

nothing in this section, or sections eighteen and nineteen of this act contained, shall impair the validity of any proceeding heretofore commenced and pending, under the said chapters six or seven of said act of incorporation, but such proceedings shall continue and be conducted with the same effect as if commenced under the provisions of this act.

SEC 23. This act shall be in force from and after its passage.

Approved, March 2, 1863.

CHAPTER VIII.

An Act to Amend an Act to Incorporate the City of Rochester.

- SECTION 1.** Amendment to Sections 1 and 17.
1. When annual election to be held.
 17. Powers of Justices of the Peace.
 2. Amendment to Section 2. Construction and repair of side-walks—expenses how paid.
 3. Amendment to Section 3. Costs of surveying streets, alleys, side walks, &c.—how paid.
 4. Amendment to Section 5. Prosecutions for violations of this act—how conducted.
 5. Amendment to Section 23. This act deemed a public act.

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

SECTION 1. That Sections 1 and 17, of Chapter 4, of an act entitled "an act to incorporate the city of Rochester," approved August fifth, A. D., one thousand eight hundred and fifty eight, be and the same are hereby amended, so as to read as follows:

Sec. 1. The annual election of the city officers shall be held on the first Tuesday of April, in each year, at such place within each ward as the common council shall designate, and the polls shall be kept open from ten o'clock A. M., until four P. M., and ten days previous no-
When annual election to be held

tice shall be given by the common council of the time and place of holding such election, and the officers to be elected, by posting notices thereof, in three of the most public places in the city, and by publishing the same in at least one of the papers published in the city.

Powers of Jus-
tices of the Peace

Sec. 17. The Justices of the Peace and Constables elected in each ward, shall have the same powers, authority, and rights that are possessed by other Justices and Constables of the county of Olmsted; *Provided*, That the ward Justices of the Peace elected in said city, may hold their office, and hear and conduct all trials, examinations, and proceedings, cognizable before them, at any place within the limits of said city; and *Provided further*, That for the removal of any trial, examination, or proceedings from any one of said Justices to some other Justice of the Peace, the city of Rochester shall be considered as one election precinct.

SEC. 2. That Section 2, of Chapter 9, of said act be amended so as to read as follows:

Construction and
repairs of side-
walks—expenses
how paid

Sec. 2. Whenever the common council shall deem it necessary to construct or repair any side-walk within the city, they shall require the Street Commissioner to notify in writing, the owner or occupant of any lot adjoining such side-walk, to make or repair the same, at his own proper cost and charge, in such manner and within such time as may be specified in the notification. If such work is not done in the manner, and within the time prescribed, the common council shall order the same to be done at the expense of the lots adjoining such side-walks; and the expense thereof, shall be assessed upon such lots, so chargeable, by the Street Commissioner, and returned to the common council, and collected in the same manner and under the same regulations, as assessments for street improvements, and shall bear a like rate of interest after confirmation.

SEC. 3. That Section 3, of Chapter 9, of said act be amended so as to read as follows:

Costs of survey-
ing streets, alleys
&c—how paid

Sec. 3. The costs and expenses of surveying streets, alleys, side-walks, sewers, and estimating work thereon, and of repairing and cleansing streets and alleys, and constructing and repairing reservoirs, and of grading all streets, crossings, and building all walks across streets, shall be chargeable to and payable out of the funds of the city, and the common council may assess, levy, and

collect a special tax to pay the same, and the common council are hereby authorized to levy and collect a special tax, as other taxes are levied and collected for city purposes, sufficient to defray the expenses already incurred in building and constructing cross-walks in said city, not exceeding six hundred dollars. Grading, graveling, planting, macadamizing or paving streets and alleys, to the centre thereof, shall be chargeable to and payable by the lots fronting on such street or alley, within the line of improvement, so far as the work extends, and the whole expense thereof, shall be assessed upon such lots, in proportion to their fronts thereon. Sewers and drains communicating with main sewers, may be built by order of the common council, through any street or alley, for the purpose of draining the lots fronting such street or alley, and in such case the expense thereof shall be assessed upon the lots so drained or benefited; *Provided*, That in all cases where improvements or work of any sewers are chargeable by virtue of this section upon lots benefited, all such improvements across streets, alleys, and public grounds, shall be made and paid for out of the funds of the city, in proportion to the width of the streets, alleys, or public ground.

Sec. 4. That Section 5, of Chapter 12, of said act, be amended so as to read as follows :

Sec. 5. In all prosecutions for any violation of this act, or any by-law or ordinance of the city of Rochester, the first process shall be a warrant; *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the State of Minnesota or ordinance of the city of Rochester, but the person or persons so arrested, may be proceeded against, tried, convicted, and punished, or discharged, in the same manner as if the arrest had been by warrant. All warrants, process, or writs, issued by the City Justice, for violation of any ordinance or by-law of said city, shall be directed to the Marshal or any public officer of said city.

Prosecutions for violation of this act—how conducted

Sec. 5. That Section 23, of Chapter 12, of said act, shall be amended to read as follows :

Sec. 23. This act shall be deemed a public act, and shall take effect from and after its passage.

Deemed a public act

Approved, February 28, 1863.