

special constable or constables shall take such offender or offenders before a magistrate as soon as conveniently may be, in order that such offender or offenders may be dealt with according to law, and it shall be lawful for any such special constable or constables to detain such offender or offenders until the next day, then to be dealt with according to law, unless such offender or offenders shall give sufficient security before some magistrate, to appear at any time and place that he may direct, to answer the charge preferred against him or them, in which case it shall be lawful for such magistrate to discharge such offender or offenders.

42. SEC. 2. That it shall be the duty of any such special constable or constables, when appointed as aforesaid, immediately to apprehend any person or persons who may at any time hereafter be found by any such constable or constables within the locality for which he or they may be appointed as aforesaid, committing any crime or misdemeanor against the laws of this state, and take such offender or offenders before a magistrate as soon as conveniently may be, in order that he or they so offending may be dealt with according to law.

Constables may arrest persons committing any crime, &c.

43. SEC. 3. That any such special constable or constables who may hereafter perform any of the duties or services herein directed, shall be entitled to the same assistance and protection, and shall be under the same restrictions and liabilities as a constable would be on the same occasion; and further, that all such special constables shall be paid by the persons by whom they may be appointed for all services rendered by them.

Constables to be entitled to assistance and protection.

Proviso.

## Villages.

1. Elections in villages, when and by whom held.
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140. Tax to be assessed and collected to pay principal and interest.
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143. May contract with adjoining municipality for building sewer, &c.
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145. Governing body of certain villages may erect public hall, &c.
146. May issue bonds for same.
147. Authorized to lease, rent, &c., any part of said building not necessary for public uses exclusively.
148. Certain portion of principal to be raised by tax. Sinking fund commissioners.
149. Unlawful to construct sewage receptacles, &c., in certain villages without consent of municipalities.

### An act concerning elections in villages.

Approved March 22, 1882.

P. L. 1882, p. 158.

Elections in villages, when and by whom held.

Proviso.

Proviso.

Present trustees, &c., to hold office until successors are elected.

Board of trustees, how constituted.

1. That when any village has been or hereafter may be set off from and composed in part of any portion of the original territory of any township in this state, which township shall retain its separate local organization as such, such village shall hold its annual election for officers upon the same day upon which said township shall hold its annual election of township officers and upon like notices, and the polls shall be open during the same hours that the polls of said township shall be open; *provided*, that nothing in this act contained shall be construed to prevent said village from holding its election separately and distinct from said township election, and in manner and under the forms and restrictions of its present act of incorporation; *and provided further*, that in case there shall not be sufficient time for the notice of such election required by the act between the date of its passage and such township election, the first election pursuant hereto shall be held at the time provided therefor in the charter of said village.

2. That the present trustees or members of the governing board of said village, by whatsoever name or names they or said board may be entitled or designated, shall hold their positions and administer the government of and represent said village as at present provided until the expiration of the term for which they were elected, and until their successors shall be elected and organized as hereinafter provided.

3. That the said board of trustees or other governing board of any such village which may now by law consist of a president and six members, shall hereafter consist of a president and six members, which members shall be classified and hold their offices as, and have the qualifications as hereinafter prescribed.

4. That the president and members of said board of trustees or other governing board of such village shall be electors and residents of said village ; that the president shall hold office for a term of two years ; that the other members shall, at their first meeting after their election, divide themselves into two classes, of three each, by lot ; the first class to hold their offices for the term of one year, and the second class to hold their offices for the term of two years, so that three members of said board shall be chosen at each and every annual election thereafter.

President and members of board of trustees to be electors and residents.  
Term of office.

5. That the terms of office of the officers whose election is herein provided for shall commence at the expiration of the terms of office of the present board and expire by classes respectively on the third Monday of March in each year hereafter ; *provided*, such trustees shall respectively continue to hold office until their respective successors duly chosen shall have duly qualified ; *and provided further*, that vacancies shall be filled in the manner provided by existing law.

Commencement and expiration of term of office of officers.  
Proviso.  
Proviso.

6. That the first meeting for organization and classification, as herein provided for, shall be held on the third Monday of April of the present year, and all future annual meetings for organization shall be held on the third Monday of March in each year hereafter.

Time of holding first meeting for organization, &c., and future annual meetings.

7. That all acts inconsistent with the provisions hereof be and the same are hereby repealed, in so far as they may be inconsistent with the provisions of this act ; *provided, however*, that this act shall not apply to any incorporated village governed by a board known and designated as commissioners.

Repealer.  
Proviso.

**Amendment to an act entitled "An act concerning elections in villages," approved March twenty-second, one thousand eight hundred and eighty-two, and providing for the appointment, term of office, compensation and duties of a village treasurer and village clerk.**

Approved April 15, 1890.

P. L. 1890, p. 262.

8. SEC. 1. That annually, at the first meeting of the board of trustees elected in pursuance of the act entitled "An act concerning elections in villages," approved March twenty-second, one thousand eight hundred and eighty-two, or as soon thereafter as possible, the board shall appoint one of its members as village treasurer, and one of its members as village clerk, each of whom shall hold office for the term of one year from the date of the said first annual meeting of said board and until their successors are elected, and each of whom shall receive such compensation for their services as the board of trustees shall by a majority vote fix and determine.

Board of trustees to appoint village officers.

9. SEC. 2. That it shall be the duty of the village treasurer to receive all moneys belonging to the village and safely keep the same, and disburse the same when directed by resolution of the board of trustees, or governing authority, of said village so to do ; to keep full and detailed accounts of his receipts and expenditures in books provided by the board of trustees, or governing authority, for that purpose ; to submit to the board of trustees of the village at the last regular meeting in each fiscal year, and oftener when directed by resolution of the board of trustees so to do, a detailed report in writing showing the financial condition of the village, and to perform such other duties appertaining to his office as the trustees, or other governing authorities, shall from time to time prescribe ; that it shall be the duty of the village clerk to act as clerk of the board of trustees, or governing authorities, at all meetings and keep the minutes of the meetings ; he shall have the custody of the books, papers, documents, seal and other personal property belonging to the village, and shall perform such other duties appertaining to his office as the trustees, or other governing authorities, shall from time to time prescribe.

Duties of village treasurer.

Duties of village clerks.

10. SEC. 3. That the village treasurer shall, before he enters upon the duties of his office, enter into bonds to the inhabitants of said village in their corporate name, with one or more sufficient surety or sureties, being a freeholder or freeholders and resident in the county in which said village is situate, to be approved by the board of trustees, or governing authorities of said village, in such sum as to the said board of trustees, or governing

Treasurer to give bonds.

authorities shall direct, conditioned for the faithful performance of all the duties of said office of treasurer of said village according to law.

Voters to meet and elect election officers.

**11. SEC. 4.** That the persons qualified to vote in any village shall meet in each year on the first Tuesday of the month preceding the day of holding the annual village election, and shall then and there elect one judge and two inspectors of election, as hereinafter provided, who shall hold office for the term of one year and until their successors are elected.

Election for judge and inspectors.

**12. SEC. 5.** That each of said qualified voters shall vote for one person as judge, and also one person as inspector of elections, and the person having the greatest number of votes for judge shall be publicly declared to be elected judge; and the two persons having the greatest number of votes for inspector shall, in like manner, be declared elected inspectors of election.

Who to constitute the election board.

**13. SEC. 6.** That the said judge and inspectors so elected shall constitute the election board of said village, and the decision of a majority of such board on any question shall be deemed and taken to be the decision of such board and final.

Officers of elections.

**14. SEC. 7.** That the judge and inspectors of election of such village shall meet at the time and place when and where any such election is appointed to be held therein, and shall, at the hour of six o'clock on the morning of the day thereof, organize themselves as a board of election for the purpose of presiding at and conducting such election, and the clerk of such village shall meet with such board and be the clerk thereof.

Not to be elected to any other office.

**15. SEC. 8.** That no such judge, inspector or clerk shall be elected to any office to be filled at the election in which he shall serve except it be to fill the office of judge, inspector or clerk, and if any such judge, inspector or clerk shall be voted for in any such election, except as aforesaid, the person or persons to the number to be elected therein, who shall by law be qualified for the office or offices to be filled upon the election, for whom the greatest number of votes shall have been given therein other than such judge, inspectors or clerk shall be deemed and taken to be elected, and the vote which shall be given to such judge, inspector or clerk shall be deemed and taken to be null and void.

Voters to elect election officers in case of absence or refusal to act.

**16. SEC. 9.** That if at the hour of six o'clock on the morning of the day of any such election the judge, or one or both of the inspectors of election of such village shall be absent from the office when such election shall be appointed to be held, or shall be disqualified, or shall neglect or refuse to serve, it shall be lawful for the persons then and there present, who shall be entitled to vote at such election in such village, by a majority of voice or on a division by a majority of polls, forthwith to choose one or more of the persons then and there present, who shall be qualified to vote at such election in such village, to fill the place or places in such board of the person or persons so absent, disqualified, neglecting or refusing, and every person so chosen shall be deemed and taken to be in all respects a judge or inspector of election as the case may be.

Board of election to appoint a clerk on refusal of person elected to serve, &c.

**17. SEC. 10.** That if at the hour of seven o'clock on the morning of the day of such election, or at any other time during such election, the clerk of such village shall be absent from the office or where such election shall be appointed to be held, or shall be disqualified, or shall neglect or refuse to serve as clerk of the board of election, it shall be the duty of such board to appoint some other person qualified to vote in such election in such village, who shall be then and there present, to be such clerk, and the person so appointed shall be deemed and taken to be, in all respects, the clerk of such board.

Persons appointed election officers to have same powers.

**18. SEC. 11.** That any person who may be appointed to fill the office of judge or one of the inspectors of election, in consequence of the absence, disqualification, neglect or refusal to serve of such judge or inspector, and any person who may in like manner be appointed clerk of the board in place of the clerk of the village, shall be taken to be, in all respects, a true clerk of such board with respect to all matters appertaining to the election, but his powers under such appointment shall not extend to any subsequent election.

**19. SEC. 12.** That when such board of election shall have been organized, and before they shall receive any vote, it shall be the duty of the judge and each inspector of election to take an oath or affirmation, to be administered by the clerk of the board, that they will faithfully and impartially execute the duties required of them by law.

Judge and inspectors to take oath.

**20. SEC. 13.** That when the judge and inspectors of election shall have been sworn or affirmed, as provided in the preceding section of this act, it shall be the duty of the judge of election, in an open and public manner, to administer to the clerk of such board and of such clerk to take an oath or affirmation that he will faithfully and impartially execute the duties required of him by law ; and a like oath or affirmation shall be administered to and taken by any person who may be appointed clerk of such board at any time during such election.

Clerk to take oath.

**21. SEC. 14.** That the mode of conducting such election shall be the same and shall be governed by the same laws as govern township elections in this state.

General election law to apply to all elections.

**22. SEC. 15.** That the compensation to be paid the judge, inspectors and clerk for their service at each village election shall be the sum of three dollars each, and no more.

Compensation of election officers.

**23. SEC. 16.** That all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Repealer.

**An act to increase the powers of trustees or other governing authorities of villages.**

Approved March 4, 1890.

P. L. 1890, p. 29.

**24. SEC. 1.** That the trustees or other governing authorities of any village in this state shall have power to pass, alter and repeal ordinances to take effect within their respective villages for the following purposes :

Trustees authorized to pass certain ordinances.

I. To license and regulate public hacks, cabs, omnibuses, stages, carriages and other vehicles, to fix a license fee for the same, and to prevent unlicensed persons from acting in the capacity of hackmen ;

II. To pass ordinances regulating the grading, laying, flagging, repairing, curbing and improving the sidewalks within the village limits ;

III. To license and regulate hawkers, peddlers and slaughter-houses ;

IV. To fix the terms upon which such license shall be granted, and to make all proper rules and regulations for the collection of license fees ;

V. To prescribe the penalties by fine, not exceeding twenty dollars in each case, or by imprisonment in the county jail not exceeding ten days in each case, or both, for the violation of any ordinance provided for in this act ; *provided, however,* that the person or persons violating the provisions of such ordinance or ordinances shall be brought before a justice of the peace in the township in which such village is located, who shall have cognizance of such offense.

Proviso.

**25. SEC. 2.** That every contemplated ordinance shall be presented at a regular meeting of the trustees or other governing authorities, and shall receive a two-thirds vote of the whole number of trustees or other governing authorities, and the ayes and nays shall be entered at large upon the clerk's book of minutes, and he shall lay the same before the next regular meeting, when, if two-thirds of the members vote for the same upon the ayes and nays being called, it shall be entered in a book to be provided by the village authorities for that purpose, and shall be signed by the president and clerk ; *provided, however,* that before it takes effect it shall be published twice in a newspaper published in the township in which said village is located, and shall be posted for ten days in five of the most public places in said village.

Ordinances, how passed.

Proviso.

**26. SEC. 3.** That all acts and parts of acts inconsistent with this act, be and the same are hereby repealed.

Repealer.

An act to authorize the governing authorities of any village to enforce their ordinances respecting the laying or repairing of sidewalks, and to collect assessments for the costs and expenses thereof.

P. L. 1890, p. 36

Proceedings in case of failure of owners to grade, curb, &c.

Authorities to have work done at expense of owners.

Costs and expenses, how assessed and collected.

Collector to serve notice of assessment, &c.

Assessments, how collected.

Notices, how served.

Upon payment of assessment, clerk to discharge record.

Approved March 5, 1890.

**27. SEC. 1.** That in case any owner of lands in front of which any sidewalk is required, by ordinance of the trustees or other governing authorities of any village, to be graded, laid, flagged, repaired, curbed or improved, shall neglect or refuse to cause said work to be done within thirty days after notice of such ordinance, such governing authority may have such work done at the expense of the owner of said land, and, in addition to any power now possessed for enforcing said ordinance, may either require from said owner the amount of the cost and expense thereof by suit in any court of competent jurisdiction in an action upon contract, or may assess said cost and expense upon the lot or tract of land in front, or if such lands lie on the corner of any street on the side of which the work may be done, and certify said assessment, together with a short description of said lands, to the collector who collects other taxes within said village limits, and cause a copy of such certificate to be filed in the office of the clerk of the county wherein the land is situate and recorded in a book of returns of unpaid taxes for the township wherein said lands are situate, and the amount of such costs and expenses shall, from the date of the filing of said certificate, be and remain a lien on said lands until paid.

**28. SEC. 2.** That the said collector shall forthwith, upon receiving said certificate, serve notice of such assessment upon the owner of said lands, demanding payment thereof, together with interest at the rate of one-half per centum per month until paid; and in case said owner shall fail or neglect to make such payment on demand, the amount of said assessment shall be added to the annual tax assessed on said land and shall be part of the same and shall be collected by said collector, with interest as aforesaid, in the manner as said other taxes are collected and as a part thereof at the time of the annual collection of taxes succeeding the receipt of said certificate, and payment thereof may be enforced by sale of the lands described in said certificate, in the same manner as payment of other taxes is enforced.

**29. SEC. 3.** That notice of the ordinance mentioned in the first section of this act, and also notice by the collector and demand may be given either by personal service of a copy of said ordinance or of such notice of demand, as the case may be, or by leaving such copy thereof at the residence of said landowner if residing within the limits of the jurisdiction of said governing authorities, or, if a non-resident, by mailing such copy to his post-office address, if known, or by publication once a week for three weeks in one of the newspapers published within said village limits, the cost of such publication be added to said assessment and collected therewith.

**30. SEC. 4.** That upon payment of said assessment it shall be the duty of the clerk in whose office any such certificate as is mentioned in the first section of this act may be filed, to discharge the same from the record of tax returns in his office, upon filing with him the receipt of the payment of said assessment made by said governing authorities or by the collector by whom the same may have been collected, for which service said clerk or register shall be paid the sum of twenty-five cents.

An act to authorize the levying and collection of a tax for certain municipal purposes when authorized by the governing authorities of any village by a vote of the inhabitants at a meeting.

P. L. 1890, p. 266

Power and authority of trustees.

Approved April 15, 1890.

**31. SEC. 1.** That the trustees, or by whatever name the governing authority in any village may be called, shall have the power to lay out, open, work, grade, regulate, pave, macadamize, sewer and light any sidewalks, streets or roads in said village, to maintain a fire department and police force, to contract for water-supplies, license peddlers, hackmen and drivers,

to plant shade trees, and to sell and strike off lands, tenements and hereditaments and real estate for taxes for the shortest term for which any person or persons will take the same, and to execute and deliver to the purchaser or purchasers at any such sale a deed or deeds for the same for the term for which the same was purchased, which said last-mentioned deeds shall be signed by the president of the board of trustees or presiding officer of the governing authority, and attested by the secretary and the seal of the village; that for the foregoing purposes the said trustees or governing authorities may use any money collected therefor as authorized in this act.

**32. SEC. 2.** That the assessor of any township in which any such village shall be located shall, upon requisition of the trustees or other governing authority of any village in said township, assess upon the ratable land, chattels, effects, assets and certainties of such village, in addition to the other taxes which he may be authorized or directed by law to assess, such sum of money as the trustees or other governing authority of said village have made requisition upon him to assess for the purposes mentioned in their requisition, which, however, must be confined to one or more of the purposes mentioned in section one of this act; the evidence to the assessor of his authority to levy the taxes authorized by this act shall be a certificate, signed by the trustees, or by whatever name the governing authority of such village may be called, certifying that they make such requisition, and that the same has been ratified by a majority vote of the inhabitants of the village present at a village meeting duly called for that purpose; for which service as aforesaid the said assessor shall receive from the trustees or other governing authorities of the village, or its financial officer, the sum of five cents for each name assessed by him as aforesaid, and no more.

Assessor to assess amount of money required by the trustees.

Certificate of trustees authority for assessor.

**33. SEC. 3.** That the collector of the township shall collect said money so assessed, as prescribed in this act, the same as he collects the township taxes, and he shall pay over the same, as collected, to the trustees or other governing authorities of such village, to be used for the purposes set forth in the requisition of the trustees upon the assessor; *provided, however,* that no requisition shall be made by the trustees until a majority of the inhabitants present at any village meeting, to be called for that purpose, shall by a vote as aforesaid have approved of the appropriation of said sum of money for all or some of said purposes, for which services as aforesaid the said collector shall receive from the trustees or other governing authorities of said village, or its financial officers, five cents for each name assessed by the assessor, and whose tax is collected by him and paid over to the trustees as aforesaid, and no more.

Collector to collect taxes.

Proviso.

**34. SEC. 4.** That any and all meetings of the inhabitants of the village called under the provisions of this act by the trustees or other governing authorities of said village shall be presided over by the president of the trustees, and a clerk of the meeting shall be elected by the inhabitants present; that ten days' notice of said meeting shall be given by publication thereof in five conspicuous places within the village limits, and an advertisement in a newspaper published within the township limits on one day of the week preceding the date fixed for the meeting.

President to preside at all meetings of inhabitants.

Notice of meeting to be published.

**35. SEC. 5.** That the trustees or other governing authority of any village are hereby authorized to borrow money for any of the uses of such village set forth in this act, in anticipation of the tax to be levied during the then current year, and to issue proper certificates of indebtedness therefor, which shall bear interest on the principal thereof at a rate not exceeding five per centum per annum, such certificates to be signed by the president or chairman of the board of trustees or other governing authority of such village and attested by the clerk of the village, and it is hereby made the duty of said president or chairman of the board of trustees or other governing authority to sign, and of said clerk to attest and seal with the corporate seal, such certificates of indebtedness, the issue of which may be ordered under the provisions of this section; *provided,* that no such money shall be borrowed or certificates of indebtedness issued until after a sum not less than the amount of said certificates has been voted by a majority of the inhabitants of the village for the expenses of the improvement for which the certificates are issued.

Trustees authorized to borrow money in anticipation of taxes and issue certificates of indebtedness.

Proviso.

Action of meeting of inhabitants to be written out and signed.

**36. SEC. 6.** That the action taken by the inhabitants of the village at such meeting shall be written out at length by the clerk and signed by the president or presiding officer and the clerk of the meeting, and shall be delivered to the trustees or other governing authorities of such village, which certificate shall be prima facie evidence of the statements therein contained.

Repealer.

**37. SEC. 7.** That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

**An act for the formation and government of villages.**

P. L. 1891, p. 33.

Approved February 23, 1891.

Townships may become villages.

**38. SEC. 1.** That the inhabitants of any township, or part of one or more townships, in this state may become incorporated as a village under the provisions of this act by complying therewith; *provided*, that no village shall be so incorporated that shall not contain at least three hundred inhabitants; and if the territory included in such proposed village should exceed one square mile in area, then such village must contain three hundred inhabitants for every additional square mile or fraction of a mile of area. (a)

Proviso.

**39. SEC. 2.** [Amended by Sec. 105, *post.*]

**40. SEC. 3.** [Repealed by Sec. 106, *post.*]

**41. SEC. 4.** [Amended by Sec. 107, *post.*]

**42. SEC. 5.** [Repealed by Sec. 106, *post.*]

**43. SEC. 6.** [Amended by Sec. 108, *post.*]

**44. SEC. 7.** [Repealed by Sec. 106, *post.*]

Judge to order a special election to be held as to whether the village shall be incorporated or not.

**45. SEC. 8.** That thereupon it shall be the duty of said judge to call a special election, to be held at some convenient place within the said proposed village, by notice in writing under his hand, which notice shall contain the name and an accurate description of the boundaries of the proposed village, and state the object of the said election to be to vote for or against the incorporation of the said proposed village under the provisions of this act; which notice shall be set up at least twenty days previous to said proposed election in five of the most public places within the said proposed village limits, and published for two weeks, at least once in each week, in a newspaper printed and published within the said proposed limits, if any, or if none so published, then in a newspaper printed and published in the county wherein said proposed village is situated.

**46. SEC. 9.** [Amended by Sec. 109, *post.*]

**47. SEC. 10.** [Amended by Sec. 110, *post.*]

Majority defeats incorporation.

**48. SEC. 11.** That if at either of such elections a majority of the ballots cast shall be against incorporation, then such territory shall not be an incorporated village, and in that case no second election can be held therein, under this act, within one year from the time the first of such elections was held.

Inhabitants of village incorporated to have perpetual succession, sue and be sued, and make and use a seal.

**49. SEC. 12.** That the inhabitants of any village incorporated under this act shall be a body corporate in fact and in law, by the name of the village of \_\_\_\_\_ (being the name stated in the notice of election), and by said name shall have perpetual succession and may sue and be sued, prosecute and defend, in any courts by such name; may make and use a common seal and alter it, and receive by gift, purchase, grant, devise or bequest, and hold and convey real and personal estate for the use and benefit of said village.

**50. SEC. 13.** [Amended by Sec. 111, *post.*]

Voters to fill vacancies in election offices.

**51. SEC. 14.** That in case of the failure of any of said election officers to act, the legal voters present at the time and place designated for said election, by a viva voce vote, may fill the vacancy, and the said election officers so appointed or elected, having first taken and subscribed to an oath or affirmation honestly and impartially to hold and conduct said election, shall forthwith open the polls for the election of officers hereinafter men-

(a) Where a *mandamus* was applied for to require a justice of the supreme court to take the steps prescribed in the act, before it was amended, for the formation of a village, it was refused on the ground that the power of deciding questions of public policy which relate to the organization and extent of

municipalities belongs to the legislature, and not to the executive or judicial department. *In re Edgefield Park*, 25 Vr. 238. For a decision since the amendments of 1892, see *Broking v. Van Valen*, 27 Vr. 85.

tioned ; and the said election shall be by ballot, and shall be conducted in the same manner as elections for township officers are conducted ; the persons voting at said elections shall be those who are qualified to vote at elections for members of the legislature of the townships wherein said village is situated ; at the closing of the polls the judge and inspectors holding said election shall canvass the votes cast and certify the result, with the number of votes cast for each candidate, to the clerk of the county wherein said village is situated ; the person eligible and having the greatest number of votes for any office shall be deemed elected to such office ; if there shall be a tie, as to a particular office, between two or more persons eligible, and having the greatest number of votes, the person presiding at such election shall forthwith determine by lot, in the presence of the other inspectors or a majority of them, which shall be deemed elected, and set forth such fact in the certificate of the result made by them.

52. SEC. 15. That the officers of said village to be elected shall be five village trustees, who shall constitute the governing board of said village, and who shall serve without compensation, except the trustee who shall be appointed treasurer, whose compensation may be fixed by a majority of said board ; that at the first meeting after the election said trustees shall decide their term of office by lot ; that the term of office of one trustee shall expire on the first Tuesday in April next ensuing such election, of two trustees in one year thereafter, and of the remaining two trustees in two years thereafter ; the term of office of the trustees elected after the first election shall be three years, and all vacancies shall be filled for the unexpired term only ; the said board shall organize by the election of one of their own number as president and one as treasurer, who shall be the village president and treasurer respectively and who shall hold their offices for one year and until their successors shall be elected ; *provided*, that no president or treasurer shall remain in office after the expiration of his term as trustee.

Who shall be officers of village.

Term to expire when, &c.

Proviso.

53. SEC. 16. That no person shall be eligible to the office of trustee unless he shall be at the time a resident and elector of said village ; whenever any trustee shall cease to be a resident thereof, his office shall become vacant ; vacancies in the board of trustees occurring from any cause shall be filled by the remaining members of the board until the next annual election.

Trustees to be residents and electors of the village.

54. SEC. 17. That said board of trustees shall defray, out of the moneys of said village coming into their hands, the reasonable expenses of said proceedings for incorporation, to be ascertained and determined by them.

To defray expenses of proceedings for incorporation.

55. SEC. 18. That a copy of said determination of said judge establishing the boundaries of said village and of his order confirming said election for incorporation, shall be filed by said trustees in the office of the secretary of state within twenty days after their election, and a certified copy thereof shall be admitted in evidence in all courts and be proof of the truth of the contents thereof.

Determination of a judge to be filed by trustees with secretary of state.

56. SEC. 19. That there may be appointed by the village trustees a village clerk, a village counsel, a street superintendent, and such and so many policemen and other officers as shall be deemed necessary by said trustees, and who shall hold office at the pleasure of said board, and who shall perform such duties as may be required by law or the ordinances of said trustees, and who shall receive such compensation as such trustees shall, by ordinance, establish.

Trustees authorized to appoint certain officers.

57. SEC. 20. That such officers as the trustees shall require shall, before they enter upon the duties of their offices, give bonds to the village in its corporate name in such sums and with such sureties as the said trustees may require and approve for the faithful performance of their duties.

Officers to give bonds.

58. SEC. 21. That the annual election of trustees for such village shall be held on the first Tuesday of April, and the board of trustees shall hold an annual meeting on the next Tuesday after the annual election, yearly and every year, and such other meetings as they shall, by ordinance, direct and appoint ; the president of said board shall preside at such meetings and shall have a vote on all questions before them, and in the absence of

Proceedings for annual election of trustees, &c.

the president, the other members shall appoint one of their number to preside pro tempore; and when met, said trustees shall have the power to make and adopt such ordinances, rules, by-laws and regulations, and in general to do and perform all such other acts as are provided for and warranted by this act; and that three members shall constitute a quorum of said board; and it shall be the duty of the president, when necessary, to call special meetings of said trustees, and in case of his neglect or refusal, then it shall be lawful for any three members of said board, at such time and place in said village as they may designate, to call any special meeting or meetings by written or printed notices, and in all cases of special meetings notice shall be given to all the members of said board in person or left at their place of residence.

Duties of  
village clerk.

**59. SEC. 22.** That it shall be the duty of the village clerk to act as clerk of the board of trustees at all meetings and keep the minutes of the meetings and record all ordinances passed by the trustees; he shall have the custody of the books, papers, documents, seal and other personal property belonging to the village, and shall perform such other duties appertaining to his office as the trustees shall from time to time prescribe.

Duties of  
treasurer.

**60. SEC. 23.** That it shall be the duty of the treasurer to receive and pay out all moneys due or belonging to said village, whether for taxes, assessments, arrears of taxes or otherwise, and safely keep and disburse the same under the direction of the trustees, and shall pay out the same only upon the warrant of said trustees, signed by the president and countersigned by the clerk, and no warrant on the treasurer shall be authorized except in pursuance of an order of said trustees passed at a stated meeting and entered on their minutes; such warrant shall be made and numbered, payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; the said treasurer shall keep a record of the proceedings affecting the revenue of said village, and shall make out annually on the last Tuesday in March, or oftener should the trustees require, and publish in a newspaper published therein, if any, and if none so published, then in a newspaper published in the county in which said village is situated, a detailed and true statement of all moneys received into the treasury, and of all moneys disbursed therefrom from the commencement of his official year to the date aforesaid, and file a copy with the clerk.

Annual election,  
&c.

**61. SEC. 24.** That the said board of trustees in any village shall in each year, preceding the day of holding the annual village election, appoint one judge and two inspectors of election (the said inspectors not to be of the same political party), who shall hold office for the term of one year and until their successors are elected; the said trustees shall appoint the place of holding such elections and designate the time during which the polls shall be open, which shall be not less than four hours uninterruptedly, between twelve o'clock noon and seven o'clock in the afternoon, ten days' public notice of which shall be given by the village clerk.

Majority of elec-  
tion board to  
decide.

**62. SEC. 25.** That the said judge and inspectors so appointed shall constitute the election board of said village, and the decision of a majority of such board on any question shall be deemed and taken to be the decision of such board and final.

Organization of  
election board.

**63. SEC. 26.** That the judge and inspectors of election of such village shall meet at the time and place when and where any such election is appointed to be held therein, and shall organize themselves as a board of election for the purpose of presiding at and conducting such election, and the clerk of such village shall meet with such board and be the clerk thereof.

Election officers  
to hold no other  
elective office.

**64. SEC. 27.** That no such judge, inspector or clerk shall be elected to any office to be filled at the election in which he shall serve, and if any such judge, inspector or clerk shall be voted for in any such election, the person or persons to the number to be elected therein, who shall by law be qualified for the office or offices to be filled upon the election, for whom the greatest number of votes shall have been given therein other than such judge, inspector or clerk, shall be deemed and taken to be elected, and the

vote which shall be given to such judge, inspector or clerk shall be deemed and taken to be null and void.

**65. SEC. 28.** That if at the hour of the day of any such election the judge, or one or both of the inspectors of election of such village, shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or shall neglect or refuse to serve, it shall be lawful for the persons then and there present, who shall be entitled to vote at such election in such village, by a majority of voice or on a division by a majority of polls, forthwith to choose one or more of the persons then and there present, who shall be qualified to vote at such election in such village, to fill the place or places in such board of the person or persons so absent, disqualified, neglecting or refusing, and every person so chosen shall be deemed and taken to be in all respects a judge or inspector of election as the case may be.

Officers to be chosen in absence of election officers.

**66. SEC. 29.** That if at the hour of the day of such election, or at any other time during such election, the clerk of such village shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or shall neglect or refuse to serve as clerk of the board of election, it shall be the duty of such board to appoint some other person qualified to vote in such election in such village, who shall be then and there present, to be such clerk; and the person so appointed shall be deemed and taken to be in all respects the clerk of such board.

Board of election to appoint a clerk, if village clerk is absent or neglects or refuses to serve.

**67. SEC. 30.** That any person who may be appointed to fill the office of judge, or one of the inspectors of election, in consequence of the absence, disqualification, neglect or refusal to serve of such judge or inspector, and any person who may in like manner be appointed clerk of the board in place of the clerk of the village, shall be taken to be in all respects a true member of such board with respect to all matters appertaining to the election, but his powers under such appointment shall not extend to any subsequent election.

Officers filling vacancies to have same power as original officers.

**68. SEC. 31.** That when such board of election shall have been organized, and before they shall receive any vote, it shall be the duty of the judge and each inspector of election to take an oath or affirmation, to be administered by the clerk of the board, that they will faithfully and impartially execute the duties required of them by law.

To take oath.

**69. SEC. 32.** That when the judge and inspector of election shall have been sworn or affirmed, as provided in the preceding section of this act, it shall be the duty of the judge of election, in an open and public manner, to administer to the clerk of such board and of such clerk to take an oath or affirmation that he will faithfully and impartially execute the duties required of him by law; and a like oath or affirmation shall be administered to and taken by any person who may be appointed clerk of such board at any time during such election.

Oath of clerk.

**70. SEC. 33.** That the mode of conducting such election shall be the same and shall be governed by the same laws as govern township elections in this state.

Election to be conducted in same manner as township elections.

**71. SEC. 34.** That it shall be lawful for the trustees of any such village to divide said village into election districts and provide for a polling place in each district when, in their judgment, it may be necessary, and to appoint an election board for each polling place, the clerk of said village to act as clerk in the election district where he resides and said trustees to appoint a clerk for the other district or districts; that when such village shall be divided into election districts, the judges of election of each district and the clerk of the village shall meet within two days after the holding of any election at the polling place in the district in which said clerk resides, and the said judges, when so met, shall cast up and add together the votes polled in the several districts, and the result thus determined shall be written out and signed by the judges and attested by said clerk and delivered to said clerk, who shall duly file the same.

Trustees to divide village into election districts.

**72. SEC. 35.** That the compensation to be paid the judge, inspectors and clerk for their service at each village election shall be the sum of three dollars each and no more.

Compensation of election officers.

Village to constitute a separate road district, &c.

Powers of trustees, &c.

**73. SEC. 36.** That any village incorporated under this act shall constitute a separate road district within its corporate limits, and that the said board of trustees shall have full and exclusive jurisdiction over the streets, roads and highways within such limits, and in addition to other powers and duties created by this act, shall have the general and exclusive control and management of the public highways in said village and of their repair and regulation, and shall have the powers and duties in respect to the same as now are or may by law be conferred upon overseers of the highways and township committees, and shall also have full and exclusive power to lay out, open, accept, widen, straighten, alter, vacate any street, road or highway within said village limits, and to take any lands necessary therefor, just compensation being awarded for such lands so taken and the damages, if any sustained thereby, the amount of such compensation and damages to be established by agreement with the owners of such lands or assessed by commissioners to be appointed by the circuit court in the manner herein provided for the appointment of commissioners to assess damages for the expense of constructing sewers and drains, and who shall proceed in the same manner, under the same restrictions, and with the same powers as are herein provided for in case of said last-named commissioners; said trustees shall grade, work and repair the streets and roads now laid or to be hereafter laid in said village; shall control and regulate the width and grade of all sidewalks and the manner of paving and maintaining the same; may provide for lighting such streets as they may deem necessary to be lighted and construct sewers and drains; *provided*, that the provisions of this section shall not apply to any village within a township having a public road board, if a majority of the voters of said village, at an election to be ordered by said trustees for the purpose, shall so decide; *and provided, further*, that nothing in this section shall apply to, affect, or include any such street, road or highway that is now or may hereafter be, under the charge, direction, management, supervision, or control of any county public road board in this state, whether created or organized under or by virtue of any general or special act of the legislature.

Proviso.

Proviso.

Trustees to procure and supply lights for the public streets.

Proviso.

Trustees may pass certain ordinances, &c.

**74. SEC. 37.** That it shall be lawful for any such board of trustees to procure and supply lights for lighting the public streets and to make contracts with any person or corporation for the supplying of such lights, for a year or term of years, which contract when so made shall be lawful and valid, and the money payable under said contract in each year shall be levied and raised by taxation in the annual levies of such years; *provided*, that no such contract shall be made for a longer period than five years.

**75. SEC. 38.** That the trustees of any village in this state incorporated under this act shall have power to pass, alter and repeal ordinances to take effect within their respective villages for the following purposes, in addition to the other special powers enumerated in this act:

I. To license and regulate public hacks, cabs, omnibuses, carriages and other vehicles, to fix a license fee for the same, and to prevent unlicensed persons from acting in the capacity of hackmen;

II. To pass ordinances regulating the grading, laying, flagging, curbing and improving the sidewalks within the village limits;

III. To compel the owners or occupants of abutting lands to keep the sidewalks and gutters free from snow and ice and other impediments, and to keep the said sidewalks in a safe, convenient and passable condition at all seasons;

IV. To prevent immoderate or fast driving on the streets or roads;

V. To regulate and prevent the dumping or throwing of waste matter, ashes or garbage in the public streets or on lands belonging to or under control of the public;

VI. To license and regulate peddlers, hucksters and other street venders, and all circuses or other shows and exhibitions whatsoever proposed to be performed or exhibited within the limits of said town;

VII. To fix the terms upon which such license shall be granted and to make all proper rules and regulations for the collection of license fees, which license fees may be for revenue;

VIII. To establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and compensation ;

IX. To prescribe the penalties by fine, not exceeding twenty dollars in each case, or by imprisonment in the county jail not exceeding ten days in each case, or both, for the violation of any ordinance provided for in this act ; *provided, however,* that the person or persons violating the provisions of such ordinance or ordinances shall be brought before a justice of the peace in the township in which such village is located, who shall have cognizance of such offense.

Proviso.

**76. SEC. 39.** That it shall be lawful for such board of trustees to order and cause to be assessed and raised by tax every year such sum of money as they shall deem expedient for the current expenses of such village and for all other objects and purposes authorized by law ; *provided,* that the amount to be assessed and raised by such tax shall not exceed in any year the sum of seven and a half mills on the dollar, unless a greater sum shall be authorized by a majority of the votes cast at any election for trustees.

Trustees to assess tax every year.

Proviso.

**77. SEC. 40.** That the said trustees shall certify the amount to be raised to the assessor of the township wherein such village shall be located, on or before the twentieth day of August annually, requiring him to assess the same upon the real and personal estate within said village liable to taxation, which certificate shall be signed by said trustees or the president thereof, and attested by the clerk, under the corporate seal of said village, and shall be evidence to the assessor of his authority to levy the taxes authorized by this act ; *provided,* that in case said village lies in more than one township the amount of village taxes shall be certified to the assessors of the townships wherein said village lies, and be assessed by them proportionately to the amount of the real and personal property within the limits of said village in their respective townships.

Amounts to be raised to be certified to the assessor of the township in which the village is located.

Proviso.

**78. SEC. 41.** That the said assessor or assessors shall assess the amount so certified upon the real and personal property in said village liable to assessment, in the same manner as the other taxes are assessed ; and the amount so assessed shall be collected by the collector of said township (or of each township wherein said village lies) in the same manner as other taxes are collected, and he shall pay over the same as collected to the said trustees, to be used by them for the purposes authorized by law, for which services the said assessor and collector shall each receive from their said township the sum of five cents for each name assessed and no more.

Assessor to make the assessment, and the collector of the township to collect it.

**79. SEC. 42.** That the trustees of such village are hereby authorized to borrow money in anticipation of taxes, not to exceed in amount the sum ordered to be raised by them, and to issue proper certificates of indebtedness therefor, to be signed by the president of said board and attested by the clerk under the corporate seal.

Trustees authorized to borrow money.

**80. SEC. 43.** That in case any owner of lands in front of which any sidewalk is required, by ordinance of the trustees of any village, to be graded, laid, flagged, repaired, curbed or improved, shall neglect or refuse to cause said work to be done within thirty days after notice of such ordinance, such board of trustees may have such work done at the expense of the owner of said land, and either recover from said owner the amount of the cost and the expense thereof, by suit in any court of competent jurisdiction in an action upon contract, or may assess said cost and expense upon the lot or tract of land in front, or if such lands lie on the corner of any street on the side of which the work may be done, and certify said assessment, together with a short description of said lands to the collector who collects other taxes within said village limits, and cause a copy of such certificate to be filed in the office of the clerk of the county wherein the land is situate, and recorded in a book of returns of unpaid taxes for the township wherein said lands are situate, and the amount of such cost and expenses shall, from the date of the filing of said certificate, be and remain a first and paramount lien on said lands until paid.

Proceedings in case owners of lands refuse to do work ordered.

Proceedings in case owner refuses to pay assessment, &c.

**81. SEC. 44.** That the said collector shall forthwith, upon receiving said certificate, serve notice of such assessment upon the owner of said lands, demanding payment thereof, together with interest at the rate of one per centum each month until paid ; and in case said owner shall fail or neglect to make such payment on demand, the amount of said assessment shall be added to the annual tax assessed on said land and shall be part of the same, and shall be collected by said collector, with interest as aforesaid, in the manner as said other taxes are collected, and as a part thereof, at the time of the annual collection of taxes succeeding the receipt of said certificate, and payment thereof may be enforced by sale of the lands described in said certificate in the same manner as payment of other taxes is enforced.

How notices to be served.

**82. SEC. 45.** That notice of the ordinance mentioned in the forty-third section of this act, and also notice by the collector and demand of payment of such assessment, may be given either by personal service of a copy of said ordinance or of such notice and demand, as the case may be, or by leaving such copy thereof at the residence of said landowner, if residing within the limits of the said village, or, if a non-resident, by mailing such copy to his post-office address, if known, and by publication once a week for three weeks in one of the newspapers published within said village limits, the cost of such publication to be added to said assessment and collected therewith.

Clerk to discharge assessment upon payment.

**83. SEC. 46.** That upon payment of said assessment it shall be the duty of the clerk or register in whose office any such certificate as is mentioned in the forty-third section of this act may be filed, to discharge the same from the record of tax returns in his office, upon filing with him the receipt of the payment of said assessment made by said village treasurer or by the collector by whom the same may have been collected, for which service said clerk or register shall be paid the sum of twenty-five cents.

Duties of police officers, &c.

**84. SEC. 47.** That it shall be lawful for any such board of trustees to employ one or more police officers for the village, and to fix and determine the amount to be expended for the services of such police officer or officers, whose duty it shall be, without warrant, to apprehend and arrest all persons committing breaches of the peace in said village or violating any ordinance of such board of trustees, and in like manner to apprehend and arrest all disorderly persons in said village and bring them before a justice of the peace in said township, to be dealt with according to law.

Appointment and discharge of police officers.

**85. SEC. 48.** That such police officer or officers shall be appointed and discharged or dismissed at such times as such board of trustees shall, from time to time in each case see fit and determine, and shall receive such pay and compensation for their services respectively as shall be fixed and agreed upon by such board of trustees.

Trustees to create fire departments.

**86. SEC. 49.** That the said board of trustees shall have power to form such and so many fire engine, hose and hook and ladder companies as they may deem necessary, which shall be subject to the direction, authority and control of said trustees at all times ; and said trustees are hereby invested with full power to procure, build, repair, maintain and preserve engines, engine-houses, cisterns and reservoirs of water, ladders, buckets and all necessary implements and machines, and to purchase the real estate necessary, and to incur such other expenses as to said trustees shall appear best calculated to protect property within the village limits from injury or destruction by fire ; but the whole amount expended under this section shall not in any year exceed such sum as shall be authorized for fire purposes by a majority vote at the annual election ; the moneys needed and so voted for the aforesaid purpose shall be certified to the assessor of the township wherein said village shall be located, and shall thereupon be assessed, levied and collected by the assessor and collector of said townships, upon the same property, and in the same manner, and at the same times other village taxes are, within the same limits ; and said trustees shall have power to borrow said moneys, or any part thereof, in anticipation of taxation.

**87. SEC. 50.** That every person while an actual member of a company organized under this act shall be exempt from all jury duty and all militia duty and military tax in time of peace; and every person who shall have been a member of such company for seven years, and shall have a certificate of such fact from said trustees, shall be forever exempt from such duty and such tax.

Members of fire companies exempt from jury and militia duty, &c.

**88. SEC. 51.** That it shall be lawful in any village in this state which has been incorporated under this act for the board of trustees of any such village to order and cause, by contract or otherwise, sewers and drains to be constructed in any part of such village, and to provide, maintain and alter a general system of sewerage and drainage for such village, or any part thereof, conformably to which all sewers and drains shall be constructed, and to establish and maintain one or more outlets or places of deposit, within or without such village, for sewerage and drainage from such village, and to repair and cleanse such sewers and drains.

Trustees to construct sewers and drains.

**89. SEC. 52.** That whenever a petition in writing of any owners of property interested, not less than ten, shall be presented to the board of trustees, asking for the construction of a sewer or drain in the whole or any particular part or section of such village, it shall be lawful for such board, in their discretion, if they consider such sewer or drain necessary and proper, to adopt a resolution declaring its intention to cause such sewers or drains to be constructed; and the said board shall forthwith cause public notice of such intention to be given in a newspaper printed or circulated in such village for the space of ten days, briefly describing the proposed work and the section or part of such village to be affected, and requesting such persons as may object thereto to present their objections, in writing, at or before the expiration of ten days from the date of such notice, and if persons owning or representing more than one-half of the lineal frontage of land along the streets through which it is proposed to construct any sewer or drain, shall so present their objections in writing, then such proceedings shall cease; but otherwise, and after the expiration of said ten days, it shall be lawful for such board to adopt any ordinance for the construction of such sewers or drains, to award contracts for the same, or for any part or section thereof, and to take all necessary steps for properly carrying into effect the desired improvement.

Proceedings for constructing sewers and drains, &c.

**90. SEC. 53.** That if, in the judgment of the said board of trustees, the construction of such sewer or drain is likely to benefit and increase the value of any lands and real estate in the vicinity thereof, the said board shall apply to the judge of the circuit court of the county wherein such village is situate, for the appointment of commissioners to estimate and assess such benefits, of the time and place of which application notice shall be given by ten days' publication in a newspaper published within the village, if any there be, and if none, in a newspaper published in the county, at which time and place, or at such other time and place as the said judge shall designate, said judge shall, without unnecessary delay, appoint three commissioners, who shall not be freeholders or residents of such village, to estimate and assess the said benefits; the said judge shall have power to remove any commissioner and appoint another in his place, and also to fill any vacancy that may occur in the office of any commissioner from any cause; the said commissioners, before entering upon the execution of the duties required of them by this act, shall take and subscribe, before some person duly authorized to administer the same, an oath or affirmation that they will make all estimates and assessments required of them fairly, legally and equitably, according to the best of their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make.

Proceedings to assess benefits of sewers and drains.

**91. SEC. 54.** That the said commissioners, having thus qualified, shall give notice, under the direction of the said judge, of the time and place when and where they will hear any persons in interest who may present themselves to be heard, and at such time and place, and at such other times and places to which they may adjourn for that purpose, the said commissioners shall attend and shall give public hearing to those persons

Proceedings for a public hearing.

in interest who may desire to be heard ; the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view the premises that they may deem necessary, and to adjourn from time to time in their discretion, or as directed by the judge of said court ; they shall use diligent effort to ascertain the names of the owners of the lands and real estate benefited by the construction of such sewer or drain as aforesaid, and shall state the same in the report hereinafter mentioned, but the failure to ascertain the name of any such owner or to state the same correctly, or the omission of any such name from the said report shall not be deemed to invalidate the said assessment, nor to be a bar to the collection of the same.

Commissioners to report estimates and assessments.

**92. SEC. 55.** That after having given opportunity as aforesaid for a public hearing of the persons in interest, and having viewed the premises likely, in their judgment, to be benefited by the construction of such sewer or drain, the said commissioners shall make a report in writing of their estimates and assessments to the judge of said court, accompanied by a survey and map to be prepared under their direction by a civil engineer, to be appointed by the board of trustees of such village, showing the lots or parcels of land and real estate particularly benefited by such sewer or drain ; the said report shall state the cost of the whole work, including in such cost all necessary expenditure for engineers, plans, salaries, interest, legal fees and charges and such other incidental expenses as in the proper prosecution of the work may be necessarily incurred ; the portion, if any, assessed upon the village at large, and shall give the names, so far as ascertained, of the owners of said lots or parcels of land and real estate and the amount of the assessment to each owner for each of such lots or parcels of land and real estate for the said benefits ; which assessment shall, in each case, be in proportion, as near as may be, to the advantage which each of the said owners shall be deemed to have acquired by the construction of such sewer or drain ; in case the costs and expenses of such work shall exceed the amount of benefits, the excess thereof shall be paid by the village at large and raised by general tax ; in no case shall any property or owner thereof be assessed beyond the amount of benefit actually derived from the construction of such sewer or drain.

**93. SEC. 56.** [Repealed by Sec. 106, *post.*]

Proceedings on coming in of report.

**94. SEC. 57.** That upon the coming in of any such report, signed by the said commissioners, or any two of them, the judge of said court shall cause such notice to be given as he shall deem proper for the time and place of hearing any objections that may be made to such assessment ; and after hearing any matter that may be alleged against the same, the judge of said court shall confirm the said report, or shall refer the same to the same or other commissioners to be appointed by him, forthwith to reconsider the subject-matter thereof ; and the said commissioners to whom such report shall be referred by the court shall return the same, corrected and revised, or a new report to be made by them in the premises, to the said court, without unnecessary delay, and the same being so returned shall be confirmed or again referred by the judge of said court in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which the said court shall confirm ; such report when so confirmed shall be final and conclusive as well upon the said village as upon the owners of any lands and real estate affected thereby ; the said court shall thereupon cause a certified copy of such report and the accompanying map to be filed in the office of the clerk of the county in which said village shall be located, and shall settle and determine the compensation to be paid to the commissioners and the costs and expenses of the proceedings, which shall be paid by the board of trustees of said village.

Time for allowing certiorari.

**95. SEC. 58.** That no certiorari shall be allowed by any court to review any of the proceedings in relation to such improvement, nor in any way to affect any assessment made by such commissioners after the lapse of thirty days from the making of the order of the court confirming such assessments ; the court shall designate what notice, if any, shall be given,

by publication or otherwise, of the confirmation of the report of said commissioners.

**96. SEC. 59.** That all assessments made under the provisions of the act shall be and remain a first and paramount lien upon the lands and real estate affected thereby until paid, notwithstanding any error or omission in stating the name or names of the owner or owners of such land and real estate and notwithstanding any devise, descent or alienation thereof, or any judgment, mortgage or incumbrance thereon, and shall bear interest at the rate of six per centum per annum. Assessments made a lien.

**97. SEC. 60.** [Amended by Sec. 127, *post.*]

**98. SEC. 61.** That in order to provide for the expense of any such improvement and the notes or certificates of indebtedness issued therefor, it shall and may be lawful for said board of trustees to issue bonds to run for a period not to exceed ten years, and shall be so issued that an equal portion of the same shall be made payable in each year from and after two years from the date of said bonds, and to bear interest not exceeding six per centum per annum, which said bonds shall be styled improvement bonds, shall be issued in such denominations as the board of trustees may determine and be executed under the corporate seal of said village, signed by the president of said board and countersigned by the clerk thereof; coupons for every half year's interest shall be attached to each bond and numbered to correspond thereto, or the said bond may be registered, at the option of the holder; they shall be sold for not less than their par or face value and the proceeds thereof shall be used to pay the costs, damages and expenses of said improvements and public works, and to take up and pay off such temporary notes or certificates as have been given in payment of such costs and expenses; *provided*, that in order to meet the interest on said bonds as may be issued to pay the portion of such costs and expenses required to be paid by said village at large and redeem the same at maturity, it shall be the duty of the board of trustees to order the interest thereon, together with the installment of principal falling due the subsequent year, to be raised in the annual tax levy in each year. Expenses to be paid by issuing bonds.

**99. SEC. 62.** That the owners of the lands specially assessed may pay said assessments in such equal yearly payments, not exceeding ten, as the said trustees may determine, with legal interest thereon, from the date of said commissioner's report; the first of which said annual payments shall be made within three months after the confirmation by said court of the report of said commissioners, and upon failure to make any of the annual payments or any installment of the interest upon the assessment when due, the whole of said assessment shall become and be immediately due and payable; *provided*, that any party assessed shall have the privilege of paying the whole of any assessment with accrued interest at one time. Assessments may be paid in yearly payments.

**100. SEC. 63.** That in case any owner of lands so assessed shall fail to pay any such assessment, or any installment thereof, or the interest thereon, at the time and in the manner prescribed by this act, the said board of trustees may sue for and recover from such owner the whole of such assessment remaining unpaid, with interest and costs, by an action of contract in any court of competent jurisdiction, in the name of said village, against the owner of the land so assessed, for so much money laid out and expended for the use of such owner, and may declare generally and give the special matter in evidence, and if any of the said owners reside out of this state a writ of attachment may be resorted to as in other cases of non-resident debtors, and the said report of the said commissioners and the order of the court confirming the same shall be conclusive evidence against the said defendants, and the said assessment shall be and continue a lien on the lands against which the same is assessed, or it shall be lawful for the said board of trustees, and they are hereby authorized to sell at public sale the said lands so assessed for the shortest term of years for which any person will agree to take the same, not exceeding thirty years, and pay the said assessment with interest and the cost and expenses of sale, having first advertised said sale for the space of one month at least, once in each week, in two of the newspapers published in said county, giving notice of the time Proviso.

Proceedings in case of failure to pay assessments.

and place of sale, together with a brief description of said land, and specifying the amount of such assessment remaining unpaid, and the name of the owner of the land against which said assessment was made, and upon such sale the said board of trustees shall execute, under its common seal, a declaration of such sale, to be signed by its president and clerk, and deliver the same to the purchaser, and the said purchaser, his executors, administrators and assigns, shall by virtue thereof lawfully hold and enjoy the said lands and real estate for his and their own proper use, against the owner or owners thereof, and all persons claiming under them, until said term shall be completed and ended, and shall be at liberty to remove all the buildings and materials which he or they shall erect or place thereon; and the recitals in such declaration of sale shall be deemed and taken as prima facie evidence of the truth of the matters therein set forth.

Lands sold, how redeemed.

**101. SEC. 64.** That the lands, tenements or hereditaments so sold may be redeemed by the owner, mortgagee, occupant or person having a legal or equitable interest therein at any time within two years from the date of said declaration of sale, by paying to the purchaser thereof, his executors, administrators or assigns, the amount of said purchase-money, together with any other sum paid for taxes or assessments which the said purchaser may have paid, chargeable on said lands, tenements or real estate, with interest on such sums at the rate of ten per centum per annum in addition thereto; and if the person so redeeming be a judgment creditor or mortgagee of the premises, he shall have a lien on the lot redeemed by him by virtue of this act for the amount paid by him to the purchaser to effect such redemption, with the legal interest which may thereafter accrue thereon, in like manner as if the same had been included in his mortgage or judgment, and may enforce the payment of the same in the same manner; *provided*, that no mortgagee, whose mortgage shall have been duly recorded before such sale, shall be divested of his right to redeem such property after the expiration of said period of two years, hereinbefore provided for the redemption of the said property, until six months after receiving notice in writing of such sale from the purchaser, or any person claiming under him; *provided, also*, that the said sale may be adjourned or postponed from time to time, or suspended as the board of trustees may direct; *and provided further*, that if any such sale of lands for such assessment, any part thereof shall remain unsold for the want of purchasers, it shall be lawful for the said board of trustees to purchase said lands for the benefit of such village for the term of thirty years, subject to the same redemption as hereinbefore provided for, and to assign the declaration of sale, or to lease, or otherwise dispose of said lands, subject to the right of redemption; *and provided further*, that such declaration of sale shall be void and of no effect against a subsequent judgment creditor or bona fide purchaser or mortgagee for a valuable consideration, not having notice thereof, except from the date of the record thereof, unless the same shall within fifteen days after the signing, sealing and delivering of the same, be recorded in the office of the clerk of the county in which the said lands so sold are situate.

Proviso.

Proviso.

Proviso.

Proviso.

Trustees may contract for water supply, &c.

**102. SEC. 65.** That it shall be lawful for the trustees of any village incorporated under this act to enter into a contract with any aqueduct board or water company, or with any city or other municipal corporation having water works, for the obtaining and furnishing of a supply of water, for a year or term of years, to be used by and within such village for the purpose of extinguishing fires and for such other public uses and purposes as may be found convenient, which contract when so made shall be the lawful and valid contract of said village as well as of said aqueduct board or water company, or of said city or municipal corporation, and the moneys in said contract agreed to be paid in each year shall be levied and assessed in the annual tax levies of each year in the same manner as the other village taxes are levied and assessed; *provided, however*, no such contract shall be made for a longer period than ten years in any one term; *and provided*, that before said contract shall be valid or binding on said village, a majority of the legal voters of said village, at an annual or special election

Proviso.

Proviso.

to which the question of authorizing such contract shall be submitted, shall approve the same.

103. SEC. 66. [Amended by Sec. 113, *post.*]

104. SEC. 67. [Repealed by 106, *post.*]

**Amendatory act.**

Approved April 8, 1892. P. L. 1892, p. 416.

105. SEC. 1. That section two of the act to which this is amendatory [see Sec. 39, *ante*] be and the same is hereby amended so as to read as follows :

[That the proceedings for the formation of such village shall be commenced by petition for an election to be held under this act, addressed to the law judge of the court of common pleas in and for the county wherein said proposed village is situated, and if such county have no law judge then to the judge of the circuit court in and for said county, which petition shall set forth the name and boundaries of the proposed village and be signed by persons owning at least one-fifth in value of the taxable real estate in the limits of the proposed village as the same appears upon the assessor's duplicate for the preceding annual tax levy ; said petition shall be filed with the clerk of said county and be open to the inspection of all persons interested.]

Proceedings for formation of village.

106. SEC. 2. That the third, fifth, seventh, fifty-sixth and sixty-seventh sections of said act be and the same are hereby repealed.

Certain sections repealed.

107. SEC. 3. That section four of said act [see Sec. 41, *ante*] be and the same is hereby amended so as to read as follows :

[That upon the presentation and filing of said petition, it shall be the duty of said judge to appoint a time for the consideration of said petition, notice of which shall be in writing under his hand, set up at least ten days previous to said time, in five of the most public places within said proposed village limits, and published at least twice in a newspaper published therein, if any, and if none so published, then in a newspaper published in said county ; such notice shall contain the name and boundaries of the proposed village and shall state that on the day so appointed the said judge will sit to hear and consider what may be said thereon by any person interested.]

Proceedings upon presentation of petition.

108. SEC. 4. That section six of said act [see Sec. 43, *ante*] be and the same is hereby amended so as to read as follows :

[That at the time and place so appointed said judge shall determine by affidavits or by evidence taken before him whether said proposed village contains the population required by the first section of this act, and whether said petition is signed by petitioners owning the requisite amount of real estate ; he may adjourn said hearing from time to time and make such orders as may be necessary to correct or amend any defective proceedings, and shall file with the clerk of said county his determination in writing of the matters submitted to him.]

Judge to determine and file his determination with county clerk.

109. SEC. 5. That section nine of said act [see Sec. 46, *ante*] be and the same is hereby amended so as to read as follows :

[That the said judge shall appoint by writing under his hand, a judge and two inspectors of said election, who shall be legal voters in said proposed village, and who shall hold and conduct the election aforesaid at the time and place specified in the said notice ; the polls shall open and close at such hours as said judge shall direct in said order, provided the polls shall be open not less than six hours, and the election shall be conducted, as nearly as may be, in like manner as township elections are conducted ; the ballots cast shall contain the words "for incorporation" or "against incorporation," as the case may be ; at the close of the polls the said judge and inspectors of election shall canvass the votes cast, and they shall forthwith certify the result of said election, and the number of votes cast for and against incorporation, under their hands, to said judge, to be filed in the office of the clerk of the county wherein said village is situated.]

Judge to appoint election officers.

**110. SEC. 6.** That section ten of said act [see Sec. 47, *ante*] be and the same is hereby amended so as to read as follows :

Election con-  
firmed.

Proceedings for  
objections.

[That at the expiration of five days from the filing of said certificate, the said judge shall examine the same, and if the said proceedings appear to be regular and legal, shall confirm and establish the result of said election by writing under his hand, to be filed with said clerk ; *provided*, that any elector qualified to vote at said election may within five days after the filing of said certificate, appeal to said judge by petition, specifying any irregularities in and objections of the legality of said election, and praying that the same may be investigated by said judge and if found illegal be set aside, and the said judge shall thereupon appoint a time and place for hearing the same, upon such notice as he may order, and on such day shall proceed to hear the same, and shall have power by subpoena to compel the attendance of witnesses before him, and may adjourn said hearing from time to time as may be necessary, and shall file his determination as to the legality of said election with said clerk ; if the said judge shall decide such election to have been illegal, he shall forthwith, on the rendering of his decision, make an order and file the same in the said clerk's office, directing another election to be held to determine the question of the incorporation of such territory ; the election so ordered shall be held on notice of such election, given in the same manner as the notice of the previous elections as to incorporations ; such second election shall be held in the manner and by the persons as judge and inspectors as hereinbefore provided for or by other persons to be appointed by said judge in their places, who shall make a certificate of such election, such as was required at the previous election, by this act, and file the same as directed as to the certificate of the previous election, which shall be the subject of the determination and review of the said judge as herein provided in respect to said first election ; upon the filing by said judge of his certificate determining that the election held under this act is legal, and that a majority of the votes cast are for incorporation, then such territory shall be an incorporated village within the intent of this act from the time of the filing of the certificate of the said judge, and said judge shall also file with said determination an order designating a time and place within said village for the first election to be held for the election of such village officers as shall be required to be elected by this act, which time shall be within thirty days from the date of filing said determination.]

**111. SEC. 7.** That section thirteen [see Sec. 50, *ante*] be and the same is hereby amended so as to read as follows :

Proceedings for  
election of  
village officers.

[That the persons hereinbefore designated as judge and inspectors of the election for incorporation, or a majority of them, shall give notice stating that, on a day stated and at a place named in such village, and between certain hours, being the time and place appointed by the said judge, an election will be held for the election of such village officers as shall be required to be elected by this act ; such notice shall be published in a newspaper, if one shall be published in said village, and posted by printed handbills in five public places at least ten days before the time of holding such election ; such election shall be held for at least the space of four hours uninterruptedly, between twelve o'clock noon and seven o'clock in the afternoon, and the notice of the election shall state the hours of opening and closing the polls and the names of the offices to be filled.]

Moneys for road  
purposes.

**112. SEC. 8.** That all moneys assessed and collected by township authority for road purposes, from the persons and property within the limits of said village, shall be paid over by the collector of such township to said village trustees, who are authorized to take and use the same for road purposes within said village, together with such other moneys as shall be raised for road purposes, as in said act provided.

**113. SEC. 9.** That section sixty-six [see Sec. 103, *ante*] be and the same is hereby amended so as to read as follows :

Villages hereto-  
fore incorporated  
may adopt the  
provisions of  
this act.

[That it shall be lawful for any village heretofore incorporated by virtue of any special or general law to adopt the provisions of this act and thereafter be governed by the same, in lieu of the act under which such village

was originally incorporated; *provided*, that the question of adopting this act shall be submitted to the legal voters of said village by the trustees or other governing board of said village at a general or special election held for the purpose and be approved by a majority of the votes cast at such election, and the result of such election shall be thereupon submitted to the law judge of the court of common pleas of the county wherein said village is situated, who shall examine the proceedings and the result of said election and shall have the same powers and duties in respect thereto as are herein provided in respect to the result of the election authorized in the previous sections of this act, and shall file his determination thereof as herein provided.]

Proviso.

#### Supplement.

Approved May 8, 1894.

P. L. 1894, p. 214.

**114. SEC. 1.** That if there be two or more villages comprising adjoining territory, such villages whether incorporated under and by the provisions of the act entitled "An act for the formation and government of villages," approved February twenty-third, one thousand eight hundred and ninety-one, and the act amendatory thereof, entitled "An act to amend an act entitled 'An act to amend an act entitled "An act for the formation and government of villages," approved February twenty-third, one thousand eight hundred and ninety-one," which amendatory act was approved April eighth, one thousand eight hundred and ninety-two, or under and by any special act, such villages and others hereafter incorporated under this act, and comprising adjoining territory, may be consolidated into one village, to be after such consolidation governed by the provisions of this act.

Adjoining villages may be consolidated.

**115. SEC. 2.** That when a petition signed by persons owning at least one-fifth in value of the taxable real estate in each of the adjoining villages designated in the last preceding section, proposed to be consolidated, as the value of the taxable real estate shall appear upon the assessors' duplicates for the preceding tax levy, present a petition addressed to the law judge of the court of common pleas in and for the county wherein said adjoining villages are situated, and if such county have no law judge, then to the judge of the circuit court in and for said county, which petition shall set forth the name of the proposed consolidated village, praying that a special election shall be held, at which shall be determined by the legal voters of said adjoining villages by ballot whether such consolidation shall be or shall not be made, the said judge shall upon the like notice provided by the third section of this act appoint a time for the consideration of said petition, at which time said judge shall hear the person or persons who may appear before him, and he shall determine upon the matters contained in such petition and make disposition thereof under the same conditions and in all respects as provided by the fourth section of this act for the formation of villages.

Proceedings to hold election to determine.

**116. SEC. 3.** That if the determination of said judge upon such hearing be such as to support said petition, such judge shall order a special election to be held at some convenient place within either of the villages named in said petition and proposed to be consolidated, give notice of the time and place of the holding of such election, appoint a judge and inspectors to conduct the same, fix the period of time the polls shall be kept open, receive the certificate of the result of said election, hear and determine appeals relating to such election, and make the proper order relating to such election, in like manner and in all respects as in this act provided for the formation of villages.

Judge of common pleas may order election.

**117. SEC. 4.** That the ballots cast at an election held under the provisions of this act for the consolidation of villages shall contain the words "for consolidation" or "against consolidation," as the case may be.

Ballots, what to contain.

**118. SEC. 5.** That the inhabitants of any village consolidated under this act shall be a body incorporate, in fact and in law, by the name of "the village of \_\_\_\_\_, in the county of \_\_\_\_\_," and the name of such consolidated village shall be the same as set out in the petition praying for such

Petition, what to contain, &c.

consolidation, and by that name shall have perpetual succession, and may sue and be sued, prosecute and defend in any court, may make and use a common seal and alter it, and receive by gift, grant, purchase, devise or bequest and hold and convey real and personal estate for the use of said consolidated village, and shall in all respects be governed, regulated and controlled by the provisions of this act in the same manner as if such consolidated village had been originally incorporated as a village under the provisions of this act.

Old officers shall vacate when new officers qualify.

**119. SEC. 6.** That directly upon the proper officers of such consolidated village having been elected and shall have qualified as required by this act in the formation of villages, the offices of the officers of the respective villages so as aforesaid consolidated shall become vacant, and the property and assets, as well as the debts and obligations of the respective villages consolidated, shall become and be the property and assets and the debts and obligations of the inhabitants of such consolidated village in their corporate capacity, and shall be subject to and controlled by the provisions of this act.

Proceedings to change name of any village.

**120. SEC. 7.** That whenever it may be desirable to change the name of any village in any county in this state a petition for that purpose may be filed in the court of common pleas for such county, signed by at least twelve freeholders within the limits of said village, setting forth the cause for which change is desirable and the name desired to be substituted, and the court, upon being satisfied by proof that the prayer of the petition is just and reasonable, and that thirty days' previous notice of the intended application to the court had been duly given in some newspaper printed and published in such village, or, if none in such village, then in some newspaper printed and published in the county in which such village is located; and that the inhabitants of such village, or a majority of them, desire such change, and that there is no other village in this state of the same name as that asked for and set out in said petition, the court may order a change of the name of such village as desired in said petition.

Clerk of court shall record proceedings.

**121. SEC. 8.** That upon the said court granting the prayer of the petition in the last preceding section referred to, it shall be the duty of the clerk of said court to record the proceedings and order relating to the same, and the reasonable costs of such proceedings, in such sum as may be fixed by said court, shall be paid by the petitioners.

Petitioners shall pay costs.

Shall remain a body corporate under new name, &c.

**122. SEC. 9.** That if, by the order of said court, the name of such village is changed as requested in said petition, the inhabitants of such village shall continue and remain to be a body corporate in fact and in law under such new name for all the intents and purposes of this act.

#### Supplement.

Passed May 25, 1894.

P. L. 1894, p. 539.

Ordinances shall be published and posted.

**123. SEC. 1.** That every ordinance hereafter passed by the board of trustees of any village incorporated under the act to which this is a supplement, shall be published twice in a newspaper published in the township in which said village is located, and shall be posted for ten days in five public places in said village, and until such ordinance shall have been so published as aforesaid, the same shall be of no effect.

Book of ordinances shall be deemed a public record, &c.

Copies shall be received as evidence.

**124. SEC. 2.** That the book of the record of ordinances kept by the village clerk of any such village shall be deemed a public record of the ordinances passed by the board of trustees of such village, and shall be taken and received in all courts as evidence of said ordinances, and that copies of said ordinances, certified by the village clerk, under the corporate seal of the village, shall likewise be taken and received in all courts as evidence of said ordinances, and that the publication of said ordinances, in a newspaper and by posting as herein required, shall in all cases be presumed to have been made until the contrary shall be proved.

Supplement.

Approved March 19, 1895.

P. L. 1895, p. 341.

**125. SEC. 1.** That the legal voters of any village formed under the act to which this is a supplement, out of part of a township, shall, at the annual election for village officers, elect a collector of taxes, an overseer of the poor, and three judicious freeholders, to hear and determine all appeals in cases of taxation, to be known as commissioners of appeal, the said collector and overseer each to hold his office for the term of three years and until his successor shall be qualified, and to give bond to the said village for the faithful performance of his duties, in such sum and sureties as the board of village trustees of such village shall determine, and the said commissioners of appeal to hold their office for the term of one year; the said collector, overseer and commissioners of appeal of such village to act in the limits of such village in the place of the collector, overseer and commissioners of appeal of the township wherein such village lies, to have the same powers and authority, to be subject to the same duties and penalties, and to receive the same compensation as is now provided by law in regard to the collector and commissioners of appeal of such township respectively, except that the compensation of such overseer shall be fixed annually by the board of village trustees; *provided, however,* that no election of any of said officers shall be had unless the legal voters of said village shall, by an election held for that purpose, determine to elect any one or all of said officers.

Officers to be elected, terms fixed and duties prescribed.

Proviso.

**126. SEC. 2.** That the assessor of said village shall be paid the same fees for his services as are now paid to the assessor of the township wherein such village lies, and all fees to be paid to such assessor, collector and commissioners of appeal shall be paid wholly by the trustees of said village, and not by the said township.

Compensation of assessor, collector and commissioners of appeal.

**127. SEC. 3.** That section sixty of the act to which this is a supplement [see Sec. 97, *ante*] be and the same is hereby amended so as to read as follows:

[That the board of trustees, in order to pay the expenses of any such improvement or any improvement in relation to sidewalks made by the said trustees under the provisions of section forty-three of this act, may borrow the money necessary therefor upon the promissory notes of such corporation or by the issue of temporary improvement certificates from time to time as the work progresses in such form as the board may prescribe; said notes and certificates to bear interest at a rate not to exceed six per centum per annum, to be fixed by the board, and shall be payable in not more than three years from the date of their issue, and that receipts from assessments for such improvement shall be paid to the treasurer and shall be applied to the payment of indebtedness incurred by the village therefor.]

Trustees may borrow money to pay for improvements.

**128. SEC. 4.** That all acts and parts of acts inconsistent herewith are hereby repealed.

Repealer.

An act to provide for drainage and sewage in densely-populated villages in which there is a public water-supply.

Approved March 10, 1891.

P. L. 1891, p. 122.

**129. SEC. 1.** That in any village in this state in which the population has become or shall hereafter become so dense as to average not less than one thousand inhabitants to the square mile of territorial area contained in such village, and in which a supply of water for public and domestic use is furnished or shall be furnished from water works, it shall be lawful for the governing body of such village to provide for, obtain and cause to be constructed a system of sewage or of drainage or both. (a)

System of sewerage, &c., may be constructed in certain villages.

**130. SEC. 2.** That it shall be lawful for the governing body of such village to cause to be made surveys, plans and estimates by competent engineers and mechanics sufficient to demonstrate a practicable and efficient system of sewage and drainage for such village, including the disposition of house sewage and waste.

Governing body to cause surveys, plans, &c., to be made.

(a) Query—Is this act constitutional? See *Millburn v. South Orange*, 28 Vr. 254.

Governing body  
to cause sewers  
and drains to be  
constructed.

**131. SEC. 3.** That it shall be lawful for the governing body of such village, whenever in their opinion the public good demands it, by ordinance, to cause sewers and drains to be constructed in any part of said village, and if necessary to take and appropriate, for the purpose of constructing such drains and sewers, any lands and real estate upon making compensation to the owner or owners thereof as is hereinafter mentioned and provided.

**132. SEC. 4.** [Amended by Sec. 143, *post.*]

May take pro-  
ceedings to dis-  
pose of sewage, &c.

**133. SEC. 5.** That in case the governing body of such village shall deem it to be practicable and expedient to collect the sewage of such village and to deodorize, utilize, consume or dispose of the same by sale or otherwise, wholly or in part, it shall be lawful for said governing body to purchase lands in the corporate name of the village, and to erect all necessary buildings, works and machinery thereon, and to take and appropriate for such purposes any lands and real estate upon making compensation to the owner or owners as hereinafter mentioned and provided.

After passage of  
ordinance for  
making improve-  
ment or perform-  
ing work, further  
orders may be  
by resolution.

**134. SEC. 6.** That whenever any ordinance shall be passed by the governing body of such village for making any improvement or performing any work under and by virtue of the provisions of this act, all further acts and proceedings which it may be necessary for the governing body of such village to take to carry out said improvement or work to completion, and all orders relating thereto may be by resolution and not by ordinance.

May treat with  
owners of  
lands, &c.

**135. SEC. 7.** That whenever the governing body of such village shall determine by ordinance to make and construct any sewer or sewers, drain or drains or any sewage receptacle, or works or place for treating and disposing of sewage, and shall deem it necessary to take and appropriate for any such purpose any lands and real estate either within said village or beyond its limits, they are hereby authorized to treat with the owner or owners thereof for the same, and they may purchase said lands and real estate from the owners of the same and make such compensation therefor as they may deem reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to such village. (a)

Proceedings upon  
disagreement, &c.

**136. SEC. 8.** That when the governing body of such village cannot agree as to the price or compensation with the owner or owners of any lands and real estate which they may deem it necessary to take and acquire, or cannot agree with the owner or owners of any lands and real estate through, over, under or upon which it may be deemed necessary or desirable to construct any such sewer or sewers, drain or drains, or when by the absence or legal incapacity of such owner or owners no such agreement can be made, it shall be lawful for the circuit court of the county in which such lands and real estate are situated, on application in writing made on behalf of the governing body of such village, and after notice of the time and place of making such application published at least ten days previously thereto in some newspaper circulating in the said county, to appoint three disinterested commissioners who shall make an estimate and assessment of the damage that any such owner or owners will sustain, as well for the taking of his, her or their lands and real estate, with the appurtenances, as for the injury to the owner or owners by reason of the intended improvement; if any of said commissioners die or refuse to act, the said court shall immediately make appointment of a proper person to fill any vacancy so created; the said commissioners shall be sworn to make a just and impartial estimate and assessment, and shall present without delay to the said court a report in writing of such estimate and assessment which shall be sufficient if signed by a majority of said commissioners; the circuit court shall direct notice to be given by advertisement in some newspaper circulating in said county, for at least ten days, of the time and place at which said court will proceed to consider said report and any objection that may be made thereto, and shall have power to consider said report and the objections thereto in a summary way, and to revise and to confirm said report with or without alteration; said report when con-

(a) See *Millburn v. South Orange*, 28 Vr. 251.

firmed by the court or a copy thereof duly certified by the county clerk shall at all times be plenary evidence of the right of the governing body of such village to enter upon, take and use the said land and real estate, with the appurtenances, the governing body of such village first tendering to the owner or owners thereof, if resident in this state, the amount so awarded to them ; and if any owner is not a resident of this state, or on due inquiry cannot be found therein, or is a lunatic or idiot, or under age, or is for any other cause incapacitated to receive the amount awarded or will not receive the same and sign a proper receipt therefor when tendered, then affidavit shall be made of the facts and filed in the office of the county clerk, and the amount awarded to any such owner shall be deposited in said circuit court before the governing body of such village shall have the right to take and use the said lands and real estate ; the court shall settle and determine the compensation to be paid to the commissioners and the costs and expenses of the application and report which shall be paid by the village in behalf of which the application has been made.

**137. SEC. 9.** That when the governing body of such village and the governing body of an adjoining township or municipality cannot agree upon the terms and conditions of any contract or agreement provided for in this act, it shall be lawful for the circuit court of the county in which both such municipalities are situated, or if they are situated in different counties, then in the county wherein said adjoining township or municipality is located, on application in writing made on behalf of the governing body of such village, and after notice of the time and place of making such application, published at least ten days previously thereto in some newspaper circulating in the said county or counties, to appoint three disinterested commissioners, who shall be sworn fairly and impartially to examine and determine between such village and said adjoining township or municipality concerning the matters provided for in this act upon which an agreement has not been had as hereinbefore provided ; if any of said commissioners die or refuse to act, the said court shall immediately make appointment of a proper person to fill any vacancy so created ; the said commissioners shall examine into the subject-matter of the said petition and shall determine upon what terms and conditions such village shall have the privileges and rights conferred in and by the provisions of the fourth section of this act, and shall present without delay to the said court a report in writing of the matters and things examined into by them, and their conclusions and determinations thereon, which report shall be sufficient if signed by a majority of said commissioners ; the circuit court shall direct notice to be given by advertisement in some newspaper circulating in said county or counties for at least ten days, of the time and place at which said court will proceed to consider said report and any objection that may be made thereto, and shall have power to consider said report and the objections thereto in a summary way and to revise and confirm said report with or without alteration ; said report when confirmed by the court shall be and become the judgment of said court, and a copy thereof duly certified by the county clerk shall at all times be plenary evidence of the right of such village in regard to the matters and things contained therein, the governing body of such village first complying with all terms and conditions imposed upon such village, and tendering to said adjoining township or municipality any amount so awarded thereto ; the court shall settle and determine the compensation to be paid to the commissioners and the costs and expenses of the application and report, which shall be paid by the village in behalf of which the application has been made.

**138. SEC. 10.** That it shall be lawful for the governing body of such village to keep the sewers, drains and works in repair and working order, and to make, establish and enforce regulations and conditions as to the management and use of the same and as to connections therewith, and they shall have power, and it shall be their duty beneficently and efficiently to control the use of such sewers and drains and to prevent and stop all abuses and improper uses of the same.

Proceedings in case of disagreement with adjoining townships, &c.

Governing body to keep sewers in repair, &c.

May borrow money on bonds to pay expenses.

**139. SEC. 11.** That for the purpose of paying the costs and expenses of the improvements and public works and maintaining and extending the same, and of the proceedings in relation thereto as mentioned in this act, or any of them, it shall be lawful for the governing body of such village to borrow money from time to time and to secure the payment of the same by issuing the corporate bonds of such village, payable at such times as said governing body may determine, which bonds when issued by resolution of such governing body and under the village seal, shall be the valid obligations of such municipal corporation according to their tenor; *provided, however*, that said bonds shall bear interest at a rate not exceeding six per centum per annum, shall be sold for not less than their par or face value; *and provided also*, that in no case shall bonds be issued to an amount which shall cause the entire corporate indebtedness of such village for all purposes to exceed at any time ten per centum of the assessed valuation of property in said village as shown on the duplicate of assessment.

Proviso.

Proviso.

Tax to be assessed and collected to pay principal and interest.

**140. SEC. 12.** That for the purpose of paying the interest and principal of the bonds to be issued under the provisions of this act, it shall be the duty of the governing body of such village each year to issue a warrant to the appropriate officer or officers, directing him or them to assess upon the property subject to taxation in said village a sum equal to the amount of principal and interest which will fall due during the then current fiscal year; and all money so by warrant directed to be assessed shall be assessed, levied and collected by the same persons, in the same manner, at the same times and under the like fees, fines and penalties as the money raised by taxation in said village for other village purposes.

Repealer.

**141. SEC. 13.** That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall be deemed and taken to be a public act, and this act shall take effect immediately, except that no provision of any act which prohibits the pollution of any of the waters of this state used to supply any aqueduct or reservoir, or which are distributed for public use, is intended to be hereby repealed; and this act shall not be construed to authorize the discharge of sewage, or the contents of sewers, into fresh water, or into any portion of a river or stream tributary thereto in such manner as to defile a source of public water-supply.

Sewage not to defile a source of public water-supply.

#### Supplement.

P. L. 1892, p. 177.

Approved March 23, 1892.

Governing bodies of villages may establish rates for sewer connections.

**142. SEC. 1.** That whenever a system of sewage or drainage or both shall be constructed by any village under and by virtue of the provisions of the act to which this is a supplement, it shall be lawful for the governing body of such village, by ordinance, to establish annual rate or rates for connections of private sewers or drains with the public sewers or drains constructed by such village, and to make such regulations as may from time to time be necessary to enforce payment of such annual rate or rates against the owners of lands with which such connections are made.

#### Supplement.

P. L. 1895, p. 818.

Passed June 13, 1895.

May contract with adjoining municipality for building sewer, &c.

**143. SEC. 1.** That section four of the act to which this is a supplement [see Sec. 132, *ante*] be amended so as to read as follows:

[That when any such village is so situated that any section thereof has no immediate outlet for sewage or drainage except through and across the territory of an adjoining township or municipality, it shall be lawful for the governing body of such village to build and construct, in connection with and as part of any main sewer in process of construction or proposed to be laid or built, in such village, an extension or outlet sewer, in, through, under and across the roads, streets and highways of such adjoining township or municipality, in such manner, and to such point or place of discharge, and upon such terms and conditions as shall or may be mutually agreed upon by the governing body of such village and the proper municipal board of such adjoining township or municipality, and if no agreement

can be made, then such proceedings shall be had as hereinafter provided by section nine of this act ; *provided*, that until such agreement or proceedings shall so determine the necessity, manner, point of discharge, location and terms and conditions for building such outlet sewer, nothing in this act contained shall apply to or in anywise affect or authorize proceedings to condemn lands or territory lying outside the bounds of said village ; *and provided further*, that nothing in this act contained shall authorize the construction of such outlet sewer outside such village except in the territory of an adjoining township or municipality which actually bounds said village.

Proviso.

Proviso.

**An act to enable villages of this state to borrow money in anticipation of taxes.**

Approved March 23, 1892.

P. L. 1892, p. 176.

**144. SEC. 1.** That it shall be lawful for the board of trustees or other governing body of any village in this state to borrow money from time to time, for all purposes for which they are authorized to raise money by tax, in anticipation of the taxes for any current year, to an amount not exceeding fifty per centum of the tax levy for the current year.

Trustees or governing bodies of villages may borrow money in anticipation of taxes.

**An act to enable villages in this state to acquire lands and erect buildings for municipal uses and purposes.**

Approved March 1, 1893.

P. L. 1893, p. 86.

**145. SEC. 1.** That it shall be lawful for the governing body of any village having a population of three thousand or over to purchase a suitable lot or tract of land within such village, and to erect thereon a building for a public hall for the use of the people thereof, to hold their public meetings and have their public offices located therein, and for such other purposes as the said governing body may deem for the interests of said village, the cost of which said lot and building shall not exceed the sum of twenty-five thousand dollars.

Governing body of certain villages may erect public hall, &c.

**146. SEC. 2.** That it shall be lawful for the governing body of such village to raise money for the purposes aforesaid by the issuing of the bonds of such village, which bonds shall be denominated "public building bonds," and shall state upon their face the purpose for which they were issued ; and the term for which said bonds shall run shall not be longer than thirty years, and they shall be redeemable any time after the expiration of five years, at the option of the said village ; and shall be of denomination of not less than five hundred dollars, and shall bear not exceeding the legal rate of interest, and shall not be sold at less than par.

May issue bonds for same.

**147. SEC. 3.** That for the purpose of paying the principal and interest of said bonds as the same shall become due, and for the further purpose of maintaining such building and for the general improvement of the same, said village is hereby authorized to lease, rent or hire, for any specified time, any part of said building not necessary for public uses exclusively, as in the judgment of the governing body thereof may deem proper, for such sum or sums of money as they may deem for the best interests of such village ; that the money received from such leases shall first be applied in payment of such necessary improvements and repairs as the governing body of such village shall have made from time to time, and the balance shall be applied to the payment of the interest and principal of said bonds as the same shall become due.

Authorized to lease, rent or hire any part of said building not necessary for public uses exclusively.

How money received from such leases to be applied.

**148. SEC. 4.** That at least one-twentieth of the principal sum of said bonds shall be raised each year by tax on all the taxable property in said village, and shall be applied in payment of the principal and interest of said bonds as the same shall fall due, and for no other purpose ; that should no bonds or interest be due on which to apply said money as the same shall be raised, then in that case the governing body of such village shall appoint three responsible persons as sinking fund commissioners, who shall give bonds for the faithful discharge of their duties ; that such commissioners shall have power and authority to invest said money in such

Certain portion of principal to be raised by tax.

Sinking fund commissioners.

manner and for such time as they shall deem for the best interests of such village, subject, however, to the approval of the governing body of such village.

An act to regulate the use of lands which may have been acquired or which may hereafter be acquired for the purpose of erecting or constructing any sewage receptacle or works or place for treating or disposing of sewage or house waste beyond their own territorial limits by densely-populated villages in this state in which there is a water-supply without the consent of the governing body of the township or other municipality in which such lands are situated.

P. L. 1895, p. 823.

Unlawful to construct sewage receptacles or works in certain villages without consent of municipalities.

Passed June 13, 1895.

Proviso.

**149. SEC. 1.** That it shall not be lawful for any village in this state in which the population has become or shall hereafter become so dense as to average not less than one thousand inhabitants to every square mile of territorial area contained in such village, and to which a supply of water for public and domestic use is furnished or shall hereafter be furnished from water works, to erect or construct any sewage receptacle or works for the purpose of disposing of the sewage or house waste from such village upon any land which may have been heretofore acquired or which may be hereafter acquired by such village in any other township or municipality until such village shall have secured the consent by resolution of the township committee or other governing body of the township or other municipality within whose boundary such lands are located; *provided, however,* that the resolution granting the consent herein provided for before being operative shall have received the votes of a majority of the members of the township committee or other governing body of the township or other municipal corporation within which such disposal works or other sewage receptacle are proposed to be located.

## Vinegar.

1. Penalty for manufacturing or selling as cider vinegar any vinegar not made of pure apple juice.
2. Penalty for manufacturing or selling vinegar containing ingredients injurious to health.
3. Inspectors of vinegar, how appointed, powers, duties, &c.
4. No person to sell or have in possession any adulterated vinegar.
5. Vinegar to be without artificial coloring and to contain certain amount of acid and solids.
6. Casks, barrels, &c., containing cider vinegar to be branded.
7. Penalty for violating act. Proceedings to recover penalty.

### An act in relation to the manufacture and sale of vinegar.

P. L. 1888, p. 349.

Penalty for manufacturing or selling as cider vinegar any vinegar not made of pure apple juice.

Penalty for manufacturing or selling vinegar containing ingredients injurious to health.

Inspectors of vinegar, how appointed.

Powers and duties, &c.

Approved March 30, 1888.

**1.** That every person who manufactures for sale, or offers or exposes for sale as cider vinegar, any vinegar not the legitimate product of pure apple juice, known as apple cider, or vinegar not made exclusively of said apple cider, or vinegar into which foreign substances, drugs or acids have been introduced, as may appear by proper tests, shall for each offense be punishable by fine of not less than fifty nor more than one hundred dollars.

**2.** That every person who manufactures for sale, or offers for sale, any vinegar found upon proper tests to contain any preparation of lead, copper, sulphuric acid or other ingredient injurious to health, shall for each such offense be punishable by fine of not less than one hundred dollars.

**3.** That the board of chosen freeholders of each county in this state may annually, by a majority vote of said board, appoint one person to be inspector of vinegar, who shall be sworn, before entering upon his duties, and who shall have power and authority to inspect and examine all vinegars offered for sale; it shall be the duty of such inspector to examine vinegar offered for sale, and he shall be charged with the enforcement of the various provisions of this act; he shall have full access to and egress from all places of business, factories, stores or other places where vinegar is or may