder shall make a true record thereof, and, within three (3) days thereafter he shall give notice in writing to the persons so elected of their election. The first election under the provisions of this act shall be held on the first Tuesday in April, A. D. one thousand eight hundred and seventy-seven (1877), and shall be conducted by the present trustees, who shall be judges of said election, and the clerk of the village of East Janesville, who shall be clerk of said election, and shall give notice of said election as hereinbefore required. The laws of the State applicable to elections generally shall apply as far as consistency will admit, and the oath of a voter shall be the same as at town meetings.

SEC. 14. Whenever a vacancy shall occur in any elective or appointive office, and whenever any elected or appointed officer

fails to qualify within the time herein provided for, the office shall be considered vacant, the common council shall fill such vacancy by appointment, and such officer shall hold his office for the unexpired term.

SEC. 15. The common council shall have the management and control of the finances, and all the property of the corporation, and shall also, 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, by-laws, and regulations for 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. The common 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 any of the provisions of any ordinance, rules, by-laws, or regulations passed and ordained by them; and all such ordinances, rules, by-laws, and regulations are hereby declared to be and have the full force of the law. *Provided*, that they be not repugnant to the constitution of the United States or of this State; and for those purposes shall have authority by ordinances, rules, by-laws and regulations.

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

Second.—To restrain and prohibit all description of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming, in said village; and to restrain any persons from vending, giving, or dealing in spirituous or fermented or vinous liquors, unless duly licensed by the common council.

Third.—To prevent any riots, noise, or disturbance, and any disorderly assemblage 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 or groceries, and houses of ill-fame, and to provide for the arrest and punishment of all 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 other 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 pawnbrokers.

Sixth.—To prevent the encumbering of streets, sidewalks, lanes, alleys or public grounds with carriages, carts, wagons,

sleighs, boxes, lumber, firewood, posts, awnings, or any other materials or substance whatsoever.

Seventh.—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 the places of bathing and swimming in the waters within the limits of this village.

Eighth.—To restrain the running at large of cattle, horses, 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 ordinance.

Ninth.—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 the ordinance.

Tenth.—To prevent any person from bringing or 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 substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, and in default to authorize the removal thereof by some competent officers, at the expense of such person or persons.

Eleventh.—To make and establish public [grounds,] pounds, pumps, wells, cisterns, hydrants, and reservoirs, and to provide for and control the erection of water works for the supply of water to the inhabitants.

Twelfth.—To establish and regulate boards of health, and to provide hospitals and hospital grounds.

Thirteenth.—To prevent the carrying of concealed weapons; 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 town or any property therein, or annoying any citizen thereof.

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

Fifteenth.—To prevent the dangerous construction or placing of chimneys, fireplaces or stovepipes, or any pipe or instruments, for the construction of fire, heat or smoke, open boilers or appurtenances, and to cause the same to be made secure or removed, and to prosecute for the deposit of ashes in any unsafe place, and to regulate the carrying on of manufactories, dangerous in causing or promoting fires, and to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared appurtenances to the real estate, and exempt from seizure, distress or sale in any manner; and if the owners shall refuse to procure suitable ladders or fire buckets, after reasonable notice, the council may procure and deliver the same to him, and in default thereof, may recover of such owner the value of such ladder or fire buckets, or both, with costs of suit.

Sixteenth.—They may erect or rent suitable buildings for village purposes, and keep the same in repairs.

Seventeenth.—They shall have the power to purchase fire engines and fire apparatus, to organize fire, hose, hook and ladder companies, and [to] provide for the support and regulation thereof. And to order such companies to be discharged and the apparatus to be delivered to the common council for their authorized agents; they may appoint a chief engineer to take charge of the fire department, fire wardens to inspect chimneys and all places dangerous on account of fire, and to perform such duties as may be prescribed by law, firemen and other officers of said companies; and they shall have power individually to compel citizens to work at fires, and make and regulate fines for refusing to work at such fires; and members of all hook and ladder, engine and fire companies shall be exempt from serving on juries so long as they shall continue active members of such companies.

Eighteenth.—To prevent open notorious drunkenness and obscenity in the streets or public places of said village, and to provide for the arrest and punishment of all persons guilty of the same.

Nineteenth.—To license and regulate butchers' stalls, shops and stands for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

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

Twenty-first.—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or 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-second.—To provide watchmen, and to prescribe their numbers and duties, and to regulate the same, and to prescribe the number of police officers and their duties, and to regulate the same, and to provide special police for special occasions.

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

Twenty-fourth.—To direct and regulate the planting and preservation of ornamental trees, on the streets and public grounds.

Twenty-fifth.—To remove and abate any public nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

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

Twenty-seventh.—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 make regulations to prevent the introduction of contagious or infectious diseases into the village, and to make quarantine laws, and to enforce the same within the village.

Twenty-eighth.—To restrain and punish mendicants, street beggars, and prostitutes.

Twenty-ninth.—To lay out, alter, open, widen, extend, establish, grade, repair, pave, gravel, or otherwise improve or keep in repair streets, alleys, commons, sidewalks, ditches, sewers, and public grounds, and they may establish, and record with the recorder, grade of streets or sidewalk, with which buildings and directions shall conform.

Thirtieth.—Fines, penalties and punishments imposed by the common council, for the breach of any ordinance, by-law or regulation of said village, may extend to a fine not exceeding one hundred dollars (\$100), or imprisonment not exceeding thirty (30) days, at the discretion of the justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500).

SEC. 16. All ordinances, regulations, resolutions, and by-laws shall be passed by an affirmative vote of the majority of the common council, by ayes and nays; and any ordinance, regulation, resolution, rule or by-law, imposing any penalty or forfeiture for a violation of its provisions, shall be published one week in some newspaper in the village, if there be one, and if no such paper is published in the village, then the same shall be posted up, either in writing or print, in three (3) or more public places in the village for one (1) week before the same shall be in force, except as herein-after provided; and proof of such publication, by affidavit of the printer or foreman of the office of such newspaper, or by producing a copy of such newspaper containing such publication, or by the affidavit of the clerk or other person who posted the same, shall be conclusive evidence of the publication, promulgation or posting of such ordinance, rule, regulation, resolution or by-law, in all courts and places; and within ten (10) days after such publication or posting, they, with said affidavit, shall be recorded by the recorder of the village, in books to be provided for that purpose, which record shall also be conclusive evidence of such publication, posting or passage of such rule, regulation, resolution, by-law or ordinance, in all courts and places.

SEC. 17. The power conferred upon the common 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. Gambling houses, houses of ill-fame, disorderly taverns, and houses where spirituous, vinous, or fermented liquors are sold without license required therefor, within the limits of said village, shall be deemed public or common nuisances.

SEC. 18. The council shall examine, audit and adjust the accounts of the recorder, treasurer, justice, and all other officers

and agents of the town, at such times as they may deem proper, and also at the end of the year, and before the term for which the officers of the said village were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the officers of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to the said council or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said village, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements or adjustments.

SEC. 19. All actions brought to recover any penalty or forfeiture under this act, or in the ordinances, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the village.

SEC. 20. In all prosecutions for any violation of this act, or of any ordinance of the village, the first process shall be by warrant. *Provided*, that no warrant shall be necessary in any case of arrest, or apprehension of any person or persons while in the act of violating any law of the State of Minnesota, or ordinance of the village, 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 by warrant.

SEC. 21. The president, each and every council-man, the marshal, each and every justice of the peace and constable of the county in which said village is situated, shall be officers of the peace, and may command the peace, and may suppress in a summary manner all rioting and disorderly behavior within the limits of said village, and may command the assistance of all by-standers, and if need be all citizens, and if any person refuses to aid when so required, every such person shall forfeit and pay a fine of not less than five dollars (\$5) nor more than one hundred dollars, (\$100) and stand committed until paid.

SEC. 22. The constable and other police officers are hereby vested with all the powers of a sheriff or constable, in the service of writs, as granted them by law of the State, and may pursue into any county in this State, and take and bring back for trial any offender against the ordinances of the village.

SEC. 23. When any suit or action shall be commenced against said village, the service therein shall be made by copy left with the recorder of said village.

SEC. 24. No law 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. 25. The sale of intoxicating, vinous, spirituous or malt and fermented liquors, within the limits of said village, is hereby

declared to be under the exclusive control of the common council of said village, and all fines imposed for violation of any ordinance regulating such traffic, shall be paid into the treasury of the village, for the use thereof.

SEC. 26. All taxes arising in any way from the sale of licenses for the sale of spirituous, vinous or intoxicating liquors, shall be applied for the general village purposes.

SEC. 27. The common council shall have the power and authority to open, lay out or vacate streets and alleys within the limits of said village, which is conferred by the general laws of the State upon boards of supervisors of townships, to open, alter, discontinue or lay out roads; and in the matter of opening, laying out or vacating streets or alleys, and the assessment of damages, the common council shall be governed by an act under the general laws of the State, providing for altering, discontinuing and laying out roads; and appeals may be taken in the same manner as appeals are, under the general laws, taken from the decisions of township supervisors.

SEC. 28. The cost and expense of building, grading, paving or repairing sidewalks, shall be, at the option of the common council, chargeable to the lots fronting on said improvement. Whenever the common council shall deem it necessary to construct or repair any sidewalk in the village of Janesville, they may require the street commissioner to notify all owners and occupants of any lot or lots, or parcels of land adjoining such sidewalk, to construct or repair the same at his or their [own] proper expense and charge, within a certain time designated, by delivering to the owners or occupants of said lot or lots, or parcels of land, or by publication in a newspaper printed and published in said village, for not less than two weeks, or by posting up a notice in three public places in the said village, for not less than two weeks, setting forth what work is to be done, and the character of the same, by such owners or occupants, and the time in which they are requested to do the same.

SEC. 29. If such work is not done, and the sidewalks not built or repaired in the manner, and within the time prescribed, the common council may order the same to be done by the street commissioner at the expense of the lots and parcels of land adjoining said sidewalks; and said expense shall be assessed upon such lots and parcels of lands so chargeable by the street commissioner, and returned by him to the common council. And said assessment so made and returned, if approved by the common council, shall become a lien upon said lots and parcels of land, as in case of town, county, and State taxes.

SEC. 30. If said assessment be not paid to the street commissioner of the village, on or before the twentieth day of August, in any year, the common council shall cause a statement of the same to be transmitted with the village taxes levied for that year, to the auditor of the county of Waseca, on or before the first (1st) day of September in each year; and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually

transmitted by him to the county treasurer for collection, and payment thereof enforced with and in like manner as county and State taxes are collected and enforced.

SEC. 31. The common council may prescribe the width of sidewalks, and may establish different widths in different localities, and may determine the kind of material of which they shall be constructed, having regard to the amount of travel in the vicinity of each.

SEC. 32. All work of the village, when the amount thereof is over fifty dollars (\$50), except highway taxes, shall be let by contract to the lowest bidder; and the common council may require a bond, with sureties, to be approved by them, for the faithful performance of the contract. Not less than ten (10) days notice shall be given of the letting of the contract, by posting notices, by the recorder, in three (3) public places in the village, to be signed by the president, setting forth the work to be done, and the council shall retain the privilege of rejecting any and all bids at their discretion. And also, such notice shall be filed with the recorder at the same time.

SEC. 33. The village of Janesville may be constituted one or more road districts, to be defined by the common council, and the highway labor and taxes shall belong to the general fund.

SEC. 34. The common council shall appoint one overseer of each road district, and they shall issue a warrant to him, containing the whole amount of highway labor and taxes assessed and levied in his district—and said warrant shall be returned by him to the recorder. The laws of the State shall apply to warning, working, suing for and collecting highway taxes, and to returning delinquent taxes, and in all other respects, except as herein expressly provided. The common council shall have full power to direct the overseer when, where, and how to expend said labor and tax, and to remove him, and may direct him to expend labor and tax in the manner to be directed by them at any point beyond the limits of the village. And the common council shall perform the duties imposed by law on the supervisors of towns in levying highway taxes, and shall be governed and restricted in the amount so levied by the same law applicable to supervisors of towns in levying highway labor and taxes; and all road taxes levied and collected in the village by the authority of the towns of Alton and Janesville, shall belong to and be apportioned and paid to the village.

SEC. 35. The said village of Janesville shall constitute one independent school district, and hereafter all schools organized therein in pursuance of this act, shall be under the control and direction of a board of education, who shall be governed as to their powers, duties and term of office by the general laws of the State in relation to independent school districts. *Provided*, that the directors shall hereafter be elected at the annual village election, instead of the annual school meeting. The council shall provide a separate ballot box, in which shall be deposited all ballots for members of the board of education. Said votes shall be canvassed and

declared in the same manner as hereinbefore provided for village officers; and all persons qualified to vote at school meetings, shall be entitled to vote for members of board of education.

SEC. 36. For the purpose of more effectually enabling the said village to carry into effect the provisions of this act, they are hereby empowered and authorized to assess a tax for corporation purposes within the limits of said corporation, made taxable by the laws of this State, so that said tax shall not exceed in any one year five mills on the dollar of valuation, as the same may be found on the books of the county auditor of the county within which said village may be located at the time of assessing said tax. The village shall have the power, if authorized to do so by a majority of all the electors in the village present and voting at any meeting called for that purpose, and to levy an additional tax as above specified, sufficient to carry into effect the provisions of this act; public notice of which meeting, and the object thereof, shall be given by posting up a written or printed notice thereof, in at least three (3) of the public places of said village, ten (10) days before the time of such meeting, and by publishing a copy thereof in the newspaper of said village, if any are published therein.

SEC. 37. The common council shall have full power to order and direct the levy and collection, within the limits prescribed by law, of taxes sufficient to give full effect to the powers herein conferred.

SEC. 38. The common 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 unless express provision is made, all taxes shall be collected as follows: The recorder shall deliver to the county auditor of Waseca county a certificate signed by him, under the seal of the corporation, setting forth the amount levied upon every dollar in value of taxable property within the limits of Janesville, 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 any other tax of said county of Waseca, placed in his hands for collection, and to pay the amount so collected to the treasurer of the village of Janesville, incorporated by this act.

SEC. 39. In any action brought to recover any penalty or damages under this act, or under any ordinance made by the common council, it shall be sufficient to complain that the defendant is indebted to the village to the 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 control and direction of the common council. They shall have power to settle, compromise or prosecute all such actions on the part of the village, when such village shall be the 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 an action to which the village shall be a party. And whenever any judgment is rendered under the provisions of this act, for the imprisonment of any person, such judgment may be enforced by imprisonment in the village or county jail, or in the county jail of some other county, if there be no sufficient jail in Waseca county, as the court shall order in such judgment, and for such purpose the village shall have the use of such county jail, and the persons so committed shall be under the charge of the sheriff of such county, but at the expense of the village.

SEC. 40. In all respects not herein provided for, the portion of the territory of the village included in the town of Alton shall be and remain a part of the town of Alton, and such portion included in the town of Janesville shall be and remain a portion of the town of Janesville.

SEC. 41. The corporation is invested with all powers to carry into full force, virtue, and effect all and every part of the charter of said village, and the acts amendatory thereof, and to carry into execution the same; shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and intent thereof.

SEC. 42. This act shall in no wise affect any obligation or contract made or entered into by or on behalf of the village of East Janesville, and the same shall be binding upon the village of Janesville. nor shall it affect or repeal any ordinance, by-law, or resolution ordained or enacted by the village of East Janesville, but the same shall be in full force in the village of Janesville until amended or repealed, and all officers now holding under the provisions of the act, to which this is amendatory, shall hold their respective offices until the first election under this act, and the trustees shall perform the duties of the common council until such council shall be elected and qualified.

SEC. 43. All provisions, acts, and amendments thereto, which in any way conflict with the provisions of this act, are hereby repealed.

SEC. 44. This act shall take effect and be in force from and after its passage.

Approved February 20, 1877.