

have been named as first choice for such office upon the largest number of said ballots, shall be held and declared to be elected to fill the remaining vacancies in said board of trustees, and if any vacancies still exist, then and in that case the person or persons whose name or names have been designated on the greatest number of ballots so cast, both as first choice and otherwise, shall be deemed and declared to be elected; and if two or more persons are so named on an equal number of such ballots, the one named upon the largest number thereof as first choice shall be deemed and declared to be elected, but no more than three trustees shall be elected at any such election. The name of no person shall appear twice on the same ballot for the same office, and ballots contrary to the provisions of this clause shall not be counted, but shall be destroyed by the inspectors or judges of election. All laws and parts of laws relating to elections and inconsistent with the provisions of this act, so far as the same may apply to the election hereinbefore provided for, of village officers in said village of Fergus Falls, on the first Tuesday of April in each year, shall be and the same are hereby repealed; but in so far as the laws of the state relating to town and general elections are not inconsistent with the provisions of this act, the same shall apply to the election hereinbefore provided for. The trustees shall give ten days' notice of the time and place of holding such election, by posting up written notices thereof in three public places in said village, or by causing such notice to be published in one or more newspapers printed and published in said village. The oath of a voter at said election shall be the same as at town meetings, and false swearing shall be perjury.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1873.

CHAPTER XXI.

AN ACT TO AMEND SECTION TWO OF CHAPTER ONE, SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY, ENTITLED "AN ACT TO INCORPORATE THE CITY OF DULUTH."

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

SECTION 1. That section two of chapter one of the special laws

of eighteen hundred and seventy, be amended by adding thereto the following: And also lot number one, and the west half and the north-east quarter of the southwest [quarter] of section thirteen, in township fifty north, of range fourteen west.

SEC. 2. That section twenty-one and section twenty-four of chapter three of an act entitled an act to incorporate the city of Duluth and the act or acts amendatory thereof, approved March fifth, one thousand eight hundred and seventy, be and the same are hereby amended so as to read as follows:

Sec. 21. The mayor or acting mayor, sheriff of St. Louis county or his deputy, the coroner of said county, each alderman, all justices of the peace, police officers and watchmen shall be officers of the peace, and may command 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 need be, of all citizens and military companies, and if any person, bystander, military officer or private shall refuse to aid in maintaining the peace and to render assistance when so required by any of said officers, every such person shall be subject to arrest and upon conviction thereof shall be fined in a sum not exceeding fifty dollars, and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section shall direct the proceedings.

Sec. 24. The city justice for the city shall possess all the authority, powers, and rights of a justice of the peace of the county of St. Louis under the laws of this state, and shall have in addition thereto sole exclusive jurisdiction to hear all complaints and conduct all examinations and trial in criminal cases within the city, cognizable before a justice of the peace; but warrants returnable before said justice may be issued in criminal cases by any other justice in the city, but no fee shall be received therefor by said justice. The said justice shall have the exclusive jurisdiction in all cases cognizable before a justice of the peace 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 of the said city of Duluth or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offenses committed against the same. All prosecutions for larceny, cognizable before a justice of the peace, 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 commenced in the name of the city of Duluth, and the same proceedings shall be had in all 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 prosecution for a breach or violation of an ordinance, by law or regulation of said city or its charter, or for an assault, battery, or breach of the peace, or affray not indictable, or larceny cognizable before a justice of the peace, committed within the city limits, no appeal shall be allowed where the judgment or fine imposed, exclusive of costs, is less than twenty-five dollars. In all cases of conviction for assaults, batteries and affrays within said city, and in all cases of conviction under any ordinance of said city for breach of the peace, disorderly conduct, keeping houses of ill-fame, or of frequenting the same, and of keeping or 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 their 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 public peace, the district courts or supreme court of this state. In case of the absence, sickness or inability of such justice, or for any sufficient reason, the mayor by warrant may authorize any other justice of the peace within said city to perform the duties of said city justice, and it shall thereupon be the duty of the mayor to inform the city attorney and chief of police of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment or appoint some other justice of the peace; and the justice of the peace so appointed shall, for the time being, possess all the authority, powers and rights of said city justice. All fines and penalties imposed by the city justice for offenses committed within the city limits or for violation of any ordinance, by-law or regulation of said city shall belong to and be a part of the finances of said city.

SEC. 3. All acts and parts of acts inconsistent with the foregoing are hereby repealed.

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

Approved March 10, 1873.