

Whenever there shall be a tie in an election, there shall be a new election ordered in such a manner as shall be prescribed by ordinance; and whenever any vacancy or vacancies shall have been created in any of the elected offices of the village, either by the death, resignation or expulsion of any incumbents thereof, or from any cause whatsoever, said vacancy or vacancies shall be filled by vote of a majority of the village council in session at a regular or special meeting of the same, and the officers so appointed shall hold their respective offices until their successor is elected at the following annual election, shall enter upon the terms for which they may be elected.

SEC. 2. That chapter one (1) of said act be and the same is hereby amended, by adding to the same a new section which shall be styled section nine (9), and shall read as follows:

Section nine (9). In the absence of the village justice of the peace, or during a disability of said justice to perform the duties of said office, any qualified justice of the peace in the town of Marine, in said county, shall have the same jurisdiction as the village justice of the peace over all cases of violation of the village ordinance.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved November 17, 1881.

CHAPTER 44.

AN ACT AMENDING PARTS OF THE CHARTER OF THE TOWN OF TAYLORS FALLS, CHISAGO COUNTY, AND ACTS AMENDATORY THERETO.

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

SECTION 1. That section nine (9) of chapter two (2) of the charter of the town of Taylors Falls, Chisago county, be and the same is hereby amended so as to read as follows:

Section 9. Whenever there shall be a tie in an election there shall be a new election ordered in such a manner as shall be provided by ordinance, and whenever a vacancy shall occur by death, resignation or otherwise, the town council shall have power to fill said vacancy by appointment until the next regular election.

SEC. 2. That section ten (10) of said chapter two (2) be and the same is hereby amended so as to read as follows:

Section 10. The town council shall hold meetings at the town hall, or at such other places as may be designated by the president and at such times as may be deemed necessary.

SEC. 3. That section eleven (11) of said chapter two (2) be and the same is hereby amended so as to read as follows:

Section 11. The town council shall have power to assess, levy and collect taxes on all property, real, personal and mixed within the limits of the town for the general purposes of the corporation

created by this act; *Provided*, That the tax levied for said purposes shall not in any one year exceed twenty (20) mills on the dollar of the assessed value of the property of said town of the last preceding year, unless authorized by a previous vote of the electors of said town. They shall also have power to assess, levy and collect a tax for school purposes not exceeding ten (10) mills on the dollar of the assessed value of the property, real, personal and mixed, in the independent school district of Taylors Falls, upon the recommendation of the board of education of the town of Taylors Falls.

SEC. 4. That subdivision Fifth of section thirteen (13) of said chapter two (2) be and the same is hereby amended so as to read as follows:

Fifth—To direct the location and management of slaughter houses and markets, breweries, distilleries, stock yards and pawn-brokers, and to establish rates for and license vendors of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials; to erect market-houses, establish [markets] and market places, and provide for the government and regulation thereof, and direct the location of slaughter-houses; to improve, erect and preserve the landings, public wharves and docks on the St. Croix river within the limits of the town, and regulate the rates of wharfage thereat.

SEC. 5. That subdivision Sixth of section thirteen (13) of said chapter two (2) be and the same is hereby amended so as to read as follows:

Sixth—To open, alter, abolish, widen, extend, establish, repair or otherwise improve and keep in repair, streets, avenues, sidewalks and alleys, subject to the assessment of damages, as hereinafter provided, and prescribe the width of sidewalks, and establish the grade of the same, and may establish different widths in different locations, and may determine the kind of material of which they shall be constructed and the manner of construction, and shall have power to establish the grade of any street in said town and regulate the grading of the same.

SEC. 6. That subdivision Ninth of section thirteen (13) of said chapter two (2) be and the same is hereby amended so as to read as follows:

Ninth—To regulate the movement and speed of railroad locomotives and cars, and to prevent and punish horse-racing, immoderate riding or driving in the streets; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets, and to regulate places of bathing and swimming within the limits of said town.

SEC. 7. That subdivision Thirty-seven of section thirteen (13) of said chapter two (2) be and the same is hereby amended so as to read as follows:

Thirty-seventh. Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said town may extend to a fine not exceeding one hundred (\$100) dollars, and imprisonment in the town prison or county jail not exceeding ninety (90) days or both, and to be fed on bread and water at the discretion of the town justice; and

offenders against the same be required to give security for their good behavior, and to keep the peace not exceeding six (6) months and in a sum not exceeding five hundred (\$500) dollars.

SEC. 8. That part of chapter three (3) of said charter relating to the duties of the justice of the peace and marshal, be and the same is hereby amended so as to read as follows: "Of the justice of the peace."

The justice of the peace provided for and elected under the provisions of this act, shall have and possess all the powers and jurisdiction of justices of the peace provided and elected under the general laws of the State, and in addition thereto, shall have exclusive cognizance and jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of said corporation, or under this act, or for the breach or violation of any such by-law, ordinance or regulation; and in all cases of assault and batteries and affrays not indictable, and for a breach or violation of any by-law, ordinance or regulation, shall be commenced in the name of the State of Minnesota on behalf of the town of Taylor Falls, and the same proceeding shall be had in all civil and criminal suits, or prosecutions before said justice, when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the general laws of the State before justices of the peace, except that no change of venue shall be taken. All fines, forfeitures and penalties imposed by or recovered before said justice in any suit, prosecution or proceeding, had and commenced in the name of said town, shall be promptly paid by said justice to the treasurer of said town, for the use thereof, taking duplicate receipts of the treasurer for the same. The justice of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary in any action civil or criminal before said justice, to plead or refer to the same in any manner whatever in any pleading or complaint; but said by-laws, ordinances and regulations shall in said justice court be held and deemed to be public law. The justice of the peace shall, at least once in three (3) months, make to the town council a full report of any moneys received by him for fines, forfeitures and penalties, and shall file with said report receipts for the same from the treasurer of said town.

In case of prosecutions for a breach or violation of an ordinance, by-law or regulation of said corporation, or of this act, or for an assault, battery or affray, not indictable, committed within the limits of said corporation, no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, is less than ten (\$10) dollars. All such proceedings shall be in the name of the State of Minnesota on behalf of the town of Taylor Falls, and in all prosecutions for any violation of this act, or any by-law, ordinance or regulation or rule, the first (1st) process shall be a warrant; *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the State of Minnesota, or ordinance of the town of Taylors Falls, but the person or persons so arrested may be pro-

ceeded against, tried, convicted and punished, or discharged, in the same manner as if the arrest had been by warrant.

The fees of the justice of the peace shall be the same as allowed and fixed by the general laws of the State for justices of the peace. All warrants, writs and processes of every nature issued by such justice, shall be directed to the sheriff or any constable of the county of Chisago, and may be executed or served by the marshal elected under the provisions of this act, or by the sheriff or any constable of said county, and for such purpose said marshal, sheriff and constable shall have and possess the power and authority which by the general laws of the State they have and possess in the execution or service of warrants, writs and other processes issued by justices of the peace elected under such general laws.

OF THE MARSHAL.

The marshal elected under the provisions of this act, shall be the ministerial officer of the council, and shall have and possess all the powers belonging to constables elected under the general laws of the state, and his compensation shall be fixed by ordinance of the common council, and said marshal shall within the county in which he resides, also have and exercise all the powers, and perform all the duties of, and when acting as such, receive the same compensation as sheriffs elected under the general laws of the state. He shall also be chief of the police force of said town, but as such shall be subordinate to the president. And before entering upon his duties he shall give a bond with two sureties, to be approved by the town council of said town, in the sum of five hundred (\$500) dollars, conditioned for the faithful performance of his duties.

SEC. 9. That section one (1) of chapter four (4) of said charter be and the same is hereby amended so as to read as follows:

OF ELECTIONS.

SECTION 1. There shall be an annual election held on the first Monday of December of each year, at which the electors of said town qualified to vote at township elections, may elect, by ballot and plurality of votes, a president, three trustees, treasurer, justice of the peace every alternate year, marshal, recorder, assessor and attorney of said town. The trustees of said town shall act as judges of election, and the recorder as one of the clerks, but in case of the absence of either of the trustees any qualified voter of said town may be selected by the voters present to act as judge. At all town elections under this act the polls shall open at ten (10) o'clock in the forenoon and continue open until four (4) o'clock in the afternoon of said day; and the election shall be by ballot, and shall be conducted and governed in the same manner, as far as may be, as township elections. The town recorder shall give notice of such election, similar to that required by law for township elections; *Provided*, that any failure to give the notice aforesaid shall not in any manner invalidate any election. Special elections may be called at any time by the trustees, on the petition of ten (10) free-

holders of said town, by giving the notice above required, stating the object of the election. They shall canvass the votes and issue certificates of election to those receiving the highest number of votes.

SEC. 10. That section five (5) of chapter (5) of said charter be and the same is hereby amended so as to read as follows:

Section 5. Whenever the town council shall deem it necessary, or a petition to said town council from one (1) or more of the owners of property to be assessed for any improvement, as mentioned in section two (2) of this chapter, asking for said improvement, and the town council considers said petition favorable, said town council shall order said improvement to be made by the owners of real estate or occupants of such real estate in front or adjacent to where said improvements are so ordered. The publication for one week in the official paper of the town, or posting for ten days of said order, shall be sufficient notice to the owners or occupants of said property to be so assessed for said improvement.

SEC. 11. Section six (6) of chapter five (5) of said charter is hereby repealed.

SEC. 12. That section twenty-two (22) of chapter five (5) of said charter be and the same is hereby amended so as to read as follows:

Section 22. All owners of real estate or occupants of such real estate in front of or adjacent to where any of said improvements mentioned in section two (2) of this chapter are ordered to be made, by the town council, shall make or cause to be made said improvements, at their own costs and charges, in the manner prescribed by said town council, and within such time as the town council may direct by publication in the official paper of the town, or posting. If the work be not done in the manner and time so prescribed by the town council the council may forthwith proceed and cause said improvement to be made and pay for the same out of the town funds, and assess and levy such expense upon and against each lot and parcel of land upon which such improvement shall front or is adjacent thereto; which assessments may be collected in the same manner as other special assessments are collected under the provisions of this act, and covered into the town treasury. *Provided*, That the repairing of any street, lane, alley, highway, public grounds, bridges, sewers, wharves, docks, levees, or sidewalks, may be done by the town council under the direction of the town council, and be paid out of the town funds known as the street improvement funds.

SEC. 13. Sections twenty-three (23), twenty-five (25) and twenty-seven (27) of chapter five (5) of said charter, are hereby repealed.

SEC. 14. That section twenty-eight (28) of chapter five (5) of said charter be and the same is hereby amended so as to read as follows:

Section 25. Whenever any public improvement shall be ordered by the town council by virtue of this act, the same may be done by contract to the lowest responsible bidder therefor; and the town council shall require of the bidder a bond with two sureties for the faithful performance of the contract, whenever the town council shall so order. The town recorder shall advertise for proposals for

doing said work; a plan and profile of the work to be done, accompanied with specifications for the doing of the same, shall be placed on file in the office of the town recorder, and open at all times for public inspection. Said advertisement shall be continued for at least two weeks in the official paper of the town or posted for the space of fifteen (15) days, and shall state the work to be done.

The bids for the doing of such work shall be sealed bids, and directed to the town council of the town of Taylors Falls, and shall be accompanied by a bond to the town in the sum of five hundred (500) dollars signed by the bidder and two responsible sureties, conditioned that he shall execute the work for the price mentioned in his bid, and according to the plans and specifications, in case the contract shall be awarded to him, and in case of default on his part to execute the contract and perform the work, said bond may be sued and judgment recovered thereon by the town, for the full amount thereof, in any court having jurisdiction of the amount. Said bids shall be opened by the common council at their next regular meeting. And the town council may reject any or all bids, and provide there for doing such work without contract, by direct employment of labor and purchase of materials.

SEC. 15. That section one (1) of chapter six (6) of said charter be and the same is amended so as to read as follows:

Section 1. All property, real and personal, within the limits of said town, except such as may be exempt by the laws of the state or by ordinance of the town, shall be subject to taxation for the support of the town government and the payment of its debts and liabilities including the repairing of sewers, sidewalks, streets, highways, wharves and docks, and the same shall be assessed in the manner provided for the assessment of taxes for town purposes under the general laws of the state for town purposes, within the limits herein prescribed.

SEC. 16. That the word "ninety" (90) be and the same is hereby substituted for the word "sixty" (60), found in the twenty-third (23rd) line of section three (3) of chapter six (6) of said charter.

SEC. 17. Section seven (7) of chapter six (6) of said charter is hereby repealed.

SEC. 18. All acts or parts of acts of said charter of the town of Taylors Falls, inconsistent with any of the foregoing acts are herewith repealed.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved October 29, 1881.