

When act to take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 6, 1871.

CHAPTER XIX.

March 6, 1871.

An Act to amend certain Sections of an act entitled an act to incorporate the City of Saint Charles, Winona County.

- SECTION 1. Amendment to Section three (3), Chapter nineteen (19), Special Laws of 1870. To constitute an election district—elective officers—term of office.
2. Amendments to Sections thirty-seven (37), thirty-eight (38), and thirty-nine (39), of said act.
37. Who to be officers of the peace—powers of—jurisdiction of Justice of the Peace.
38. When City Justice to report to Council—what to contain—fees of Justice.
39. Powers of Justice of the Peace and Constables.
3. Amendment to Subdivision ten (10), Section forty-one (41), of said act. To levy a tax or license on all dogs running at large.
4. Amendment to Section forty-eight (48), of said act. City Council to have care and control of all public highways, etc.
5. Amendment to Section fifty (50), of said act. City Council may open and discontinue highways.
6. When act to take effect.

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

SECTION 1. That section three (3), of an act to incorporate the city of St. Charles, approved February twenty-eight, A. D., one thousand eight hundred and seventy, is hereby amended so as to read as follows :

Sec. 3. The said city shall constitute an election district, and the elective officers thereof shall be a mayor, recorder, one assessor, one city justice, two city constables and four aldermen. The mayor, aldermen, recorder,

To constitute an election district—elective officers—term of office.

assessor and constables, shall hold their respective offices for one year, the city justice two years, and until their successors are elected and qualified; *Provided*, That the persons now holding the office of justice of the peace in said city, may continue to hold such office until the expiration of the full term for which they were elected.

SEC. 2. Sections thirty seven, thirty-eight and thirty-nine, of said act, are hereby amended so as to read as follows:

Sec. 37. *The mayor, sheriff of Winona county and each and every alderman, justice of the peace, marshal, recorder and constables, of the town of which said city is a part, shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all 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 nor less than five dollars. The city justice shall possess all the authority, power and rights of justices of the peace of this state, and shall [have] exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice in which the city is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation, and in all cases of offence committed against the same. All prosecutions for assaults, batteries and affrays not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be conducted in the name of the city of Saint Charles, and the same proceedings shall be had in civil and criminal suits before said justice, where not otherwise herein 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. *Provided*, That in cases of prosecutions for a breach or violation of an ordinance, by-law or regulation of said city or its charter, or for any assault, battery or affray not indictable, committed within the city limits, no appeal shall be allowed when the judgment, exclusive of costs, is less than ten dollars. In all cases of conviction for assaults, batteries and affrays, within said city, in all*

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cases of conviction under any ordinance of said city for breaches of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, and of keeping and 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 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 courts or supreme court of the state. In case of the absence, sickness or other inability of said justice the mayor by warrant, may authorize and appoint some suitable person of the qualified electors of said city to perform the duties of said justice of the peace for the city, and it shall thereupon be the duty of the mayor to inform the city attorney and marshal of such appointment and substitution, and the person so appointed shall, for the time being, possess all the authority, powers and rights of said justice of the peace for the city. Change of venue may be had before the city justice upon the same terms and for the same causes as provided in the general statutes for change of venue in justice's courts, and any justice of the peace of an adjoining election precinct shall have jurisdiction of the case, and said justice shall conduct and determine the case in compliance with and subject to all the provisions of the charter of said city of Saint Charles. All fines and penalties imposed by the city justice for offenses committed within the city limits, or for the violation of any ordinance, by-law or regulation of said city shall belong to and be a part of the finances of said city.

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Sec. 38. The city justice shall monthly report to the city council all the proceedings instituted before him in which the city is interested, and shall at the same time account for, and pay over to the city treasurer all fines and penalties collected by him belonging to said city, and said justice shall be entitled to receive from the county of Winona such fees in criminal cases occurring without the city, as are allowed to other justices in the county for similar services.

Sec. 39. The justice of the peace and constables for

said city shall have the same powers, authority and rights as are possessed by other justices and constables of the county of Winona, under the laws of the state.

Powers of Justice and Constable.

SEC. 3. Subdivision tenth of section forty-one of said act is hereby amended so as to read as follows :

Tenth.—To tax, license, or prohibit from running at large of dogs, and to impose penalty on the owners of dogs who allow them at large in violation of the ordinance.

To license all dogs running at large.

SEC. 4. Section forty-eight of said act is hereby amended so as to read as follows :

Sec. 48. The city council shall have the exclusive care, supervision and control of all public highways, bridges, the building and repairing of the same on all roads within the city, and shall have the control and cause to be kept open and in repair, and free from nuisances, all alleys, streets or highways within the city. No street or alley which shall hereafter be dedicated to public use by the proprietor or proprietors of grounds within said city, shall be recognized as a public street or alley of said city, unless the city council shall first approve the plat thereof, or accept such dedication, or afterwards confirm the same by an ordinance especially passed for such purpose.

Council to have control of public highways.

SEC. 5. Section fifty of said act is hereby amended so as to read as follows :

Sec. 50. Said council shall have power to lay out, open and discontinue highways, streets and alleys of such width as they may deem expedient in the manner prescribed by law for township supervisors.

May open and discontinue highways.

SEC. 6. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 6, 1871.