

such associates or association may have an interest, and the real estate so purchased, to sell, convey, lease or mortgage, at pleasure, to any person or persons whomsoever.

When act to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 2, 1876.

## CHAPTER XXXVI.

AN ACT TO AMEND SECTIONS TWELVE AND FOURTEEN, OF CHAPTER ONE HUNDRED AND THIRTY-NINE, OF GENERAL LAWS OF 1875, ENTITLED AN ACT TO PROVIDE FOR THE ORGANIZATION OF VILLAGES IN THE STATE OF MINNESOTA.

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

SECTION. 1. That section twelve, of chapter one hundred and thirty-nine, of the general laws of 1875, be and the same is hereby amended so as to read as follows :

Village may levy tax—limitation.

Sec. 12. The legal voters of said village may at any annual or special meeting, authorize the village to levy a tax for any legitimate object, but in no case shall the tax so levied exceed the sum of five mills upon the dollar valuation in any one year, and all taxes levied except for improvement of streets, sidewalks and crossings, shall be levied and collected as prescribed by the statutes of this state for the levying and collection of township taxes. *Provided*, That the village council shall, on or before the first day of September in each year, make and certify to the county auditor of the county in which any of the lands or village lots within the corporate limits of such village are situate, a statement of all taxes levied and assessed by them, and shall also at the same time make and certify to the auditor of the proper county, a list of the names of the owners of personal property subject to taxation within such village, and the county auditor shall, upon the receipt of said statement and list, enter and carry out the said tax or taxes against the property within such village, and collect the same as other taxes are collected, and when collected pay over the same to the village treasurer.

Village council.

SEC. 2. That section fourteen (14) of said chapter, be and the same is hereby amended so as to read as follows :

Sec. 14. The justice of the peace and constables of said village shall have and may exercise, in addition to the powers and authority herein specially granted to such officers, all the powers, authority and jurisdiction in any case possessed by a

justice of the peace or constable elected in the county or counties in which such village is situated. The village justice and constable shall take the same oath of office, and execute before entering upon the discharge of their duties as such officers, the same bonds as township justices of the peace and constables, and file their bonds with the same officers as justices of the peace and constables elected elsewhere in the state are now or hereafter may be required to do, and shall receive the same fees for their services as justices of the peace and constables elected elsewhere in the state are allowed under the general statutes of the state, now or hereafter in force, and in all cases where a village is situated in more than one county, the justice of the peace and constable of such village shall have and possess all the powers and jurisdiction conferred by this act in each of the counties in which such village is situated, and shall file their bonds in each of said counties.

Relating to justices of the peace and constables.

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

When act to take effect.

Approved February 28, 1876.

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XXXVII.

AN ACT RELATING TO TITLE TO REAL PROPERTY BY DESCENT.

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

SECTION 1. When any person dies seized of any lands, tenements or hereditaments, or of any right thereto, or entitled to any interest therein, in fee simple or for the life of another, not having lawfully devised the same, they shall descend in the following manner:

Homestead.

SEC. 2. The surviving husband or wife shall also be entitled to hold for the term of his or her natural life, free from all claims on account of the debts of the deceased, the homestead of such deceased, as such homestead is or may be defined in the statutes relating to homestead exemptions.

SEC. 3. Such surviving husband or wife shall also be entitled to and shall hold in fee simple or by such inferior tenure as the deceased was at any time during coverture seized or possessed thereof, one equal, undivided one-third of all other lands of which the deceased was at any time during coverture seized or possessed, free from any testamentary or other disposition thereof, to which such survivor shall not have assented in writing, but subject in its just proportion with the other real estate, to the payment of such debts of the deceased as are not paid from the personal estate, the residue of such real estate; or if there be no

Lands not homestead.