

SEC. 3. Strike out the word "assessor", where it occurs the second (2d) time in section seven (7) of said act; and strike out the words "and clerk" in the first line of section twenty-one (21) and insert the word "and" between the words "mayor" and "councillors" in the said first line of said section twenty-one (21), and strike out the word "persons" where it occurs the second (2d) time in the third (3d) proviso of section thirty (30) of said act and insert the word "previous" in place thereof, and strike out the words "and the same proceedings shall be had therein as are required to be had by the laws of this state in criminal or civil actions before justices of the peace" where they occur in section thirty-two (32) of said act, and strike out the words "chapter and section" where they occur in section thirty-two (32) of said act and insert the words "number of the ordinance or by-law" in place thereof, and strike out the words "and file their bonds with the same officers as justices of the peace and constables elected elsewhere in the state are now or hereafter may be required to do" where the same occurs in section thirty-five (35) of said act, and strike out the word "councillors" wherever the same occurs in the act and insert the word "alderman" in place thereof.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 28, 1887.

CHAPTER 39.

(S. F. No. 410.)

AN ACT TO AMEND SECTION TWO (2) OF CHAPTER TWO (2) OF CHAPTER FORTY-SIX (46) AND SECTION ELEVEN (11) OF CHAPTER THREE (3) OF CHAPTER FORTY-SIX (46), AND FIRST SUBDIVISION OF SECTION THREE (3) OF CHAPTER FOUR (4) OF CHAPTER FORTY-SIX (46) OF THE SPECIAL LAWS OF MINNESOTA FOR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE (1883), APPROVED MARCH SIX (6), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-THREE (1883), THE SAME BEING AN ACT TO AMEND AN ACT ENTITLED, "AN ACT TO INCORPORATE THE VILLAGE OF CANBY, IN THE COUNTY OF YELLOW MEDICINE," APPROVED JANUARY TWENTY-SEVENTH (27TH), A. D. ONE THOUSAND EIGHT HUNDRED AND SEVENTY-NINE (1879.)

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

SECTION 1. That section two (2) of chapter two (2) of chapter forty-six (46) of special laws of A. D. one thousand eight hundred and eighty-three (1883), be and the same is hereby amended so as to read as follows: The elective officers of said village shall be, one (1)

president, one (1) recorder, three (3) trustees, one (1) treasurer, one (1) assessor and two (2) justices of the peace, and each shall, except the justices of the peace, hold their respective offices for the term of one (1) year and until their successors are elected and qualified. The justices of the peace shall be styled village justices and shall hold their offices for the term of two (2) years and until their successors are elected and qualified. *Provided*, that the persons now holding the office of president, trustees, recorder, treasurer and justice of the peace in said village, shall hold their respective offices for the full term for which they were elected and until their successors are elected and qualified. *Provided further*, that the common council of said village may appoint a justice of the peace under the provisions of this act, who shall hold his office until the next annual election in said village and until his successor is elected and qualified.

SEC. 2. That section eleven (11) of chapter three (3), of said chapter forty-six (46), of special laws of one thousand eight hundred and eighty-three (1883), be and the same is hereby amended so as to read as follows: The justices of the peace of the village, shall be styled village justices, shall possess all the power, authority and rights of justices of the peace of the county under the laws of the state, and shall have in addition thereto, exclusive jurisdiction to hear and try all complaints for 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 all cases 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 all cases committed against the same; and the village justices shall have jurisdiction in cases of larceny and may hear, and try the same, where the amount claimed, to have been stolen does not exceed the sum of twenty-five (25) dollars, and in all prosecutions, as above, and for all other offenses not indictable, there may be an appeal from the village justice, in the same manner and on the same condition as are prescribed by the general laws of this state relating to appeals from justice court in criminal cases, and in any case, action or proceeding had before either of said justices of the peace a change of venue may be had from one justice to the other in the same manner and on the same conditions as are prescribed by the general laws of this state relating to change of venue in justice courts; all warrants, process or writs issued by the village justices shall run in the name of the village of Canby, and be directed to the village marshal, sheriff or any constable of said county, and may be substantially in the following form, to-wit:

STATE OF MINNESOTA,

COUNTY OF YELLOW MEDICINE.

} ss. VILLAGE OF CANBY.

The village of Canby to the village marshal, sheriff or any constable of said county: WHEREAS, has this day complained in writing to me on oath that did, on the day of

..... A. D. 18...., at the village of Canby, and within the corporate limits thereof, in said county, did (here insert the complaint whatever it may be) contrary to the provisions of an (ordinance, by-law or rule as the case may be) of the village of Canby, entitled (here insert the title of ordinance or number of the section of the by-law or rule, as the case may be) and prays that the said might be arrested and dealt with according to law. Now, therefore, you are commanded forthwith to apprehend the said, and bring him before me to be dealt with according to law.

Given under my hand this day of, A. D. 18....

Justice of the Peace

In all civil suits or proceedings before said village justices, the same form and proceeding shall be had and used where not otherwise directed, as are established and required to be had in criminal and civil actions, by the laws of this state, before a justice of the peace; and appeals from the judgment and decisions of said village justice, shall be allowed in all suits as now provided by law for appeals from the judgments rendered by justices of the peace. In all cases of conviction of assault, batteries or affrays within said village, and in all cases of conviction under any ordinance of the village for breach of the peace, disorderly conduct, keeping houses of ill fame or frequenting the same, and of keeping or maintaining disorderly or ill-governed houses, the said justices shall have power, in addition to the fine or penalty imposed, to compel said offenders to give security for their good behavior, and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred (500) dollars. The said justices shall have the same power and authority in cases of contempt as a justice of the peace under laws now in force. All fines and penalties imposed by the village justices for offenses committed within the village limits, for the violation of any ordinance, by-law, or regulation of said village, shall belong to and be a part of the finances of said village.

SEC. 3. That the first (1st) sub-division of section three (3) of chapter four (4) of said chapter forty-six (46) of special laws of one thousand eight hundred and eighty-three (1883), be and the same is hereby amended so as to read as follows:

First--To license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, billiard tables, pigeon-hole tables, nine or ten pin alleys, bowling saloons; to grant license to and regulate auctions and auctioneers, peddlars, tavern and hotel keepers, butcher shops and victualling-house keepers, merchants and dealers in manufactured articles, druggists and apothecaries. The village council shall have the exclusive right to license and regulate the vending of, dealing in, or disposing of spirituous, vinous, malt or fermented liquors within the corporate limits of said village, upon the applicant complying with the following conditions, and be subject to all the penalties as provided in the general statutes of the state of

Minnesota. And, *Provided further*; That no license shall be granted for less than the sum of five hundred dollars (\$500), nor for a greater sum than one thousand dollars (\$1,000) per year or any part thereof, at the discretion of the village council. Any person applying for license to sell spirituous, vinous, malt or fermented liquors, within the corporate limits of said village shall, before the same is issued and granted pay to the village treasurer of said village, a sum not less than five hundred dollars (\$500) nor greater than one thousand dollars (\$1,000), at the discretion of the village council, and shall file with the village recorder the receipt of the village treasurer therefor, and shall also file with the village recorder a bond in the same penal sum and containing the same conditions and requirements provided for in the general laws of the state of Minnesota relating to the same matter, except that the same shall run to, and in case of default be payable to said village council for the use and benefit of said corporate village. *Provided further*, That all licenses of whatsoever nature, granted by the village council shall expire within ten (10) days after the next general election in said village.

SEC. 4. All acts and part of acts inconsistent with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 2nd, 1887.

CHAPTER 40.

(S. F. No. 588.)

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF St. PETER, AND REPEAL THE PRESENT ACTS OF INCORPORATION OF THE BOROUGH OF St. PETER," APPROVED FEBRUARY TWENTY-EIGHT (28), A. D. ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE (1873).

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

SECTION 1. That Section two (2) of chapter three (3) of the special laws of one thousand eight hundred and seventy-three (1873), entitled "an act to incorporate the city of St. Peter and repeal the present acts of incorporation of the borough of St. Peter," be and the same is hereby amended by adding at the end of said section the following:

The mayor shall by the virtue of his office be the president of the common council, and when present shall preside over their meetings, and in case of a tie vote upon any matter that may come before the council, except the passage of ordinances, he shall decide the same by his vote, but in no case shall he be entitled to vote upon the passage of any ordinance, nor shall he be entitled to vote upon any matter before the common council, except in case of a tie vote.