

CHAPTER XXVIII.

AN ACT TO AMEND CHAPTER THIRTY OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT, BEING AN ACT TO AMEND THE CHARTER OF THE VILLAGE OF DODGE CENTER.

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

SECTION 1. That so much of section two of chapter five of chapter thirty of the special laws of one thousand eight hundred and seventy-eight, being an act to amend the charter of the village of Dodge Center, as makes it necessary that lot owners adjoining a side-walk shall petition for repairs of the same, be and the same is hereby repealed; and the village council is hereby empowered to order and procure the repairing of side-walks in said village, whenever the same shall be necessary.

SEC. 2. That section two of chapter two of said charter be amended by striking out in the fourth line of said section two the words and figures "and one constable, who shall be ex officio marshal."

SEC. 3. That section three of said chapter be amended by adding after the words "fire warden" in the third line of said section the word "marshal."

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

Approved March 6, 1879.

CHAPTER XXIX.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND THE CHARTER OF THE CITY OF WINONA," AS AMENDED BY CHAPTER FIFTY, OF THE SPECIAL LAWS OF THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN.

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

SECTION 1. That section three of chapter two, of the act entitled "an act to amend the charter of the city of Winona," passed and approved March first, one thousand eight hundred and sixty-seven,

as amended by section one of chapter fifty of the special laws of one thousand eight hundred and seventy-seven be, and the same is hereby, amended so as to read as follows:

Section 3. The officers to be chosen by the people shall be a mayor, a treasurer, one assessor, two aldermen for each ward, and two justices of the peace; and the city council shall at their first regular meeting after the general city election in each year, appoint a recorder, marshal, surveyor, attorney and street commissioner and all other officers, necessary for the proper management of the affairs of said city as provided by this act, or as the city council may from time to time direct.

SEC. 2. That section four of said chapter two, of said act, as amended by section two of chapter fifty of the special laws of the year one thousand eight hundred and seventy-seven be, and the same is hereby, amended so as to read as follows:

Section 4. All officers of the city, elected or appointed, shall hold their respective offices for the term of one year, or until their successors are elected or appointed, except the aldermen and justices of the peace, who shall severally hold their respective offices for two years: *Provided*, That the city council shall have power to expel any of their members, and remove from office any officer of the city by a vote of two-thirds of all the members of the city council. But no officer elected by the people shall be so expelled or removed, except for due cause, nor unless furnished with the charges, in writing, and heard in his defense; and the city council shall have the power to compel the attendance of witnesses, and the production of papers necessary for trial, and shall proceed within ten days to hear and determine the case, and if such officer neglect to appear and answer such charges, the city council may declare the office vacant. Any officer may be suspended until the disposition of charges when preferred.

SEC. 3. That section five of said chapter two of said act, as amended by section three of chapter fifty, of the special laws of the year one thousand eight hundred and seventy-seven be, and the same is hereby amended so as to read as follows:

Section 5. On the first Monday of April, A. D. one thousand eight hundred and seventy-seven, and annually thereafter there shall be elected in said city a mayor, treasurer, assessor, and one alderman for each ward, and on the first Monday of April, A. D. one thousand eight hundred and seventy-eight, and bi-annually thereafter there shall be elected in said city, two justices of the peace:

SEC. 4. That section eight of chapter three of said act be, and the same is hereby, amended so as to read as follows:

Section 8. The justices of the peace shall possess all and singular the powers, rights and authority of justices of the peace under the general laws of this State; and, in addition thereto, shall have exclusive jurisdiction of all actions and complaints arising under the laws, ordinances, by-laws, and police regulations of said city.

SEC. 5. That subdivision forty-third of section two of chapter four of said act be, and the same is hereby, amended so as to read as follows:

Forty-third—To enforce all ordinances, by-laws, and police and other regulations, by punishment of fine and imprisonment in the city or county jail, or by both fine and imprisonment, in the discretion of the magistrate or court before whom convictions may be had: *Provided*, such fine shall not exceed one hundred dollars, or such imprisonment the term of three months.

The justices of the peace shall have jurisdiction of all prosecutions for the violation of all or any ordinance, by-law, police or other regulation passed by the city council under this act.

And it shall be the duty of any justice of the peace residing in said city, and he is hereby authorized and empowered, on complaint being made to him on oath or affirmation of the violation of any law or ordinance of said city, or of the neglect or violation of any duty imposed thereby, to issue his warrant, directed to the city marshal, or to the sheriff of Winona county, or to any police officer of said city, to arrest the offender or offenders, and bring them forthwith before him; and the trial of such offenders shall be conducted in the same manner and in accordance with the general laws of this state, in regard to the trial of criminal cases before justices of the peace, so far as applicable thereto.

And, upon plea of guilty, or upon conviction of such offender, such justice shall impose such fine or imprisonment, or both, as may be prescribed by such by-law or ordinance. And the said justice shall have power to enforce such judgment in the same manner as he might enforce his judgment in criminal cases under the general laws of this state.

SEC. 6. That section five of chapter eight of said act be, and the same is hereby, amended so as to read as follows:

Section 5. Appeals shall be allowed from the judgment of any justice of the peace, in all cases arising under the provisions of this act, or any ordinances, by-laws, rules, or regulations passed in pursuance thereof, to the district court of Winona county, whenever an appeal would be allowed in a similar case, under the general laws of this state.

And every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from, and granted by justices of the peace to the district court under the general laws of this state.

Provided, however, That no appeal shall be allowed in any prosecution for the violation of any ordinance, by-law, or regulation of said city when the fine, penalty, or punishment imposed by such judgment does not exceed the sum of fifty dollars, or sixty days imprisonment.

SEC. 7. That section fourteen of chapter eight of said act be, and the same is hereby, amended so as to read as follows:

Section 14. This act is hereby declared a public act, and may be read in evidence in all courts of law without proof; and the justices of the peace of said city, and the district court of Winona county, shall take judicial cognizance of all by-laws, ordinances and regulations made pursuant to this act.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 14, 1879.