

## CHAPTER 23.

[H. F. No. 651.]

AN ACT TO AMEND CHAPTER TWENTY-FIVE (25) OF THE SPECIAL LAWS FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN (1887), THE SAME BEING AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF CHATFIELD."

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

SECTION 1. That section five (5) of chapter twenty-five (25) of the special laws for the year one thousand eight hundred and eighty-seven (1887), be amended so as to read as follows:

"Section 5. The inhabitants of said city having and possessing the qualifications of electors as provided by the general laws of the state of Minnesota, shall elect one (1) mayor, three (3) aldermen, one (1) recorder corder, and one (1) treasurer, who shall hold their respective offices for one (1) year and until their successors are elected and qualified, one (1) justice of the peace for the city, who shall be styled city justice, and one (1) constable who shall hold their respective offices for two (2) years, and until their successors are elected and qualified. All officers of said city shall be qualified electors thereof, and before entering upon the discharge of their respective duties, shall each take an oath or affirmation to support the constitution and laws of the state of Minnesota and the constitution of the United States, and to faithfully discharge the duties of his office according to law. The treasurer shall give such bonds as the common council may require, to be approved by the mayor. He shall keep a true account of all moneys received by him by virtue of his office, and the time and manner in which and for what purpose the same were disbursed, in a book provided for that purpose, and shall exhibit such account at the annual meeting of said city council, or at any other time when called for by a resolution of the common council for examination and adjustment, and shall at the end of his term of office deliver all books and papers belonging to his office, and all moneys in his hands as such treasurer, to his successor in office; he shall not pay out any moneys in hands as such treasurer, except upon the written order of the mayor, attested by the recorder and the seal of said city. The treasurer shall from time to time draw from the county treasurer of Fillmore and Olmsted counties such moneys as may belong to said city, for the use of said city, and on receipt of such moneys, shall give proper vouchers therefor.

SEC. 2. That section 10 of said chapter, be amended so as to read as follows: Section ten (10). The justice of the peace, and the city justice provided for in this act, shall have the same powers and duties, and may take and receive the same fees for like or similar services as justices of the peace under the general laws of this state, and they shall each have concurrent jurisdiction with the justices of the peace of the counties of Fillmore and Olmsted, and such jurisdiction shall extend to and embrace all matters, either civil or crimi-

nal, cognizable before a justice of the peace of either of said counties, and in addition thereto, they shall have exclusive jurisdiction of all complaints for the violation of any by-law, rule, ordinance or regulation of said city. Except as otherwise provided in this chapter, the same forms and proceedings shall be had and used in said justices court as are or may be established and required to be had and used in civil and criminal actions and proceedings by the laws of this state before justices of the peace. Any action or proceeding brought for the recovery of a fine, penalty or forfeiture, in consequence of a breach or violation of any ordinance, by-law, rule or regulation of said city, may be transferred from one (1) of said justices court to the other at any time before the trial commences in the same manner, upon the same grounds and with the same effect as provided by the general laws of this state for the transfer of actions or proceedings from one justice of the peace to another, but no such action or proceeding shall be transferred more than once, nor to any justice of the peace other than those provided for in this act. Any other action or proceeding, civil or criminal before either of said justices, except as otherwise provided in this chapter, may be transferred to a justice of the peace of the same or an adjoining election district, at any time before the trial commences, in the same manner, upon the same grounds and with the same effect, as provided by the general laws of this state for the transfer of actions or proceedings from one justice of the peace to another, *provided*, that when the action or proceeding so transferred or to be transferred, is an action or proceeding cognizable before a justice of the peace of the county of Fillmore, it shall not be transferred to a justice of the peace of the county of Olmsted, and when the action or proceeding so transferred or to be transferred, is cognizable before a justice of the peace of the county of Olmsted, it shall not be transferred to a justice of the peace of the county of Fillmore. Any person convicted of a violation of any ordinance, by-law, rule or regulation of said city, may appeal from the judgment of conviction to the district court for the county of Fillmore, upon questions of law alone, in all cases, and upon question of law and fact or of fact alone, in all cases where the judgment or fine imposed, exclusive of costs, exceeds the sum of twenty-five dollars (\$25). In all other cases, civil or criminal, appeals may be taken to the district court the same as from the judgments of other justices of the peace, *provided*, that where the judgment appealed from is rendered in an action which is cognizable before a justice of the peace of the county of Fillmore, such appeal shall be taken to the district court for the county of Fillmore, and where the judgment appealed from is rendered in an action which is cognizable before a justice of the peace of the county of Olmsted, such appeal shall be taken to the district court for the county of Olmsted. Appeals may be taken in the same manner, upon the same conditions, except as herein otherwise provided, and with the same effect and the proceedings shall be the same in the appellate court, as in the case of appeals from the judgments of justices of the peace under the general laws of this state.

SEC. 3. That section eleven (11) of said chapter be amended so as to read as follows: Section 11. All prosecutions for a breach or

violation of any ordinance, by-law, rule or regulation of said city shall be commenced and prosecuted in the name and on behalf of the city of Chatfield, and all fines and penalties collected for the breach or violation of any such ordinance, by-law, rule or regulation, shall belong to the general revenue fund of said city, and shall be forthwith paid by the officer collecting the same to the treasurer of said city, who shall give his receipt therefor.

The said justice of the peace and the justice of the peace for said city shall each report quarterly to the city recorder, for the information of the council, all prosecutions instituted before him for the breach or violation of any ordinance, by-law, rule or regulation of said city not previously reported, and at the time of such report they shall pay over all moneys in their hands belonging to said city, to the treasurer of said city, who shall receipt therefor.

SEC. 4. That subdivision four (4) of section twelve (12) of said chapter be amended so as to read as follows: Fourth, to limit and define the duties and powers of the officers and agents of said city, fix their compensation and fill vacancies when no other provision is made by law, to call special elections, and to designate judges of election to act in place of those who may be disqualified.

SEC. 5. That subdivision seventeen (17) of section twelve (12) of said chapter be amended so as to read as follows: To appoint a city marshal who shall be chief of police of said city, to remove him at will, to prescribe his duties and to fix his compensation. The marshal, all police officers appointed under this chapter, and the city constable, shall each have and possess the power and authority and be subject to the liabilities of constables under the general laws of this state, and, in addition thereto, they shall have the power and authority to execute and serve anywhere in either of the counties of Fillmore and Olmsted, all writs and processes issued by any justice of the peace or city justice of either of said counties; and for the performance of the duties of a constable, each of such officers shall be entitled to charge and receive the fees allowed by law to constables. If required by the common council of said city, the city marshal shall give a bond in such sum, with such sureties, and upon such conditions as the council may prescribe.

SEC. 6. That subdivision nineteen (19) of said section twelve (12) of said chapter, be amended so as to read as follows: Nineteenth—To appoint a street commissioner, regular and special policemen, fix their compensation, appropriate money to pay the same and to prescribe their duties.

SEC. 7. That subdivision twenty-five (25) of said section twelve (12) be amended by striking out the words "poll tax" at the end of the third line of said subdivision, and by striking out the word "and" at the beginning of the fourth line of said subdivision.

SEC. 8. That section thirty-three (33) of said chapter be amended so as to read as follows: Section 33. All streets, alleys and ways within the laid out or platted portion of said city, shall be under the exclusive control and management of the common council of said city, and shall be maintained and kept in repair by said city. The common council may, in its discretion, appropriate any money in the city treasury not otherwise appropriated, for the purpose of con-

structing or repairing, or assisting in the construction or repair of any highway in said city or leading thereto.

SEC. 9. That section thirty-four (34) of said chapter be amended by adding thereto the following: The city recorder shall on or before the first day of September of each year in which any taxes are levied under and by virtue of this section, certify to the respective auditors of said counties a list of persons subject to such taxation within their respective counties, and the respective auditors of said counties shall ascertain from the proper assessment rolls the aggregate equalized amount of real and personal property subject to such taxation, and shall thereupon extend such taxes against the persons and property subject thereto, in the same manner and with the same effect as other taxes are extended, and such taxes shall be collected with and as a part of the state and county taxes for that year, and when collected the same shall be paid to the treasurer of said city, who shall give proper vouchers therefor.

SEC. 10. That section thirty-five (35) of said chapter be amended by inserting in the thirteenth (13th) line of said section after the words "city justice," the words "or justice of the peace of said city."

SEC. 11. That section thirty-eight (38) of said chapter be amended so as to read as follows: Section 38. No action shall be brought or maintained against the city of Chatfield for or on account of any injuries received in consequence of any defect in the construction, condition or repair of any bridges within the limits of said city. No action shall be commenced or maintained against said city for or on account of any injuries received by reason of any defect in the condition or repair of any street, sidewalk, way or alley within said city, unless such action shall be commenced within one (1) year from the time of such injury is received, nor unless within thirty (30) days from the time of such injury, the person injured or some one in his or her behalf shall notify the common council or the city recorder thereof in writing, stating the time when and the place where such injury was received and the nature thereof, but such notice shall not be required when the person injured shall die in consequence thereof, within such thirty (30) days. Nor shall any such action be maintained for any injuries received in consequence of any defect in any street of said city until the same shall have been graded nor for the total absence of a sidewalk.

SEC. 12. That section forty-two (42) and forty-four (44) of said chapter be and they are hereby repealed.

SEC. 13. That section forty-seven (47) of said chapter be amended by adding to the sixth line of said section after the words "city justice" the word "or justices of the peace of said city".

SEC. 14. That section fifty-one (51) of said chapter be amended striking out of the ninth line of said section the words "expenditures of road and poll tax, including".

SEC. 15. That section fifty-eight (58) of said chapter be amended by adding to said section the following: For all purposes except those pertaining exclusively to the municipal government of said city of Chatfield as provided in this chapter, all that part of said city of Chatfield lying and being within the county of Fillmore, shall be and constitute a part of the town of Chatfield, and all that part of said

city of Chatfield lying and being in the county of Olmsted, shall be and constitute a part of the town of Elmira, to all intents and purposes.

SEC. 16. That said chapter be further amended by adding thereto the following section: Section 64. The common council of said city of Chatfield may in their discretion from time to time appropriate any money in the treasury of said city, not raised by taxation, for the support of the public school in said city.

SEC. 17. That section thirteen (13) be amended by substituting in the third (3d) line the word "nine" in place of the word "seven" and the figure "(9)" in place of the figure "(7)," and by substituting in the fifth (5th) line the words "seventy-two" in the place of the words "one hundred and twenty," and the figures "(72)" in place of the figures "(120)."

SEC. 18. That section fourteen (14) be amended by substituting the word "three" in place of the word "five" in the sixth line, and the word "three," and figure "(3)" in place of the word "five" and figure "(5)" in the eighth (8th) line of said section.

SEC. 19. That section eighteen (18) be amended by substituting the word "three" for the word "five," and the figure "(3)" for the figure five "(5)" in the sixth (6th) line of said section.

SEC. 20. This act shall take effect and be in force from and after its passage.

Approved March 9, 1889.

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## CHAPTER 24.

[H. F. No. 675.]

AN ACT TO AMEND CHAPTER FOUR (4) OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR 1879, THE SAME BEING AN ACT ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF YOUNG AMERICA, IN THE COUNTY OF CARVER, UNDER THE PROVISIONS OF CHAPTER ONE HUNDRED AND THIRTY-NINE (139) OF THE GENERAL LAWS OF THE STATE OF MINNESOTA, FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FIVE (1875), AND TO CONFER CERTAIN POWERS UPON THE COUNCIL AND ELECTORS OF SAID VILLAGE," APPROVED MARCH FOURTH (4TH), 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 four (4), of the special laws of the state of Minnesota for the year one thousand eight hundred and seventy-nine (1879), the same being an act entitled "An