

SEC. 2. All acts or parts of acts, in so far as inconsistent with this act, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 26, 1891.

CHAPTER 146.

[H. F. No. 1003.]

Incorporation of villages of over 3,000 inhabitants.

AN ACT RELATING TO VILLAGES OF OVER THREE THOUSAND (3,000) INHABITANTS, AND PROVIDING FOR MUNICIPAL COURTS THEREIN.

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

CHAPTER I.

General incorporation privileges and powers.

SECTION 1. Any village in this state having a population of over three thousand (3,000) shall have the powers generally possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and shall have perpetual succession. It shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded in all courts of law or equity; it shall have a corporate seal, which it may alter at pleasure, and it may purchase, lease, take and hold such real, personal and mixed property as may be required for village uses or purposes, within or without its limits, and may lease, mortgage, sell and convey the same.

Territory to be divided into four wards.

SEC. 2. The territory comprised in every such village shall be a separate election district for all elections under the laws of this state, and shall be divided into four (4) wards, as equal in population as may be, and the same shall by resolution be so divided into wards by the village council of such villages, respectively, within ten (10) days after the passage of this act.

Additions to original boundaries.

SEC. 3. Whenever the majority of the owners of any property abutting upon any such village, or any addition thereto, shall petition the village council to have such property annexed to the village, the village council may by ordinance declare the same to be an addition to such village, and thereupon such territory shall become a part of such village as effectually as if it had been originally a part thereof; and the village council may by ordinance divide such territory into wards, or shall annex the same to any existing ward or wards in such village.

CHAPTER II.

OFFICERS AND ELECTIONS.

SECTION 1. The elective officers of any such village shall be a president, recorder, treasurer, assessor, and two (2) trustees from each ward, and a municipal judge. Elective officers.

SEC. 2. Each ward shall constitute one (1) or more election precincts, as required by law, for the holding of all elections provided for under the general laws of this state, and also for all elections provided for by this act. Election precincts.

All officers shall be qualified electors of the district in which they shall be elected or appointed; and all elective officers shall hold their offices for the term of one (1) year and until their successors respectively are elected and qualified, except the municipal judge, who shall hold his office for two (2) years and until his successor is elected and qualified. Terms of office
one year.

SEC. 3. General elections after the first (1st) shall be held on the second (2d) Tuesday of March of each year. Municipal
judge, two years.

At least thirty (30) days before any general election, after the first (1st), the village council shall designate three (3) persons to act as judges or inspectors, and two (2) persons to act as clerks, for each election precinct at such election. General village
elections.

All elections shall be held and conducted in the same manner and under the same penalties as required by the general laws of the state regarding elections, and like notice shall be given. Judges and
clerks of elec-
tion.

When any election shall be closed, the judges or inspectors shall make return thereof to the village recorder, within twenty-four (24) hours after such election, in the same manner as provided by law for the return of state and county officers to the county auditor; and within one (1) day thereafter the village council shall meet and canvass the returns thereof and declare the result as it appears from such returns, and the village recorder shall forthwith give notice to the persons elected of their respective elections. Returns of elec-
tion.

SEC. 4. The first general election of any such village shall be held on the twelfth (12th) day of May in the year one thousand eight hundred and ninety-one (1891), at which time all elective village officers provided for herein shall be elected. The village council of such village shall, at least ten (10) days before said first (1st) general election, designate three (3) persons who are qualified electors to act as judges or inspectors at such election, and two (2) persons to act as clerks at such election, in each ward or election precinct of such village. First general
election under
this act.

Such election shall be held at such places within the limits of such village as said village council shall designate,

Places of election and notice of ward boundaries.

and the village recorder shall give notice thereof, by posting notices of the time and places of holding such election in at least three (3) public places in said village, at least ten (10) days before such election. Such notice shall also contain the boundaries of such wards or election precincts as the same shall have been designated by the village council, together with a list of all the officers elective hereunder.

When said first election shall be closed, the judges thereof shall make returns thereof to the recorder of the village, within twenty-four (24) hours after such election, in the same manner as provided by law for the returns of state and county officers to the county auditor; and within one (1) day thereafter the council of the village shall meet and canvass the returns thereof and declare the result that appears therefrom, and the recorder of the village shall forthwith give notice to the persons elected of their respective elections.

Special elections how called.

SEC. 5. Special elections in and for such village may be held at any time, for any proper purpose, upon the order of the village council. At least ten (10) days' notice of any such special election shall be given as provided by law, and such notice shall state the object of such election.

All elections to be by ballot.

SEC. 6. All elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for, with a proper designation of the office, and such ballots may be written or printed, or partly written and partly printed. A plurality of votes shall constitute an election.

The votes to be decided by lot.

When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the village council, at such time and in such manner as the said council shall direct.

Qualified electors.

All persons entitled to vote for state or county officers, and who shall have resided in such village or any election precinct thereof for ten (10) days next preceding any general or special election, shall be entitled to vote thereat.

Failure to qualify and enter upon duties of office.

Any person removing from the village or any ward thereof for which he was elected or appointed, or any person who shall refuse or neglect, for ten (10) days after notice of his election or appointment, to qualify and enter upon the duties of his office, shall be deemed to have vacated his office; and any officer having entered upon the duties of his office may resign by giving notice thereof to, or with the consent of, the village council, and it shall then be the duty of such village council to declare the office vacant and to provide that the same shall be filled as hereinafter provided. Whenever a vacancy shall occur in any elective office by removal, resignation or otherwise, the village council shall have power to fill the same by appointment.

Vacancies to be filled by council.

Every person appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired

term of his predecessor, and with the same rights and subject to the same liabilities as the person whose office he may be appointed to fill.

All contracts made by the village council or any officer, board, or committee of such village, for the benefit of such village, with any officer thereof, either directly or indirectly, shall be wholly void.

Village contracts with any officer void.

Every person elected or appointed to any office under the provisions of this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the village recorder; and the treasurer, recorder, engineer, and such other officers as the village council shall require, shall severally, before they enter upon the duties of their respective offices, execute to such village bonds in such amounts and with such sureties and conditions as the village council shall prescribe and approve.

Oath of office required.

SEC. 7. Should there be a failure by the people to elect any person herein required to be elected on the day designated, the village council may order a new election to be held, ten (10) days' notice of time and place being given.

Failure to elect on day designated, a new election may be called.

CHAPTER III.

THE DUTIES OF OFFICERS.

SECTION 1. The president shall be chief executive officer of the village and *ex-officio* president of the village council. He shall take care that the laws of the state and the ordinances of the village are duly observed and enforced, and that all the other officers of the village shall discharge their respective duties.

Duties of president.

All ordinances and resolutions shall, before they take effect, be presented to the president by the village recorder within forty-eight (48) hours from the time of their passage or adoption, and upon approval thereof he shall sign the same.

To sign all ordinances, etc.

He shall return to the village council, with his objections thereto, all ordinances and resolutions not approved, by depositing the same with the village recorder, to be presented to the council at their next regular meeting thereafter.

May return ordinances, etc., to council with objections.

Upon the return of any ordinance or resolution by the president the vote by which the same was passed shall be deemed to be reconsidered, and the question shall be again put upon the passage of the same, notwithstanding the objection of the president, and thereupon an affirmative vote of two-thirds ($\frac{2}{3}$) of the members shall have the same effect as the approval of the president. If any ordinance or resolution shall not be returned to the village recorder by the president within five (5) days (Sundays excepted) after it shall be presented to him, the same shall be deemed approved.

May be repassed by a two-thirds vote.

Endorsements
by village re-
corder

It shall be the duty of the village recorder to indorse upon each ordinance and resolution the time when such ordinance or resolution was adopted or passed, when delivered to the president, and the time when the same was returned to his office by the president.

Duties of re-
corder.

SEC. 2. The village recorder shall keep his office at the place of meeting of the village council, or at such other place convenient thereto as the village council may determine. He shall keep the corporate seal and all papers and records of the village, and keep a record of the proceedings of the village council. Copies of all papers filed in his office and transcripts from all records of the council certified by him under the corporate seal shall be evidence in all courts as if the originals were produced. He shall draw and countersign all orders upon the village treasury in pursuance of any order or resolution of the village council, and keep a full and accurate account thereof in books provided for that purpose.

He may admin-
ister oaths.

The village recorder shall have power to administer oaths and affirmations. It shall be his duty to report to the village council the financial condition of the village whenever the council shall require. He shall make and keep a list of the village bonds, to whom issued, for what purpose, when and where payable and rate of interest they respectively bear, and shall recommend such action to the village council as will secure the payment of the interest on such bonds; on or about the first (1st) day of September, or before the time of the levy of taxes in each year, to estimate the expenses of the village and the revenue to be raised for the ensuing year. He shall countersign all contracts made in behalf of the village and all certificates of work authorized by the village council or by any officer thereof.

He shall report
financial con-
dition.

He shall keep
regular books of
account and at
all times be
able to show
financial condi-
tion.

The village recorder shall keep regular books of account, in which he shall enter all indebtedness of the village, and which shall at all times show the precise financial condition of the village, the amount of bonds, orders, certificates of indebtedness which have been redeemed, and the amount of each outstanding; to countersign all bonds, orders and other evidences of indebtedness of the village, and keep accurate accounts thereof, stating to whom and for what purposes issued and the amounts thereof; to keep accounts of all receipts and disbursements of the officers of the village, showing the amount they have received from the different sources of revenue, and the amount they have disbursed under the direction of the village council.

He shall ex-
amine all re-
ports, books and
vouchers of vil-
lage treasurer.

The recorder shall examine all the reports, books, vouchers and accounts of the village treasurer, and from time to time perform such other duties as the village council may direct, and shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto. Such records shall be open to the inspection of all parties interested.

He shall perform all other services by law required of the clerks of villages, cities or townships, within such village; but when services are required of him by public law for which compensation is provided, such services shall not be regarded as services for the village, and he may retain such compensation in addition to the salary paid to him by the village.

He shall perform all duties required by public law.

He shall receive a compensation to be fixed by the village council, and they may change, increase or diminish the same during the time for which such officer was elected or appointed. He shall also be *ex-officio* clerk of the municipal court, and shall receive therefor such compensation as is provided for in this act.

Ex-officio clerk of municipal court.

SEC. 3. The village treasurer shall receive all moneys belonging to the village, including all license money and fines, and keep an accurate and detailed account thereof in such a manner as to show the exact financial condition of the village.

Village treasurer's duties.

The treasurer shall report to the village council, annually, on or before the last day of February, a detailed statement of receipts and a gross statement of the village orders paid during the fiscal year ending on the said date, together with the condition of the treasury at such date, which statement shall be filed with the village recorder and a copy thereof published. The treasurer shall report to the village council at such other times and in such other manner as said council may require.

To report annually to council, and at other times.

The treasurer shall, before entering upon the duties of his office, give a bond to the village, with two (2) or more sufficient sureties, to be approved by the village council, for at least twice the amount of money which will probably be in his hands at any one time during his term of office. Said bond shall be kept on file in the office of the village recorder.

Bonds to be given.

SEC. 4. The village assessor shall qualify and perform the duties pertaining to his office in accordance with the general laws of the state relative to assessors, and shall, at the time provided by the general laws of the state, be present at the office of the village recorder, or at such other place as the village council may require, with his assessment books for review. He shall be present during the review of such assessment to advise, if needed, in regard to the same, and, upon completion of said review, within the time prescribed by the general laws, shall make a final return to the county auditor. He shall also make the assessment rolls for local improvements when directed by the village council. He shall receive such compensation for his services as the village council shall direct.

Village assessor, duties.

SEC. 5. The village council shall have power to elect an attorney for the village, who shall perform all professional services incident to his office and, when required, shall furnish opinions in writing upon any subject submitted to him by the village council or any of its committees.

Village attorney, to be elected by council.

Village engineer, to be elected by council.

SEC. 6. The village council may elect a city engineer, who shall be a practical surveyor and engineer. He shall keep his office in some convenient place in such village, and the village council may prescribe his duties and fix the fees and compensation for any services performed by him.

All surveys, minutes of surveys, profiles, plans or estimates made by him for the village shall be the property of the village, and shall be filed and carefully preserved in the office of the engineer and be open to the inspection of all persons interested.

Council may impose other duties on officers.

SEC. 7. The village council shall have the power at any time to require other and further duties to be performed by any officer whose duties are herein described, and not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties unless otherwise provided for; but no officer elected or appointed by the council shall be elected or appointed for a longer term than until the next annual election of officers and until his successor is elected or appointed and qualified.

Council to fix compensation.

The village council shall have the power, unless otherwise provided, to fix the compensation of all officers elected or appointed under this act, which compensation shall be fixed by resolution; and the compensation so fixed shall not be changed, increased or diminished during the term for which such officer was elected or appointed, except as herein otherwise provided; *Provided*, That no member of the village council shall receive compensation for his services as such officer in excess of ten dollars (\$10) in any one year.

Members of council limited to \$10 compensation.

Return of property to successors in office.

SEC. 8. If any person, having been an officer of such village, shall not within ten (10) days after notification and request deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to such village or pertaining to the office he may have held, his successor may take possession of said books, papers and effects in the manner prescribed by the laws of this state; and such person shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100) or by imprisonment not exceeding ninety (90) days.

Rank of village officers as to police powers.

SEC. 9. The president, chief of police, officers of the police next in rank to the chief, the sheriff of the county in which such village is situate, or his deputy or deputies, the coroner, each trustee, police officer and watchman, shall be officers of the peace, may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the village, and for such purpose may command the assistance of by-standers and, if need be, of all the citizens. If any person shall refuse to aid in maintaining the peace when so required, he shall

forfeit and pay a fine not to exceed fifty dollars (\$50), and in default of the payment thereof be imprisoned not to exceed thirty (30) days. In cases where the civil power may be required to suppress riots or disorderly behavior, a superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

Citizens may be called to maintain the peace.

CHAPTER IV.

THE VILLAGE COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The president and trustees of any village shall constitute the village council. The style of all ordinances shall be, "The Village Council of the Village ofdo ordain." A majority of the councilmen shall constitute a quorum, but a less number may meet at the time of any stated meeting and adjourn, and all business transacted at such adjourned meeting shall have the same validity as if done at a stated meeting.

Village council composed of president and trustees.

Quorum.

SEC. 2. The village council shall hold stated meetings on the Monday following the annual election, at eight (8) o'clock P. M., and other stated meetings shall be held as prescribed by the rules and resolutions of the council; and the president or any three (3) trustees may call special meetings of the council by a written notice to each of the members, to be delivered personally or left at their usual place of abode or business, which notice shall contain a statement of the business for which meeting is called; and no other business shall be transacted at such special meeting except such as is designated in such notice.

Stated meetings.

Special meetings, how called.

SEC. 3. The village council shall be the judge of the election and qualification of its members, and in such cases shall have power to send for persons and papers. It shall determine the rules and regulations of its own proceedings, and have power to compel the attendance of absent members, and may provide for the punishment of such absent members in addition to the forfeiture provided for in this act.

Judge of election and qualification of its own members.

At the first meeting of the village council in each year the village council shall elect from their number a vice-president, who shall preside at the meetings of the council in the absence of the president, and during the absence of the president from the village, or his inability from any cause to discharge the duties of his office, the said vice-president shall exercise all the powers and discharge all the duties of the president.

Vice-president of council.

SEC. 4. The village council shall have power to remove from office any officer of the village, whether appointed by the council or elected by the people, but no officer elected by the people shall be removed except for cause, nor unless first furnished with a copy of the charges against him, nor

Power of removal from office.

Absence from
council meet-
ings.

until such person shall have had reasonable opportunity to be heard in his own defense. Continued absence from the meetings of the council in case of the aldermen, and neglect of duty in the case of other officers, unless for good reason, or being in any way interested in any contract with the village, shall be good cause for removal. The village council shall fix a time and place for the trial of any officer against whom charges may be preferred, of which not less than ten (10) days' notice shall be given to the accused, and shall have power to send for persons and papers, and shall have power to compel the attendance of witnesses, and to hear and determine the case; and if such officer refuse or neglect to appear and defend himself, the council may declare the office vacant.

Management
and control of
finances.

Power to adopt
ordinances for
good govern-
ment.

May establish a
prison and
workhouse.

May levy fines
not exceeding
\$100, and im-
prisonment not
exceeding
ninety days.

SEC. 5. The village council shall have the management and control (subject to the provisions of this act) of the finances and all property of the village, and shall likewise, in addition to the power herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government of the village, and to promote the good order of the same, for the suppression of vice and intemperance, for the benefit of the inhabitants thereof, and for the prevention of crime, as they shall deem expedient. They shall have power to establish and maintain a village prison and workhouse for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense against any ordinance of the village or laws of the state cognizable by the justices of the peace for the state; to make rules and regulations for the government and management of said village prison and workhouse, and to appoint keepers and other officers of the same; to prescribe their duties and fix their compensation. The keepers of said prison and workhouse shall possess all the powers and authority of jailers at common law and by the laws of this state. The village 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 or ordained by them, to the extent of a fine not exceeding one hundred dollars (\$100), together with costs of suit, or imprisonment in the village prison or county jail of any county in which such village is situated, for a period not exceeding ninety (90) days. All such ordinances, rules and by-laws are hereby declared to have the force of law within the village; *Provided*, That they are not repugnant to the constitution of the United States or of this state. And for these purposes said village council shall have authority, by ordinances, rules or by-laws —

First— To license and regulate the exhibition of common showmen and shows of all kinds, the exhibition of circuses,

concerts, theatrical performances; and also to license and regulate all auctioneers, billiard tables, bowling alleys, nine or ten-pin alleys, butcher shops and butcher stalls and venders of butchers' meats, pawnbrokers, drug stores, saloons, skating rinks, victualing houses, and all places of public amusement, and all dealers in second-hand goods, junk dealers, and all keepers of intelligence offices and employment offices, all draymen and hackmen; and *Provided further*, That the power to regulate above given shall extend to and be construed to include the power to define who shall be considered pawnbrokers, auctioneers, dealers in second-hand goods, and junk dealers.

Power to license.

Second—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice and other games of chance for the purpose of gambling, within the village.

To restrain gambling.

Third—To prevent any fighting, brawling, assault, battery, disorderly noise, riot or disorderly assemblance 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 gambling houses, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments and apparatus used for the purposes of gambling.

To prevent fighting, and suppress houses of ill-repute.

Fourth—To compel the owner or occupant of any cellar, tallow chandler's shop, soap factory, tannery, hide warehouse, 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 necessary for the health, comfort and convenience of the inhabitants of the village.

To abate nuisances.

Fifth—To direct the location and management of stock-yards, slaughter houses, markets, breweries, distilleries, soap factories, glue factories and bone-boiling establishments, and to regulate the storage, keeping and conveyance of gunpowder, dynamite, or other explosive or combustible material, and to regulate the use thereof in the village.

To direct location of certain occupations.

Sixth—To prevent the incumbering or obstruction of streets, sidewalks, alleys, lanes and public grounds with carriages, railroad cars or locomotives, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, signs or any other material whatever.

To prevent obstructions in streets, etc.

Seventh—To direct and control the laying out and construction of railroad tracks, bridges, turnouts and switches in the streets and alleys, and the location of depot grounds in said village; to require that the railroad tracks, bridges, turnouts and switches shall be so constructed and laid out as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on each side of such track for the safe and convenient passage of teams and persons; to require railroad

To control railroad and railroad tracks.

companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair sidewalks, also suitable crossings at the intersections of the streets and alleys, and sewers, ditches and culverts, when the council shall deem necessary; to regulate the movement and speed of railway locomotives and cars; to require the maintenance of flagmen, or the construction and maintenance of gates, at the crossings of railway tracks over such streets and avenues of the village as the village council shall deem to require such precaution; to regulate or prohibit the whistling of locomotive engines; to regulate or prohibit the unnecessary discharge of steam therefrom and the causing or permitting steam to escape therefrom unnecessarily, and to require the use thereon of such safety valves or other practical appliances as it may designate for the purpose of preventing or lessening the noise from the discharge or escape of steam; to compel persons to fasten their horses or other animals attached to vehicles, or otherwise, while standing in the streets, and to require that all persons driving horses or mules attached to sleighs at a faster gait than a walk shall have a sufficient number of bells to give notice of their approach; and to regulate places of bathing and swimming in the waters within the village limits.

To regulate speed of horses, etc.

To regulate places of bathing.

To restrain horses, cattle, etc.

Eighth—To restrain the running at large of horses, mules, cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same when at large contrary to the ordinance, and to impose penalties upon the owners of such animals for the violation of such ordinance; *Provided*, That when a sale of such animals shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling such animals, shall be deposited in the office of the treasurer of said village, for the use and benefit of the owners thereof, if called for by such owner within six (6) months from the date of such sale.

To license dogs.

Ninth—To prevent the running at large of dogs, and to require a license for keeping the same, and to provide for and authorize the impounding and destruction, in a summary manner, of all dogs when at large contrary to the ordinance.

To prohibit the keeping of un-sound meats.

Tenth—To prevent any person from bringing, depositing or leaving within the 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 such 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 officer at the expense of such person or persons, and to provide for the punishment of offenders.

Eleventh—To make and establish public grounds, pumps, wells, cisterns, hydrants, reservoirs and fountains, and to provide for and conduct water into and through the

streets, avenues, alleys and public grounds of said village; and to provide for and control the erection and operation of water works by said village for the supply of water to said village and its inhabitants, and to grant the right to one (1) or more private companies or corporations to erect and operate water works to supply said village and inhabitants thereof with water, and to authorize and empower said company or corporation to lay water pipes and mains into, through and under the streets, avenues, alleys and public grounds of the said village, and, when necessary for properly carrying out the purpose of said company or corporation, to appropriate private property in such village for and to the use of said company or corporation, in the manner provided in their charter, and to control the erection and operation of such water works and the laying of such pipes and mains in accordance with such terms and conditions as may be agreed upon with said company or corporation. To provide for and control the erection and operation of gas works, electric light works or other works or means for lighting streets, avenues, alleys and public grounds and buildings of said village, and supplying light and power to said village and to the inhabitants thereof, and to grant the right to erect, maintain and operate such works, with all rights incident or appurtenant, to one (1) or more private companies or corporations; and to control the erection and operation of such works and the laying of pipes, mains and wires into, through and under the streets, avenues, alleys and public grounds of said village, and the erection of poles, masts and towers, and the running of wires thereon over, in, upon and across the streets, avenues, alleys and public grounds of the village. To provide for and control the erection and operation of works for heating the public buildings of the village by steam, gas or other means, and supplying heat or power to the inhabitants of the village; to grant the right to erect such works and all incident rights to one (1) or more private companies or corporations, and to control the erection and operation of such works and the laying of pipes and mains into, through and under the streets, avenues, alleys and public grounds of the village. *Provided*, That every grant hereafter made to a company or corporation to erect, maintain or operate any of said works, shall provide that the village or its successor may purchase the same at any time after fifteen (15) years from the commencement of such grant, at a valuation to be agreed upon or determined in a manner to be prescribed in the grant.

To establish grounds, parks, water works, gas works, electric lights, heating buildings, etc.

Grants to corporations, with right to purchase after fifteen years.

Twelfth—To establish and regulate boards of health, private hospitals and hospital grounds, and for the registration of births and deaths, and the return of bills of mortality, and regulate or prevent the burial of the dead within the village limits.

To regulate boards of health, etc.

To regulate weight of bread.

Thirteenth—To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread offered for sale contrary thereto.

To regulate fast driving.

Fourteenth—To prevent any person from riding or driving any horse, ox, mule, cattle or other animal on any sidewalk in said village, or in any way doing damage to such sidewalks.

To prevent shooting of firearms and fireworks.

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

To prevent drunkenness or obscenity.

Sixteenth—To prevent open drunkenness or obscenity in the streets or public places of the village, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

To license porters, expressmen, etc.

Seventeenth—To license and regulate porters, expressmen, hackmen, and also runners, agents and solicitors for boats, vessels, stages, cars, hotels, public houses or other establishments.

To establish public markets, etc.

Eighteenth—To establish public markets and other public buildings, and make rules and regulations for the government and management 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.

To regulate sale of meats, and regulate peddlers.

Nineteenth—To license and regulate butchers' stalls, shops and stands for the sale of game and fish, butter, poultry, butchers' meats and provisions; and also to license and regulate peddlers, hawkers and canvassers doing business within the village.

To regulate weighing and selling of hay, firewood, coal and lime.

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

To regulate removal of snow, dirt and rubbish.

Twenty-first—To compel the owners or occupants of buildings or grounds to remove snow, dirt and rubbish from the sidewalk, street or alley opposite thereto, and to compel such owners or occupants to remove from the lot owned or occupied by him all such substances as the board of health or village council shall direct, and, in his default, to authorize the removal or destruction thereof by some officer at the expense of the owners or occupants; also to compel the owner or owners of low grounds, where water is liable to collect and become stagnant, to fill or drain such low places, and, in their default, to authorize such filling or draining at the expense of such owner or owners, and to provide that such expense shall become a lien upon the lot or property so drained or filled.

To regulate contagious and infectious diseases.

Twenty-second—To regulate and prevent the landing of persons, from railroad cars or other conveyances, infected

with contagious or infectious diseases or disorders, and to make such disposition of such persons as may be necessary to preserve the health of the village.

Twenty-third—To regulate the time, manner and place of holding public auction or vendues.

To regulate auctions, etc.

Twenty-fourth—To provide for watchmen and prescribe their number and duties, to regulate the same, and to create and establish the police of said village, and prescribe the number of police officers and their duties, and to regulate the same, except as herein otherwise provided.

To provide watchmen, etc.

Twenty-fifth—To regulate the inspection of wood, hay, milk, grain, flour, pork, beef, mutton, veal and all kinds of meat, poultry, game, fish, salt, whiskey and other liquors and provisions, and to authorize the seizure and destruction of any grossly impure or adulterated articles sold or offered for sale that are dangerous to the public health, and to provide for the punishment of the use of false weights and measures.

To regulate inspection of wood, meats, etc.

Twenty-sixth—To appoint inspectors, weighers and gaugers, and to regulate their duties and prescribe their compensation.

To appoint inspectors, weighers, etc.

Twenty-seventh—To purchase or acquire by gift, devise or condemnation lands within the village limits, or to take and hold by lease such lands, for the purpose of parks or public grounds, and to provide for the improvement of the same; and also to direct and regulate the planting and preservation of ornamental or shade trees in the streets, alleys, parks or public grounds or highways of said village, and to appoint a suitable person to inspect and take charge of the same, and to fix his compensation and prescribe his duties.

To establish parks, etc.

Twenty-eighth—To remove and abate any nuisance injurious to the public health or morals; and the village council shall have power to define what shall be considered nuisances, and to provide for the punishment of all persons who erect or maintain such nuisances.

To abate nuisances, etc.

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

To abate nuisances in alleys, etc.

Thirtieth—To do all acts and make all regulations which may be necessary and expedient to preserve the health of the inhabitants of the village and the suppression of disease; to prevent the introduction of contagious or infectious diseases into the village, and to make quarantine laws and enforce the same within the village.

To do all acts for public health.

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

To punish vagrants, tramps, etc.

Thirty-second—To license and regulate draymen, hackmen, expressmen and other persons engaged in the carriage of passengers, baggage or freight, and to regulate their charges therefor, and to authorize the president and chief

To license draymen, etc.

of police of the village to regulate and direct the location of vehicles standing upon streets and public grounds in the village.

To regulate construction of buildings.

Thirty third — To regulate the construction of all buildings more than two stories in height, and prescribe fire limits in the village, and to prohibit the erection of wooden buildings or placing wooden sidewalks within such limits.

To regulate hitching posts.

Thirty-fourth — To provide for and regulate the erection of hitching posts or rings for the fastening of horses or other animals, or to prohibit the same, in any portion of the village.

To regulate hatchways.

Thirty-fifth — To regulate the opening of hatchways and cellarways upon the streets or sidewalks of the village, and to compel proper guards about the same.

To regulate numbering of houses.

Thirty-sixth — To regulate the numbering of houses and lots, and to compel owners of houses and other buildings to have such numbers designated thereon.

To regulate fire protection.

Thirty-seventh — To require the owner or lessee of any building or structure, now or hereafter erected in the village or within any limits in the village designated by the village council, to place thereon such fire escapes and such appliances for the protection against or extinguishment of fires as it may direct, and to do each and every other act which it may think necessary or advisable to lessen the danger to human life in the case of fire or accident; and to require the owner or occupant of any lot or parcel of land within the village to clear and keep clear the same of all dead wood or other combustible or inflammable rubbish or refuse likely to increase danger from fire or to facilitate the spread of fire, and to provide for the doing of such work upon the failure of the owner or occupant so to do, and to assess the cost thereof as a special tax upon the land so cleared, such tax to be returned as collected in the same manner as other village taxes.

To regulate gas and meters.

Thirty-eighth — To regulate and control the quality and measurement of gas; to prescribe and enforce rules and regulations for the manufacture and sale of gas; to provide for the inspection of gas and gas meters, and to appoint an inspector and prescribe his duties; also to establish and maintain gas works within the village.

To regulate steam boilers.

Thirty-ninth — To regulate the location, size and construction of such steam boilers as it may designate as being dangerous to life or property in the village, and to prohibit the location of such boilers at any place which the village council may deem dangerous to life or property.

To regulate poles and wires.

Fortieth — To regulate and control or prohibit the placing of poles for the suspension of electric or other wires along or across any of the streets of the village, or the suspension of such wires; and to require any already placed or suspended, either in limited districts or throughout the entire village, to be removed and placed beneath the streets and sidewalks of the village; and to compel the proper insulation of all electric light wires in use within the village.

Forty-first—To regulate the penning, herding and treatment of all animals within the village.

To regulate herding of cattle.

Forty-second—To lay out, open, change, widen or extend streets, avenues, lanes, alleys, parks, squares or other public grounds, and to grade, pave, improve, repair or discontinue the same, or any part thereof; to establish, open, maintain and repair drains, canals or sewers, or alter, widen or straighten water-courses; to make, widen, alter or otherwise improve, keep in repair, vacate or discontinue sidewalks and crosswalks.

To lay out and order streets, sidewalks, etc.

Forty-third—To divide the village into wards and number the same, whenever in the judgment of the village council such division is necessary or proper.

To divide into wards, etc.

Forty-fourth—To construct all needful harbor improvements; to erect and repair public wharves, piers and docks; to regulate marine railways; to regulate all ferries, tow-boats, and other water crafts; to establish ferry rates; to regulate the stationing, anchoring and mooring of vessels and wharf boats within the village, and to charge and collect wharfage and tonnage dues. To establish dock and harbor lines, and exercise general supervision over docks, piers and wharves in said village, to secure uniformity in the construction thereof, and unobstructed navigation; *Provided, however,* That no wharfage duty or tolls shall be allowed or chargeable to any boat, vessel or craft landing at any public dock, pier or wharf within said village. To regulate, control and prevent the landing of persons from boats, vessels or other conveyances whereon contagious or infectious diseases or disorders exist, and to make disposition of such persons, for the preservation of the health of the village; and to confine, wall up, cover over, alter or change the channel of all water-courses.

To make wharves, piers and docks.

To protect against contagious diseases.

Forty-fifth—To license and regulate the sale of intoxicating liquors, and to inspect all said liquors when deemed necessary; to regulate shooting galleries, manageries and circuses, and all places of amusement or entertainment of whatsoever description for which money is charged for entrance.

To license liquor selling, etc.

Forty-sixth—To establish and maintain a public library and reading room, and purchase therefor books, periodicals and papers, and to make all needful rules and regulations for the use and safe keeping of the same.

To maintain a public library.

Forty-seventh—To provide for and control the erection and operation of electric lights, street railways, telephone exchanges, belt lines or incline railways, or all railways within the corporate limits of said village, and generally to have control of and to regulate all franchises that have heretofore or may hereafter be granted within and for said village; and to regulate the supply of light and motive power in all forms to the inhabitants thereof; and generally to have power to control and lay streets and public highways on, over and across any and all railway tracks that

To control electric lights, street railways, etc.

may now or hereafter may be laid, operated or used within the boundary of said village; and the said council may exercise all further powers requisite and proper to carry into effect the express powers in this charter specified; and the authority hereinbefore in general terms conferred upon the said council shall not be limited or qualified by any specific grant of power herein.

Passage of ordinances.

SEC. 6. All ordinances shall be passed by an affirmative vote of a majority of the members of the village council, by yeas and nays, which shall be entered upon the records of the council and published once in the official paper of the village, signed by the president and recorder, and recorded by the recorder in a book to be kept for that purpose, before they shall take effect. No ordinance shall be passed at the same meeting at which it shall have been presented, except by the unanimous consent of the members present, which shall be noted in the records; but this shall not preclude the passage of any ordinance reported by any committee of the council to whom the subject of such ordinance shall have been referred at any previous meeting.

Publication of ordinances.

SEC. 7. A copy of the record of any ordinance passed, certified by the village recorder and attested by the seal of the village, and any copy thereof published as aforesaid, or compilations of the ordinances made and published under the direction of the village council, shall be *prima facie* evidence of the contents of such ordinance and of the regularity of all proceedings relative to the adoption and approval thereof, and shall be admitted as evidence in any court of this state without further proof. In all actions, prosecutions and proceedings of every kind before the municipal court of such village it shall not be necessary to plead or prove such ordinance in court.

Appropriations by majority vote.

SEC. 8. No appropriation shall be made without a vote of a majority of all the members of the village council in its favor, which vote shall be taken by yeas and nays and entered among the proceedings of the council.

Power to abate nuisances no bar to other suits according to law.

SEC. 9. The powers conferred upon the village council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings according to law.

Village council to audit and adjust accounts of village officers.

SEC. 10. The village council shall examine, audit and adjust the accounts of the treasurer and all other officers of the village at such times as they shall deem proper, and also at the end of each year and before the terms for which the officers of the village were elected or appointed shall have expired; and if any officer shall refuse his books, accounts and vouchers for examination and settlement, or shall refuse to comply with the orders of the village council in the discharge of his duties, in pursuance of this section, the village council shall declare his office vacant; and the village council shall institute suits and proceedings at law against any officer or agent of the village who may be found

delinquent or defaulting in his accounts or the discharge of his official duties, and shall make a full record of all settlements and adjustments.

SEC. 11. The village council shall have the management and control of the finances and of all the property of the village, both real, personal and mixed, and may provide for the sale of any village property in such manner as it shall consider for the best interests of the village.

Management
and control of
village property.

SEC. 12. Any license issued by the authority of the village council may be revoked by the said council at any time, for cause, and upon conviction before any court of any person holding a license for the violation of any provision or of any ordinance relative to the exercise of any right granted by such license, the council may, and upon second conviction shall, revoke such license, in addition to the penalty provided by law or ordinance for any such violation. No license shall be granted for a longer period than one (1) year, and any license granted for a longer period than one (1) year shall be void from the beginning.

Licenses may be
revoked for
cause.

SEC. 13. The village council may also provide by ordinance that any person convicted of any offense before the municipal court of such village, subjecting such offender to imprisonment under the ordinances of the village, may be kept at hard labor in any workhouse established for such purpose, or, in case of a male offender, may be kept at hard labor during his imprisonment in such workhouse or upon public improvements of said village, or otherwise or both, and may also provide by ordinance that anyone convicted of an offense before such municipal court and committed for non-payment of fine imposed may be kept at hard labor, either in such workhouse or upon public improvements, or otherwise or both, until such person shall work out the amount of such fine at such rate of compensation as said council may prescribe, not exceeding the time of such commitment; and the council shall have full power to establish by ordinance all needful regulations for the security of such person so employed, and to prevent escape and secure proper discipline.

Provides for
workhouse
labor.

SEC. 14. The village council shall, at their first meeting after each annual election, or as soon thereafter as may be, advertise for proposals to do the village printing, giving notice of not less than one (1) week, in such manner as the council may direct, that sealed bids will be received by the recorder to do such printing. The bid or bids shall be publicly opened and read by the recorder at such time and place as the council shall appoint, and the person or persons offering to do such printing at the lowest sum of money or price, in any newspaper printed and published in said village or in the county in which such village is situated, and who shall give satisfactory security for the performance of the work, shall be declared the village printer, and such

Proposals for
village printing
to be advertised.

newspaper the official newspaper of said village, for the ensuing year; *Provided*, That the village council shall have the right to reject any or all bids.

Copy of all ordinances, etc., printed and affidavit to be filed.

In the newspaper designated in the accepted bid or proposal shall be published all ordinances, by-laws and other proceedings and matters required by this act or by the by-laws or ordinances of the village council to be published in a public newspaper.

The village printer or printers, immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the village recorder a copy of such publication, with his affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance or resolution.

CHAPTER V.

OF THE POLICE.

Organization of police force.

SECTION 1. The police force of the village shall consist of the president, who shall be the chief executive officer of the city and who shall at all times have control and supervision of the police of the village, and such other policemen and watchmen as he shall by and with the consent of the village council appoint. He shall have the power to remove, suspend or discharge any police officer summarily, whenever in his opinion the welfare of the village may demand it, either for the appointment of other officers in their places or for the reduction of the police force.

Power to authorize special policemen, without pay.

SEC. 2. The president may likewise, at the request of any person, firm, society or organization, appoint policemen or watchmen, who shall serve without expense to the village and have police powers to preserve the peace and protect the property within such limits and at such places as may be designated in such appointment; but such limited policemen shall not exercise any police authority, nor wear any official badge, outside the limits named in such appointment.

May appoint special police in case of disturbance.

SEC. 3. The president shall, in case of riot or large public gatherings or disturbance, or when in his judgment the case requires it, appoint such number of special policemen or temporary police officers as he may deem necessary; but such temporary appointments shall not continue more than one (1) week without the consent of the council.

One officer to be chief of police.

SEC. 4. The president shall, in his appointments, designate one (1) officer to be chief of the police, and such other officers for special duties and with such control over the other officers or watchmen as he may deem necessary, and may designate the rank of such police officers by such proper title as he may select.

SEC. 5. All police officers and watchmen of the village shall possess the powers of constables at common law under the laws of the state, serve and execute all warrants, processes, commitments and any writ whatsoever issued out of the municipal court of the village; and they shall have power, with the consent or by the direction of the president, to pursue and arrest any person fleeing from justice in any part of the state. When they pursue criminals out of the village, and such criminals are charged with offenses against the state law, they shall be entitled to receive for their own use all fees for such pursuit and all rewards offered for the apprehension of such criminals.

Powers of
police.

SEC. 6. The president shall, with the consent and approval of the village council, from time to time make such regulations for the control of the police force, and the powers and duties of the several officers thereof, as he may deem necessary. Such regulations may designate uniforms, badges, arms, discipline and drill exercises of the police force, as well as the conduct of the officers and men when on and off duty, and all other matters deemed necessary to promote the efficiency of the force.

Regulations for
control of po-
lice.

SEC. 7. If any person shall without authority assume to act as a policeman, or pretend to have such power, or wear a badge of a policeman within the village, he shall be deemed to be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding one hundred dollars (\$100), or imprisonment in the village or county jail not exceeding thirty (30) days.

Misdemeanor to
assume to act as
policeman
without having
authority.

CHAPTER VI.

FIRE DEPARTMENT.

SECTION 1. The village council shall have power to establish a fire department, to appoint officers and members thereof, and shall have supervision of such officers and members, and shall have power to fix their compensation and prescribe and regulate their duties; to provide protection from fire by the purchase of fire engines and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other water works; to erect engine houses; to compel the inhabitants of the village and all others present to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of fire as shall be directed by them or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits or limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be ap-

Power to estab-
lish fire depart-
ment.

To require
owners to pro-
vide ladders and
fire buckets.

To authorize fire wardens to enter dwellings, and enforce necessary measures for fire protection.

purtenances to the realty and exempt from seizure and forced sale; and, after reasonable notice to such owner or occupant, and refusal or neglect by him, and in default of payment therefor, to levy the cost thereof as a special tax upon such real estate, to be assessed and collected as other taxes in the city; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the manner of putting up stovepipes and the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and firearms in the village or any part thereof; to authorize fire wardens at all reasonable times to enter into and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to determine whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in safe condition; and generally to establish and enforce such measures for the prevention and extinguishment of fires as may be necessary and proper.

CHAPTER VII.

TAXATION AND BONDS.

Power to levy village taxes.

SECTION 1. The village council shall have power to levy an annual tax upon all property in said village, taxable under the laws of this state; but no such tax shall exceed one (1) per cent of the assessed valuation of said property. All taxes so levied and collected shall be paid into the village treasury and become part of the general fund.

Taxes to be levied by resolution of council.

SEC. 2. Taxes may be levied by resolution of the village council, to be entered on the record, and no tax shall be invalid by reason of any informality in the manner of levying the same nor because the amount levied shall exceed the amount to be raised.

Statement of taxes to be transmitted to county auditor.

SEC. 3. The village council shall cause to be transmitted to the county auditor of the county in which such village is situate, on or before the first (1st) day of October of each year, a statement of all taxes as levied by them, and such taxes shall be entered and collected and payment thereof enforced with the state and county taxes, and in the same manner in which they are collected and enforced; and the county treasurer shall pay over to the treasurer of the village any and all taxes collected by him or received by him for such village, as provided by general law.

Whenever, previous to any of the settlements provided by law, there shall be a lack of funds in the village treasury for any purpose, and there shall be funds in the county treasury collected on account of village assessments or taxes, the county treasurer may, at the request of the vil-

lage council, advance and pay over to the village treasurer such sums as shall be estimated to be the amount collected on account of such village taxes or assessments, and shall take the village treasurer's receipt therefor; and such advances shall be accounted for and adjusted at the next regular settlement with the village.

SEC. 4. The village council, or a majority of them, shall constitute a board of review, and shall meet and revise, alter and equalize the assessment roll of the assessor as they deem just and proper. The general laws of this state shall apply to said board of review, and said board shall be governed thereby.

Council to constitute a board of review.

SEC. 5. The village council shall have power, when so authorized by a majority of the legal voters present and voting at any general or special village election of which due notice as to time, place and object of the election has been given, to issue the bonds of the village, running not more than twenty (20) years, and bearing interest at a rate not to exceed eight (8) per cent per annum, payable semi-annually, principal and interest payable at such times and places as may be fixed by the resolutions of the council. Such bonds shall be signed by the president, attested by the recorder and sealed with the seal of the village. Such bonds shall be sold at not less than par, and the proceeds from the sale thereof shall go into and become a part of the general fund of the village. Such bonded indebtedness of the village shall not at any time exceed two and one-half (2½) per cent of the assessed valuation of the property in such village.

May issue bonds, on a vote of the village.

Limited to 2½ per cent of assessed valuation.

CHAPTER VIII.

CONDEMNATION OF PRIVATE PROPERTY FOR PUBLIC USE.

SECTION 1. Every such village is authorized and empowered to condemn property, or any right, interest or easement therein, for any or all of the following purposes, to-wit: For water works, gas works, heating works and electric light and power works; for markets, parks, public grounds, public squares, and sites for public buildings, and for buildings for the fire department; for the construction of slopes, embankments or cuts; for sewers, drains, ditches, reservoirs and cisterns; for the laying out, opening, altering, widening and extending, parking and otherwise improving of streets, avenues, parkways, lanes and alleys; for erecting poles and suspending wires thereon; for constructing and laying conduits, mains and pipes and branches and connections pertaining thereto, whether for gas, water, sewerage or wires, or for lowering, raising, changing the course of or diverting any stream of water, ditch, sewer or drain, and also for any and all other public

Condemnation of private property for public use.

purposes. Whenever it shall be deemed necessary to condemn private property for any of the aforesaid purposes, which necessity shall be determined by a majority vote of all the members elect of the village council, said village council shall proceed in the manner hereinafter provided.

Council to appoint commissioners.

SEC. 2. The village council, upon any improvement above mentioned to be made, shall appoint three (3) commissioners, no two (2) of whom shall be residents of the same ward of said village, and all of whom shall be disinterested freeholders and qualified voters of the city, to view the premises and assess the damages which may be occasioned by the taking of private property for any of the purposes aforesaid. Said commissioners shall be notified, as soon as practicable, by the recorder of the village to attend at his office, at a time to be fixed by him, for the purpose of qualifying and entering upon their duties; and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said village not exceeding fifty dollars (\$50), and shall be liable to be prosecuted therefor before the municipal court of said village in the same manner as for a violation of any ordinance of said village; and the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of an absentee or absentees aforesaid, selected from some ward of the village not represented on said board of commissioners, and possessing the qualifications aforesaid. In all other cases of vacancy the village shall fill such vacancy.

Commissioners to be sworn by recorder.

SEC. 3. The commissioners shall be sworn by the village recorder to discharge their duties as commissioners in the matter with impartiality and fidelity, and to make due return of their actions and doings to the village council.

Commissioners to have survey and plat of proposed improvement, and give notice of meeting.

SEC. 4. The said commissioners shall with all reasonable speed, with the assistance of the village engineer of said village, cause a survey and plat of the proposed improvement or purchase to be made and filed with the village recorder, exhibiting as far as practicable the land or parcels of property required to be taken or which may be damaged thereby, and shall thereupon give notice, by publication in the official paper of said village, for at least ten (10) days, to the effect that such plat has been filed, and that the said commissioners will meet at a place and time designated by them and thence proceed to view the premises and assess the damages for property to be taken or which may be damaged by such improvement.

To hear testimony and assess damages.

SEC. 5. At the time and place, according to said notice, the said commissioners shall view the premises and may hear any evidence or proof offered by the parties interested, and adjourn from day to day, if necessary, for the purpose aforesaid. When their view and hearing shall be concluded, they shall determine and assess the amount of damages to be paid to the owner or owners of each parcel of

property proposed to be taken or which may be damaged by said improvement, and in so doing shall take into consideration the value of the property proposed to be taken, with such other damages as may be incident thereto, and also the advantages which will accrue to such property or any part thereof in making such improvement.

SEC. 6. If there should be any building standing in whole or in part upon the land to be taken, the said commissioners shall in each case determine and assess the amount of damages which should be paid to the owner or owners thereof in case such building, or so much thereof as may be necessary, should be taken, and shall also determine and assess the amount of damages to be paid to such owner or owners in case he or they should elect to remove such building; and the damages in relation to the building aforesaid shall be assessed separately from the damages in relation to the land upon which they are erected.

To assess damages for buildings.

SEC. 7. If the lands and buildings belong to different persons, or if the land shall be subject to lease, mortgage or judgment, or if there be any interest in it less than an estate in fee, the injury or damage done to such persons or interests respectively may be awarded to them by the commissioners, less the benefit resulting to them from the improvement; but in no case shall the aggregate damages assessed to the owners, lessee, mortgagee or other persons having an interest therein, exceed the value of the parcel of property sought to be taken.

To determine who are entitled to damages.

SEC. 8. The said commissioners, having ascertained and assessed the damages aforesaid, shall make and file with the village recorder a written report to the village council of their action in the premises, embracing a schedule or assessment of the damages in each case, with the description of the land and names of the owners, if known to them, and also a statement of the costs of the proceedings.

To file report with recorder.

SEC. 9. Upon such report being filed in the office of the village recorder, said village recorder shall give at least ten (10) days' notice, in the official newspaper of said village, to the effect that such assessment has been returned and that the same will be confirmed by the village council at a meeting thereof, to be named in said notice, unless objections are made in writing by any person interested in any land required to be taken. Any person interested in buildings standing in whole or in part upon any land required to be taken for such improvement shall, on or before the time specified in such notice, notify the village council in writing of their election to remove such buildings according to the award of the commissioners. The village council, upon the day fixed for the consideration of such report or at such subsequent meeting to which the same may stand over or be referred, shall have power in their discretion to confirm, revise or annul the assessment, giving consideration to any objections interposed by persons interested.

Notice of filing to be given, and of meeting of council to confirm.

Damages to be paid or tendered.

SEC. 10. The damages assessed shall be paid out of the proper fund of the village, and shall be paid or tendered or deposited and set apart in the treasury of said village to and for the use of the persons entitled thereto, within six (6) months from the confirmation of such assessment and report; and the land or property required to be taken for the purposes aforesaid shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent, or deposited and set apart for his use as aforesaid; and in case the said village shall be unable to determine to whom the damages in any particular case so awarded should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited, by order of the village council, in the district court of the county, in the same manner as moneys are paid into court, until the parties entitled thereto shall substantiate their claims to the same.

Buildings to be removed by owners or sold by village.

SEC. 11. In case any owner or owners of buildings aforesaid shall have elected in manner aforesaid to remove his or their buildings, he or they shall so remove them within thirty (30) days from the confirmation of said report, or within such further time as the village council may allow for the purpose, and shall thereupon be entitled to payment from said village of the amount of damages awarded in such case in the event of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected to remove) to remove the same within the time prescribed, such buildings, or so much thereof as may be necessary, upon paying or depositing the damages awarded for such taking in manner aforesaid, may be taken and appropriated, sold or disposed of, as the village council shall direct, and the same or the proceeds thereof shall belong to said village.

In case of infants, judge of court to appoint a guardian.

SEC. 12. When any known owner of lands or tenements affected by any proceeding under this act shall be an infant or labor under legal disability, any judge of the district court of the county, or, in the absence of such judge, the judge of any court of record in said county, may, upon application of said village or of said commissioners, or such party of his next friend, appoint a suitable guardian for such person, and all notices required by this act shall be served upon such guardian.

Right of appeal to district court.

SEC. 13. Any person feeling himself aggrieved by such assessment may, by notice in writing served upon the president or recorder of said village, a copy whereof, with affidavit of service, shall be filed in the office of the clerk of the district court of the county within twenty (20) days from the time of confirmation of said report or assessment, appeal from said assessment to the district court aforesaid, when such appeal shall be tried by the court and jury as in ordinary cases; but no pleadings shall be required; and the party shall specify in the notice of appeal the grounds of

objection to such assessment, and shall not be entitled to have any other objections than those specified considered; and a transcript of such report certified by the village recorder, or the original thereof, shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just and made in conformity to law. The judgment of such court therein shall be final. Such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from justices of the peace in civil suits, and like bonds shall be given to such village by the person appealing as are required of appellant in such suits.

SEC. 14. Whenever any public ground, street or alley shall be laid out, altered, widened or enlarged, under the provisions of this chapter, the village council shall cause an accurate survey and profile thereof to be made and filed in the office of the register of deeds of the county.

Plats of all public grounds, streets, etc., to be filed in office of register of deeds.

SEC. 15. It shall be the duty of the village recorder to keep in his office a record of all proceedings taken under this chapter, and after the confirmation of any report mentioned in section eight (8) of this chapter, said village recorder shall carefully record and transcribe in such record all the proceedings taken in relation to the matter in said report, including all petitions, orders and appointments of commissioners, returns and reports of commissioners, notices and proofs of publication thereof, and orders and resolutions of the village council; and the said record, or a certified transcript thereof, or the original papers, petitions, proofs of publication, orders or resolutions on file in his office, shall be *prima facie* evidence of the facts therein contained in any court in this state; *Provided*, That the provisions of this chapter shall not apply to any proceedings now pending, but the same shall be completed as though this act had not been passed.

Village recorder to record all proceedings for condemnation.

CHAPTER IX.

LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. Every such village is authorized to levy assessments for local improvements upon the property fronting upon such improvements, or upon the property to be benefited by such improvements, without regard to cash valuation.

Assessments for local improvements.

SEC. 2. Such assessments may be made by such village for filling, grading, leveling, paving, curbing, railing, bridging, graveling, macadamizing, planking, opening, extending, widening, contracting, altering or straightening

Improvements enumerated.

any street, avenue, lane, alley or highway, and for keeping the same in repair; also for filling, grading, protecting, improving or ornamenting any public park, square or grounds now or hereafter laid out; also for planting and protecting shade and ornamental trees in its public parks and along its streets and avenues; and also for constructing, laying and repairing crosswalks and sidewalks, retaining walls, gutters, sewers and private drains; *Provided*, That the village council may, when any contract is let for paving, include therein the expense of laying sewer pipe to the lot line and cause the expense of same to be assessed against the lot to which the sewer pipes are supplied, as a part of the cost of such paving.

Assessments to be on real estate benefited.

SEC. 3. The expense of any improvement mentioned in the foregoing section may be defrayed, save as herein otherwise provided, by an assessment upon the real estate benefited thereby, or by an assessment upon the real estate fronting thereon, in the discretion of the village council, to be levied in the manner hereinafter provided.

No assessment, however, to defray the cost of any improvement mentioned in section two (2) of this chapter shall be levied upon the property abutting upon such improvement or upon the property to be benefited thereby, unless a petition for such improvement, in writing, shall have been presented to said village council, signed by at least one-half ($\frac{1}{2}$) of the owners of property that would be liable to such assessment, or by the owners of at least one-half ($\frac{1}{2}$) of the property which would be so liable, except by an affirmative vote of at least three-fourths ($\frac{3}{4}$) of the village council elect, by yeas and nays, to be entered on the minutes.

Plans and specifications of proposed improvements to be filed in office of recorder.

SEC. 4. Before ordering any improvement mentioned in section two (2) of this chapter, the village council shall cause plans and specifications and an estimate of the cost of the proposed improvement to be made and filed in the office of the village recorder, and, when the same is to be done by contract, shall give at least ten (10) days' notice, in the official newspaper of the village, that at a time stated the village council will meet at its usual place of meeting and receive sealed bids for the performance of such work. Such sealed bids shall be accompanied by a certified check to the amount of ten (10) per cent of the estimated cost of such improvement, or by a bond with two (2) sufficient sureties to the like amount, conditioned that he will, within ten (10) days after notice that his bid has been accepted, enter into the contract, if awarded to him, to be provided by the village council, and furnish a bond with sufficient sureties in a penal sum of at least thirty (30) per cent of the estimated cost of the improvement, conditioned to fulfill the terms of the contract; and if the contract shall be awarded to him, and he shall fail to enter into the said contract within the time limited and furnish

Notice of sealed bids to be received therefor.

Bidding on work, and bonds to be given.

the bond aforesaid, then the said bidder shall be liable to such village for all damages and costs that the said village may sustain by reason thereof; and the measure of damages shall be the difference between the bid made, which was accepted, and the amount the village may finally be compelled to pay for making the improvement, and the same may be retained from the amount of the certified check, if said check shall be deposited as aforesaid, or recover by action on the bond, in the name of such village, in any court having jurisdiction of the amount.

Whenever the village council shall award to any person upon his bid the contract for making any of the improvements herein mentioned, he shall at the time of the execution of said contract furnish to such village a bond, with sufficient sureties, to be approved by said council, for an amount at least thirty (30) per cent of the estimated cost of such improvement, conditioned that he will execute the work for the price mentioned in his bid and according to the plans and specifications; and said bond shall contain a further condition that he will pay for all labor done and material furnished for or on account of said improvement, and the contract to be executed shall also contain a covenant or agreement to pay for all labor done and materials furnished for or on account of said improvement. In case of default on his part to execute and fulfill the terms of the contract and perform the work, said bond may be sued upon and judgment recovered therein by the said village for all damages sustained in the premises, in any court having jurisdiction of the amount. No extension of the time for fulfilling any contract by the village council shall have the effect to release the sureties upon said bond. Said bids shall be opened by the council at the meeting specified in the published notice calling for bids, or such other time thereafter as said council may appoint. All contracts shall be let to the lowest responsible bidders who shall have complied with the above requisitions and who shall guarantee to the satisfaction of the council the performance of said work, except in case of paving streets with patent pavement or pavements; in such case notice for bids may call for wood, stone or other kinds of pavements, and when all the proposals therefor are in, the council may select the one which is relatively the lowest or most satisfactory, all things considered. If the pavement selected is patented, the council shall require a license from the patentee to lay and relay the same for all time thereafter free from all claims of royalty. A copy of said contract shall be filed in the office of the village recorder and registered by him in a book kept for that purpose. The said council shall reserve the right in their said contract, in case of improper construction, to suspend the work at any time and relet the same, or to order the

Awarding contract, and bonds for performance.

If patent pavements are used, license to be filed.

entire reconstruction of said work, if improperly done. In cases where the contractor shall proceed to properly perform and complete the said contract, said council may from time to time, in their discretion, as the work progresses, grant to said contractor an estimate of the amount already earned, reserving fifteen (15) per cent therefrom, which shall entitle said contractor to receive the amount due thereon. When the whole work has been done by said contractor to the satisfaction of the village council, the amount or balance due him shall be audited and allowed by said council and shall be payable out of the moneys applicable to the payment of such work, except upon paving and sewer contracts, when five (5) per cent may be retained for six (6) months to provide for the expense of back-filling and repairing streets.

Payments to contractor.

Assessments on property for 75 per cent of cost and 10 per cent for engineering.

SEC. 5. After the work shall have been placed under contract as herein provided, the council shall assess upon the property fronting upon such improvement, or upon the property to be benefited thereby, seventy-five (75) per cent of the estimated cost of such improvement, and in addition thereto ten (10) per cent of such estimated cost, which shall be added to the assessment to defray necessary expenses of making surveys, plans, specifications and superintendence, in proportion to the frontage on such improvement, or in proportion to the benefits to be derived therefrom, as they shall decide. If the amount so assessed shall be insufficient to complete the work, the village council shall, after the completion of the work, make a final assessment in the same manner to pay the same.

Assessment and collection on railroad companies.

SEC. 6. When in any case any portion of the improvements mentioned in this chapter shall, by virtue of any law or ordinance, or by virtue of any valid contract, be chargeable upon any railroad company, the amount so chargeable may be assessed upon such railroad company and collected by distress and sale of personal property in the manner provided for by the general laws of the state in the cases of taxes levied upon personal property or by suit brought for that purpose; *Provided*, That any real estate belonging to said railroad company and being benefited by said improvement shall be assessed as in other cases.

Village assessor to make assessment roll of property.

SEC. 7. Upon making any assessment the village council shall direct the village assessor to make an assessment roll describing each lot or parcel of land with reasonable certainty liable to such assessment, the amount for which each lot or parcel is liable, and the names of the supposed owners thereof. Such assessment roll, with a notice in substantially the following form, shall be published in the official paper at least three (3) times before the same is confirmed, the first of which publications shall be at least ten (10) days before such confirmation. Such notice and assessment roll shall be substantially as follows:

“Village of

“Notice is hereby given that, whereas, a contract has been let for [herein describe the nature and locality of the improvement], and the expense of such improvement to be assessed to each lot or tract of land fronting on such improvement (or to be benefited by such improvement) having been determined by the village council of said village, Now, therefore, said village council will, at their council chamber in said village, at.....M. of....., the.....day of....., 18....., meet to review and confirm such assessment, at which time and place all persons interested may appear and make objections to the same.

Notice of assessment and property assessed to be published.

“It is proposed to issue bonds, chargeable to the abutting real estate (or the real estate to be benefited by such improvement), to pay such assessment, and such bonds will be issued covering all such assessments, except in cases where the owners of the property shall pay to the village treasurer, within thirty (30) days after the confirmation of such assessment, the amount thereof assessed against their property.

“The following is a list of the supposed owners’ names, a description of the property liable to such assessment, and the amount assessed against the same, to-wit:

- Names of supposed owners.....
- Description of property.....
- Amount assessed.....
- Dated.....

.....President of the Village of.....

Attest:.....Village Recorder.”

At the time and place mentioned in such notice, or at such time and place as they may adjourn to, said village council shall meet and review and confirm such assessment, which confirmation shall be final, except as hereinafter provided.

SEC. 8. After the expiration of said thirty (30) days the council shall issue improvement bonds covering all the assessments except such as the owners shall have already paid, as provided in the preceding section. Such bonds shall be signed by the president and recorder, be sealed with the corporate seal of the village, and contain such recitals as may be necessary to show for the payment of which improvement they were issued, and the number and amounts of such bonds. Said bonds shall be semi-annual interest coupon bonds, divided into five (5) equal series, payable respectively in one (1), two (2), three (3), four (4) and five (5) years from date, and shall draw interest at a rate not exceeding seven (7) per cent per annum, payable semi-annually. Said bonds shall be semi-annual interest coupon bonds, payable at the option of the village after five (5) years, and absolutely at the expiration of seven (7) years

Improvement bonds may be issued for unpaid assessments.

Semi-annual 7 per cent bonds in five yearly series.

from their date, and shall draw interest at a rate not exceeding seven (7) per cent per annum.

The village recorder shall carefully prepare a statement of the special assessments on which the bonds are issued, and record the same, together with a copy of said bonds, in his office.

Special tax, equal to one-fifth of bonds, to be levied annually on delinquent property.

SEC. 9. In each year after the issuing of said bonds the village recorder shall certify to the county auditor, in the same manner and at the same time that other village taxes are certified to such auditor, one-fifth ($\frac{1}{5}$) of the special assessment on each parcel of property covered by said bonds, with eight (8) per cent interest on the amount of such special assessment then unpaid, as a special tax on said property; and the said auditor on receipt thereof shall enter and carry out the same upon the proper tax lists, and they shall be collected the same as other taxes are collected, and when collected paid over to the village treasurer.

Full payment may be made at any time by owner of property.

Provided, That the owner or any party interested in any piece or parcel of land against which said assessment is levied may pay the full amount or any part thereof, with interest thereon at the rate of eight (8) per cent per annum to the date of payment, to the village treasurer at any time before the roll is delivered to the county treasurer; and the village treasurer shall thereupon give his receipt in duplicate for the same, which shall be sufficient authority, upon presentation to the village recorder or to the county auditor, for the cancellation of said assessment, or of so much thereof as has been paid, upon the said assessment roll and upon the certified copy of the roll filed with the county auditor. Upon the presentation of such receipt the village recorder and county auditor shall cancel the same on the said roll and copy respectively, and from and after that time the lien on said land shall cease to the amount of such payment. After the said assessment roll has been delivered to the county treasurer, the assessment, or such part as has been certified to the county auditor, must be paid to said county treasurer with interest and subject to all the penalties allowed by law, and the county treasurer shall report all such payment to the county auditor and village treasurer, giving items of assessment, interest and penalty thereon.

Certificate of taxes paid not to be issued on property delinquent for assessments.

The county auditor shall not issue his certificate that taxes are paid on any piece of land upon which any such assessment has been certified to him until such assessment, interest and penalties thereon, as aforesaid, have been paid and canceled as aforesaid or paid to the county treasurer.

No action to avoid assessments after issue of bonds.

SEC. 10. No action shall be maintained to avoid any of the special assessments of taxes levied pursuant to this chapter after bonds have been issued covering such special assessments, and said bonds shall be conclusive proof of all the proceedings on which the same are based.

SEC. 11. Any person paying his assessment within thirty (30) days of the date of the confirmation of the same, shall be entitled to a deduction of ten (10) per cent added for survey, plans, specifications and superintendence, and the village treasurer is authorized to allow such deduction. Upon presentation to the village recorder of the treasurer's receipt, it shall be his duty to mark "Canceled" the assessment on his books, opposite the description in said receipt.

Full payment within thirty days, deducts the 10 per cent for engineering.

SEC. 12. All deeds of conveyance of the land affected by all assessments mentioned in this chapter shall be subject to the lien of such assessment from and after the time such assessment has been confirmed by the village council and certified to the county auditor.

All deeds of conveyance to be subject to lien for unpaid assessments.

SEC. 13. The village council may require the payment of all assessments within thirty (30) days after the date of the confirmation of the same, when the estimated cost of the improvement for which the assessment is levied does not exceed fifty (50) cents per front foot of the property to be assessed therefor; and may require the payment within such time of all assessments for the construction of sidewalks. In such cases the notice published with the assessment roll shall state that payment must be paid within such time.

Council may require full payment when assessment does not exceed 50 cents per front foot.

SEC. 14. Any person feeling himself aggrieved by such assessment may, by notice in writing served on the president or recorder of said village, a copy whereof with proof of service shall be filed in the office of the clerk of the district court of the proper county within twenty (20) days of the confirmation of such assessment, appeal from such assessment to the district court aforesaid, when such appeal shall be tried by the court as in ordinary cases; but no pleadings shall be required, and the party appealing shall specify in the notice of appeal the grounds of objection to such assessment, and shall not be entitled to have any other grounds than those specified considered; and a copy of the assessment roll in question and of the resolution of the village council confirming the same, certified by the village recorder, or the originals thereof, shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just and made in conformity to law, and the judgment of such court therein shall be final. Such appeal shall be entered and brought on for trial and be governed by the same rules as appeals from justices of the peace in civil actions, and like bonds shall be given to such village by the person appealing as are required of appellants in such actions.

Appeal from assessment must be made within twenty days.

SEC. 15. The said council may at any time authorize the sale and assignment of said bonds at a price not less than their par value, and may apply the proceeds thereof to the payment of the cost of the improvement for which they are respectively issued, and the village recorder shall keep a record of all such assignments.

Improvement bonds may be sold by council at not less than par.

Form of im-
provement
bond.

SEC. 16. Said bonds shall be substantially in the following form:

“Public Improvement Bonds of the Village of.....
Series No.....
Amount..... Date.....

“To Whom It May Concern:

This is to certify that the sum ofDollars has been duly assessed against the lots and parcels of land mentioned in the assessment roll for the improvement of....., which said assessment is a valid and substantial lien and charged against the lots and parcels of land therein described, and that the said sum has been by said village divided into five (5) series or installments; that this bond represents the sum of.....Dollars, the same being series No....., which is due and payable to the said village of....., out of the property pledged by law for its payment, on or before, and is issued pursuant to the provisions of the laws of the State of Minnesota therefor; and the said village ofhereby guarantees to the holder of this bond that it will cause the said assessment to be collected and will pay, upon surrender of this bond to the village treasurer, at his office in said village of....., on the first (1st) day of July in the year....., the said sum of.....Dollars, with interest thereon, from the date hereof to the time mentioned herein for payment, at the rate of.....per cent per annum.

“In Testimony Whereof, the said Village of..... has caused this bond to be signed by its president and attested by its recorder, and its corporate seal affixed thereto, this.....day of....., A. D.....

.....
President.

Attest:

.....
Recorder.”

CHAPTER X.

VACATION OF STREETS, AVENUES AND ALLEYS.

Vacation of
streets, etc.

SECTION 1. The village council of any such village shall have power to vacate or discontinue streets, avenues, alleys and highways within said village. No such vacation or discontinuance shall be granted or ordered by the village council except upon the petition of a majority of the owners of the property on the line of such street, avenue, alley or highway resident within the said village. Such petition shall set forth the facts and reasons for such application, accompanied by a plat of such street, avenue, alley or high-

Petition and
publication,
and reference to
committee.

way proposed to be vacated, and shall be verified by the oath of at least two (2) of the petitioners. The village council shall thereupon order the petition to be filed of record with the village recorder, who shall thereupon give notice, by publication in the official paper of the village for four (4) weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the village council, or a committee appointed by them, at a certain time and place therein specified not less than ten (10) days from the expiration of such publication. The village council, or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter and shall hear the testimony and evidence on the part of the parties interested.

SEC. 2. The village council thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may by resolution of a three-fourths ($\frac{3}{4}$) vote of all the members elect, declare such street, avenue, alley or highway vacated, which resolution, before the same shall go into effect, shall be published as in the case of ordinances; and thereupon a transcript of such resolution, duly certified by the village recorder, shall be filed for record and duly recorded in the office of the register of deeds of the proper county.

Action of council on petition.

SEC. 3. Any person feeling himself aggrieved by any such vacation or discontinuement, or refusal so to do, may within twenty (20) days after the publication of such resolution or after such refusal, by notice in writing served upon the president or recorder of said village, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court of the proper county, appeal to said court from such vacation or discontinuance or such refusal, when such appeal shall be tried by the court as in ordinary cases, and the judgment of such court shall be final. It shall be the duty of said village recorder, as soon as such appeal is taken, to transmit to the proper court a certified copy of the records and files of all proceedings in the case, at the expense of the appellant. Such appeal shall be entered and brought on for trial and be governed by the same rules as appeals from justices of the peace in civil suits, except that no pleadings shall be required; *Provided*, That this chapter shall not be construed to oust the district court of jurisdiction to vacate any such street, avenue, alley or highway in such village as provided by the general laws of this state; but in all such cases notice of such application must be served in writing upon such village authorities by delivering to and leaving with the president or recorder of such village a true and correct copy of such application and notice of hearing, at least twenty (20) days before the day of hearing.

Appeal may be made in twenty days.

Not to affect jurisdiction of district courts to vacate under General Laws.

CHAPTER XI.

MUNICIPAL COURT.

Municipal court. SECTION 1. COURT ESTABLISHED — JURISDICTION. There is hereby established in every such village in the state of Minnesota a municipal court. The said court shall be located and its sessions shall be held in the village hall of such village, if there be such, and if there be no such hall, then at some suitable place to be provided therefor by the village council of such village. Said court shall be a court of record and shall have a clerk and a seal, and the jurisdiction of said court shall be coextensive with the limits of the county in which such village is situated, except as hereinafter provided.

Civil jurisdiction. CIVIL JURISDICTION. Said court shall have jurisdiction to hear, try and determine civil actions and proceedings as follows:

First — Of an action arising on contract for the recovery of money only, if the sum claimed does not exceed five hundred (500) dollars.

Second — Of an action for damages for injuries to the person or to real property, or for taking, detaining or injuring personal property, if the damages claimed, or, if replevin, the value of the property in controversy, does not exceed five hundred (500) dollars.

Third — Of an action for a penalty, given by statute, not exceeding five hundred (500) dollars.

Fourth — Of an action upon a bond, conditioned for the payment of money, not exceeding five hundred (500) dollars, though the penalty exceeds that sum, the judgment to be given for the sum actually due. When the judgments are to be made by installments, an action may be brought for each installment as it becomes due.

Fifth — Of an action upon an official bond or bond taken in said court, if the penalty does not exceed five hundred (500) dollars.

Sixth — To take and enter judgment on the confession of a defendant, when the amount does not exceed five hundred (500) dollars.

Seventh — To hear and determine all questions that may arise in actions before it in Chapter eighty-four (84) of the General Statutes of one thousand eight hundred and seventy-eight (1878) and the acts amendatory thereto, relating to forcible entries and unlawful detainers, whether involving the title to real estate or otherwise.

Eighth — Said court shall also have all the powers and jurisdiction conferred by law upon justices of the peace in this state.

Criminal jurisdiction. *Ninth* — CRIMINAL JURISDICTION. To hear all complaints and conduct all examinations and trials in criminal

cases arising or triable in the county in which said village is situate and cognizable before a justice of the peace, or arising under the charter, ordinances, laws, regulations or by-laws of such village. A change of venue may be demanded and had in the same manner and with like effect as in the district courts of this state.

SEC. 2. LIMIT OF JURISDICTION. The jurisdiction of said court, however, shall not extend—

Limit of jurisdiction.

First—To any civil action involving the title to real estate, save and except an action brought under and pursuant to Chapter eighty-four (84) of the General Statutes of Minnesota, A. D. one thousand eight hundred and seventy-eight (1878), and the amendments to such chapter.

Second—Nor to any action for divorce, or any action wherein the relief demanded in the complaint is equitable in its nature.

Third—Nor to any action to recover damages for false imprisonment, libel, slander, malicious prosecution, criminal conversation, or seduction, or upon a promise to marry.

Fourth—Nor to any action against an executor or administrator as such.

Fifth—Nor to any civil action against such village.

SEC. 3. POWERS. Said court shall have full power and authority to issue all process, civil and criminal, necessary and proper to carry into effect the jurisdiction given to it by law, and its judgments and other determinations, save as hereinafter provided. And it shall have and possess all the powers usually possessed by courts of record at common law, subject to the modifications of the statutes of this state applicable to courts of record. And said court is hereby vested with all powers over cases within its jurisdiction; and all laws of a general nature shall apply to such municipal courts so far as the same are applicable and not inconsistent with the provisions of this act. *Provided*, That such municipal courts shall not have power to issue writs of *habeas corpus*, *quo warranto*, *ne exeat*, *mandamus*, prohibition or injunction.

Powers.

SEC. 4. JUDGE—TERM OF OFFICE. There shall be one (1) judge of said municipal court. The term of office of said judge shall be two (2) years and until his successor shall have been duly elected and qualified.

Judge, term of office two years.

SEC. 5. JUDGE—HOW ELECTED. The judge of said court shall be elected by the legal voters of said village at the special election to be held the 12th day of May, A. D. 1891, and thereafter at the general election for village officers on each odd-numbered year, and the person receiving the highest number of votes at such election shall be declared duly elected said judge.

Judge, how and when elected.

SEC. 6. VACANCY—HOW FILLED. In case of a vacancy in the office of judge, by reason of the death, removal from office of said judge, or otherwise, his place may be

Vacancies, how filled.

filled by the election of another judge, who shall be elected at a special election of said village called for that purpose by the council of said village, which election shall take place not later than sixty (60) days after the said vacancy occurs, and it shall be the duty of the said council to call such special election; and during the period intervening between the time of said vacancy and said election, it shall be the duty of said council to appoint some suitable person to act as said judge, and such person so appointed shall possess the powers herein conferred upon the judge of said court, and the judge so elected at such special election shall have and possess all the powers herein conferred upon the judge of said court.

Qualifications
of judge.

SEC. 7. QUALIFICATION OF JUDGE. The judge of said court shall be a resident of such village, a person learned in the law and duly admitted to practice as an attorney in the courts of this state; and before entering on the duties of his office he shall take and subscribe an oath as prescribed by the General Statutes for judicial officers, which oath shall be filed in the office of the village recorder of said village.

Powers of judge.

SEC. 8. POWERS OF JUDGE. The judge of said municipal court shall have the general powers of judges of courts of record, and may administer oaths, take and certify acknowledgments in all cases, and as a conservator of the peace shall have all power and authority which is or may hereafter be vested in justices of the peace or any other judicial officer of this state. He shall see that the criminal laws of this state and the ordinances, laws, regulations and by-laws of said village are observed and executed; and for that purpose said judge shall open the court every morning (Sundays and legal holidays excepted) and proceed to hear and dispose of, in a summary manner, all cases which shall be brought before him by the police officers of the village or otherwise, either with or without process, for the violation of the criminal laws of this state committed within the county in which said village is situated, or of the ordinances, laws, regulations and by-laws of said village. The judge of this court shall be the chief judicial magistrate of the village.

To make and
prescribe rules.

SEC. 9. RULES. Said judge shall have power to make and prescribe such rules and regulations for the government of said court and the dispatch of the business coming before it as shall be by him deemed proper and as shall not be inconsistent with the provisions of this act and the laws of the state.

Village clerk to
be clerk of mu-
nicipal court.

SEC. 10. CLERK—OATH—BOND. The office of clerk of said municipal court shall be filled by the recorder of such village. Such clerk, before he enters upon the duties of his office, shall take and subscribe an oath to support the constitution of the United States and of the state of Minnesota, and to faithfully and honestly discharge and

perform the duties of his office; and shall execute to the said village a penal bond in such sum and with such sureties as the village council may direct and approve, conditioned that he will account to and pay over to the treasurer of said village, on each day, all fines, penalties, fees and other moneys belonging or to go to said village which may have come into his hands during said day, and that he will at all times pay over to all persons, on demand, all moneys to which they may be entitled which may have come into his hands in virtue or by reason of his office. Such oath and bond shall be filed in the office of the village treasurer of said village.

SEC. 11. DEPUTY CLERK—APPOINTMENT—OATH—BOND—POWERS. Such clerk shall have power to appoint, subject to the approval of the judge of said municipal court, a deputy clerk with like powers of the clerk, but acting under the authority of the said clerk; and said deputy may be removed from office in the same manner as herein prescribed for the removal of the clerk.

Deputy clerk,
how appointed.

SEC. 12. CLERK—DUTIES. The clerk shall have the care and custody of all the books, papers and records of said court. He shall be present by himself or deputy at all trials, unless absent by reason of sickness or by consent of the judge; and in case of the absence of both clerk and his deputy, the judge may appoint some suitable person temporarily to the position. He may swear all witnesses and jurors, and administer all oaths and affidavits, and take acknowledgments, and, when appointed by the court, he shall, without compensation, act as referee in any civil action pending in said court. He shall keep minutes of proceedings and enter all judgments, orders and sentences, issue commitments as well as all other writs and processes, and make up and keep the record of the court under the direction of the judge, and, when a judge is not present, adjourn the court from day to day. He shall tax all costs and disbursements allowed in every action, subject to review by the judge, and do all other things and acts necessary and proper to the enforcement and carrying out of the jurisdiction of the court. He shall receive all fines, penalties and fees of every kind accruing to the court or any officer thereof, including police officers, and keep full, accurate and detailed accounts of the same, and shall on each day deliver over to the village treasurer of such village all moneys so received, with detailed accounts thereof, and take his receipt therefor. Said clerk, as well as the judge of said court, is hereby made a conservator of the peace and vested with the same authority, discretion and power to act on receiving complaints and issuing warrants of said court in criminal cases.

Duties of clerk.

SEC. 13. BOOKS, BLANKS, ETC., TO BE FURNISHED. Said clerk shall, under direction of the judge and with the consent of the village council of said village (unless other-

Books and
blanks to be
supplied by vil-
lage.

wise provided), from time to time procure and furnish all the necessary blanks, stationery and record books for the use of the court and the officers thereof, at the expense of said village.

Village attorney, duties.

SEC. 14. VILLAGE AND COUNTY ATTORNEY—DUTIES. The village attorney of such village shall have charge of the prosecution of all criminal cases in said court not indictable; and the county attorney for the proper county shall act in the prosecution of offenders charged with indictable offenses, when so required by law to prosecute before justices of the peace or otherwise.

Stenographer may be appointed.

SEC. 15. STENOGRAPHER. The judge of said court may employ and appoint a shorthand writer, and fix his compensation, to make in shorthand writing a true record or report of the proceedings and evidence taken upon the trial of issues of fact in said court and of all examinations had therein; and, when required by the court or either of the parties to any such trial or examination, to transcribe such report or record into words which shall be represented by the characters used by him in reporting such proceedings or examination as the same shall occur.

Stenographer, duties and pay.

SEC. 16. STENOGRAPHER—OATH—DUTY. Before such reporter shall enter upon the performance of his duties, he shall take and subscribe an oath similar to the oaths required of the reporters in the district court of this state, and file the same with the clerk of the court.

The evidence and proceedings in trials of issue of fact in this court shall be reported in like manner as in the district court, provided the party calling for a reporter pays into the village treasury the amount ordered by the court, and shall be filed with the clerk of this court and remain so on file for the use of all parties interested.

In the performance of his duties said reporter shall be subject to the orders and directions of the court, and the judge may at any time discharge such reporter and employ and appoint another, and fix the compensation of said reporter not to exceed five dollars (\$5) per day for the time actually employed, to be paid out of the village treasury on the order of the judge of said court; and such expense shall be taxed in the costs of the case, for the use of the prevailing party, provided said party calls and pays for said reporter.

Fees to stenographer.

SEC. 17. STENOGRAPHER—FEES. When the official reporter of said court shall be required by any of the parties to an action, proceeding or examination to transcribe his record into ordinary writing or print, the parties requiring such transcript shall pay to the clerk of said court five (5) cents per folio of one hundred (100) words for the transcript, and three (3) cents per folio of one hundred (100) words for each copy thereof, two-thirds ($\frac{2}{3}$) of said amount to be paid to the reporter and one-third ($\frac{1}{3}$) to the village treasurer.

SEC. 18. TERMS OF COURT. Such court shall hold regular terms for the transaction of civil business and trial of civil actions, on each Tuesday of every month, which terms shall continue from day to day, with such adjournments as the court may deem proper, until the business of such term shall be finished; *Provided*, That the judge of said court may set cases for hearing and trial upon any day in that or any subsequent term. Terms of court.

The terms of said court shall open at ten (10) o'clock in the forenoon.

SEC. 19. TERM CALENDAR. The clerk of the court shall, prior to each term of the court, make up a calendar of the causes which will come up for trial or for any other disposition before the court at such term, adopting such arrangements as the judge may direct. Term calendar.

SEC. 20. ACTIONS—HOW COMMENCED AND CONDUCTED. All civil actions and proceedings in said court shall be commenced and conducted as prescribed by the statutes regulating the commencement, pleading, practice and procedure in the district courts of this state, as far as the same may be applicable, except, however, as in this act otherwise provided. Actions, pleading and practice same as in district court.

SEC. 21. TIMES TO SERVE PLEADINGS, ETC. The time within which any act is to be done in this court shall be one-half ($\frac{1}{2}$) of the statutory period prescribed in the district court proceedings; *Provided*,— Time of serving pleadings.

First—That no such period shall be less than three (3) days.

Second—That two (2) days' notice of taxation shall be given.

Third—Notes of issue shall be filed at least three (3) days before the term, and notices of trial shall be served at least four (4) days before the term.

Fourth—The time within which motions for new trials and appeals may be made or taken shall be the same as in the district court.

Fifth—The practice and proceedings in actions under Chapter eighty-four (84) of the General Statutes of one thousand eight hundred and seventy-eight (1878) shall be the same as in justice's court, except that the summons shall be issued by the clerk and be made returnable on the first (1st) day of a regular term of said court.

Sixth—The notice required of the taking of depositions to be used in said court shall be the same as in the district courts of this state.

Seventh—Defaults may be opened and judgments and orders set aside or modified, for good cause shown, within sixty (60) days after the party affected thereby shall have notice or knowledge of the same.

SEC. 22. Where any equitable defense or ground for equitable relief is interposed, or where it appears that the title to real estate is involved, save as is provided in sec- Transfer of actions to district court.

tion one (1), subdivision seven (7) of this act, said court shall immediately cause an entry of the fact to be made of record and cease all further proceedings in the case, and within twenty (20) days thereafter certify and return to the district court of the proper county a transcript of all entries made in the record relating to the case, together with all process and other papers relating to the suit; and thereupon said district court shall proceed in the case to final judgment and execution, according to law, the same as if the said suit had been originally commenced in the district court, and the costs shall abide the event of the suit.

Attachment,
replevin, gar-
nishment.

SEC. 23. ATTACHMENT—REPLEVIN—GARNISHMENT. Proceedings by attachment for more than fifty dollars (\$50), replevin or garnishment in said court shall be conducted as in the district courts of this state; *Provided*, That the bonds required in such proceedings shall be executed with sufficient sureties and be in double the amount claimed in attachment, and not less than the sum of one hundred dollars (\$100), or in double the value of the property claimed in replevin; and all bonds required or allowed in such proceedings shall be approved by the judge of said court; and *Provided further*, That in garnishment proceedings the affidavit required shall be the same as required in justice's court; and no judgment shall be rendered against a garnishee when the judgment against the defendant is less than ten dollars (\$10), exclusive of costs, nor when the indebtedness of the garnishee to the defendant, or the value of property, money or effects of the defendant, in the hands or under the control of the garnishee as provided, is less than ten dollars (\$10); and *Provided further*, That all attachment proceedings for less than fifty dollars (\$50) shall conform to the practice in justices' courts in this state.

Depositions.

SEC. 24. DEPOSITIONS. Depositions may be taken and used in said court in like manner as in the district court.

Tenders of
money.

SEC. 25. TENDERS. Tenders of money may be pleaded and made in said court in like manner and with like effect as in the district court.

Stay of execu-
tions.

SEC. 26. STAY OF EXECUTION. Executions may be stayed in this court in like manner as in the district courts.

Confession of
judgment.

SEC. 27. CONFESSION OF JUDGMENT. Judgment may be confessed and filed and entered in said court as in the district court.

Appeals from
justice's court.

SEC. 28. APPEALS FROM JUSTICE COURTS. All appeals from judgments of justices of the peace in such village shall be taken to this court, and this court shall have the same powers in such cases now possessed by the district courts of this state; and all laws applicable to appeals to the district court are made applicable to said courts; *Provided, however*, That the appellant shall cause such appeal to be entered in such court and placed upon the

calendar for trial at a term occurring not more than twenty (20) days from the time of the allowance of such appeal; and *Provided further*, That the appellant shall cause to be served upon the respondent or his attorney a notice of trial at least three (3) days before the term at which said appeal is to be heard; and *Provided further*, That if the appellant fails or neglects to enter the appeal as aforesaid, the respondent may enter the same at the next or any succeeding term of said court, and have the judgment of the court below affirmed with interest and costs.

SEC. 29. SECOND TRIAL.—*Under Chapter eighty-four (84) General Statutes one thousand eight hundred and seventy-eight (1878).*—Whenever the title to the real estate, for the possession of which the action is brought under Chapter eighty-four (84) of the General Statutes of one thousand eight hundred and seventy-eight (1878), is involved and determined in this court, the person aggrieved thereby may, after written notice of the judgment entered in said action, apply to the court and have said cause transferred to the district court for the proper county, upon complying with the following requisites:

Second trial in actions for possession of real estate.

Transfer to district court.

First—He shall deposit with the clerk of this court, for the use of the person entitled thereto, the amount of costs and disbursements included in said judgment.

Second—Within twenty-four (24) hours after notice of such judgment he shall serve upon the adverse party a notice in writing of at least three (3) days, stating that he will apply to the court at the next regular term thereof, occurring not less than four (4) days after such judgment is entered, naming such term, for an order of the court certifying said cause to the district court of the proper county for a second trial, and that he will then apply to the court to find the amount of the bond hereinafter provided for, and that he will then propose the names of [insert names] as sureties in such bond.

Third—The amount of the bond having been fixed by the court and the proposed sureties approved, such bond, conditioned that the party aggrieved will pay the costs of said second trial and abide any order the court may make therein, and pay all rents, issues, profits and damages justly accruing to the adverse party during the pendency of the action, shall be filed with the clerk of this court within five (5) days thereafter.

Bond to pay costs and abide judgment.

SEC. 30. COURT TO MAKE ORDER. Upon the filing of such bond the court shall make an order directing that the cause be certified to the district court for a second trial therein.

Court to order case to district court.

SEC. 31. CAUSE TO BE CERTIFIED. The clerk of this court shall, within ten (10) days after the filing of such order, certify the cause and all papers of record therein to the district court, and thereafter all proceedings in said action shall be had and conducted in said district court.

Clerk to certify with all papers of record.

Judgment stay
until second
hearing

SEC. 32. JUDGMENT STAY. Upon filing the notice provided for in section thirty-one (31), subdivision two (2), together with proof of service upon the adverse party, all proceedings in the action shall be stayed in the court until the further order of the court.

Process, forms
of, and testing.

SEC. 33. PROCESS. All process shall be tested in the name of the judge of this court and issued under the seal of the court, and signed by the clerk and directed for service to the sheriff of the proper county, except as herein otherwise provided. The forms of process may be prescribed by the court, by rule or otherwise, and any form so prescribed shall be valid and sufficient, and such forms may be changed by the court at any time. In the absence of such prescribed forms, the forms of the process in use in the district courts of this state may be changed and adapted to the style of the court, and used at the discretion of the court.

Summons and
subpoenas,
service of.

SEC. 34. SUMMONS AND SUBPŒNAS—HOW SERVED. The summons and subpœnas may be served by any constable of such village, or by the sheriff of the proper county, or by any other person not a party to the action, and the service shall be made and the summons returned and filed with the clerk of the court with all reasonable diligence.

Criminal pro-
ceedings.

SEC. 35. CRIMINAL PROCEEDINGS—HOW CONDUCTED. Complaints in criminal cases, where the defendant is not in custody, may be made to the court while in session, or to the judge or clerk when not in session, and shall be made in writing or reduced to writing by the judge or clerk and sworn to by the complainant, whether the offense charged be a violation of the criminal laws of the state or of the ordinances, regulations, laws or by-laws of said village. Complaints, warrants and other process in criminal cases may follow substantially the forms heretofore in use by justices of the peace, with such alterations as may be convenient to adapt the same to the style of this court, or may be in such other form as the court may prescribe, sanction or approve. In cases when alleged offenders shall be in custody and be brought before the court or the clerk without process, the clerk shall enter upon the records of the court a brief statement of the offense with which the offender is charged, which statement shall stand in the place of a complaint, unless the court shall direct a formal complaint to be made. The plea of the defendant shall be "Guilty" or "Not guilty." In case of a failure to plead, the clerk shall enter a plea of not guilty, and a former acquittal or conviction for the same offense may be proved under the plea of not guilty with like effect as if formerly pleaded.

Complaints,
warrants and
other process in
form as hereto-
fore used by
justices of the
peace.

In the examination of offenders charged with indictable offenses, such minutes of the examination shall be kept as the court may direct, and be properly returned to the court before which the party charged with the offense may be bound to appear.

SEC. 36. COSTS.] Costs are allowed to the prevailing party in actions commenced in said court, as follows: Costs to be allowed.

First—To the plaintiff, upon a judgment in his favor of fifty dollars (\$50) or more in an action for the recovery of money only, when no issue of law or fact is joined, five dollars (\$5); when an issue is joined, ten dollars (\$10).

Second—In all other actions, five dollars (\$5).

Third—To the defendant, upon discontinuance or dismissal, when the amount claimed in the plaintiff's complaint is fifty dollars (\$50) or more, five dollars (\$5).

Fourth—When judgment is rendered in his favor on the merits, five dollars (\$5); and when the amount claimed in the plaintiff's complaint is fifty dollars (\$50) or more, ten dollars (\$10).

Fifth—Costs may be allowed on a motion or demurrer, in the discretion of the judge, not exceeding ten dollars (\$10), and may be made absolute or directed to abide the event of the action.

Sixth—Save as hereinbefore provided, costs shall be allowed in all cases to the prevailing party, as in the district courts of this state.

SEC. 37. DISBURSEMENTS. Disbursements necessarily paid or incurred shall in all cases be allowed to the prevailing party. Disbursements may be allowed.

SEC. 38. TAXATION OF COSTS. Costs and disbursements shall be taxed and allowed by the clerk of said court as in the district courts of this state. Taxation of costs.

SEC. 39. CLERK'S AND OFFICERS' FEES. In all proceedings had in said courts, like fees shall be charged and collected by the clerk as costs as are allowed by law to the clerk of the district court of the proper county for like services; *Provided*, That the plaintiff, upon the filing of his complaint in said court, and the appellant or party procuring the transfer of any action from a justice's court, upon filing the return on appeal or other paper, shall pay to the clerk the sum of two dollars and fifty cents (\$2.50), for the use of such village, which sum shall be in full of all costs and fees of said court and clerk up to and including the entry of judgment and certifying transcript of judgment to the district court, and no rebate shall be allowed to any such person making such payment. Fees of clerk same as in district court.

SEC. 40. TRIAL BY JURY. Trial by jury in said court shall in all respects be conducted as in the district courts of this state, and all laws of a general nature applicable to jury trials in said district courts shall apply to said municipal courts. Trial by jury same as in district court.

SEC. 41. JURY—METHOD OF DRAWING. The judge of said court and the president of the common council of such village shall, on the last Saturday of each and every month, meet at the municipal court room in said village and from the electors of said village select and designate forty-eight (48) of said electors as the jurors of said court, Drawing juries to serve one month.

to serve therein when required and drawn during the succeeding month and until their successors are selected. The clerk of the court shall thereupon write the names of the jurors so selected upon separate slips of paper and place the same in a wheel or box, and whenever a jury is required in said court he shall thereupon, by lot, draw for a jury of six (6) men twelve (12) jurors, and for a jury of twelve (12) men twenty-four (24) jurors. The jurors so drawn shall be summoned to attend the trial of the case wherein they are drawn. The first six (6) or twelve (12) jurors drawn shall constitute the jury, unless some of said jurors are excused or challenged, in which case the clerk shall call so many of the remaining jurors as shall be required to fill the places of the jurors excused. And in the event that a jury cannot, for any cause, be filled and sworn from the jurors so summoned, then the clerk shall draw other names from said box or wheel and summon the same until the jury is full; *Provided, however,* That each party to a civil or criminal action shall be entitled to three peremptory challenges and no more.

Fees of jurors same as in justice's court.

SEC. 42. FEES OF JURORS. Jurors so summoned and attending as aforesaid in said court, and duly sworn as such for the trial of any action, shall be entitled to like compensation as jurors in justice's court; but the party demanding a jury in any civil action shall be required to advance the fees for such jury before the venire shall issue.

Appeals may be made to supreme court.

SEC. 43. APPEALS TO THE SUPREME COURT. Any cause, including actions under Chapter eighty-four (84) of the General Statutes of one thousand eight hundred and seventy-eight (1878), may be removed from said courts to the supreme court of the state in like manner and upon like proceedings, and with like effect, as from the district court, except in cases where appeals are prohibited.

Liens accrue, by transcript to district court.

SEC. 44. TRANSCRIPT—LIEN. No judgment rendered in said court shall attach as a lien upon real estate until a transcript thereof shall be filed in the district court, as hereinafter provided. Every person in whose favor a judgment is rendered in any such municipal court may demand and receive from such clerk a transcript of such judgment, duly certified, and file the same in the office of the clerk of the district court of the proper county, who shall file and docket the same as in the case of transcripts of judgments from courts of justices of the peace. And every judgment shall become a lien upon the real estate of the debtor, from the time of filing such transcript, to the same extent as a judgment of said district court, and shall thereafter, so far as relates to the enforcement of same, be exclusively under the control of said district court and carried into execution by its process, the same as if rendered in said district court. But writs of execution thereon in civil actions may issue against the goods and chattels of the judgment debtor, returnable within thirty (30) days, as in justices' courts in this state.

SEC. 45. DUTY OF SHERIFF. It shall be the duty of the sheriff of the proper county, in the state of Minnesota, to serve all civil process and other papers in civil actions issued by the said court, and to summon all persons required therein, except as herein otherwise provided.

Sheriff of county to serve civil process, except as qualified.

SEC. 46. POLICE OFFICERS—PROCESS IN CRIMINAL AND CIVIL ACTIONS. The police officers of the said village are hereby vested with all the powers of constables under the statutes of this state as well as the common law. It shall be the duty of the police officers of said village to serve all process or other papers issued by said court. All such process shall be delivered to the chief of police, and it shall be his duty to see that all such process is faithfully served and duly executed, except as otherwise provided herein.

Police officers vested with all powers of constables.

SEC. 47. POLICE OFFICERS AND BAILIFF. It shall be the duty of the president of said village to see that a sufficient number of police officers are always in attendance upon said court and in readiness to obey its mandates and preserve order in its proceedings. And said president shall have the power, in his discretion, to appoint not exceeding three (3) persons, approved by the judge of said municipal court, as policemen for special attendance and duty in said court, irrespective of the general or special rules or legal regulations or enactments relative to the qualifications of policemen; but such persons shall receive the same but no greater compensation, unless the council directs greater compensation than ordinary police; and all policemen attending said court may be required to give bonds to said village in such sum as the council shall direct for the faithful performance of their duties, such bonds to be for the use of all persons interested; *Provided, however,* That nothing herein contained shall affect the powers and duties of the general police in said court.

Police officers in attendance upon court.

SEC. 48. FEES OF POLICE. Police officers shall hereafter receive for their services no other compensation than the salary paid them by the village, except as otherwise provided herein; and if any fee shall be paid to any police officer or bailiff for any service in connection with this court, he shall forthwith pay the same over to the clerk of the court for the use of said village, and a failure to do so shall be a misdemeanor punishable by a fine not exceeding one hundred dollars (\$100), or by imprisonment not exceeding thirty (30) days, and the said clerk shall pay the same to the village treasurer in the same manner as provided by section twelve (12) of this act.

Police officers acting for court to turn over all fees received.

SEC. 49. DEPUTY CLERK TO ACT AS BAILIFF. The deputy clerk may, when required by said court, perform the duties imposed by this act upon its special policemen, and shall have the same authority and powers as are conferred by law upon police officers of the village; *Provided,* That he shall receive no other or further compensation for such services than his compensation as deputy clerk.

Deputy clerk may be required to act as bailiff.

Salary of judge. SEC. 50. SALARIES. The salary of the judge of any such municipal court shall be sixteen hundred (1600) dollars for the first year, eighteen hundred (1800) dollars for the second year, and thereafter two thousand (2,000) dollars per annum, and the same shall be paid out of said village treasury in equal monthly installments.

Salary of clerk of court. The salary of the clerk of the municipal court shall be five hundred (500) dollars per annum, which shall be paid out of said village treasury in equal monthly installments.

Sessions of court may be called at any time. SEC. 51. JUDGE—MAY ACT HOW. The judge of the municipal court may hold session and act as such court, and shall be fully possessed of all the powers and authority of said court. Said judge may act at any time or upon any occasion deemed proper by him; and any such judge may practice in the district courts and supreme court of this state in all cases which have not arisen in the municipal court of which he is judge.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

Rights of creditors preserved. SECTION 1. The rights of the creditors of such village shall not be prejudiced by anything contained herein, but the same are preserved to them, and they shall have the same rights and remedies against the village as they would have had if this act had not been passed.

Recognizances, obligations, etc., heretofore in force to continue. SEC. 2. All recognizances, obligations and all other instruments entered into or executed by any such village before this act goes into effect, and all fines, taxes, penalties and forfeitures due or owing to the same, and all writs, prosecutions, actions and causes of action, shall continue and remain unaffected by this act going into operation.

Ordinances to continue in force. SEC. 3. All ordinances in force in any such village at the time this act goes into effect shall remain in full force and effect until altered or repealed by the village council, and all rights or contracts of any such village shall continue the same as if this act had never been passed.

Papers, files, plats, etc., to be kept by village recorder. SEC. 4. All papers, files, plats and other public records to be kept, preserved or filed, unless otherwise provided for in this act, shall be placed on file and preserved in the office of the village recorder.

No state law to contravene, unless specially cited. SEC. 5. 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 clearly set forth in such law.

Service of process against village. SEC. 6. When any suit or action shall be commenced against said village, service or process therein shall be made by leaving a copy thereof, by the proper officer, with the president or recorder; and it shall be the duty of the

president or recorder forthwith to inform the village council thereof and to take such other proceedings as by the ordinances or resolutions of the village council may have been in such cases provided.

SEC. 7. Such village shall not be liable in any case for the jail fees of any person committed to the common jail of the proper county by any officer of said village, or any magistrate of said village, for offenses punishable under the general laws of this state.

Not to be liable for jail fees, for offenses under General Laws.

SEC. 8. The public property of such village shall be exempt from seizure or sale on execution and from taxation.

Public property exempt from seizure.

SEC. 9. No person shall be an incompetent judge, witness or juror by reason of his being an inhabitant of the village in any proceeding or action in which the village shall be a party in interest.

No person shall be incompetent judge, witness, etc.

SEC. 10. No vote of the village council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there are present as large a number of aldermen as were present when the vote was taken.

Rescinding of votes of city council.

SEC. 11. No penalty or judgment recovered in favor of the village shall be remitted or discharged, except by vote of two-thirds ($\frac{2}{3}$) of the village council elect.

No penalty or judgment remitted, except by two-thirds vote of council.

SEC. 12. Every contract, conveyance, commission, license or other written instrument shall be executed on the part of the village by the president or acting president and the village recorder, sealed with the corporate seal, and in pursuance only of authority therefor from the village council.

Village contracts, by whom signed.

SEC. 13. Work done or constructions made of any kind by such village may be done by contract awarded as hereinbefore provided, or the village council may, in its discretion, direct any such work or construction, or any part thereof, to be done by days' work under the direction of said council, or any officer of said village or street commissioner whom the village council may designate; *Provided*, That when any work or construction shall involve an expenditure of more than five hundred dollars (\$500), such work or construction shall be done by contract, let to the lowest responsible bidder, after due public notice shall have been given and proposals invited for the same, as hereinbefore provided.

Work to be done by contract, when possible.

SEC. 14. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved April 6, 1891.