

CHAPTER X.

Feb'y 19, 1870.

An Act to amend an act entitled, "An Act to incorporate the Village of Austin," as amended by the Special Laws of one thousand eight hundred and sixty-nine, and to repeal certain sections therein.

- SECTION 1. Amendment to Section Two (2) of Chapter One (1) of the act incorporating the village of Austin, Special Laws of 1868. Boundary lines of said village.
2. Amendment to Section Three (8) of Chapter One (1) of said act. Elective officers—term of office—qualifications for office.
3. Amendment to Section Six (6) of Chapter Two (2) of said act. Council to appoint officers for said village—when.
4. Amendment to Section Seven (7) of Chapter Two (2) of said act. When annual election to be held—notice to be given of the time and place of holding election—how elections to be conducted.
5. Amendment to Section Nine (9) of Chapter Two (2) of said act. Vacancies, how filled.
6. Amendment to Section Ten (10) of Chapter Two (2) of said act. What officers entitled to compensation—in what sums.
7. Amendment to Section Two (2) of Chapter Three (3) of said act. When new election may be held—in case of the vote, how decided.
8. Amendment to Section Nineteen (19) of Chapter Three (3) of said act. Jurisdiction of Justices of the Peace.
9. Amendment to Chapter Three (3) by an additional Section. 23. Duties of Constables of said Village.
10. Expiration of term of office of persons elected or appointed for the year 1869.
11. Repeal of former Sections.
12. When act to take effect.

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

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

Boundary lines. Sec. 2. The following described territory in the county of Mower, in this state, shall constitute the village 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. 2. That section three, of chapter one, of said act, as amended by section one, of chapter seven, of the special laws of one thousand eight hundred and sixty-nine, be amended so as to read as follows :

SEC. 3. The elective officers of said village of Austin, shall be a mayor, three aldermen, two justices of the peace, a recorder, assessor, treasurer and two constables. The mayor, aldermen, recorder, assessor and treasurer, shall hold their respective offices for the term of one year, and until their successors in office are elected and qualified. The justices of the peace and constables shall hold their respective offices two years, and until their successors are elected and qualified. The term of all officers of said village shall commence on the third Monday of April, and no person shall be elected or appointed to any office in said village who is not a voter therein.

Elective officers
—term of office
—qualifications
for office.

SEC. 3. That section six, of chapter two, of said act, as amended by section three, of chapter seven, of the special laws of one thousand eight hundred and sixty-nine, be amended so as to read as follows :

SEC. 6. The village council shall, at its first regular meeting after the annual election in each year, appoint a village marshal, attorney and one overseer for each road district in said village, whose term of office shall be one year, unless removed by the village council; said officers may be removed at any time by the village council, and the vacancy, in case of removal of any such officer, may be filled by appointment of the village council.

What officers to
be appointed—
when.

SEC. 4. That section seven, of chapter two, of said act, as amended by section four, of chapter seven, of the special laws of one thousand eight hundred and sixty-nine, be amended so as to read as follows :

SEC. 7. There shall be an annual election held on the first Tuesday of April of each year, at which election the voters of said village may elect by ballot, and by a plurality of votes, the officers to be elected in said village. The recorder shall give ten days' notice of the time and place of holding said election by posting a notice thereof in three public places in said village, or by causing such notice to be published in one or more of the newspapers published in said village. The election shall be held and

Annual election
when held—no-
tice to be given—
how conducted.

conducted in the same manner as town elections, and the laws of this state, applicable to elections generally, shall apply to elections in said village. The aldermen shall be judges of election, and may appoint clerks of election.

SEC. 5. That section nine, of chapter two, of said act, as amended by section five, of chapter seven, of the special laws of one thousand eight hundred and sixty-nine, be amended so as to read as follows :

Sec. 9. When a vacancy shall occur in any office in said village, such vacancy shall be filled by appointment of the village council ; if the office of mayor shall become vacant, the aldermen shall fill the vacancy by appointment. The person appointed to fill a vacancy shall hold his office and perform the duties thereof, during the unexpired term, with the same rights and subject to the same liabilities as the person whose office he may have been appointed to fill.

SEC. 6. That section ten, of chapter two, of said act, be amended so as to read as follows :

Sec. 10. The mayor and 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, assessor and treasurer 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.

SEC. 7. That section two, of chapter three, of said act, be amended so as to read as follows :

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.

SEC. 8. That section nineteen, of chapter three, of said act, as amended by section six, of chapter seven, of

Vacancies, how filled.

What officers entitled to compensation—amount.

When council may order new election—in case of tie vote, how decided.

the special laws of one thousand eight hundred and sixty-nine, be amended so as to read as follows :

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 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 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 judgment 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 justices 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-law, 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
justices of the
peace.

SEC. 9. That chapter three, of said act, be amended by adding thereto the following section :

Sec. 23. 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, the marshal or constables 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

Duties of const-
ble.

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 twelve hours, in some proper place for such person in said village. When any person arrested as aforesaid, shall be brought before such justice, he shall immediately proceed in a summary manner to try such person on complaint preferred by the officer making the arrest.

When term of office for 1899 to expire.

SEC. 10. That the term of office of the officers of said village elected or appointed in the year one thousand eight hundred and sixty-nine, shall expire on the third Monday of April, one thousand eight hundred and seventy.

Repeal of former section.

SEC. 11. That section four, of chapter one, of said act, and section two, of chapter seven, of the special laws of one thousand eight hundred and sixty-nine, be and the same are hereby repealed.

When act to take effect.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved February 19, 1870.

CHAPTER XI.

March 1, 1870.

An Act to amend Chapter four, of the Special Laws of one thousand eight hundred and sixty-nine, entitled An Act to incorporate the Village of High Forest, in Olmsted county, Minnesota.

- SECTION 1. Corporate powers of the Village of High Forest—to constitute an election district—elections how conducted.
2. Boundary lines.
 3. What officers to be elected at annual elections—term of office.
 4. Every person elected or appointed to office to take oath conditioned for the faithful performance of duties—what officers to give bonds.