

CHAPTER XXXVIII.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF MONTGOMERY IN THE COUNTY OF LE SUEUR AND STATE OF MINNESOTA.

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

SECTION 1. That section two of chapter six of the special laws of one thousand eight hundred and seventy-eight be amended so as to read as follows;

Sec. 2. The male inhabitants of said village having the qualification of electors of members of the legislature of the state of Minnesota, as hereinafter provided, may elect a president, three trustees, a recorder and a treasurer, who shall hold their respective offices for one year, or until their successors are elected and qualified; also two justices of the peace and two constables, who shall hold their respective offices for two years or until their successors are elected and qualified, and before entering upon the duties of their respective offices, the president, three trustees, recorder, treasurer, two justices of the peace and two constables 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, also an oath of office. The treasurer, before entering upon the duties of his office, and within ten days after elected, shall give such bonds as the village council may require. The treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided for that purpose, and exhibit such account together with his vouchers to the village council at its annual meeting for adjustment, and shall deliver all books and property belonging to his office and the balance of all moneys in his hands as such treasurer to his successor in office on demand, after such successor has qualified according to law.

SEC. 2. That section fourteen of said chapter six be amended so as to read as follows:

Sec. 14. The village council shall have the exclusive right to license persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors within the limits of said village, and persons so licensed shall not be required to obtain a license from the county commissioners, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, malt or fermented liquors, if having first obtained license therefor, agreeable to the provisions of chapter sixteen of the general statutes; *provided*, that no license shall be granted for less than twenty-five

dollars or more than two hundred dollars, and that previous to the granting of any such license a bond shall be executed with the same conditions and the same penal sum as required by the general act; and the council shall have full power to restrain any person from vending liquors unless duly licensed by the village council of said village.

SEC. 3. That section fifteen of said chapter be amended so as read as follows:

Sec. 15. The justices of the peace and constables of said village shall have and may exercise in addition to their power and authority herein specially granted to such officers, all the power and authority in any case possessed by a justice of the peace or constable elected by the said township of Montgomery; the village justices and constables shall take the same oath of office and execute, before entering upon the discharge of their duties as such officers, the same bond, and file the bonds, after the president of said village shall approve of the sureties thereon, with the same parties as justices of the peace and constables elected by said township of Montgomery are now or may hereafter be required to do; and shall receive the same fees for their services as justices of the peace and constables elected by the said township of Montgomery are allowed under the statutes of this state; and the constables, or either of them, may at any time call to his or their assistance any number of citizens sufficient to aid him or them in the suppression of a riot or any public disturbance, or to aid him or them in making arrests.

SEC. 4. That section sixteen of said chapter six, be amended so as to read as follows:

Section 16. Should a vacancy occur in any of the offices provided for in this act, except justices of the peace, the village council are hereby authorized to fill the same by appointment. Justices of the peace, if a vacancy occurs in their office, such vacancy shall be filled by calling a special election and electing some person to fill the vacancy. The village council have also the power, when they shall deem it necessary, in order to maintain good order in said village, to appoint any number of special constables, who shall hold their office as long as the village council shall deem it necessary.

SEC. 5. That section twenty-four of said chapter six be, and the same is hereby, amended so as to read as follows:

Sec. 24. The village justices shall report quarterly to the village council all the proceedings instituted before them, in which the village is interested, and shall at the same time account for and pay over to the village treasurer all fines and penalties collected by them belonging to said village; and said justices shall be entitled to receive from the county of Le Sueur such fees in criminal cases occurring without the village, as are allowed to other justices for similar services, as allowed by law.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 3d, 1879.