

CHAPTER XXXIV.

February 29,
1872.

An Act to amend Chapter One, of the Special Laws of 1871, entitled "An Act to amend an act entitled an act to incorporate the Village of Austin, approved, March 6, 1868, and all acts amendatory thereof."

- SECTION 1. Amendment to section 3 of chapter 1 of special laws of 1871, relating to the officers of the village.
2. Amendment to section 6 of chapter 2, relating to the organization of the council.
 3. Amendment to section 7 of chapter 2, relating to elections.
 4. Amendment to section 10 of chapter 2, relating to the salaries of officers.
 5. Amendment to section 11 of chapter 3, relating to constables.
 6. Amendment to section 14 of chapter 3, relating to highway labor.
 7. Amendment to section 19 of chapter 3, relating to auditing certain bills.

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

SECTION 1. Section 3, of chapter 1, of the Special Laws of 1871, is hereby amended so as to read as follows:

Relating to the
officers of the
village.

Section 3. The elective officers of said village of Austin shall be six (6) aldermen, three (3) justices of the peace, three (3) constables, one (1) assessor, one (1) street commissioner, one (1) village attorney, and three (3) road overseers.

The justices of the peace and constables shall hold their respective offices for the period of two years, and until their successors are elected and qualified. All other officers shall hold their respective offices for the period of one year and until their successors are elected and qualified. Two of said aldermen, one justice of the peace, one constable and one road overseer shall be elected in each ward of said village, and the street commissioner, village attorney and assessor shall be elected at large. All officers shall have resided in said village six months next preceding their election, and thirty days within their respective election precincts and shall be qualified electors of the State of Minnesota. Their term of office shall commence immediately after the annual village election.

SEC. 2. That section 6, of chapter 2, of said act be and the same is hereby amended so as to read as follows:

Section 6. The village council shall annually on the third Tuesday in March, meet and organize by choosing from their number, a president, a recorder and a treasurer, who shall hold their respective offices for the period of one year and until their successors are elected and qualified.

Relating to the organization of the council.

No member of the village council shall receive any compensation for his services except as hereinafter provided.

SEC. 3. That section 7, of chapter 2, of said act be and the same is hereby amended so as to read as follows:

Section 7. There shall be an annual election held in each ward of said village on the second Tuesday in March of each year, at which election the voters shall elect by ballot and by a plurality of votes, the elective officers of said village. Each ward shall be an election precinct, and an election poll shall be opened in each ward for the reception of votes at such places as shall be designated by the village council. Elections in said village shall be noticed, held and conducted in the same manner as town elections, and the laws of the state relative to general elections; canvassing votes and making returns, shall apply to all elections in said village except as hereinafter provided.

Relating to elections.

The alderman in each ward shall, when present, act as two of the judges of election, and the third shall be appointed by a vote of the electors present.

Returns of all general elections for county, state and district officers shall be made to the county auditor within the time prescribed by the general laws of the state; and the returns of all village and special elections shall be made on the day of such election to the president of the village council, which council shall assemble at noon on the day next following, at the office of the village recorder, or at their customary place of meeting, and shall then and there publicly open and canvass the returns of votes polled at such election, and shall declare the result. The village recorder shall give at least ten (10) days' notice of the time and place of holding elections in each ward of said village by causing a notice thereof to be posted in three of the most public places in each ward, and by publishing the same one week in the official paper of the village.

All officers shall qualify immediately after their election, and if any officer fails to qualify for ten (10) days after his election, or if any officer removes from said village, the office to which he was elected shall become vacant, and may be filled by appointment made by the village council.

SEC. 4. Section 10, of chapter 2 of said act is hereby amended so as to read as follows:

Relating to the salaries of officers.

Section 10. The aldermen of said village shall not receive any compensation for their services. The justices of the peace and constables shall receive the compensation prescribed by law for such officers. The recorder shall receive not to exceed fifty dollars per annum. The assessor not to exceed one hundred (100) dollars per annum; the village attorney not more than two hundred (200) dollars per annum, and each of the overseers of roads not more than [to exceed] fifty (50) dollars per annum.

Relating to constables.

SEC. 5. Section 11, of chapter 3, of said act is hereby amended by striking out the word "marshal" from the first line and inserting in lieu thereof the word constables.

SEC. 6. Section 14, of chapter 3, of said act is hereby amended so as to read as follows:

Relating to highway labor.

SEC. 14. The village council shall issue a warrant to each overseer of roads, signed by the president and countersigned by the recorder, particularly setting forth the amount of highway labor and tax assessed and levied upon each individual in his road district, and naming each person liable to pay a poll tax in said district, which said warrant with a correct and detailed report of all monies and labor collected thereon and the manner in which the same have been expended shall be returned and filed with the recorder within the time prescribed by the general laws of the state. When not otherwise provided in this act, the general laws of the state relating to working highways and the collection of highway taxes shall apply to said village. The road overseers shall expend the labor and money of their respective districts in an equitable and economical manner, and shall keep an accurate account of all receipts and expenditures and report the same to the common council or street commission[er] when called upon. Any resident of said village feeling himself agrieved by the official conduct of any road overseer in the expenditure of money or labor, may make complaint in writing to the street commissioner, whose duty it shall be to immediately investigate the cause of such complaint, and if the allegations contained therein are found to be true, he shall, by order in writing, direct such overseer to discontinue and remove the subject of such grievance.

The street commissioner shall execute all ordinances and by-laws relating to the construction and repairing of side walks and bridges, building sewers, crossings and sluice ways, opening, grading or widening streets or alleys and

shall have the general supervision and control of all public parks or other grounds, and may fence, protect and ornament the same in such manner as the public interest may require and for all the purposes above named the road overseer shall be under his direction.

The village council shall perform the duties imposed by law on the supervisors of towns where it is not herein otherwise specially provided and in levying highway and poll taxes shall be governed and restricted in the amount so levied by the general laws of the state.

SEC. 7. Section 19, of said chapter 3, is hereby amended by adding thereto and at the end thereof the following: Bills for fees, costs and disbursements in all cases where fines, if imposed would be paid into the village treasury, shall be audited by the common council and if allowed shall be paid out of said treasury.

Relating to auditing certain bills.

SEC. 8. Section 9, of chapter 3, of said act is hereby amended so as to read as follows:

SEC. 9. It shall be the duty of the village attorney to prosecute or defend all actions to which the village of Austin is a party, to prosecute all criminal violations of village ordinances and by-laws and violations of laws regulating the sale of intoxicating liquors, and when required shall give his opinion in writing to the village council upon any matter relating to the municipal government of said village.

Relating to actions in which the village is a party.

SEC. 9. Sections 8, 18 and 21 of chapter 3, and section 5, of chapter 4, of said act and all acts and parts of acts inconsistent with this act are hereby repealed.

Repeal of inconsistent acts

SEC. 10. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved February 29, 1872.