

SPECIAL LAWS
OF
MINNESOTA.

PASSED AND APPROVED AT THE THIRTEENTH SESSION OF THE STATE
LEGISLATURE, COMMENCING JANUARY THIRD, ONE THOUSAND EIGHT
HUNDRED AND SEVENTY-ONE, AND TERMINATING MARCH THIRD,
ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE.

CHAPTER I.

*An Act to amend an act entitled An Act to incorporate
the village of Austin, approved March sixth, A. D. February 28, 1871
one thousand eight hundred and sixty-eight, and all
acts amendatory thereof.*

CHAPTER I.

- SECTION 1. Incorporation of the Village of Austin.
2. Boundary lines of said village.
 3. Elective offices—term of office—qualifications—when term of office to commence—to take oath for faithful performance of duties.

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2. Council to be judge of the qualifications and elections of its own members.
 3. What to constitute a quorum.
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7. When annual election to be held—how conducted—when officers elect to qualify—vacancy, how filled.
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Be it enacted by the Legislature of the State of Minnesota:

That an act entitled “An act to incorporate the village of Austin,” approved March sixth, one thousand eight hundred and sixty-eight, and all acts amendatory thereof be amended so as to read as follows :

CHAPTER I.

SECTION 1. 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 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.

Village of Austin
Incorporated.

SEC. 2. The following described territory in the county of Mower, in this state, shall constitute the village

Village boundary of Austin, viz: section number three, the northwest quarter of section number two, and the west half of the west half of the northeast quarter of section number two, all in township number one hundred and two north, of range number eighteen west, including all lots, blocks, streets, alleys, highways and public grounds thereon.

SEC. 3. The elective officers of said village of Austin, shall be six aldermen, three justices of the peace, three constables and one assessor. The aldermen and assessor shall hold their respective offices for the term of one year, and until their successors are elected and qualified. The justices of the peace and constables shall hold their respective offices for two years, and until their successors are elected and qualified. *Provided*, That no justices of the peace or constables shall be elected in said village until the second Tuesday in March, A. D. one thousand eight hundred and seventy-two. All village officers shall have resided in the village six months, and be qualified electors of the state of Minnesota. The term of all officers shall commence immediately after the annual election each year. 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.

CHAPTER II.

Who to compose Council. SECTION 1. There shall be a council composed of six aldermen which shall be styled the "Village Council of the village of Austin."

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 constitute a quorum. SEC. 3. Four members 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.

To determine rule of its proceedings, etc. SEC. 4. The village council shall have power to determine the rule of its proceedings, and punish its members for disorderly conduct.

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.

SEC. 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 one year, and until their successors are elected and qualified. The said village council shall also on the third Tuesday in March, of each year, elect by ballot a road overseer for each road district in said village. The village council may for satisfactory reasons, remove any member or officer of the village council or any officer of the village, and fill the vacancy. *Provided*, that no member of said village council shall be removed except by a concurrent vote of at least four members of the village council, and at a meeting of which he was duly notified. No member of said village council shall receive any compensation for his services, except as hereinafter provided, except the village recorder.

SEC. 7. There shall be an annual election held 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 officers to be elected in 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 in such ward as may be designated by the village council. At the election to be held on the second Tuesday in March, one thousand eight hundred and seventy one, the judges and clerks of election shall be chosen, *viva voce*, from the qualified electors of said election precinct, present at the opening of the polls on that day. At all subsequent elections in the said village, the aldermen of their respective wards when present at the opening of the polls, shall be two of the judges of election. Returns of all elections shall be made by the judges of election in the respective wards to the village recorder, within twenty-four hours after such elections are held, and the village council shall within forty-eight hours after such elections are held, meet and canvass the returns of the election and declare the result. The recorder shall give ten days notice of the time and place of holding the elections in the village of Austin, by causing a notice thereof to be published in one or more of the newspapers published in said village. Elections in said village shall be held in the same manner as town elections, and the laws of this state applicable to elec-

To keep journal of its proceedings

When to meet for organization—election of officers of—when may remove any member—compensation.

Annual election when held—how conducted—when to qualify—vacancy, how filled.

tions generally, shall apply to elections in said village. All officers of said village shall qualify immediately after their election or appointment, and if any officer fails to qualify for a period of ten days after such election or appointment, or if any officer removes from said village, the office to which he was elected or appointed, shall become vacant, and such vacancy shall be filled by appointment of the village council.

When term of office to expire.

SEC. 8. The term of office of the officers of said village elected or appointed in the year one thousand eight hundred and seventy, shall expire on the second Tuesday in March, one thousand eight hundred and seventy-one, or as soon thereafter as their successors in office shall qualify, except the offices of justices of the peace and constables, the term of whose offices shall continue to, and expire on, the second Tuesday of March, one thousand eight hundred and seventy-two, or as soon thereafter as their successors in office shall qualify.

Vacancies, how filled.

SEC. 9. In case of a vacancy in the village council, the said council shall have power to fill the same by appointment. Whenever a vacancy occurs in any other office it shall be filled by appointment of the village 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.

What officers entitled to compensation.

SEC. 10. The aldermen shall not receive any compensation for their services, except as judges of election. The justices of the peace and constables shall receive such fees as may be prescribed by the general laws of this state for justices of the peace and constables. The compensation of all other officers shall be fixed by the village council. *Provided*, That the recorder or assessor shall not receive more than one hundred dollars in any one year, the village attorney more than two hundred dollars, overseer of roads more than fifty dollars, nor any other officer of said village more than two hundred and fifty dollars for his services in any one year, as a salary to be paid by said village.

Penalty for refusing to deliver books, etc., to successor in office.

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.

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 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 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.

Officers to take oath and give bond.

SEC. 2. Should there be a failure to elect any of the officers herein required to be elected, on the day designated, the village council may order a new election to be held, giving notice thereof as in general elections. *Provided*, That if a failure to elect shall occur by reason of two persons having received an equal number of votes for any office, a new election shall not be held, but the village council shall determine by lot which of such persons receiving an equal number of votes shall be entitled to hold such office.

When may order new election.

SEC. 3. The village council shall consist of six aldermen.

Of whom Council composed.

SEC. 4. The president of the village council shall preside at all meetings of the council, (except that in his absence a president pro tempore may be chosen,) shall sign all orders drawn on the treasurer for money voted to be paid by said village council, and perform such other duties as the village council may prescribe and direct. The president of the village council shall take care that the ordinances of the village are strictly enforced and duly observed.

Duties of President of 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 President
liable to indict-
ment.

SEC. 5. In case the president of the village council 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.

Special meetings
how called.

SEC. 6. Special meetings of the village council may be called by the president of the council, or by two aldermen, by giving one day's notice in writing to the members of the village council; *Provided*, That no business shall be transacted at a special meeting, until proof of the service of such notices has been made and entered on the minutes of the village council.

Duties of Re-
corder.

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 of 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 originals 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.

SEC. 8. The village council shall have power to elect a village attorney and a village marshal and to 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 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 date of the last quarterly report, and also the state of the treasury, which account shall be filed by the recorder. Duties of Treasurer.

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, cleanliness and government of the town, and for all other purposes. Duties of Marshal.

SEC. 12. Each and every ward in the village of Austin shall be a road district. Each ward to be a road district.

SEC. 13. The village of Austin and the territory included therein shall be divided into three wards—to be called the first, second and third—limited, bounded and described as follows: All that territory lying east of the Cedar river and included in the designated boundaries of said village shall constitute the third ward; all that territory within the designated boundaries of said village which lies west of the Cedar river and north of a line drawn west from the Cedar river, through the centre of Bridge and Centre streets, in said village, to the west boundary thereof, shall constitute the first ward; all the territory included within the limits of said village and Divided into wards—boundaries of wards.

not included in the first and third wards of said village shall constitute the second ward.

Overseers of
road districts—
how appointed—
duties of.

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. There shall be one street commissioner for each ward in said village, and the village council shall appoint one of the two aldermen in each ward a street commissioner for his ward; such street commissioner shall have power to direct the road overseer of his road district when, where and how to expend the road labor and commutation money within the limits of his district, and shall require the same to be expended in such manner as the public interests demand. The village council shall perform the duties imposed by law on the supervisors of towns, where it is not otherwise herein specially provided, and in levying highway taxes 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 ap-
point village
Printer.

SEC. 15. The village council may designate a newspaper published in said village in which shall be printed all ordinances and by-laws, the proceedings of said village council and such other matters as may be required by law; *Provided, however,* That all printing that shall be done for said village shall be let to the lowest bidder.

What to be evi-
dence of publi-
cation, etc.]

SEC. 16. The village printer or printers, immediately after the 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.

Who not to be
interested in any
contract.

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.

SEC. 18. The sheriff of Mower county, and each and every alderman, the marshal, recorder, the justices of the peace and constables shall be peace officers and shall sup-

press in a summary manner all disorderly behavior within the limits of the village, and for such purposes may command the assistance of the by-standers, 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 to be officers
of the peace.

SEC. 19. The justices of the peace of said village shall possess all the authority, powers and rights, and the same jurisdiction as justices of the peace of the county of Mower, and in addition thereto shall have jurisdiction to hear, try and determine all complaints for a violation of any provision or provisions of the village charter, or any ordinance, by-law, rule or regulation made or adopted under or by virtue thereof, and of all classes cognizable before a justice of the peace in which the village is a party, and of all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of said village or its charter, and in cases of offenses committed against the same. In all prosecutions and proceedings before said justices the same forms and proceedings shall be had where not otherwise directed as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace; and appeals from the judgments and decisions of said justices shall be allowed as provided by law for appeals from judgments rendered by justices of the peace. In all cases of convictions for a violation of any law, by-law or ordinance, the said justice shall have power, in addition to the 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 two hundred dollars. All fines and penalties imposed by the justices of said village for offenses committed within the village limits, or for the violation of any by-laws, ordinance or regulation of said village, shall belong to and be a part of the finances of said village. The jurisdiction and powers herein conferred are conferred separately upon each of said justices.

Jurisdiction of
Justice of the
Peace.

SEC. 20. The justices of the peace of the village shall quarterly report to the village 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 justices shall

When to report
to Council.

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.

Further powers
of Council.

SEC. 21. The village council shall have power from time to time to require other and further duties 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 officer 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.

Power of Con-
stables.

SEC. 22. The constables of said village shall have the powers of constables under the general laws of this state, and any process issued by any justice of the peace of said village may be served by the sheriff of Mower county, or constable of said village, and all general laws of this state applicable to the service and return of any such process shall govern in the service thereof. The sheriff of Mower county, constables and marshal of said village, shall have power to arrest any person violating any law, by-law, ordinance, rule or regulation of said village, in the presence of any of said officers and take such person or persons before a justice of the peace of said village, and may detain him a sufficient time for that purpose, not exceeding twenty-four hours in some proper place for such person in said village. When any person arrested as aforesaid, shall be brought before said justice, he shall immediately proceed in a summary manner to try such person on complaint preferred by the officer making the arrest.

CHAPTER IV.

Style of ordinan-
ces—when and
where to meet—
quorum.

SECTION 1. The 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 four 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.

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:

To have control and management of the 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 tenpin alleys, bowling saloons, butchers' shops and butchers' stalls, and vendors of butchers' meat, pawnbrokers, insurance offices and insurance agencies, taverns, lager beer saloons, victualing houses, and all persons vending dealing in or disposing of spirituous, 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 the 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 butchers' meat within the corporate limits of said village, and punish and restrain the forestalling of poultry, game, eggs or fruit, within said city.

Further powers of 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 disor-

derly 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 chandler's 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.

Further powers
of Council.

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, depositing, 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 damage 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.

Fourteenth.—To license and regulate peddlers, runners and solicitor 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 or 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. Further powers
of Council.

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.

Twenty-sixth.—To prevent the dangerous construction, placing and condition of chimneys, fire-places, hearths, stovepipes, 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-seventh.—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 regulation 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.

President to
sign all laws, etc.

SEC. 3. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of four of the village council, and be signed by the president of the village council 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 the 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.

May appoint
special constables—when.

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.

Expenses of surveying streets,
etc., how paid.

SEC. 6. The cost 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 crosswalks, 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 to such improvements. Sewers may be built and the expenses apportioned by the village council among the lots and parcels of land benefited thereby. All resolutions or orders directing such improvements shall be filed and recorded by the recorder.

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 publishing notices in one or more newspapers in the village, to be signed by the recorder, and also filing a copy of said notices with the said recorder at the same time.

All work to be let to the 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 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 assessor 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 regard 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.

Duties of Assessor.

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

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

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, proportionately 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 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 made by warrant.

Qualifications of
judges, jurors, etc.

SEC. 13. No person shall be an incompetent judge, 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.

What shall not
be a reason for
suspending said
corporation.

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 counsel, 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.

May purchase
and hold real
estate.

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 ob-

ligations and indebtedness heretofore contracted by the town of Austin.

SEC. 16. The village of Austin shall be liable for the costs made in the trial of any person who may be committed by any justice of the peace of said village to the jail of Mower county, for any offense committed within the corporate limits of said village, punishable under the state laws, wherein said justice has final jurisdiction.

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.

How act may be repealed.

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 February 28, 1871.