

provided for and required by this act for annual elections. The ballots used at such election shall be written or printed on paper, as follows: "For Borough Charter," or "Against Borough Charter," as the case may be. The votes at such election shall be canvassed by said canvassers and the result thereof be declared and published by them. If said canvassers shall declare and publish that a majority of the votes cast at such election were for "Borough Charter," this act shall be and remain in full force and effect. But if a majority of said votes should be against "Borough Charter," then in such case all rights, privileges and powers by this act granted, shall be forfeited and no further election or action under or by virtue of it shall be taken or be valid. No irregularities in conducting the proceedings or election in this proviso provided for, shall affect or default this act. The polls of the election in this section provided for, shall be opened at nine o'clock A. M. of the day fixed for said election and closed at four o'clock P. M. of said day.

Approved March 5, 1869.

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## CHAPTER VII.

*An Act to amend an act entitled "An Act to Incorporate the village of Austin."* Feb'y 27, 1869.

- SECTION 1. Amendment to Section three (3) of Chapter I of the act incorporating the Village of Austin. Elective officers of said Village—term of office—qualifications for office.
2. Amendment to Section one (1) of Chapter II of said act. Of whom the Common Council to consist—style of ordinances—who to be presiding officer.
3. Amendment to Section six (6) of Chapter II of said act. Council to appoint officers of said Village—when.
4. Amendment to Section seven (7) of Chapter II of said act. When annual election to be held—what officers to be elected—how elections conducted.

5. Amendment to Section nine (9) of Chapter II of said act. Vacancies, how filled.
- Amendment to Section eight (8) of Chapter III of said act. Council to appoint Attorney and Surveyor, and define their duties.
6. Amendment to Section nineteen (19) of Chapter III of said act. Jurisdiction of Village Justice.
7. Amendment to Chapter III of said act. Jurisdiction of Justices of the Peace.

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

SECTION 1. That section three (3) of chapter one of an act to incorporate the village of Austin, be so amended as to read as follows:

What to be elective offices—term of office.

Sec. 3. The elective officers of said village shall be a mayor, recorder, one assessor, a justice of the peace, one marshal, a city treasurer and three aldermen. The mayor, three aldermen, recorder, assessor, village justice, the two justices of the peace, the marshal and city treasurer shall hold their respective offices for the term of one year and until their successors are elected and qualified. All village officers shall have been actual residents in said village for the space of one year immediately preceding their election or appointment, and shall be qualified electors of the state.

SEC. 2. That section one (1) of chapter II of said act be amended so as to read as follows:

Who to constitute the common council—style of all ordinances—who to preside.

Section 1. There shall be a common council composed of the mayor and three aldermen which shall be styled "The Common Council of the Village of Austin." *Provided*, That the mayor shall only have the power to preside over the same, maintain order, and decide all questions pertaining to his duties as president of said common council, but shall in no case be permitted to vote upon any question except in case of a tie vote.

SEC. 3. That section six of said chapter II of said act be amended so as to read as follows:

Council to appoint village officers—when.

Sec. 6. The village council shall, at its first regular meeting after the annual election, appoint one overseer of each road district within said village, a village attorney and a village surveyor, who shall each hold their offices for the term of one year and until others are elected and qualified, and the said council shall also at said meeting fix and determine the salary of the village attorney.

SEC. 4. That section seven of said chapter II of said act be amended so as to read as follows :

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

When annual elections held—how conducted.

aldermen, recorder, assessor and village justice, two civil justices of the peace, one marshal, one city treasurer. 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.

SEC. 5. That section nine of said chapter II of said act be amended so as to read as follows :

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; whether such vacancy is caused by a failure to elect or from a tie vote having been cast for candidates. 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.

That section eight of chapter III of said act be amended so as to read as follows :

Sec. 8. The village council shall appoint a village attorney and surveyor, define their duties and fix their compensation.

To appoint attorney and surveyor—and define their duties.

SEC. 6. That section nineteen of said chapter III of said act be amended so as to read as follows :

Sec. 19. The village justice shall possess all the authority, power and rights of a justice of the peace under the statutes of the state of Minnesota, except he shall in no

Jurisdiction of  
village justice.

case entertain any civil proceedings to which the village of Austin is not a party, and shall have sole exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases for offenses committed in the village of Austin of which a justice of the peace has jurisdiction under the statutes of the state of Minnesota, but warrants returnable before the said village justice may be issued in criminal cases by any justice of the peace in the village, but no fee shall be received therefor by said justice of the peace. The said village 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 in all suits prosecutions or proceedings 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 assaults, batteries, riots, crimes and affrays not indictable, and for a breach or violation of any by-law, ordinance or regulation, shall be commenced in the names of the state of Minnesota and the village of Austin, and all process and writs issued by the said village justice shall be in the names of the state of Minnesota and the village of Austin, and shall be directed to the marshal of the village of Austin or to the sheriff of the county of Mower, and the same proceedings shall be had in civil and criminal actions as by the laws of this state are had before a justice of the peace, except that it shall not be necessary in a complaint for a violation or breach of any ordinance, by-law or regulation of said village to set forth in the said complaint the particular or offense committed, but it shall be sufficient to charge the offender generally with a violation thereof, stating in said complaint the date of the passage and publication of the same. *Provided*, That in case of prosecutions for a breach 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 frequent-

ing 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. 7. That Chapter III of said act be amended by adding a new section thereto, as follows :

Sec. 22. The justices of the peace shall have jurisdiction in all respects equal to the jurisdiction and powers of justices of the peace under the laws of the state of Minnesota and the same proceeding shall be had in all respects in civil and criminal actions as are applicable to the laws of this state governing the proceedings before justices of the peace.

Jurisdiction of  
justices of the  
peace.

Approved February 27, 1869.