

February 26,
1872.

CHAPTER XXIII.

An Act to Amend the Charter of the Borough of Henderson, in the County of Sibley.

- SECTION 1. Amendment to the act to incorporate the borough of Henderson, by striking out the word "constable" and inserting "marshal."
2. Amendment to section 9 relating to borough justice.
 3. Amendment to section 10 relating to the duties of marshal.
 4. Amendment to section 18, relating to the powers of the council.
 5. Amendment to section 20, relating to expense of laying out streets, &c.
 6. Amendment to section 25, relating to actions to recover penalties, &c.
 7. Repeal of acts inconsistent with this act.

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

SECTION 1. An act to incorporate the borough of Henderson, in the county of Sibley, as amended and approved January the twenty-third (23), one thousand eight hundred and sixty-six (1866), and March the eighth (8), one thousand eight hundred and sixty-seven (1867), and March the sixth (6), one thousand eight hundred and sixty-eight (1868), is hereby amended as follows:

Striking out
the word
constable and
inserting the
word marshal.

That the word "constable," where the same appears in the above act be stricken out and the word "marshal" inserted in lieu thereof.

SEC. 2. That section nine of the same act, is hereby amended so as to read as follows:

Borough
justice.

Sec. 9. The borough justices shall have all the authority, rights and powers of justices of the peace under the general laws of this state, and both civil and criminal jurisdiction, and in addition thereto shall have sole and exclusive jurisdiction to hear all complaints, examinations and trials, civil and criminal, arising within the limits of the borough of Henderson cognizable before a justice of the peace in which the said borough of Henderson shall be a party, and of all suits, actions, prosecutions and proceedings for the recovery of any fine, forfeiture or penalty under any by-laws, ordinances or regulations of said borough, and in case of absence, sickness, or inability of said justice, the council, on recommendation of

the mayor, may authorize any other justice of the peace in the county of Sibley, to perform the duties of such borough justice.

SEC. 3. That section ten (10) of said act is hereby amended so as to read as follows:

Sec. 10. The marshal of said borough shall have the powers and authority at law and under the statutes as constables. He shall by virtue of his office be the keeper of the public pound, and by ordinance may be required to perform the duties incident thereto. He shall be a conservator of the peace, and for all services shall receive such fees as may be established by ordinance. He shall also perform such duties as may be required of him by ordinance of said council. And he may appoint one or more deputies, but he shall be responsible for all acts performed by them whilst in the discharge of the duties as such deputies.

Duties of marshal.

SEC. 4. To amend section eighteen of that act by adding the following:

1. The said council, by ordinance, may punish by fine or imprisonment, or both, any violation of the public peace, keepers of unlicensed saloons, gamblers, persons without occupation having no visible means of support, and all disorderly or intoxicated persons found in any street, alley, stores, saloons or other public places.

Powers of the council.

2. The borough council shall have exclusive jurisdiction over highways in said borough; and in laying out, widening, or altering any street, alley, highways or public ground in said borough, the council shall appoint by resolution three disinterested persons who shall act as commissioners, and in all things be governed by the laws of this state, respecting the laying out, altering and discontinuance of highways, as prescribed by the laws of this state, respecting the same and reserving to the aggrieved party his right of appeal first to the council; second, to the district court of said county; *provided*, no property shall be taken without payment or tender of payment of the damages assessed by said commissioners to the owners of any property so taken for the laying out, or altering such street, alley or highways.

Council to have control over highways, &c.

3. The sale of all intoxicating, vinous, spirituous, malt or fermented liquors within the limits of said borough, is hereby declared to be under the exclusive control of the council of said borough, and all fines imposed for a violation of any ordinances regulating such traffic shall be paid into the treasury of the borough for the use thereof.

Sale of liquors under control of council.

SEC. 5. That section twenty of that act is hereby amended so as to read as follows:

Expense of
laying out
streets, &c.

Sec. 20. The costs and expenses of opening, altering, grading, or laying out of any highway, street alley, or public grounds, and the repairing of the same, and also the building and repairing of bridges, levees, and the regulation of brooks and creeks running through the borough, [shall be paid out of the general fund of the borough.] But all costs and expenses of building and repairing sidewalks, if such building or repairing have been ordered by the council shall be paid by the owners of lots fronting said sidewalks.

Sec. 6. That section twenty-five of that act be amended so as to read as follows:

Actions to re-
cover penalties

Sec. 25. All actions brought to recover any penalty or forfeiture under this act, or the ordinance of this borough, shall be brought in the corporate name thereof. All prosecutions shall be commenced by warrant upon verified complaint, as required by law. *Provided*, that no warrant shall be necessary in any case of the arrest of any person or persons in the act of violating any law of the state of Minnesota, or ordinance of the borough, but in such case a complaint shall be made which the justice shall reduce to writing, and the party so arrested shall be required to plead thereto, as to a warrant in other cases, and such party shall be proceeded against as in other cases; all process shall be directed to the marshal of the borough, but may be served by any officer authorized by law to serve process in the county. In case of the nonpayment of any fine imposed by said justice, for the violation of any laws of the state, or any ordinances of the borough, the justice or appellate court may commit the defendant to the common jail of Sibley county, for the term not exceeding three months; and if there be no county jail, then the general laws of this state shall apply in such cases, and the defendant shall be dealt with according to them, in the matter of imprisonment. The expenses thereof shall be defrayed by the borough. Appeals shall be allowed in all cases of conviction under the ordinances of said borough, saving when the fine shall not exceed ten dollars and costs.

Repeal of in-
consistent acts

SEC. 7. All acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect and be in forec from and after its passage.

Approved February 26, 1872.