

## CHAPTER LVIII.

AN ACT TO AMEND CHAPTER TWELVE OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, 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 chapter twelve of the special laws of one thousand eight hundred and seventy-seven are hereby amended and revised so as to read as follows:

SEC. 2. That the following sections or parts of sections of land situated in the county of Goodhue and state of Minnesota, to wit, the east one-half of section number thirty-six, and the southeast quarter of section number twenty-five, township number one hundred and ten north, of range number sixteen west; also the west one-half of section number thirty-one, and the north one-half of the northeast quarter of section number thirty-one; also the southwest quarter of section number thirty in township number one hundred and ten north, of range number fifteen west, are hereby set apart for incorporation as a village, under and pursuant to the provisions of that certain act of the legislature of the state of Minnesota, approved March fourth, A. D. one thousand eight hundred and seventy-five entitled, "An act to provide for the organization of villages in the state of Minnesota," and shall and may organize as a municipal corporation by the action of the inhabitants thereof; and the inhabitants thereof are hereby authorized to organize such municipal corporation and village, in manner and form as provided in said act, and shall thereupon be endowed with all the powers, rights and duties expressed in section twelve of said act hereinbefore referred to.

SEC. 3. The name of the said municipal corporation shall be the village of Zumbrota.

SEC. 4. The elective officers of said village shall be one president of the common council, three councillors, one recorder, one treasurer, one justice of the peace and one marshal, who shall each, except the justice of the peace, hold his respective office for the term of one year and until his successor is elected and qualified.

SEC. 5. The president, the three councillors, and the recorder, shall constitute the common council of the village of Zumbrota, a majority of whom shall constitute a quorum to do business. The common council shall have power to determine the rule of its proceedings, compel the attendance of its members, under such penalties as it may prescribe. The common council shall meet for the

transaction of business, at least once in two months, at such time and place as is prescribed by rule. Special meetings may be called by the president, or by the councillors whenever they shall deem it for the interest of the corporation. 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 the ayes and the noes on every ordinance voted upon shall be entered therein.

SEC. 6. Every person elected or appointed to any office under this act, shall, before entering upon the duties of his office take and subscribe to the oath of office prescribed by the general laws, and file the same with the recorder of the village. The treasurer and the marshal shall execute to the village of Zumbrota a bond in the sum of five hundred dollars, with sufficient surety, to be approved by the 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, and the justice of the peace of said village shall qualify as prescribed by the general laws of the state, except that his bond shall be executed to said village of Zumbrota, and be approved by the president of the common council of said village, who shall endorse his approval thereon.

SEC. 7. It shall be the duty of the president to preside at all the meetings of the common council, but in case of his absence or inability to act, the members present shall choose one of their[own] number to preside. The president of the council shall see that all the ordinances of the said village are duly observed, and that all other executive officers of said village discharge their respective duties, and he shall be chief executive officer of said village; he shall have power and it shall be his duty to call out and use in such a manner as may seem most proper all constabulary or police of said corporation, when he may deem it necessary to quiet or prevent a riot.

SEC. 8. That the recorder shall be recording officer of said village and of the common council, he shall have the custody of the seal of said corporation (if any) and of all the records thereof not necessarily and specially appertaining to the other officers thereof. He shall receive all moneys payable to said corporation, except taxes paid from county treasurer, and shall immediately pay the same over to the treasurer, charging him with and taking his receipt therefor. 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 orders 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.

SEC. 9. He shall also make to the common council at the close of each official year a condensed report of all his doings as such officer during the 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. The treasurer shall be the depository of 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 therein, 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 and may exercise 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 breach, or violation of any such by-law, ordinance or regulation, and in all cases of offenses committed against the same. All prosecutions and assaults, 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 village of Zumbrota, 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 are required to be had in civil and criminal actions by the general laws of this state, before justices of the peace. All fines, forfeitures, and penalties imposed by, or recovered before said justice in any suit, prosecution or proceeding had or commenced in the name of said village shall be promptly paid by said justice to the recorder of said corporation for the use thereof. The justices 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 or 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 them into the hand of the recorder, taking his receipt therefor. The fees of the justice of the peace shall be the same as are allowed and fixed by the general laws of the state for justices of the peace, and all warrants, summons, writs and process of every nature issued by said justice of the peace shall be directed to the sheriff or any constable of Goodhue county, and may be executed and 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 such sheriff or constable of said county shall have and possess the same power and authority which by the general laws of the state they have and possess in the execution or service of warrants, summons, writs and other processes issued by justices of the peace elected under the general laws of this state. *Provided*, however, that appeals may be taken from the decisions of the justice of the peace of said village in like manner and for the same reasons as is now provided for in appealing from the decisions of justices of the peace under the general laws of the state.

SEC. 12. The marshal elected under the provisions of this act shall be the ministerial officer of the council, and shall have and

possess and may exercise all the powers belonging to constables elected under the general laws of the state, and said marshal shall, within the county wherein he resides, also have and exercise all the duties of, and when acting as such receive the same compensation, as constables elected under the general laws of the state; shall also be chief of the police force of said village and receive such compensation therefor as may be allowed by the common council, but as such shall be subordinate to the president.

SEC. 13. 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 it 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, ten-pin alleys, bowling saloons; to grant licenses and regulate auctions and auctioneers, and temporary 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 person from vending, giving, or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

*Third*—To prevent any riots, noise, disturbance and 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 house or groceries 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's shop, soap factory, 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 encumbering of the streets, sidewalks, lanes, alleys or public grounds with carriages, carts, wagons, sleighs, boxes, firewood, posts, awnings, or any other materials or substances whatever.

*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.

*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 violation of the ordinances.

*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, 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 on default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

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

*Twelfth*—To establish and regulate boards of health.

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

*Fourteenth*—To prevent the shooting of fire arms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council as dangerous to the village or any property therein, or annoying to any citizens thereof.

*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 or its 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 or 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, butcher's meat, butter, fish and other provisions.

*Twentieth*—To regulate the place and manner of weighing hay and selling the same, and measuring and selling of 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 may 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.

*Twenty-third*. To provide for the enclosing, improving and regulating of the public grounds belonging to the village, and for the adorning of the streets thereof with shade trees, and the protection of the same.

*Twenty-fourth*—To provide for the taking, from time to time, of the enumeration of the inhabitants of the village.

*Twenty-fifth*—To restrain and punish vagrants and mendicants and street beggars, and prostitutes.

*Twenty-sixth*—To provide a suitable place in which to confine those who for the violation of any ordinance, rule or by-law enacted by said trustees, may be liable to such confinement.

*Twenty-seventh*—To license persons who shall offer or cause to be offered any goods, wares or merchandise, or other property, for sale at auction or public outcry in said village; and may charge thereon not less than one dollar nor more than one hundred dollars, in their discretion, and whoever shall offer or cause to be offered such property without such license, or under cover of license granted to any other person, shall forfeit one hundred dollars to said village; but this subdivision shall not apply to the sheriff or other officer in the discharge of official duty.

*Twenty-eighth*—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.

*Twenty-ninth*—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, or imprisonment not exceeding thirty 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 months, and in a sum not exceeding five hundred dollars.

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

*Thirty-first*—To do all acts and make all regulations which may be necessary or expedient for the preservation of health.

*Thirty-second*—To raise money for opening, building, grading, paving or repairing streets and cross walks, the expense of which shall be charged to all property alike within incorporated limits of said village, or to lands and lots fronting on said improvements.

SEC. 14. 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 or more public places in the village, for one week before the same shall be in force, except as hereinafter provided; and proof of such publication, by affidavit from the foreman or printer 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 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 regulation, resolution, by-law or ordinance in all courts and places.

SEC. 15. 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. 16. The council shall examine, audit and adjust the accounts of the recorder, treasurer, justice, and all other officers and agents of the village, at such times as they may deem it proper

and also at the end of each year, and before the term for which the officers of 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 orders of said council in discharge of their said duties in pursuance of this section, or shall neglect or refuse to render his account, or present his books and vouchers to said council, or to 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 and adjustments.

SEC. 17. All actions brought to recover any penalty or forfeiture under this act or the ordinances, police or health regulations, made in pursuance thereof shall be brought in the corporate name of the village. In all prosecutions for any violations of this act, or of any ordinance of the village, the first process shall be a warrant; *Provided*, that no warrant shall be necessary in any case of the arrest or apprehension of any person or persons while in the act of violating any law of the state of Minnesota, or any ordinance of the village, but the person or persons so arrested, may be proceeded against, tried and convicted, and punished, or discharged, in the same manner as if the arrest had been by warrant.

SEC. 18. 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. 19. The sale of all intoxicating, vinous, spirituous, malt or 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; and the common council of said village may prohibit the sale of all intoxicating, vinous, spirituous, malt or fermented liquors within the limits of said village, and enforce such prohibition by appropriate penalties; *Provided*, that nothing herein contained shall be so construed as to prevent the people of said village from deciding for themselves whether license shall or shall not be granted in said village; and to that end, the village recorder shall, upon the written request of ten or more legal voters of said village, post notices in three of the most public places in said village at least ten days before any annual village election, that the question of granting license for the sale of spirituous, malt, fermented or vinous liquors will be submitted to the electors of said village at such election, for their approval or rejection; and all those voting at said election who are in favor of granting such license, shall have the words, "License—yes," written or printed upon their ballots; and all those voting at such election who are opposed to granting such license shall have written or printed upon their ballots the words, "License—no." And if it shall appear

upon canvassing the votes, that a majority of the ballots cast at such election upon said subject of license shall read, "License—no," then the village council shall grant no license for the sale of spirituous, malt, fermented, or vinous liquors for one year from the date of such election; *Provided, however*, that nothing herein contained shall prevent said council from granting license to persons engaged in the business of druggists to sell liquors for medical purposes, upon the written prescription of a regular practicing physician; only said druggists to pay for said license a sum to be fixed by said council, not less than twenty-five dollars nor more than one hundred dollars.

SEC. 20. The common council shall have (the) power and authority to open, lay out, and vacate streets and alleys within the limits of said village, which is conferred by the general laws of the State upon the board 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, and act under, the general laws of the state, provided for altering, discontinuing and laying out roads, and appeals may be taken in the same manner to the county commissioners as appeals are under the general laws.

SEC. 21. The common council may prescribe the width and grade of sidewalks, and may establish different widths in different locations, and determine the kind of material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each, whenever the common council of said village shall deem it necessary to construct or repair any sidewalk in said village, they shall by resolution require the overseers of the road district in which such sidewalk is to be constructed or repaired, to notify all owners or occupants of any lot or parcel of land adjoining such sidewalk to construct or repair so much of said sidewalk as adjoins their several lots, at his or their own proper expense, within a certain time to be designated in such notice, which shall not be less than twenty days after the service of such notice. If any such walk or any part thereof, is not done in manner prescribed by ordinance, and within the time designated in said notice, the common council may order the same to be done at the expense of the lots adjoining such sidewalk, and the expense thereof shall be assessed upon such lots so chargeable in such manner that each lot shall be charged with the whole expense of the sidewalk adjoining thereto, and such assessment shall be a lien upon the said lot or lots, as in case of other taxes, and the said common council shall cause a statement of such assessment to be returned to the auditor of said Goodhue county at the same time with the village taxes levied by them, and such assessment shall be collected, and payment thereof enforced in like manner as county taxes are collected and payment thereof enforced. No error or informality in the proceedings shall vitiate the assessments made by virtue of this section. *Provided*, the notice hereinbefore provided for shall have been given.

SEC. 22. In any action brought to recover any penalty or damages under this act, or under any ordinance made by the com-

mon council, it shall be sufficient to complain that the defendant is indebted to the village for 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 the 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 said village shall be a party or be interested in such action. The corporation is vested 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. 23. The common council shall appoint one road commissioner for the village of Zumbrota, who shall hold his office during the pleasure of the council, and shall receive as compensation therefor such amount as the council may direct, not to exceed two dollars a day for time actually employed. The council shall issue to him a warrant containing the amount of highway labor and highway property tax assessed and levied in the village of Zumbrota, as made and ascertained by the common council of said village, whose duty it is hereby declared to be to levy and assess upon all the property of the village, such amount as road tax as may be voted by the annual meeting of the village, or if not voted at said annual meeting, such amount per cent. upon all property as may be voted by an ordinance of the common council at any regular or special meeting, and it shall be the duty of the road commissioner to add to such list the names of all persons liable to a poll tax in the said village whose name may have been omitted by the common council.

SEC. 24. The laws of the state shall apply to warning, working, suing for the 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 points beyond the limits of the village. Reservoirs may be built by districts designated by the village council. The expense of any sidewalk may be paid out of village treasury if so directed by the council.

SEC. 25. The delinquent road taxes of said village shall be returned to the county auditor of Goodhue county by the village recorder, in the same manner as required by law for the return of township road taxes, and the said delinquent taxes shall be extended upon the tax list by the county auditor, and when collected shall be paid over to the village treasurer of Zumbrota. The common council may cause to be established from time to time, and as rapidly as the convenience of the inhabitants may require, the grade of all streets, sidewalks and alleys in said village, and it shall cause accurate profiles thereof to be made and kept in the office of the village recorder.

SEC. 26. For the purpose of more effectually enabling the said village to carry into effect the provisions of this act, they are here-

by empowered and authorized to assess a tax for corporation purposes within the limits of the corporation upon all property made taxable by the laws of this state, which tax shall not exceed in any one year five mills upon the dollar of valuation, as the same may be found upon the books of the county auditor of the county of Goodhue, for that year. *Provided*, that the common council shall have the power, if authorized to do so by a majority of the electors in the village present and voting at any meeting called for that purpose, to levy an additional tax not exceeding five hundred dollars in any one year. Such meeting shall be called by giving ten days' notice as required for other special meetings of the voters of the village.

SEC. 27. The common council shall direct the recorder of the village to deliver to the county auditor of Goodhue county a certificate signed by him setting forth the amount levied upon every dollar of valuation of taxable property in the limits of the village of Zumbrota, or the total amount voted to be raised by a tax upon such taxable property. It shall thereupon be the duty of the said auditor to add such amounts so returned to the assessment rolls of that year, and such taxes so levied shall be collected and paid over as other taxes in Goodhue county are directed to be paid.

SEC. 28. 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 the 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 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 an action to which the village shall be a party.

SEC. 29. The common council may allow such compensation to the recorder as they may deem just or right; *Provided*, that in no case shall his compensation in any one year be more than for ten days at two dollars per day.

SEC. 30. The legal voters of the village may at any annual meeting vote to have all road taxes paid in money instead of labor, notice having been duly inserted in the call for the meeting that such a proposition would be acted upon at said meeting.

SEC. 31. This is a public act, and need not be pleaded nor proven in any court in this state, and shall take effect and be in force from and after its passage.

Approved February 25, 1879.