

CHAPTER 19.

AN ACT TO INCORPORATE THE VILLAGE OF NORTH BRANCH.

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

SECTION 1. That all that district of country contained within the limits and boundaries hereinafter described shall be a village by the name of the Village of North Branch, and the people who now do and who hereafter may reside therein, shall be a municipal corporation by the name of the Village of North Branch, and by that name shall sue and be sued, and be impleaded in any court, make and use a common seal and alter-it at pleasure, and take, hold and purchase, lease and convey such real and personal or mixed estate as the purposes of the corporation may require within or without the limits. Shall be capable of contracting and be contracted with, and have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession.

SEC. 2. The following described territory shall be and constitute said village, to-wit: Section one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35) and thirty-six (36) all in township thirty-five (35) north, of range twenty-one (21) west, in the county of Chisago, State of Minnesota.

SEC. 3. There shall be an annual election for elective officers hereinafter provided, held on the first (1st) Tuesday of April of each and every year, at such place in the village as the common council shall designate, and the polls shall be kept open from nine (9) o'clock in the forenoon until five (5) o'clock in the afternoon, and ten days previous notice shall be given by the common council of the time and place of holding such election and of the officers to be elected, by posting notice thereof in three (3) of the most public places in said village.

SEC. 4. The elective officers of said village shall be one (1) president, one (1) recorder, three (3) councilors, one (1) treasurer and two (2) justices of the peace, who shall be styled village justices. The president, recorder and treasurer shall hold their respective offices for the terms of one (1) year and the justices of the peace shall hold their offices for the terms of two (2) years and until their successors are elected and qualified. The councilors shall each hold his office for the term of three (3) years and until his successor is elected and qualified at the next village election in said village, to be held the first Tuesday in April, A. D. 1882, three

(3) councilors shall be elected. One (1) to hold his office for the term of one (1) year, one to hold his office for the term of two (2) years, one (1) to hold his office for the term of three (3) years, and at each general election thereafter one (1) councilor shall be elected each year. The ballot used at the election on the first (1) Tuesday in April A. D. one thousand eight hundred and eighty-two aforesaid shall contain the term of office for which each councilor is to be elected.

SEC. 5. The following councilors and officers shall be and they and each of them are hereby constituted and appointed the councilors and officers of said village, with full powers and authority to act as such for and in behalf of said village until the next general election, to be held in said village, as hereinbefore provided, to wit: president, E. C. Lang; recorder, W. C. Hume; councilors, E. A. McCutcheon, Frank Smith and E. C. Endohl; treasurer, B. C. Winston; justices of the peace, E. C. Ingalls and J. W. DeLamater.

SEC. 6. Every person appointed to any office by the common council or elected to any office by the people, may be removed from said office by a vote of two-thirds ($\frac{2}{3}$) of the common council; but no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense. The common council shall fix a time and place for the trial of such officer, of which not less than ten (10) days notice shall be given, and have power to compel attendance of witnesses and the production of books and papers, and to hear and determine the case; and if such officer shall neglect to appear and answer the charges against him, the common council may declare the office vacant.

SEC. 7. Whenever a vacancy shall occur in the office of president, councilors, recorder, or treasurer, by death, removal, resignation or otherwise, the common council shall have power, and it shall be their duty to declare the office vacant, by resolution entered upon their minutes. Such vacancy shall be filled by a new election, which shall be ordered by the common council within ten (10) days after such vacancy has been declared, and held within twenty (20) days after such declaration; and notice of such election shall be given the same as of the general election of said village. Any vacancy happening in any other office shall be filled by the common council, unless otherwise provided for.

The person appointed or elected to fill vacancy shall hold his office and discharge the duties thereof for the unexpired term and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SEC. 8. All elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for with the proper designation of the office written or printed thereon, and plurality of votes shall constitute an election. 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 common council, at such time and in such manner as they may direct.

SEC. 9. All persons entitled to vote for state or county officers, and who shall have resided in the county of Chisago for four (4) months next preceeding the election, and ten (10) days in the village, shall be entitled to vote for any officer or any matter to be voted upon under this law and to hold any office hereby erected. The village shall be and constitute one (1) election district for state and county as well as village elections, and the mode of conducting all state and county elections in said village shall be in the manner herein provided in reference to village elections, except that the returns thereof shall be made by the judges of election to the county Auditor within the time and manner provided by law.

SEC. 10. The election in said village shall be held and conducted by any two (2) members of the council who shall be the judges of the election, and the recorder shall act as clerk of the election and the judges of election may appoint one (1) additional clerk. The judges shall take the usual oath or affirmation as prescribed by the General Laws of the State to be taken by the judges of election, and shall have power to administer oaths. Said election shall be held and conducted in the same manner and under the same penalties as required by the General Laws of the State regulating elections.

SEC. 11. When the village election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, and said judges shall make returns thereof stating therein the number of votes for each person for each and every office, and shall be delivered or cause to be delivered, such returns to the village recorder within three (3) days after any election, and the common council shall meet and canvass said returns and declare the result as it appears from the same within three (3) days thereafter. The recorder shall forthwith notify the officer or officers elected of their election by written notices served upon such officer in person or left at their usual place of abode with some person of suitable age and discretion. Special elections to fill vacancies or for any other purpose, shall be held and conducted in the same manner, and the returns thereof made in the same form and manner as in general and annual elections, and within such time as may be prescribed by resolution.

SEC. 12. Any officer removing from the village, or any officer who shall refuse or neglect for ten (10) days after notice of election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed. The term of every officer elected under this law shall commence on the second (2d) Tuesday of April of the year for which he was elected, and until his successor is elected and qualified.

SEC. 13. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer taking the same, with the recorder of the village, and the treasurer, marshal and village justices and such other officers as the common council may direct, shall, severally, before entering upon the duties of their respective offices, execute to the

village a bond with at least two (2) sureties, to be approved by the common council, who shall make affidavit that they are each worth the penal sum specified in said bond over and above all debts, exemptions and liabilities, and such bond shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

SEC. 14. The president shall take care that the laws of the State and the ordinances of the village are duly observed and enforced, and that all other executive officers of the village discharge their duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the village. The president shall be the chief executive officer and head of the police of the village, and shall appoint such police officers and watchman, except when otherwise provided for; and in case of a riot or other disturbances, he may appoint as many special or temporary police as he may deem necessary; and any police officer or watchman appointed by the president, as aforesaid, may be discharged by him whenever, in his opinion, the welfare of the village may demand it, or a reduction of their number renders it necessary. The president shall preside at all meetings of the common council, and shall sign all ordinances, by-laws, rules or regulations passed by the common council, and in case of his absence, the balance of the common council present (if there be a quorum) may appoint a temporary president, who shall act and preside instead of the president.

SEC. 15. There shall be a recorder of said village styled "village recorder," who shall keep his office at the place of meeting of the common council or at such other place convenient thereto as the council may determine. He shall keep the corporate seal and all the papers and records of the village, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office, and transcripts from all records of the common council certified by him under the corporate seal, shall be evidence in all courts as if the original was produced; he shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in the books provided for that purpose. The village recorder shall have power to administer oaths and affirmations and take acknowledgements of deeds and other writings.

SEC. 16. He shall make or cause to be made estimates of the expense of any work to be done by the village, countersign all contracts made in behalf of the village and certificates of work authorized by any committee of the common council or by any village officer, and every contract made in behalf of the village or to which the village is a party, shall be void unless signed by the recorder. The 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 or other evidences of indebtedness

issued by the common council, and the amount of all bonds, orders, certificates or other evidences of indebtedness which have been redeemed and the amount of each outstanding, to countersign all bonds, orders or other evidences of indebtedness of the village, and to keep accurate accounts thereof, to keep accounts with all receiving and disbursing officers of the village, showing the amounts they have received from the different sources of revenue and the amount which they have disbursed under the direction of the common council. He shall on the last day of March, annually, make a full and accurate statement of the receipts and expenditures of the preceding year, which statement shall contain a full and correct description of each item, from whom and on what account received, to whom paid and on what account expended, together with an accurate statement of the finances of the said village at the end of the fiscal year, including all debts and liabilities of every description, and the assets and other means to discharge the same, and shall present the same to the common council for their approval.

SEC. 17. The Treasurer shall be the depository of all moneys belonging to said corporation and shall receipt to the Recorder therefor. The treasurer shall report to the common council at least fifteen (15) days before the annual election, a full and detailed account of all moneys received and paid out by him, after the date of the last annual report, which report shall be filed with the recorder.

Provided, That no moneys shall be paid out by said treasurer except by an order from the village recorder as provided by this act, and no order shall be paid by him unless first endorsed in writing thereon the name of the payee therein and the party receiving the money therefor.

SEC. 18. There shall be a marshal of said village who shall be appointed by the president, by and with the consent of the common council, and who shall perform such duties as shall be prescribed by the common council for the preservation of the public peace. Said marshal is hereby invested with all the powers of a sheriff or constable in the service of writs as granted them by the laws of this State, and may pursue into any county in this State and take and bring back for trial any offender against the ordinances of the village and when performing the duties of sheriff for said village he shall be entitled to like fees.

SEC. 19. The common council shall at the first meeting after the annual election or any adjournment thereof, elect by ballot a street commissioner, who shall hold his office for one (1) year and until his successor is elected and qualified. It shall be the duty of the street commissioner to superintend all work and improvements upon the streets, roads, bridges and public grounds of the village, and carry into effect all orders and ordinances of the common council in relation to work and improvements, public streets, roads, bridges and public grounds of the village, and he shall be required to execute a bond with sureties satisfactory to the common council conditioned for the faithful performance of his duties. That he will account for all moneys collected or received by him in his official capacity or belonging to the village.

SEC. 20. The common council shall in the month of April in each year, elect an assessor, who shall be styled the village assessor, who shall perform all duties in relation to the assessing of property for the purpose of levying of all village, school, county and State taxes, and upon completion of the assessment roll he shall return the same to the common council, who may alter, revise or equalize the same as they may deem just and proper. Said village assessor shall hold his office for one (1) year and until his successor is elected and qualified.

SEC. 21. The justices of the peace of the village, styled village justices, shall possess all the power, authority and rights of justices of the peace of the county under the laws of this State, and shall have in addition thereto, exclusive jurisdiction to hear and try all complaints for violations of any provision or provisions of the village charter or any ordinance, by-law, rule or regulation made or adopted under or by virtue thereof, and all cases cognizable before a justice of the peace in which the village is a party, and of all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of said village or its charter, and in all cases committed against the same.

SEC. 22. In all prosecutions for any violation of this act, the first process shall be by warrant on complaint being made. *Provided*, that no warrant shall be necessary in any case for the arrest of any person or persons while in the act of violating any law of the State of Minnesota, or ordinance or by-law 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 made by warrant. All warrants, process or writs of the village justice for the violation of any ordinance or by-law of the village, shall be directed to the marshal or any police officer of the village.

SEC. 23. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by the village justice of the said village, pursuant to any statute of the State of Minnesota, or pursuant to any ordinance or by-law of said village as a punishment for any offense, or for the violation of any ordinance or by-law as aforesaid, the offender shall be forthwith committed to the village prison of said village, or if there be no village prison, to the common jail of the county, and to be there imprisoned for a term not exceeding three (3) months, in the discretion of the village justice, unless the said fine or penalty be sooner paid or satisfied, and from the time of the arrest of any person or persons for any offense whatever, until the time of trial, the person or persons so arrested may be imprisoned in the village prison or in case there be no village prison, in the common jail of the county.

SEC. 24. All fines and penalties imposed by the village justices for offenses committed within the village limits, for the violation of any ordinance, by-law or regulation of said village, shall belong to and be a part of the finances of said village.

SEC. 25. The village justice shall on the first (1st) day of every month report to the common council all the proceedings instituted

before him in which the village is interested, and shall at the same time, account for and pay over to the village recorder all fines and penalties collected or received by him belonging to said village, and said justice shall be entitled to receive from the county, such fees in criminal cases as are allowed by statute, to justices of the peace for similar services.

SEC. 26. If any person having been an officer of said 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 said village or pertaining to the office he may have held, he shall forfeit and pay to the use of the village not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars, besides all damages caused by his neglect or his refusal to so deliver, and said successor may receive possession of said books, papers and effects in the manner prescribed by the laws of this State.

SEC. 27. The common council shall have power unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution; and in regard to all officers created by this charter, the compensation shall be fixed within three (3) months from the first organization and meeting of the common council. After the first (1) year the compensation of officers shall be fixed for the fiscal year in the month of April of each year, except for such officers as may hereafter be created, in regard to which the compensation shall be fixed at the time of the creation of such office, nor shall the compensation of any officer after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer elected or appointed to office under the provisions of this charter, shall be a party to or interested in any contract in which the village is interested, made while such officer is holding office. *Provided*, That the president and councilors shall receive no compensation for their services as such officers.

SEC. 28. The president, recorder and each councilor, village justices, marshal, police officers and watchmen shall be officers of the peace, with powers of constables at common law, and may command the peace, 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 bystanders, and if need be, of the citizens and military companies, and if any person, bystander, military officer or private shall refuse to aid in maintaining the peace when so required, each person shall forfeit and pay a fine of fifty (\$50) dollars, and in case where the civil powers may be required to suppress riots or disorderly behavior the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

SEC. 29. The president, recorder and councilors shall constitute the common council, and the style of ordinances shall be, "The common council of the village of North Branch do ordain," &c. The common council shall meet at such time and place as they by resolution may direct. A majority of the common council shall constitute a quorum.

SEC. 30. The common council shall hold stated meetings, and the president may call special meetings by giving notice to each of the members, to be delivered personally or to be left at their usual place of abode. The common council shall be judges of the election and qualification of its own members, and in such cases shall have power to send for persons and papers, and shall also determine the rules of its own proceedings and have power to compel the attendance of absent members.

SEC. 31. The common council shall have control and management of the finances and all property of the village, and shall likewise, in addition to the powers herein vested in them, have full powers and authority to make and act, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the village, and for the prevention of crime and for the suppression of vice and intemperance as they shall deem expedient. They shall have power to establish and maintain a village prison, *Provided*, that until otherwise ordered by the common council, the common jail of the county shall be used as the village prison, and it shall be the duty of the sheriff or jailor of the county to take into custody and safely keep in said jail, all persons committed thereto until discharged according to law.

The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person who may violate any provisions of any ordinance or by-law passed or ordained by them, and all such ordinances, rules and by-laws are hereby declared to have all force of law. *Provided*, that they be not repugnant to the Constitution and laws of the United States or of this State, and for these purposes shall have authority by ordinances, resolution or by-laws.

First. To license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibition of caravans, circuses, concerts or theatrical performances, billiard, pigeon hole and pool tables, nine (9) or ten (10) pin alleys; to grant license to and regulate auctions and auctioneers, pedlers, tavern and hotel keepers, butcher shops and victualing house keepers, merchants and dealers in manufactured articles, druggists and apothecaries, and all persons manufacturing or dealing in spirituous, vinous or fermented liquors. *Provided*, that all licenses for so dealing in or manufacturing spirituous, vinous or fermented liquors as a beverage shall not be less than one hundred (\$100) dollars per year, and all licenses of whatever nature, shall expire on the last day of December in each year.

Second. To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gambling in said village, and to restrain any person from selling, giving or dealing in spirituous, vinous or fermented liquors unless duly authorized by the common council.

Third. To prevent any riots or disorderly assemblages in said village, and to provide for the arrest and punishment of any person who shall be guilty of the same, to suppress disorderly houses and

houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the seizure and destruction of all implements used for the purpose of gambling.

Fourth. To prevent the encumbering of the streets, sidewalks, lanes, alleys or public grounds with carriages, wagons, carts, sleighs or other vehicles, or with boxes, lumber, fire wood, posts, awnings or any other material or substance whatever.

Fifth. To prevent and punish immoderate driving or riding in the streets, to regulate the speed of cars and locomotives in said village, and to prevent their obstructing the streets of said village for more than ten (10) minutes, accidents excepted, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets, and to regulate the places for bathing or swimming in the waters within the limits of the village.

Sixth. To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of said animals for the violation of the ordinance. *Provided,* that when a sale of such animal or animals shall be made, the proceeds therefrom after deducting the expense of the 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 one (1) year from the day of such sale.

Seventh. To prevent any person from bringing, depositing or having within said village any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or any putrid unsound meats, flesh, fish, hides, skins of any kind, and to authorize the removal of the same at their expense.

Eighth. To do all acts and make all regulations which may be necessary and expedient for the preservation of health or the suppression of disease, and to make regulations to prevent the introduction of contagious disease into the village, and to make quarantine laws and enforce the same within the village.

Ninth. To restrain and punish vagrants, mendicants, street begging, and provide for the punishment of the same.

Tenth. Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said village, may extend to a fine not exceeding one hundred (\$100) dollars or imprisonment in the village prison or county jail not exceeding ninety (90) days, or both, at the discretion of the village justice, and offenders against the same may be required to give security for their good behavior and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred (\$500) dollars.

Eleventh. To appropriate money and provide for the debts and expenses of the village, and to provide needful buildings for the use of the village and for the erection thereof.

SEC. 30. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the common council present by ayes and nays, and shall be

posted in three (3) public places in said village for two (2) weeks before the same shall be in force, and shall be admitted as evidence in any court in this State without further proof; they shall be recorded by the village recorder in books to be provided therefor. No appropriation shall be made without a vote of a majority of the members of the council present in its favor; which vote shall be taken by ayes and nays and entered upon the proceedings of the council.

SEC. 31. The common council shall examine, audit and adjust the accounts of the recorder, treasurer, street commissioner, village justices and all other officers or agents of the village, at such times as they shall deem proper, and also at the end of each year and before the term for which the officers of said village were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in discharge of their said duties in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to the council or committee thereof, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall institute suits and proceedings at law against any officer and agent of said village who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlement or adjustments.

SEC. 32. The common council shall have power to levy upon all the taxable property of said village, taxes to provide for the current expenses of the village government, for the opening, maintaining and improving of the public grounds, and the construction of buildings, and improvements of a general character. *Provided*, That such taxes shall in no year exceed one (1) per cent. of the assessed valuation.

SEC. 33. The common council shall have power to levy a special tax upon all the taxable property of the village or of the different road districts therein, for the purpose of constructing, maintaining bridges, culverts and openings; and for constructing, maintaining and repairing roads, highways, streets and alleys, for the construction of reservoirs, cisterns, sewers, drains and street gutters and [for] grading of streets, and for other purposes conducive to good order and cleanliness, and for protection against crimes, disease and fire. *Provided*, that such taxes shall in no year exceed one (1) per cent. of the assessed valuation, and, *Provided further*, that for the improvements in this section mentioned, the common council shall have the power to assess the tax to the person paying the same, upon the road district benefited by such improvements, in such manner and to such extent as the common council may think just and equitable; the tax shall be apportioned upon a cash valuation of the property which it shall be determined is liable to assessment for such improvements. The common council shall also have the power to levy upon every male inhabitant of said village, between the ages of twenty-one (21) and fifty (50) years, except idiots, lu-

natics, paupers and such others as are exempt by law, a capitation or poll tax of not less than two (2) or more than four (4) days work upon the streets, highways or other public improvements within their respective road districts in said village of which such inhabitant is a resident. All persons liable to pay such poll tax may in lieu of work pay the street commissioner one and one half (\$1.50) dollar per day for each day such person is assessed to work. All moneys so received shall be expended upon the streets, highways or other public improvements within the road district wherein the person paying the same may reside; said poll tax shall be levied by the common council at their first meeting after the annual election of each year, and shall be collected by the street commissioner in the manner prescribed by the laws of this State for the collection of highway labor taxes in towns, by overseers of highways. *Provided*, any person so assessed and duly notified, who does not commute as hereinbefore provided, or who refuses or neglects to appear and perform such labor, shall thereupon become liable to pay the full amount of such assessment and money at the same rate per day as prescribed in section eighteen (18) of chapter thirteen (13) of the General Laws of this State.

SEC. 24. The common council shall have power, and it shall be the duty of the common council to levy annually upon the taxable property of said village, taxes sufficient to pay all bonds or other indebtedness due or payable in any year, unless that previously to the first day of September in each year some other adequate provision has been made for the payment of the same. The common council shall have the power to issue bonds and levy taxes exceeding the amount authorized by other sections of this act, *Provided*, that the same be authorized by a majority of the voters present and voting at any election to be held for that purpose. The time, place and manner of holding such election to be prescribed by the common council, the same notice to be given as at other elections and no bonds for any purpose shall be issued by the common council for any purpose unless so authorized.

SEC. 35. Taxes may be levied by the common council, 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 required to be levied for the special purpose for which the same is levied. But in such case the surplus shall, if the tax be a general tax go into the general fund of the village; if it be a bond or interest tax it shall be kept and used for the further payment of principal or interest of the same class of bonds or the purchase thereof before due. If it be for improvements it shall be kept and used for further improvements of the same character.

SEC. 36. The common council shall cause to be transmitted to the county auditor of the county, on or before the first (1) day of September of each year a statement of all taxes by them levied; such taxes shall be collected and the payment thereof enforced with and in a like manner as State and county taxes are paid and payment enforced. And the county treasurer of said county shall pay such taxes over as far as collected, into the treasury of said village.

SEC. 37. No money shall be paid out of the village treasury unless such payment be authorized by the common council, and these shall be drawn out only upon orders by the president, and countersigned by the recorder, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor the same are drawn and may be made payable to the order of such person or to the bearer as the common council may determine.

SEC. 38. When any such order shall have been paid or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same and file the same away in his office, keeping the order drawn upon each person separate.

SEC. 39. The common council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds within the limits of said village, and shall cause all streets which may have been opened and graded to be kept open and in repair and free from nuisances.

SEC. 40. The common council of said village by a vote of not less than two-thirds ($\frac{2}{3}$) of all the members present and constituting a quorum of any stated or special meeting, such vote to embrace a majority of all the members elect, shall have power to lay out, open, alter and vacate public squares, streets, grounds, highways and alleys and to widen and straighten the same, *provided*, that whenever it shall be required to take private property for the purpose above stated, they shall proceed in accordance with the provisions of the general laws of this State in reference to the laying out of public roads and highways.

SEC. 41. Whenever the common council shall deem it necessary to construct or repair any sidewalk in the village, they shall require the street commissioner to notify all owners and occupants of any lot or lots or parcel of land adjoining the sidewalk to construct or repair the same at his or their own proper expense and charge within a time designated, by the publication of three (3) notices in three (3) of the most public places in said village for at least two (2) weeks of a notice to such owners or occupants, setting forth what work is to be done and the character of the same, such owners and occupants and the time within which they are to do the same.

SEC. 42. If such work is not done and the said sidewalk not built or repaired in the manner and in the time prescribed, the common council may order the same to be done by the street commissioner at the expense of the lots and parcels of land adjoining said sidewalk, and said expense shall be assessed upon such lots and parcels of land, so chargeable, by the street commissioner in such manner that [each] such lot will be charged with the whole expense of the sidewalk adjoining thereto. After such assessment is made it shall be returned by the street commissioner to the common council; and said assessment so made and returned if approved by the common council, shall become a lien upon said lots and parcels of land as in case of other taxes for State, county or village purposes.

SEC. 43. If said assessment be not paid to the street commis-

sioner or the recorder on or before the twentieth (20th) day of August in any year, the common council shall cause a statement of the same to be transmitted with the village taxes levied for that year to the auditor of the county, on or before the first (1st) day of September in each year, and said auditor shall insert the same with the other taxes in a duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and payment thereof enforced with and in like manner as village, county and state taxes are collected, and payment thereof enforced.

SEC. 44. The common council shall prescribe the width of sidewalks and may establish different widths in different localities, and determine the kind of material of which the same shall be constructed, having regard to the business and amount of travel in the vicinity of each.

SEC. 45. The expense of constructing or repairing sidewalks in said village shall include all stone work, excavations or fillings to make the same upon established grades.

SEC. 46. All sidewalks constructed or repaired by the owner or occupant of said lot or parcel of land in pursuance of notice under this act, or without such notice, shall be subject to the approval of the street commissioner of said village.

SEC. 47. No person shall be an incompetent judge; justice, witness or juror, by reason of his being an inhabitant of said village, in any proceeding or action in which the village shall be a party in interest.

SEC. 48. Such village may purchase and hold real and personal estate for public purposes sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

SEC. 49. No law of the State concerning the provisions of this act shall be considered as repealing, amendatory or modifying the same, unless such purpose is expressly set forth in such law.

SEC. 50. All and every process and notice whatever, affecting such village, shall be served upon the president of the common council, or in his absence upon the village recorder, and in the absence of both of these officers by leaving a certified copy thereof at the office of the recorder.

SEC. 51. This act is hereby declared to be a public act, and may be read in evidence in all courts of law in this State without proof.

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

Approved November 19, 1881.