

CHAPTER XXIX.

An Act to Incorporate the Village of Austin.

March 6, 1868.

SECTION 1. Incorporation of the Village of Austin.

2. Boundary lines of said village.
3. Elective officers—term of office—to take oath for faithful performance of duties.
4. When term of office to commence.

CHAPTER II.

SECTION 1. Who to compose Council of said Village.

2. Council to be judge of the qualifications and elections of its own members.
3. What to constitute a quorum.
4. Council to determine rules of its proceedings, &c.
5. To keep journal of its proceedings.
6. When to appoint officers.
7. When annual election to be held—when first election to be held under provisions of this act.
8. Who to be inspectors of election.
9. Vacancies, how filled.
10. What officers entitled to compensation.
11. Any person refusing to deliver to successor in office all property, books, &c., shall forfeit and pay to the village \$100.
12. When office deemed vacant.

CHAPTER III.

SECTION 1. Persons elected or appointed to office to take and subscribe an oath—what officers to give bonds.

2. In case no election held on day designated the Council may order a new election.
3. Of whom the Council composed.
4. Duties of Mayor—special elections, how called.
5. When Mayor liable to indictment.
6. Temporary presiding officer, how chosen.
7. Duties of Recorder.
8. Council to elect Village Attorney, Treasurer, Marshall and Surveyor.
9. Duties of Village Attorney.
10. Duties of Village Treasurer.
11. Duties of Village Marshal.
12. Duties of Village Surveyor.
13. Said Village shall be constituted one or more road districts.

14. Council to appoint Overseers of road districts.
15. Council to appoint Village Printer.
16. What to be considered evidence of publication of ordinances, &c.
17. No member of Council to be interested in any job or contract for Village.
18. Who to be officers of the peace.
19. Jurisdiction of Justice of the Peace.
20. When Justice of the Peace to report to Council.
21. Further powers of Council.

CHAPTER IV.

- SECTION 1. Style of all ordinances—may designate time and place of meeting—quorum.
2. Council to have control and management of the finances—further powers of Council.
 3. All laws, ordinances, &c., passed by the Council to be signed by the Mayor.
 4. Council to examine and adjust the accounts of all officers.
 5. May appoint special constables for extraordinary occasions.
 6. Expenses of surveying streets, lanes, &c., how paid.
 7. All work to be let to the lowest bidder.
 8. What property exempt from taxation.
 9. Duties of Assessor.
 10. To report to County Auditor amount of taxes levied—duty of Auditor—how taxes collected.
 11. All damages sustained by reason of laying out, opening or altering any street, shall be levied as a tax on the Village at large.
 12. In what cases shall warrant be issued—what cases warrant not to be issued.
 13. Qualifications of judges, justices, &c.
 14. What shall not be a reason for suspending said corporation.
 15. May lease and hold property—for what purpose.
 16. Not liable in any case for board or jail fees.
 17. Compensation of Judges of Election.
 18. No laws shall be considered repealing or modifying the same unless expressly set forth in such laws.
 19. Declared to be a public act.
 20. Repeal of inconsistent acts.
 21. When act to take effect.

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

SECTION I. All that part of the county of Mower, state of Minnesota, within the limits and boundaries hereinafter described shall be a village by the name of Austin, and the people now inhabiting and those who shall hereafter inhabit within the district of country herein described shall be a municipal corporation by the name of the "village of Austin," who shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter especially granted, and the authorities thereof shall have perpetual

Village of Austin incorporated

succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure, and may take, hold and purchase, lease and convey such real, personal and mixed estate as the purposes of the corporation may require within or without the limits of said village.

SEC. 2. The territory included in the following limits and boundaries shall, constitute the village of Austin viz., All of section number three, town one hundred and two range eighteen west, lying west of the Cedar River, except the south half of the north half of the south west quarter of said section three, also the north west quarter of section number two, town one hundred and two, range eighteen west, also all of the south west quarter of section number two, town one hundred and two, range eighteen west, lying west of the Cedar River, and also all of section number thirty-four (34), town one hundred and three, range eighteen west, lying west of the Cedar River, excepting however such portion or portions of said tracts of country as are situate in the town of Lansing.

Village boundary.

SEC. 3. The elective officers of said village shall be a mayor, recorder, one assessor, a justice of the peace who shall be styled village justice, and three aldermen. The mayor, three aldermen, recorder, assessor and village justice shall hold their respective offices one year, and until their successors are elected and qualified; all village officers shall have resided in the village six months and be qualified electors of the state.

Elective officers—term of office—to take oath.

(SEC. 4.) The term of all officers shall commence on the third Monday of May, and shall continue for one year, (unless elected or appointed to fill a vacancy,) and until their successors are elected and qualify. All officers shall be residents of the village, and all officers shall before entering upon the discharge of the duties of their respective offices, each take and subscribe an oath to faithfully and honestly discharge the duties of their office, which said oath of office shall be filed with the recorder of said village.

When term of office to begin.

CHAPTER II.

SECTION 1. There shall be a council composed of the mayor and three aldermen, which shall be styled the village council of the village of Austin.

Who to compose Village Council.

Village Council
to judge of the
qualifications.

SEC. 2. The village council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections, and in such cases shall have power to send for persons and papers.

What to consti-
tute a quorum.

SEC. 3. A majority of the village council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

Council to deter-
mine rule of its
proceedings, &c.

SEC. 4. The village council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member after due notice given, and an opportunity extended to the accused to be heard by counsel or otherwise.

To keep journal
of its proceed-
ings.

SEC. 5. The village council shall keep a journal of its proceedings, and ayes and nays, when demanded by any member present, shall be entered on the journal.

When to ap-
point officers.

SEC. 6. The village council shall at its first regular meeting after the annual election, appoint a treasurer, a village marshal, and one overseer of each road district, an attorney and a village surveyor.

Annual election
when held—first
election under
this act when
held.

SEC. 7. There shall be an annual election held on the first Tuesday in May of each year, at which the electors of said village qualified to vote at town elections may elect by ballot and by plurality of votes, the mayor, three aldermen, recorder, assessor and village justice; the village council shall give ten days notice of the time and place of holding said election, by posting up written notices thereof, in three public places in the village, or by causing such notice to be published in one or more of the newspapers printed and published in said village. The first election of officers in said village shall be held on the first Tuesday of May eighteen hundred and sixty-eight. The elections shall be held and conducted in the same manner as town elections, and the laws of this state applicable to elections generally, shall apply as far as consistency will admit, and the oath of a voter shall be the same as at town meetings, and false swearing shall be perjury.

Who to be in-
spectors of elec-
tion.

SEC. 8. That for the purposes of the first election under this act, Tyler W. Woodward, William L. Austin, and Jeremiah B. Yates, shall be inspectors of election, and also the board of canvassers for such election, and shall perform all the duties and possess all the powers of inspectors of election and board of canvassers prescribed by this act; they

shall appoint the place of holding the polls of such election and post or publish notice thereof ten days before the same.

SEC. 9. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered and held within ten days after such vacancy shall occur, and reasonable notice of such election shall be given. Any vacancy occurring in any other office shall be filled by the common council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may have been elected or appointed to fill.

Vacancies how filled.

SEC. 10. No officer shall receive compensation except the treasurer, marshal, recorder, overseer of roads, attorney and village justice, and such other officers as shall be created and appointed by the village council, and in all such cases compensation shall be fixed by by-law.

What officers entitled to compensation.

SEC. 11. Any person having been an officer of the village, who shall not within six days after requested by his successor in office, deliver all books, papers, property or effects in his hands, pertaining to such office, or belonging to the village, shall forfeit to the use of the village one hundred dollars, and shall be also liable for all damages caused by such refusal or neglect, and such successor may recover possession of such books, papers, property or effects, in the manner prescribed by the laws of this state for other officers.

Penalty for refusing to deliver books, &c., to successor in office.

SEC. 12. Any officer removing from the village, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the village council shall proceed to fill the vacancy as prescribed.

When office deemed vacant.

CHAPTER III.

SECTION 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the recorder of the village; and the treasurer marshal and such other officers as the village council may direct shall severally before entering upon the duties of their respective offices, execute to the village of Austin a bond

Officers to take oath and give bonds.

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

When Council
may order new
election.

SEC. 2. Should there be a failure by the people to elect any officers herein required to be elected on the day designated, the village council may order a new election to be held ten days notice of the time and place of holding the same to be given as in general elections.

Of whom Council
composed.

SEC. 3. The village council shall consist of a mayor and three aldermen.

Duties of Mayor
—special elec-
tions how called.

SEC. 4. The mayor shall, when present, preside over the meetings of the village council and take care that the laws of the state and the ordinances of the village be strictly enforced and duly observed, and that all other executive officers of the village, discharge their respective duties. The mayor or any two councilmen may call special meetings of the village council. He shall have power to execute all acts that may be required of him by an ordinance made in pursuance of this act, and is hereby authorized to call upon every male inhabitant of said village, over the age of eighteen years, to aid in enforcing the laws or carrying into effect any law or ordinance. Any person who shall not obey such call, shall forfeit to said village a fine, not exceeding twenty-five dollars, and not less than five dollars.

When Mayor
can be indicted.

SEC. 5. In case the mayor shall be guilty of any wilful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to be indicted in the district court for Mower county, and on conviction he shall be fined not more than five hundred dollars, and the court shall have power (on recommendation of the jury), to add to the judgment of the court that he be removed from office.

Presiding officer
—how chosen.

SEC. 6. In case the mayor shall be absent from any meeting of the village council, they shall proceed to elect of their own number, a temporary presiding officer, who shall discharge all the duties of mayor for the time being. In case of the absence of the mayor from the village for his inability from any reason to discharge the duties of his office, the council shall elect by ballot from their own

number, an officer who shall be styled acting mayor, and all acts performed by him shall have the same force and validity as if performed by the mayor.

SEC. 7. The recorder shall keep the corporate seal and all the papers and records of the village, and keep a record of all the proceedings of the village council; he shall draw and countersign all orders on the treasurer, in pursuance of any order or resolution of the village council, and keep a full and accurate account thereof, in a book provided for that purpose, and make a full and fair record of all the by-laws, rules or ordinances made or passed by said village council. The recorder shall have power to administer oaths or affirmations, and copies of all papers filed in his office and transcripts from the records of the village council certified to by him under the corporate seal shall be evidence in all courts in like manner as if the original were produced. He shall report annually on the first day of June to the council, an estimate of the expenses of the village for the current year, and the revenues necessary to be raised therefor; and the fiscal year of the village, shall commence on the first day of July. He shall countersign all contracts made in behalf of the village, and all certificates of work done by order of the village council. He shall negotiate such temporary loans for the village as the village council may direct, and such loan shall be subject to the approval of the village council. He shall examine the report, books, papers, vouchers and accounts of the treasurer, and from time to time shall perform such other duties as the village council shall direct. He shall not be directly or indirectly interested in any job or contract to which the village is a party. He shall receive for his services such sum as the village council may deem proper, not to exceed one hundred dollars per annum.

Duties of Recorder.

SEC. 8. The village council shall have power to elect a village attorney, treasurer, marshal and surveyor, define their duties and fix their compensation.

Council to elect Village officers.

SEC. 9. The village attorney shall perform all professional duties incident to his office, and when required shall furnish written opinions upon any subject submitted to him by the village council or its committees.

Duties of Village Attorney.

SEC. 10. The treasurer shall receive all moneys belonging to the village and keep an accurate and detailed account thereof, and on the first day of July and quarterly thereafter, he shall exhibit to the village council a full and detailed account of all receipts and expenditures after the

Duties of Village Treasurer.

date of the last quarterly report, and also the state of the treasury, which account shall be filed by the recorder.

Duties of Village Marshal.

SEC. 11. The marshal shall execute such orders, and perform such duties as are prescribed by the village council for the collection of tolls, license money and fines, for the preservation of the public peace, for the good order, clearness and government of the town, and for all other purposes. He shall possess the powers of a constable at law, under the statutes of this state, and receive like fees, but shall not serve civil process except where the village is a party.

Duties of Village Surveyor.

SEC. 12. The village surveyor shall hold his office during the pleasure of the village council, who shall prescribe his duties and fix the fees of compensation for any service performed by him; and all surveys, profiles, plans or estimates made by him for the village, shall be the property of the village, and shall be carefully preserved in the office of the recorder, and open to inspection of parties interested.

To constitute one or more road districts.

SEC. 13. The village of Austin shall be constituted one or more road districts, to be defined by the village council and the highway labor and taxes shall belong to the general fund.

Overseers of road districts—how appointed.

SEC. 14. The village council shall appoint one overseer of each road district and they shall issue a warrant to him containing the whole amount of highway labor and taxes assessed and levied in his district, which said warrant shall be returned by him to the recorder of said village. The laws of the state shall apply to warning, working, suing for, and collecting highway taxes, and to returning delinquent taxes, and in all other respects except as herein expressly *provided*. The village council shall have full power to direct the overseers, when, where and how to expend the labor in the manner to be directed by them at any point beyond the limits of the village. The village council shall perform the duties imposed by law on the supervisors of towns in levying highway taxes, and shall be governed and restricted in the amount so levied by the same laws applicable to supervisors of towns in levying highway and labor taxes.

Council to elect Village Printer.

SEC. 15. The village council may designate a newspaper printed in the village in which shall be published all ordinances and other proceedings and matters required by this act, or by the by-laws or ordinances of the village council to be published in a public newspaper.

SEC. 16. The village printer or printers immediately

after publication of any notice, ordinance or resolution, or any other matters which by this act is, or by village ordinances shall be required to be published, shall file with the recorder a copy of such publication, which shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter.

What to be evidence of publication, &c.

SEC. 17. No member of the village council shall be a party to or interested in any job or contract with the village, and any contract in which any member of the village council may be so interested shall be null and void.

Who not to be interested in any Village contract

SEC. 18. The mayor, sheriff of Mower county and each and every alderman, marshal, recorder and justice of the peace and constables of the precinct of which said town is a part, shall be officers of the peace, and suppress in a summary manner all disorderly behavior within the limits of the village, and for such purposes may command the assistance of the bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of not more than twenty five dollars and not less than five dollars.

Who deemed to be officers of the peace.

SEC. 19. The justice of the peace of the village shall possess all the authority, power and rights of a justice of the peace, except he shall in no case entertain any civil proceedings to which the village is not a party, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the village cognizable before a justice of the peace, but warrants returnable before the said justice of the peace of the village, may be issued in criminal cases by any justice in the village, but no fee shall be received therefor by said justice. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace, in which the village is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceeding for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of the said village of Austin, or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offense committed against the same. All prosecutions for assault, batteries and affrays, not indictable, and for a breach or violation of any such by-law, [ordinance,] or regulation, shall be commenced in the name of the village of Austin, and the same proceedings shall be had in civil and criminal actions as by the laws of this state, before a justice of the peace. *Provided*, That in case of prosecutions for a breach

Jurisdiction of Justices of the Peace.

or violation of an ordinance, by-law or regulation of said village or its charter, or for any assault, battery, or affray, not indictable, committed within the village limits, no appeal shall be allowed where the judgment or fine imposed, exclusive of costs, is less than fifteen dollars. In all cases of convictions for assaults, batteries, and affrays, within said village, and in all cases of conviction under any ordinance of said village, for breaches of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same, and of keeping or maintaining disorderly and ill-governed houses; the said justice shall have power in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justice shall have the same power and authority in case of contempt, as a court of record. *Provided*, That nothing herein contained shall be deemed to divest the district judges of their authority as conservators of the peace, nor to affect in any manner the jurisdiction or powers of the district court or supreme court of this state. In case of the absence, sickness or other inability of said justice, or for any sufficient reason, the mayor, by warrant, may authorize any other justice of the peace, within said town, to perform the duties of said justice of the peace for the village, and it shall thereupon be the duty of the mayor to inform the village attorney and marshal of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, or appoint some other justice of the peace, and the justice of the peace, so appointed shall for the time being, possess all the authority, powers and rights of said justice of the peace for the village. All fines and penalties imposed by the village justice for offenses committed within the village limits, or for violations of any ordinance, by-law or regulation of said village, shall belong to, and be a part of the finances of said village.

SEC. 20. The justice of the peace of the village, shall quarterly report to the common council, all the proceedings instituted before him in which the village is interested, and shall at the same time account for and pay over to the village treasurer all fines and penalties collected by him belonging to the said village; and said justice shall be entitled to receive from the county of Mower, such fees in criminal cases occurring without the village as are allowed to other justices of the county for similar services.

When to report
to Council.

SEC. 21. The village council shall have power from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and compensation. Such compensation shall be fixed at the time the office is created or at the commencement of the year, and shall not be increased or diminished during the time such officers shall remain in office. The village council may at any time fix the compensation of any officer or committee for any extraordinary service by them performed.

Further powers
of Council.

CHAPTER IV.

SECTION 1. The mayor and aldermen shall constitute the village council, and the style of all ordinances shall be "the village council of the village of Austin do ordain." The village council shall meet at such time and place as they shall direct and a majority shall constitute a quorum. The village council shall determine its rules and proceedings, and be judges of the election and qualification of their own members, and have the power to compel the attendance of absent members.

Style of ordinances—when and where Council to meet—quorum.

SEC. 2. The village council shall have the control and management of the finances, and of all the property of the village, and the said council shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter modify, correct and repeal all such ordinances, rules and by-laws, for the government and good order of the village, and for the suppression of vice as they shall deem expedient, and declare and impose penalties by fine and imprisonment, or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws, are hereby declared to be and have the full force of law, and for these purposes shall have authority by ordinances, resolutions, or by-laws, provided that they be not repugnant to the constitution and laws of the United States or of this state.

Council to control finances—further powers.

First—To license and to regulate the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, circuses, concerts and theatrical performances, and also to license and regulate all auctioneers, billiard tables, pigeon hole tables, nine or ten pin alleys,

bowling saloons, butcher's shops and butcher's stalls, and venders of butcher's meat, pawn brokers, insurance offices and insurance agencies, taverns, lager beer saloons, victualing houses, and all persons vending dealing in or disposing of spiritous, vinous, malt or fermented liquors; *Provided*, That not less than five dollars, nor more than five hundred dollars shall be required to be paid for any license under this act; and the fee for issuing the same shall not exceed one dollar; and said village council may at any time revoke any license granted under this act, for malconduct in the course of trade, and may regulate and restrain the sale of fresh or butcher's meat within the corporate limits of said village, and punish and restrain the forestalling of poultry, game, eggs or fruit, within said city.

Powers of the
Council.

Second—To restrain and prohibit the use of all gambling devices whatever, from being set or used for gambling purposes, and to restrain and prohibit all description of gaming and fraudulent devices and practices.

Third—To prevent any riots, noise, disturbance and disorderly assemblages, to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming, and of all spirituous, vinous, fermented, mixed, or intoxicating liquors of any kind, that may be kept for sale or dealt in, contrary to any ordinance of said village.

Fourth—To compel the owner or occupant of any grocery, cellars, tallow-chandlers' shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same, and to provide for the abatement and removal of all nuisances within the limits of the village.

Fifth—To direct the location and management of slaughter-houses and markets in said village, and to regulate the storage, keeping and conveying of gunpowder, or other combustible materials.

Sixth—To prevent the incumbering of streets, sidewalks, lanes or alleys.

Seventh—To prevent immoderate driving or riding in the streets.

Eighth—To prohibit the running at large of dogs, to authorize the destruction of the same when at large, contrary to the ordinances, and to impose fines upon their owners.

Ninth—To prevent any person from bringing, deposit-

ing or having within the village, any putrid carcass or other unwholesome substance, and to require the removal of the same by a competent officer, at the expense of such person or persons.

Tenth—To make and establish public pounds, pumps, water cisterns and reservoirs, and to provide for the erection of water works, for the supply of water to the inhabitants, to erect lamps or other means whereby to light the village, to regulate and license hacks, cabs, drays, carts, and charges of hackmen, coachmen, draymen, and cartmen of the village.

Eleventh—To prevent damages to sidewalks.

Twelfth—To prevent the shooting of firearms, crackers or any other projectiles, and to prevent the exhibition of any fireworks in any situation which may be deemed by the council dangerous to the village or any property therein, or annoying any citizen thereof.

Thirteenth—To restrain drunkards, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places. Powers of the Council.

Fourteenth—To license and regulate peddlers, runners, and solicitors for stages, public houses, railroads and other establishments, and to regulate the police of the village.

Fifteenth—To regulate the place and manner of selling and to provide for the inspection and weight of hay and coal, and measuring charcoal, firewood and other fuel.

Sixteenth—To compel the owners and occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and in his default, to authorize the removal or destruction thereof, by some officer of the village, at the expense of the owner or occupant.

Seventeenth—To prevent the introduction of contagious diseases into the village.

Eighteenth—To regulate the time, place and manner of holding public auctions or vendues.

Nineteenth—To appropriate money and provide for the payment of the debts and expenses of the village.

Twentieth—To alter, abolish, open, widen, extend, establish, grade, repair or otherwise improve or keep in repair, streets, avenues, lanes and alleys.

Twenty-first—To establish, regulate and support night watches.

Twenty-second—To provide for the erection of all needful buildings for the use of the village.

Twenty-third—To provide for the enclosing, improving and regulating of all public grounds belonging to the village, and for the adorning of the streets thereof with shade trees.

Twenty-fourth—To provide for the taking from time to time, the enumeration of the inhabitants of the village.

Twenty-fifth—To prescribe the limits within which wooden buildings, or buildings of other materials, that shall not be deemed fire-proof shall not be erected, placed or repaired.

Powers of the Council.

Twenty-sixth—To prevent the dangerous construction, placing and condition of chimneys, fire places, hearths, stove-pipes, ovens, boilers and appurtenances used in and about any building, and cause the same to be removed or placed in a safe and secure condition, when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires within the village limits.

Twenty-second—The village council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire companies, hook and ladder and hose companies, and to provide for the due support and regulations of the same, and to order such companies to be disbanded, and their apparatus to be delivered up. Each member of every such company shall be exempt from a poll tax and from serving on juries during the continuance of such membership.

Mayor to sign all laws, &c.

SEC. 3. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of the majority of the village council, and be signed by the mayor and recorder, and shall be published in the official paper of the village, or posted for ten days in three of the most public places in the village.

Council to audit accounts of all officers.

SEC. 4. The village council shall examine and adjust the accounts of all village officers and agents of the village at such time as they may deem proper, and if any such officer or agent shall refuse to comply with the order of said council in discharge of their duties in pursuance of this section, the council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties. The council shall make full record of all such settlements and adjustments.

SEC. 5. They may appoint any number of special constables for extraordinary occasions, and they shall constitute a village police, and shall have the usual powers, and shall be under the immediate control of the marshal, who shall be the chief of police, and the whole shall be under the control of and subject to the village council.

To appoint special constables.

SEC. 6. The costs and expenses of surveying the streets, lanes, alleys, sidewalks, sewers, public grounds, reservoirs, cisterns and drains, and the erection of buildings for village purposes, and of cleansing and repairing the same, and constructing and repairing reservoirs and sewers, street crossings and cross walks, may be paid out of the general fund; or reservoirs may be built by districts designated by the village council, but the expense of opening, grading, graveling, paving or repairing streets or alleys to the centre thereof, and also of sidewalks, shall be chargeable to the lots fronting on such improvements. The village council shall not improve streets or walks except by a petition in writing signed by two-thirds of the owners and occupants that are living opposite such improvements. Sewers may be built and the expenses apportioned by the village council among the lots and parcels of land benefitted thereby. All resolutions or orders directing such improvements shall be filed and recorded by the recorder.

Expenses of surveying streets, &c., how paid.

SEC. 7. All work by the village (except the highway taxes) shall be let by contract to the lowest bidder, and the village council may require a bond with sureties for the faithful performance of the contract, not less than ten days notice shall be given of the letting of the contract, by the posting of notices by the recorder in two public places in the village, to be signed by the mayor, and also filing said notice with the said recorder at the same time.

All work let to lowest bidder.

SEC. 8. All property, real and personal, in the village, except such as may be exempt by the laws of the state, or or is village property, shall be subject to taxation, not exceeding three mills on the dollar per year, for general purposes, except for the purchase of fire engines or a cemetery, which is not limited; such property shall also be liable for such special taxes as the council shall levy. Property exempt from taxation shall be liable to assessment for building and repairing sidewalks.

What property exempt from taxation.

SEC. 9. The assessors of the village of Austin, shall qualify and shall perform the duties pertaining to his office in accordance with the general statutes of this state, in re-

Duties of Assessor.

gard to township assessors. He shall be subject to all the liabilities, and perform all the duties of a township assessor, and receive such compensation as the council may direct. No assessment of property within the village of Austin, shall be made by any other than the village assessor, except as herein specially provided.

To report to Auditor amount of taxes levied—
duty of Auditor—
how taxes collected.

SEC. 10. The village council shall report to the auditor of Mower county the amount of general taxes levied on the village, and the amount of special taxes levied upon any of the lots or portions of said village, and shall certify to him the lots, or portions of the property upon which such special taxes are so levied, and it shall be the duty of the county auditor, to insert such taxes in the assessment roll of the town of Austin, and the same shall be collected by the county treasurer, or returned by him as delinquent, and all proceedings in relation thereto including the selling, conveying and redeeming property, shall be the same, as in proceedings on account of other taxes. The village shall be a town so far as the collection of taxes will admit. All residents of the village shall pay a village tax on their personal property, wherever situated, proportionally with their real estate tax.

To levy tax—for what purpose.

SEC. 11. The damages sustained by reason of laying out, opening or altering any road, street or alley, may be agreed on in the same manner as in a town, under the the laws of the state, and the state laws shall apply in all respects, in relation to the releases of damages, the filing thereof, or the assessing thereof by the village council, and appealing therefrom to the county commissioners, except the recorder is substituted for the town clerk, and the village council for supervisors. All such damage and repair shall be levied as a tax upon the village at large.

When warrants shall be issued—when not issued.

SEC. 12. In all prosecutions for any violation of this act, or any by-law or ordinance of the village of Austin, 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 village of Austin, 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.

Qualifications of judge, justices, &c.

SEC. 13. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said village, in any proceeding or action in which the village of Austin shall be a party in interest.

SEC. 14. If any election by the people or village council shall, for any cause not be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending, or absolving said corporation; but such election or organization may be had on any subsequent day by order of the village council and if any of the duties enjoined by this act or the ordinances or by-laws of the village, to be done by any officer, at any specified time, and the same are not so done or performed, the village council may appoint another time at which the said acts may be done and performed.

What shall not be a reason for suspending said corporation.

SEC. 15. The said village may lease, purchase, and hold real and personal estate sufficient for all municipal purposes thereof, and may sell and convey the same, and the same shall be free from taxation, and said village shall be liable for its just proportion of all pecuniary obligations, and indebtedness heretofore contracted by the town of Austin.

May purchase and hold real estate.

SEC. 16. The village of Austin shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the village, or any magistrate, to the jail of Mower county, for any offense punishable under the state laws.

When liable for board or jail fees

SEC. 17. The board of aldermen when acting as inspectors of election shall receive the same compensation as fixed by the laws of state.

Fees of Judges of Election.

SEC. 18. No law of this state contravening the provisions of this act shall be considered as repealing, amending, or modifying the same unless such purpose be expressly set forth in such law.

No law considered as repealing or modifying this act unless expressly set forth.

SEC. 19. This act is a public act and need not be pleaded nor proven in any court in this state.

Declared to be a public act.

SEC. 20. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal of inconsistent acts.

SEC. 21. This act shall take effect from and after its passage.

When act to take effect.

Approved March 6, 1868.