

CHAPTER 8.

AN ACT TO AMEND CHAPTER SIXTY-FIVE (65) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881), RELATING TO AN ACT INCORPORATING THE VILLAGE OF JORDAN IN SCOTT COUNTY.

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

SECTION 1. All that part of the township of Sand Creek, in the county of Scott, and State of Minnesota, included and within the following described limits or boundaries, to-wit: The southeast quarter ($\frac{1}{4}$) and the northwest quarter ($\frac{1}{4}$) and the northeast quarter ($\frac{1}{4}$) of section nineteen (19), and the southwest quarter ($\frac{1}{4}$) of section eighteen (18), and the northwest quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of section twenty (20), in township one hundred and fourteen (114), north of range twenty-three (23) west; shall be and the same is hereby created a village by the name and style of the "Village of Jordan," and the people who do now or hereafter may reside within the said village, are hereby created a corporation for municipal purposes, with perpetual succession under the name and style of the "Village of Jordan," and as such corporation shall possess and enjoy all the rights and privileges which can now or hereafter may be possessed and enjoyed by corporations for municipal purposes under the constitution and laws of the state of Minnesota.

SEC. 2. The elective officers of said corporation shall be one (1) president, one (1) recorder, three (3) trustees, one (1) treasurer, one (1) village attorney, two (2) justices of the peace, and two (2) constables, and shall each, except the justices of the peace and constables, hold their respective offices for the the term of one (1) year, and until their successors are elected and qualified. The justices of the peace and constables shall hold their respective offices for the term of two (2) years and until their successors are elected and qualified. In addition to the above mentioned officers, the village council shall have power to appoint such other officers as to said village council may seem necessary.

SEC. 3. Each officer, before entering upon the duties of his office, and within ten (10) days after receiving notice of his election, shall give notice in writing of his acceptance of the same to the recorder of said village, and shall take and subscribe before some officer, by law authorized to administer oaths, an oath of office to support the constitution of the United States, and the constitution of the state of Minnesota, and that he will faithfully perform the duties of his office in accordance with the law and the ordinance of said village. And, in addition thereto, the treasurer, recorder, justices of the peace, assessor and constables, shall each give bond in a sum not less than five hundred (500) dollars to be determined by the said village council, conditioned for the faithful performance of the duties of their respective

offices, which bond shall be approved by the president of the village council and filed with the recorder of said village.

SEC. 4. The president, the three (3) trustees, and the recorder shall be the village council of said village, any three (3) of whom shall constitute a quorum for the transaction of any business, and shall have full power and authority to enact, adopt, modify, enforce, and, from time to time, amend or repeal all such ordinances, rules and by-laws as they shall deem expedient for the following purposes, viz.:

First—To regulate the mode of, and establish rules for their proceedings.

Second—To adopt a corporate seal and alter the same at pleasure.

Third—To receive, purchase and hold for the use of the village any estate, real and personal, and to sell and convey the same.

Fourth—To limit and define the duties and powers of officers and agents of the village, fix their compensation, and fill vacancies when no other provision is made by law; to call special elections, and to designate trustees to act as judges of election.

Fifth—To procure the books and records required herein to be kept by village officers, and such other furniture, property, stationery and printing as shall be necessary for village purposes.

Sixth—To provide for the prosecution or defense of all actions or proceedings in which the village is interested, and employ counsel therefor.

Seventh—To appoint village officers. To appoint a village attorney, a poundmaster, one or more sextons or keepers of cemeteries, one or more fire wardens, and one or more street commissioners, whenever they deem necessary. Every street commissioner, when by resolution the village board shall require it, shall take and file his oath of office, and execute a bond conditioned for the faithful discharge of his duties, and the proper application and payment of all moneys that may come into his hands by virtue of his office.

Eighth—To control and protect the public buildings, property and records, and insure the same.

Ninth—To re-number the lots and blocks of the village or any part thereof, and to cause a revised and consolidated plat of the same, to be recorded in the office of the register of deeds.

Tenth—Fire department. To establish a fire department, to appoint the officers and members thereof, 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 fire, 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 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 the 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 appurtenances to the realty and exempt from seizure and forced sale; and and after reasonable notice to such owner or occupant, and refusal or neglect by him to procure and deliver the same to 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 said village; 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 stove pipes, and the construction and cleaning of chimneys; to prevent bonfires, and the use of fire works and fire arms 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, inclosures, and buildings of every description, in order to discover whether any of them are in dangerous condition, and to cause such as may be dangerous to be put in safe condition, and generally to establish such necessary measures for the prevention or extinguishment of fires as may be necessary and proper.

Eleventh—To lay out, open, grade and improve streets. To lay out, open, change, widen or extend streets, lanes, alleys, sewers, parks, squares or other public grounds, and to grade, pave, improve, repair or discontinue the same or any part thereof, or to establish and open drains, canals or sewers; or alter, widen or straighten water courses; to make, alter, widen or otherwise improve, keep in repair, vacate or discontinue sidewalks and crosswalks; to prevent the incumbering of streets, sidewalks and alleys with carriages, carts, wagons, sleighs, sleds, buggies, railway cars, engines, boxes, lumber, firewood, or other substances or materials; to prevent horse racing or immoderate riding or driving of animals, or the driving of vehicles of any kind on the sidewalks of the village, or the doing of damage in any way to such sidewalks; and to require the owners or occupants of buildings to remove snow, dirt or rubbish from the sidewalks adjacent thereto; and in default thereof to authorize the removal of the same at the expense of such owner or occupant.

Twelfth—Cattle, pounds, etc., etc. To restrain the running at large of cattle, horses, mules, sheep, swine, poultry and other animals, and to authorize the distraining, impounding and sale of the same; to establish pounds and regulate and protect the same; to require the owners or drivers of horses, oxen or other animals, attached to vehicles or otherwise, to fasten the same while in the streets or alleys of said village; to prohibit the hitching of horses, teams or animals to any fence, tree or pump, and to prevent injury to the same; to regulate and control the running of engines and cars through the village; and rate of speed of the same; to prevent the running at large of dogs and to impose a tax on the same, and authorize the destruction of the same in a summary manner when at large contrary to the ordinances; and license public porters, solicitors or runners, cartmen, hackmen, omnibus drivers and guides, and to establish rules and regulations in regard to their conduct as such, and to prevent any unnecessary noise or disturbance during the arrival or departure of persons in public conveyances.

Thirteenth—Markets. To establish and regulate markets, and restrain sales in the streets.

Fourteenth—Cemeteries. To purchase and hold cemetery grounds within or without the village limits; inclose, lay out and ornament the same, and to sell and convey lots therein by deed; to establish public parks and walks, inclose, improve and ornament the same, and prevent the incumbering and obstruction thereof; and provide for and regulate the setting out of shade and ornamental trees in the streets

and in and around the cemeteries and public parks and walks of the village, and for the protection thereof.

Fifteenth—License for shows, etc. To prevent, or license and regulate, the exhibition of caravans, circuses, theatrical performances or shows of any kind; to prevent, or license and regulate, the keeping of billiard tables, pigeon-hole tables and bowling saloons; to suppress and restrain, or license and regulate, mountebanks and auctioneers; and in all such cases they may fix the price of such license and prescribe the term of its continuance, and may revoke the same at pleasure; but the term of no such license shall extend beyond the annual election of officers next after the granting thereof.

Sixteenth—Planting trees. To provide for the planting and protection of shade trees and monuments in said village.

Seventeenth—Frauds, gaming, sale of liquors, etc. To restrain and prohibit gift enterprises, all descriptions of gaming, and all playing of cards, dice and other games of chance for the purpose of gaming; and to license, or restrain and prohibit, any person from selling, bartering, disposing of or dealing in spirituous, malt, fermented, vinous, or mixed intoxicating liquors of any kind, and to punish any violation of law or of the village ordinances relating thereto, and to revoke, for any cause, any license for the sale of intoxicating liquors granted by the village council, whenever the council, after a hearing of the case, shall deem proper.

Eighteenth—Marshal. To choose a village marshal and to remove him at will; to prescribe his duties and fix his compensation for services.

Nineteenth—Public libraries. To establish and maintain public libraries and reading rooms, purchase books, papers and magazines therefor, and make all needful rules and regulations for the safe keeping and handling of the same.

Twentieth—Street commissioners, etc. To appoint a street commissioner, regular and special policeman, and a chief of police, and to fix their compensation and prescribe their duties.

Twenty-first—Removal of officers. To remove any officer appointed or elected by such council, whenever in the judgment of such council the public welfare will be thereby promoted.

Twenty-second—Watch house. To purchase, build or lease, and maintain and regulate, a watch house or place of confinement of offenders against the ordinances and by-laws, and for temporary detention of suspected persons.

Twenty-third—Board of health—powers. To appoint a board of health, which shall have all the powers of such boards under the general laws of the state; to provide hospitals and regulate the burial of the dead, and return of bills of mortality; to declare what are nuisances, and to prevent or abate the same; to require the owner or occupant of any grocery, cellar, tallow chandler's shop, factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house, building or place, to remove or abate the same, or to cleanse it as often as may be deemed necessary for the public health; to direct the location and management of slaughter houses, and to prevent the erection, use or occupation of the same, except as authorized by them; to prevent person from bringing, depositing or leaving within the village any putrid carcass or other unwholesome substance; to require

the owners or occupants of lands to remove dead animals, stagnant water or other unwholesome substance from their premises, and to provide for the cleaning and removal of obstructions from any river, stream, slough or water course within the limits of the village, and to prevent the obstruction or retarding of the flow of waters therein, or the putting of anything into the same which may be prejudicial to the health of the village.

Twenty-fourth—Public cisterns. To make, and regulate the use of public wells, cisterns and reservoirs.

Twenty-fifth—Lamps. To erect lamp posts and lamps, and provide for lighting any portion of the village or streets thereof, by gas or otherwise.

Twenty-sixth—Docks, wharves. To establish harbor and dock limits, and to regulate the location, and construction and use of all piers, docks, wharves and boat houses, on any navigable waters, and fix rates of wharfage.

Twenty-seventh—Collection of taxes. To levy and provide for the collection of taxes, including poll tax and assessments, audit claims and demands against the village, and direct orders to issue therefor in the manner prescribed in chapter two (2) of this act; to refund any tax or special assessment paid, or any part thereof, when satisfied that the same was unjust or illegal; to authorize bonds of the village to be issued in the cases provided by law; but when bonds are to be issued exceeding five hundred dollars (\$500) a special election shall be held to submit the question to the voters of said village; and generally to manage the financial concerns of the village; and they shall cause to be prepared and read, at each annual election, a true, detailed, and itemized statement by them of the finances of the village, showing the amount in the treasury at [the] commencement of the year, when and from what sources all moneys paid into the treasury during the preceding year were derived, and the whole amount thereof, and when, to whom, and for what purpose all moneys paid from the treasury during the same period was paid, and the whole amount thereof, with the balance then in the treasury, which statement shall be recorded in the minute book and filed and preserved in the clerk's office.

Twenty-eighth—To enact ordinances. To ordain and establish all such ordinances and by-laws for the government and good order of the village, the suppression of vice and immorality, the prevention of crime, the protection of public and private property; the benefit of trade and commerce, and the promotion of health, not inconsistent with the constitution and laws of the United States or of this state, as they shall deem expedient; and to determine and establish by ordinance the mode of procedure, and what it shall be sufficient to allege and prove in order to make out *prima facie* case of violation of any ordinance.

Twenty-ninth—To prescribe penalties. To prescribe penalties for the violation of any ordinance or by-law, to be not less than one (1) dollar nor more than one hundred (100) dollars in any case, besides the cost of suit in all cases, and in default of payment provide for committing the person convicted to the watch-house or place of confinement in the village, or to county jail until payment be made, but not to exceed ninety (90) days in all; and to modify, amend or repeal any ordinances, resolution, by-law or other former determination of the board.

SEC. 5. That to the president shall belong the executive powers granted by this act to said corporation, except such of said powers as are specially vested in or must, from their nature, necessarily pertain to the other executive officers of said corporation, and whether said officers are created by this act or by the village council. He shall have power, and it shall be his duty, to call out and use in such manner as may seem most proper all the constabulary of said corporation when he may deem it necessary to quiet or prevent riot. He shall have power to call a meeting of the village council by giving such notice thereof as may have been provided by ordinance, or in default of such provision, in such manner as he may deem meet and proper.

SEC. 6.—Recorder's bond and duty. The village recorder shall give a bond, in form similar to that required of town clerk. It shall be his duty:

First—To perform the duties of clerk of election, and keep a record of all proceedings at the annual and special elections of the village; to give notice of such elections, as required by law, and to notify persons elected or appointed to office thereof.

Second—To transmit to the clerk of the district court within ten (10) days after election and qualification, a certified statement of the name and term for which elected of all the officers elected at such election; and in case of the appointment or election of any justice of the peace, constable, treasurer or recorder of said village, to fill a vacancy, a like notice shall be so filed within ten (10) days after such election or appointment.

Third—To attend all meetings of the village board; to record and sign the proceedings thereof, and all ordinances, rules, by-laws, resolutions and regulations adopted; and to countersign and keep a record of all licenses, commissions and permits, granted or authorized by them, and for such purpose to keep the following books: A minute book, in which shall be recorded in chronological order all the papers mentioned in section one (1), chapter two (2), of this act; full minutes of all elections, general or special, and the statements of the judges thereof; full minutes of all proceedings of the village council; the titles of all ordinances, rules, regulations and by-laws, with a reference to the book and page where the same may be found. An ordinance book, in which shall be recorded at length, in chronological order, all ordinances, rules, regulations and by-laws. A finance book, in which shall be kept a full and complete record of the finances of the village, showing the receipts, the date, amount and source thereof; and the disbursements, with the date, amount and object for which paid out, and to enter in it such other matters as the council shall prescribe, and keep such other books as the council direct.

Fourth—To countersign and cause to be published or posted every ordinance, by-law or resolution, as required by law, and to have proper proof thereof made and filed.

Fifth—To be the custodian of the corporate seal, and to file, as required by law, and to safely keep all records, books, papers or property belonging to, filed or deposited in his office, and deliver the same to his successor when qualified; to permit any person with proper care to examine and copy any of the same, and to make and certify a copy of any thereof when required, on payment of the same fees allowed town clerks therefor.

Sixth—To draw and countersign all orders on the village treasury ordered by the council and none other.

Seventh—To file, when presented, all chattel mortgages and affidavits relating thereto, and to enter at the time of filing in a book properly ruled and kept therefor, the names of all the parties, arranging alphabetically the date of each mortgage and the date of filing the same, and of each affidavit relating to it for which he shall receive the same fees allowed town clerks.

Eighth—To perform all other duties required by law, or by any ordinance or other directions of the village council.

SEC. 7. Constable—duties of. The constables shall give a bond similar to that required of constables elected by towns, and shall be deemed included and governed in every respect by the law prescribed to them. It shall be his duty to obey all lawful written orders of the village council to arrest, with or without process, and with reasonable diligence to take before the village justice, every person found in such village in a state of intoxication, or engaged in any disturbance of the peace or violating any law of the state, or ordinance of such village. He may command all persons present in such case to assist him therein, and if any person being so commanded shall refuse or neglect to render such assistance, he shall forfeit not exceeding ten (10) dollars. He shall be allowed the same fees allowed to constables for similar services; for other services rendered the village, such compensation as the council may fix.

SEC. 8. The village treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided for that purpose, and exhibit such account, together with his vouchers to the village council, at its annual meeting for adjustment, or at such other time as the village council may require, and shall deliver all books and property belonging to his office and the balance of all moneys in his hands as such village treasurer, to his successor in office on demand after such successor has qualified according to law.

SEC. 9. The village attorney shall be the legal adviser of the officers and council of said village in matters pertaining to them, or any of them, whenever application therefor is made in writing, signed by the applicant, which writing shall contain the points upon which said adviser is asked, and when required, opinions by him shall be made in writing; copies of which together with the original application therefor shall be preserved in his office and delivered by him to his successor in office. He shall be and act as the attorney of said village in all actions to which the village may be made a party. He shall be paid for such compensation for his services as the village council shall deem proper.

SEC. 10. The justices of the peace provided for and elected under the provisions of this act, shall have and possess all the power and jurisdiction of justices provided and elected under the general laws of the state, and in addition thereto shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of said corporation, or under this act, or for the breach or violation of any such by-law, ordinance or regulation; and in all cases of assaults, batteries and affrays not indictable, and for a breach or viola-

tion of any by-law, ordinance or regulation, suit shall be commenced in the name of the village of Jordan, and the same proceedings shall be had in civil and criminal suits or prosecutions before said justices, when not otherwise herein directed as are established and required to be had in civil and criminal actions by the general laws of the state, before justices of the peace. Appeals and change of venue may be taken, and shall be allowed upon the same terms and conditions as prescribed by the general laws of the state in relation thereto. All fines, forfeitures and penalties imposed by, or recovered before said justices of the peace in any suit, prosecution or proceeding had and commenced in the name of said village, shall be promptly paid by justices to the recorder of said corporation for the use thereof. The justices of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation; and it shall not be necessary in any action, civil or criminal, before said justices to plead or refer to the same in any manner whatever in any pleading or complaint, but said by-laws, ordinances and regulations shall in said justice court be held and deemed to be public law. The justices of the peace shall each at least once in three (3) months make to the village council a full report of all moneys received by him for fines, forfeitures and penalties, and shall pay them into the hands of the recorder, taking his receipt therefor. The fees of the justices of the peace of the village of Jordan shall be the same as fixed and allowed by the general laws of the state. All warrants, writs and processes of every nature, issued by such village justices, shall be directed "to the sheriff, or any constable of the county of Scott, or to any constable of the village of Jordan;" and for such purpose said sheriff and constables shall have and possess the power and authority which, by the general laws of the state, they have and possess in the execution or service of warrants, writs and other processes issued by the justices of the peace elected under such general law.

SEC. 11. Whenever a final judgment shall be obtained against said village, the judgment creditor, his assignee or attorney, may file with village recorder a certified transcript of such judgment or of the docket thereof, together with his affidavit, showing the amount due thereon, and all payments, if any, and that the judgment has not been appealed from or removed to another court, or, if so appealed or removed, has been affirmed; and thereupon the village council shall assess the amount thereof, with interest, from date of its rendition to the time when the same shall be paid, as near as may be, upon the taxable property of such village, and the village recorder shall return and certify the amount of such tax to the county auditor, to be collected the same as other taxes levied upon said village.

SEC. 12. There shall be an annual election for the election of officers herein provided for on the first (1st) Wednesday in April in each and every year, and the polls shall be kept open from ten (10) o'clock in the forenoon until four (4) in the afternoon; and fourteen (14) days previous notice shall be given by the village council of the time and place of holding such election and the officers to be elected, by posting notices thereof at three (3) of the most public places in the village, or by publishing it for two (2) weeks immediately prior to said election in a paper published in said village. At the said election the trustees, or any two (2) of them, shall act as judges of elec-

tion; and the recorder as clerk of election; and in case of inability or non-attendance of any of said officers, the vacancies shall be filled by an appointment made by those officers present. At the close of the polls the votes shall be counted and a true statement thereof proclaimed to the voters present by one of the judges, and the recorder shall make true record thereof, and within five (5) days thereafter he shall give notice in writing to the persons so elected of their election,

SEC. 13. Special elections may be ordered by the council, but no special election shall be held unless ten (10) days' notice thereof is given, nor shall any subject or question be considered or acted upon, unless its objects are clearly set forth and stated in the notice for the call of such meeting.

SEC. 14. Whenever a vacancy shall occur in any elective office, such vacancy shall be filled by the village council. Any person appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term.

SEC. 15. The county auditor of said county shall, whenever any money is due said town for taxes levied and collected, deliver to the county treasurer a statement, showing the amount and share of said tax levied and collected from said village; and thereupon the county treasurer shall pay to said village treasurer of the amount due said town a sum equal to the amount so levied and collected from said village for each year.

CHAPTER II.

SECTION 1. No account or demand against said village shall be paid until it has been audited and allowed, and an order drawn on the treasurer therefor. Every such account shall be made out in items, and verified by affidavit, indorsed or annexed, that the same is just and correct, and no part thereof paid. After auditing, the board shall cause to be indorsed by the clerk, over his hand, on each account the words "allowed," or "disallowed," as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed, if disallowed in part only. The minutes of the proceedings of the board shall show the amount. Every such account or demand allowed in whole or in part shall, with the affidavit thereto, be filed by the clerk, and those of each year filed consecutively numbered, and have indorsed the number of the order on the treasurer issued in payment, and the clerk shall take a receipt thereon for such order. The village, or any officer thereof, shall not have power to issue at any time any negotiable order or borrow money, except in the manner and for the purposes expressly declared by this act.

SEC. 2. Additional territory may be annexed to the said village upon the application therefor of a majority of the inhabitants of such territory, the application to be directed to the village council. The trustees of said village shall, without unnecessary delay, give notice of a special meeting of the electors of said village, to be held within thirty (30) days of the date of such application, for the purpose of determining whether or not such territory shall be annexed to said village. At such meetings the polls shall be opened at ten (10) o'clock in the forenoon, and shall be kept open until four (4) o'clock in the

afternoon, when they shall be closed. The time of opening and closing of the polls shall be specified in the notice of such meeting.

SEC. 3. If there be a newspaper printed in said village or additional territory, such notice shall be published therein once in each week for two (2) successive weeks prior to such meetings, and posted in three (3) of the most public places in said village and territory at least two (2) weeks previous to such meetings; and if there be no newspaper so printed, copies of such notices shall be posted in at least three (3) of the most public places in said village and additional territory, at least three (3) weeks previous to such meetings.

SEC. 4. If a majority of the ballots given at such meetings in said village shall have thereon the word "no," the electors of said village shall be deemed not to have assented to the addition of such territory, and no further proceedings shall be had in respect to such annexation of territory under such application; but if a majority of such ballots at such election shall have thereon the word "yes," the inhabitants of such territory shall, from the time of such election, be deemed to be a portion of such village, and the judges of election who shall have presided at such meetings shall cause a statement of the holding of such meetings to be made, showing the whole number of ballots given thereat, the number having thereon the word "yes," and the number having thereon the word "no," which statement shall be verified by an affidavit of said judges, written thereon or annexed thereto, to be likewise recorded in the office of the register of deeds.

SEC. 5. Whenever the village council shall intend to lay out and open, widen or extend any street, lane, alley, public grounds, square or other places, or to construct and open, alter, enlarge or extend, drains, canals or sewers, or alter, widen or straighten water courses therein, and it shall be necessary to take private property therefor, they shall cause an accurate survey and plat thereof to be made and filed with the recorder, and they may purchase or take by donation such grounds as shall be needed, by agreement with the owners, and take from them conveyances thereof to the village for such use or in fee; but otherwise they shall by resolution declare their purpose to take same, and therein describe by metes and bounds the location of the proposed improvements, and the land proposed to be taken therefor, defining separately each parcel and the amount thereof owned by each district owner, mentioning the names of owners or occupants so far as known, and therein fix a day, hour and place when and where they will apply to a justice of the peace, resident in such village, for a jury to condemn and appraise the same. They shall thereupon cause to be made by the recorder a notice of the adoption of such resolution, embracing a copy thereof, and notifying all parties interested that the council will, at the time and place named, apply to the justice named for the appointment of a jury to condemn and appraise such land. A copy of such notice shall be served by any constable on the owner of such parcel of land to be taken, if known and resident within the county, such service to be made in the manner prescribed for serving a summons in justice court, and the return of the officer shall be conclusive evidence of the facts stated therein. If the notice cannot be so given as to all the parcels, then the same shall be also published once in each week for three (3) successive weeks in a newspaper published in such village or county; and the affidavit of the printer or

foreman of such newspaper shall be conclusive evidence of such publication. Such notice shall be served and such publication made for three (3) weeks, complete at least one (1) week before the time fixed therein for such application. If any person so served with notice [shall] be a minor, or of unsound mind, the justice, before proceeding, shall, on the day fixed for hearing such application, appoint for him a guardian, for the purpose of such proceeding, who shall give security to the satisfaction of the magistrate, and act for such ward.

SEC. 6. At the time and place fixed for such hearing, the application, accompanied by a copy of such resolution and such survey, and proof of service of the notice, as provided in the last section, shall be filed with the justice, who shall thereupon make a list of twenty-four competent jurors, not interested; but residents of the village shall not be disqualified. He shall hear and decide any challenges for cause or favor, made to anyone, and, if sustained, shall replace his name with an unobjectionable juror, until the list shall be perfected. Thereupon, under directions of such magistrate, each party — the village council by its representatives on one side, and owners of land or their agents present, or if none be present, or they disagree, a disinterested person appointed by the justice on the other — shall challenge six names, one at a time, alternately, the village council beginning. To the twelve jurors remaining such justice shall issue a venire, requiring them, at an hour on a day named, not more than ten (10) nor less than three (3) days thereafter, to appear before him and be sworn and serve as a jury, to view lands and appraise damages, and at the same time shall publicly adjourn the proceedings to the time and place so named. Such venire shall be served by any constable at least one (1) day before such appointed time, by reading the same to each such juror, or by leaving a copy at his usual place of abode, in the presence of a member of his family. The jurors summoned shall appear at the time and place named; and if any be excused by the justice, or fail to attend, he direct other disinterested persons to be forthwith summoned in their stead, until twelve (12) be obtained. The magistrate shall then administer to them an oath, that they shall well and truly inquire into and determine the necessity for taking the lands mentioned in the resolution, and, if found necessary, the damages occasioned thereby, and faithfully discharge their duties as jurors according to law.

SEC. 7. Under the direction of such magistrate the jury shall view the lands to be taken, and shall then sit before him to hear such competent evidence as shall be produced by any party; and for such purposes such magistrate shall possess such powers as a court in session with a jury, and if there be necessity may adjourn the sitting from day to day. The jury shall render a separate verdict in writing, signed by them, in which they shall find whether it be necessary to take such lands, or any part thereof, for such purposes, describing such as they find necessary to be taken; and if any be found necessary [to] be taken, then a verdict of appraisement of damages, specifying therein the damages of each owner, and separately the value of the land taken for each, and the damages otherwise sustained by each by reason of the taking thereof, in estimating which they shall deduct therefrom any special benefit, if any, to be enjoyed by each from such improvements; and a majority of such jury made render such verdict or appraisement of damages, and shall sign the same. Any technical error in such

verdict may be immediately corrected, with the assent of the jury, and they shall be thereupon discharged, and their verdict filed by the magistrate. In case the jury shall fail to find a verdict, another jury shall be selected, summoned, sworn, and proceed in the same manner.

SEC. 8. Within ten (10) days after verdict, any land-owner whose land has been found necessary to be taken may appeal from the award of damages to him to the district court, and the village may likewise appeal from the award of damages to any owner by filing with such magistrate a notice of appeal, specifying whether the appeal is from the whole award to him, or a part, and, if a part, what part, and therewith an undertaking, with two sufficient sureties to be approved by the magistrate, to pay all costs that may be awarded against such appellant on the appeal, and paying the magistrate for his return thereof. Any party not so appealing shall be forever concluded by such verdict or appraisement. Upon an appeal being taken, the magistrate shall transmit to the clerk of the district court, within ten (10) days, the notice of appeal and undertaking, and thereto annexed a copy of all papers and proceedings before him, with his certificate thereof. He shall, after the time for appealing is expired, file with the village recorder, annexed together, all the original papers, including the verdict, with a certificate by him thereof, that no appeal has been taken from such verdict, except as the facts are, which he shall briefly specify; and the clerk shall record all such proceedings. Upon filing such transcript in the district court, the appeal shall be considered an action pending in such court, and be so entered, the land-owner as plaintiff, the village as defendant, and be subject to trial and appeal in the supreme court. The case shall be tried by jury, unless waived, and costs shall be awarded against the appellant if more favorable verdict be not obtained; otherwise against the respondent; upon entry of judgment the clerk of the district court shall transmit a certified copy thereof to the village recorder.

SEC. 9. If the verdict of the jury first called find it necessary to take such land or any part thereof, the village board may, upon return thereof to the recorder, enact an ordinance in accordance therewith, for laying out, changing, widening or extending and opening any such street, lane, alley, public ground, square or other public place; or constructing and opening, altering, enlarging or extending any such drains, canals or sewers, or altering, widening or straightening any such water course, but shall not enter upon any such land therefor until the owner be paid in full, or the damages be set apart for him in the hands of the treasurer, and an order therefor, lawfully executed to him, be deposited with the clerk, to permanently remain subject to his order. At any time before causing any such land to be actually taken or put to public use, and before the rendition of a judgment in the district court for damages, the village board may discontinue all proceedings theretofore taken, and the village shall in such event be liable for the costs only. All the costs of every such proceeding shall be paid by the village, except when it recovers costs in the district court.

SEC. 10. For the purpose of the judgment [payment] of the expenses, including all damages and costs incurred for the taking of private property, and of making any improvement mentioned in the last preceding section, the village council may, by resolution, levy and assess the whole

or any part, not less than half of such expenses, as a tax upon such property, as they shall determine is specially benefitted thereby, making therein a list thereof, in which shall be described every lot or parcel of land so assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite. Such resolution, signed by the president and recorder, shall be published once in each week for two weeks in a newspaper printed regularly in such village, or, if there be no such newspaper, three copies thereof shall be posted by the recorder in three of the most public places in such village and a notice therewith that at a certain time therein stated the said council will meet at their usual place of meeting and hear all objections which may be made to such assessment or to any part thereof. At the time so fixed the said council shall meet and hear all such objections, and for that purpose may adjourn from day to day, not more than three days, and may by resolution modify such assessment in whole or in part. At any time before the first (1st) day of September thereafter any party liable may pay any such tax to the village treasurer. On such first (1st) day of September if any such tax remains unpaid, the recorder shall certify a copy of such resolution to the county auditor, showing what taxes thereby levied remain unpaid; and the county auditor shall put the same on the tax roll in addition to and as a part of all other village taxes therein levied on such land, to be collected therewith.

SEC. 11. Upon the petition in writing of all the owners of lots or land on any street or alley in such village, and not otherwise, the board of trustees may discontinue such street or alley or any part thereof. At least one week before acting on such petition the council shall cause a written or printed notice to be posted in three (3) public places in such village, stating when the petition will be acted upon and what street or part thereof is proposed to be vacated.

SEC. 12. The village council may cause any street, or any part of any street, not less than sixteen (16) rods in length, to be graded, paved, macadamized or otherwise improved; or any sidewalk or gutter to be built, upon a petition therefor in writing, signed by at least a majority of all the owners of real estate bounding both sides, and of the owners of at least one-half ($\frac{1}{2}$) the frontage of such street or part of street to be improved; or order any sidewalk or gutter on one side of a street to be built, on a petition of a majority of such owners, and of the owners of at least one-half ($\frac{1}{2}$) the frontage on such side; and may order any sidewalk or gutter, previously built, to be put in repairs, when necessary, without petition. For the purpose of so improving any street or building, or repairing any sidewalk or gutter, the village council may levy and cause to be collected upon the lots, tracts or parcels of ground on such street or part of street improved, or on the side thereof, where only such sidewalk or gutter is to be built, and upon the owners thereof a tax sufficient to pay the expense of constructing such improvement, as ordered opposite such property to the center of the street, or such proportion thereof, not less than one-half ($\frac{1}{2}$), as they shall deem justly assessable to such property, if they shall think the whole ought not to be assessed, in which case the remainder shall be paid from the village treasury. Every such tax for repair shall be for the entire cost of repairs in front of the property so assessed. If any tax levied under this section shall pro-

vide insufficient to pay the cost or proportion thereof assessed to such property, the village council may levy an additional tax thereon to make good such deficiency.

SEC. 13. Whenever the council shall levy any such tax as specified in the preceding section, they shall make out and deliver to a street commissioner of such village a list of the persons and a description of the property taxed, together with a warrant for the collection and expenditure of said tax, and thereupon the street commissioner shall notify the persons named in such tax list, by publishing a notice two (2) weeks in some newspaper published in said village, if there be one, or by posting up notices in three (3) or more public places in said village, and shall specify in such notice a time or times, not less than twenty (20) days, nor more than forty (40) days from the date thereof, when the persons charged with taxes in such list may pay their taxes in labor, materials or money; and the persons charged with such tax may, at such time and place as may be required by the said street commissioner, pay their taxes in labor or materials: *Provided*, the labor and materials offered in payment of such taxes, are such as may be required by the said street commissioner; and done and furnished to his satisfaction. The street commissioner shall be provided with a book or memorandum by the village recorder, in which he shall keep an accurate account of all moneys coming into his hands by virtue of his office; the amount received and disbursed by him; the name of every person from whom money or labor is due; the amount paid in money or labor; and a correct account of all expenditures by him made as a street commissioner. The book containing the account so kept shall, at all times when required, be furnished for the inspection of the village council, and ten (10) days before the expiration of his office shall be handed to the village recorder, to be filed in his office for the inspection of the taxpayers in his district.

SEC. 14. At the expiration of forty (40) days from the date of said notice given by the said street commissioner, he shall make out and deliver to the recorder of said village a certified list of the lots, pieces or tracts of land in said village upon which any such tax remains unpaid, with the amount of such delinquent tax upon each of said lots or parcels of land; and at any time before the first (1st) day of September any party liable may pay any such tax to the village recorder, who shall thereupon pay the same over to the village treasurer, taking his receipt therefor. And said recorder on the first (1st) day of September, or within five (5) days thereafter, if any such tax remained unpaid, shall certify a copy of such delinquent taxes to the county auditor of his county, and the said auditor shall, upon the receipt of said statement and list, 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, pay over the same to the village treasurer. Whenever the county treasurer shall collect or receive any moneys on account of such delinquent taxes he shall pay the same to the treasurer of the village and take duplicate receipts therefor, and file one of said receipts with the recorder of said village.

SEC. 15. No part of the streets or highways in said village shall be in any road district established by the town board, nor under the control of town officers; nor shall the town be liable for any damages occasioned by any insufficiency or want of repair thereof; and all

bridges in said village shall be built, maintained and repaired by the village in which the same are situated. No overseer of highways shall be elected in or for said village; but the poll tax shall be collected as hereinafter provided, and shall be expended, and the streets, highways and public places governed by the village council and officers of their appointment.

SEC. 16. The village council shall on or before the fifteenth (15th) day of August in each year, by resolution to be entered of record, determine the amount of corporation taxes to be levied and assessed on the taxable property in said village for the current year, which shall not exceed in any one year two (2) *per centum* of the assessed valuation of such property. Before levying any tax for a specific purpose the village board may in their discretion submit the question of levying the same to the village electors, at any special or general election, and in such manner as they may prescribe; when so submitted they shall be bound by the vote thereon. On or before the first (1st) day of September in each year the village recorder shall deliver to the county auditor a copy of all such resolutions, certified under his hand and the corporate seal of said village, and said auditor shall enter such taxes upon the tax books in the same manner as he is required to do in levying town taxes.

SEC. 17. The village of Jordan shall constitute one or more road districts, and the highway labor and taxes shall belong to the fund; and the village council shall appoint an overseer of said road districts, and they shall issue a warrant to him containing the whole amount of labor and taxes assessed and levied in said district or districts, which said warrant shall be returned to the village recorder. The laws of the state shall apply to the warning, working, and suing for, and collecting highway taxes, and to returning delinquent taxes; and in all other respects, except as herein expressly provided; the village council shall have full power to direct the overseer when, where and how to expend such labor and tax, and to remove him, and may direct him to expend the labor in the manner to be directed by them at any point beyond the limits of said village; and the village council shall perform the duties imposed by law on the supervisors of towns in levying highway taxes, and shall be governed and restrained in the amount so levied by the same laws applicable to supervisors of towns in levying highway taxes and labors.

SEC. 18. 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 (5) 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 (1st) day of September in each year, make and certify to the county auditor in which any of the lands or village lots within the corporate limits of said village are situated, a statement of all taxes assessed and levied by them, and shall also, at the same time, make and certify to the auditor of the county a list of the owners of personal property subject to taxation within said village; and the county auditor shall upon the receipt of said statement and list enter and carry out the tax or taxes against the property

within said village, and the same shall be collected as other taxes are collected, and when collected paid over to the village treasurer.

SEC. 19. All ordinances, rules and by-laws shall be enacted by a majority of all the members of the village council, and shall be signed by the president, attested by the recorder, and published once in a newspaper in the county in which said village is situated; and if there be no newspaper published in said county, then by posting them conspicuously in three (3) of the most public places in said village for ten (10) days, and shall be recorded in a book kept for that purpose. Proof of such publication by the affidavit of the printer or foreman of the office of such newspaper, or of such posting, by the certificate of the village recorder, shall be attached to or filed with such ordinance or by-laws, and noted on the record thereof, and shall be conclusive evidence of the facts stated. All ordinances shall be suitably entitled and in this style: "Be it ordained by the village council of the village of Jordan." All authorized ordinances and by-laws shall have the force of law, and remain in force until repealed.

SEC. 20. The village council shall have power and authority to declare and impose fines, penalties and punishments, and to enforce the same against any person or persons, who may violate any of the provisions of any ordinance, rule or by-law enacted by them; and all such rules and by-laws are hereby declared to have the force of law: *Provided*, They are not repugnant to the constitution and laws of the United States and the state of Minnesota.

SEC. 21. No member of the village council shall become a party to or interested, directly or indirectly, in any contract made by the village council of which he may be a member; and every contract or payment voted for or made contrary to the provisions hereof is void; and any violation of the provisions of this section hereafter committed shall be a malfeasance in office, which shall subject the officer so offending to removal from office. All contracts for village improvements, except expenditures of road and poll tax, shall be let to the lowest responsible bidder, after public notice of time and place of receiving bids therefor.

SEC. 22. Every village officer shall deliver to his successor, when qualified, all the books, records, papers, property and money in his hands as such officer; and if a vacancy happen before such successor is appointed, or elected, and qualified, then to the village clerk, who shall demand and receive all such property, and deliver the same to the person who shall be selected to fill such vacancy, when qualified.

SEC. 23. The trustees, president and recorder of said village shall constitute a council designated the village council of the village of Jordan, in which shall be vested all powers of the village not specifically given some other officer. Three (3) trustees shall constitute a quorum, but a less number may adjourn from time to time. The president shall preside at all meetings when present; in his absence the council may select another trustee to preside. Regular meetings shall be held at such times as may be prescribed by their by-laws. All meetings shall be open to the public. The council shall keep a record of all its proceedings, shall have power to preserve order at its meetings, compel [the] attendance of the trustees, and punish non-attendance; and it shall be judge of election and qualification of its members. The president and trustees shall be entitled to receive as compensation the

sum of one (1) dollar per day for time actually employed as such officers, not to exceed ten (10) dollars each in any one (1) year.

SEC. 24. Every contract, conveyance, commission, license or other written instrument, shall be executed on the part of the village by the president and clerk, sealed with the corporate seal, and in pursuance only of authority therefor from the village council.

SEC. 25. Whenever an application in writing, signed by one-third ($\frac{1}{3}$) as many electors of said village as voted for village officers at the last preceding election therefor, shall be presented to the village council, praying for a dissolution of the village corporation, such council shall submit to the electors of said village, at an annual election or special election called by them therefor, the question whether or not such village corporation shall be dissolved. The form of the ballot shall be, "for dissolution," or "against dissolution." Said ballots shall be deposited in a separate box, and such election shall be conducted, the votes thereat canvassed, the statement thereof made, filed and recorded as in other cases.

SEC. 26. If a majority of the ballots cast at such election, on such proposition, shall be for dissolution, such village shall, at the expiration of six (6) months from the date of such election, cease to be an incorporated village. Within six (6) months the village council shall dispose of the village property, and settle, audit and allow all just claims against the village. They shall settle with the village treasurer and other officers of the village, and shall cause the assets of the village to be used in paying the debts thereof. If anything remain after paying the village debts, they shall designate the manner in which the same shall be used. If they have not sufficiency of funds to pay the debts of the village, they may levy a tax to cover such deficiency, which shall be collected as other taxes, and shall be paid out by the town treasurer in payment of the outstanding village orders or bonds.

CHAPTER III.

SECTION. 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, health or police regulations, made in pursuance thereof, shall be brought in the corporate name of the village.

SEC. 2. In all prosecutions for any violation of this act, or any ordinance of the village, the first process shall be by warrant: *Provided*, That no warrant shall be necessary in any case of the arrest or apprehension of any person or persons while in the act of violating any law of the state of Minnesota or ordinance of the village, but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been by warrant.

SEC. 3. The village constables are hereby vested with all the powers of a sheriff or constable elected under the general laws of the state, in the service of writs, as granted to them by the laws of the state, and may pursue into any county in this state and take and bring back for trial, any offender against this act or the ordinances of said village

SEC. 4. When any suit or action shall be commenced against said

village, the service therein shall be made by a copy left with the recorder of the village.

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 expressly set forth in such law.

SEC. 6. The legal voters of said village shall have the power and authority to vote upon and determine for themselves the question whether license for the sale of intoxicating liquors as a beverage shall be granted by the council of said village or not; and it shall be the duty of the recorder of said village, upon receiving a petition for that purpose, of ten or more legal voters of said village, at any time not less than fifteen (15) days before the annual election of said village, to give at least ten (10) days' notice that the question of granting license for the sale of intoxicating liquors, as a beverage in said village, will be submitted to the legal voters thereof at the next ensuing annual election, which question shall be determined by ballots containing the words, "in favor of license," or "against license," as the case may be: *Provided, however,* That the neglect of the recorder to give the required notice shall not invalidate the vote and determination made under the provisions of this act, if the petition named shall have been duly filed. The votes upon said question shall be taken, canvassed, returned and announced in the same manner as is prescribed by law for taking, canvassing, returning and announcing the votes for the election of village officers, which determination so made shall continue until the same shall be reversed at a subsequent annual election in the same manner; and if such returns show that a majority of the votes cast at such election on said question shall be "against license," no license for the sale of intoxicating liquors shall be granted by the authorities of said village, except for medicinal or mechanical purposes; but if such returns show that a majority of the votes cast at such election on said question shall be "in favor of license," then the village council may grant license to any suitable person, of lawful age, for the sale of intoxicating liquors. The village council shall have the exclusive right to license persons vending, dealing in or disposing of intoxicating liquors within the limits of said village, and persons so licensed shall not be required to obtain a license from the board of county commissioners, nor shall said commissioners have authority to license any person to vend, deal in or dispose of or sell intoxicating liquors in said village. And no person shall be licensed by said village council to deal in or sell intoxicating liquors as a beverage in said village, unless he shall fully comply with all the requirements and be subject to all the penalties as provided in the general statutes of the state relating to the sale of intoxicating liquors, except as herein provided: *And provided,* That no license shall be granted by said village for a less sum than twenty-five (25) dollars, nor for a greater sum than one hundred (100) dollars, at the discretion of the village council, and that previous to granting any such license a bond shall be executed with the same conditions and with the same penal sum as required by the general statutes of this state; and the money received for such license shall be paid to the village treasurer for the use of said village; and the council shall have full power to restrain any person from vending liquors unless duly licensed by the village council of said village.

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

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

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

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

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

Approved March 3, 1885.

CHAPTER 9.

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

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

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

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