

red and sixty-eight, shade trees on the margin of the public streets in said borough, of such kind and at such places as the council shall deem fit. *Provided*, That not less than twenty-five or more than fifty dollars shall be expended in each of said years for such purpose, and to cause a tax to be levied on the property in said borough, to defray such expenditure.

Repeal of inconsistent acts.

SEC. 30. All acts and parts of acts inconsistent with this act, are hereby repealed.

When act to take effect.

SEC. 31. This act is hereby declared to be a public act and shall take effect and be in force from and after its passage.

Approved March 5, 1868.

CHAPTER XXXVII.

An Act to reduce the special laws relating to the town of Faribault, in the county of Rice, and State of Minnesota, heretofore passed, into one act and to amend the same.

March 5, 1868.

SECTION 1. Powers of the Board of Supervisors of the Town of Faribault.

2. To have full power to impose fines, penalties, &c., punishment for non-payment of penalties.
3. Boundary lines of the Town of Faribault.
4. Board of Supervisors to enact all ordinances, rules and by-laws—when to be deemed in force.
5. How actions may be brought for violation of ordinances, &c.—when appeal may be taken.
6. Disposition of fines collected.
7. Punishment for non-payment of fines imposed.
8. Qualifications of judge, justice or jurors.
9. When Town Marshal and Wood Inspector may be appointed—term of office—vacancies how filled.
10. Town Marshal to give bond conditioned for faithful performance of duties—duties of.

11. Marshal may appoint a deputy.
12. Compensation of Marshal.
13. By whom fees of Marshal fixed.
14. Authorized to levy a tax--for what purpose--duty of Town Clerk.
15. Duties of Township Assessor.
16. Wood Inspector to give bond conditioned for faithful performance of duties
—duties of—fees.
17. Expenses of building and repairing sidewalks, how paid.
18. Expenses of establishing the grade of streets and grading the same, how
paid.
19. Supervisors to repair and keep in order the roads and bridges therein.
20. Repeal of inconsistent acts.
21. When act to take effect.

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

SECTION 1. The supervisors of the town of Faribault, in the county of Rice, shall have full power and authority to enact, publish, alter, modify, amend and repeal, all such ordinances, rules and by-laws, as they shall deem expedient for the purposes following, to wit:—

First—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, hog yard or hog pen, stable, barn, privy, sewer, hide yard and slaughter house, market or other unwholesome or nauseous house, or place, to cleanse, remove or abate the same, from time to time, as may be deemed necessary for the health, comfort and convenience of the inhabitants of said town.

Powers of Supervisors of the Town of Faribault.

Second—To direct the location or management of slaughter houses and markets, in said town, and to regulate the sale, storage, conveying and keeping of gunpowder or other combustible materials.

Third—To prevent the incumbrance of streets, sidewalks, lanes, or alleys, with carriages, carts, wagons, boxes, barrels, sleighs, firewood, lumber or any other material or substance whatever.

Fourth—To restrain the running at large of cattle, swine, sheep, horses, mules and poultry, and to authorize the impounding, distraining and sale of the same.

Fifth—To prohibit the running at large of dogs, and to authorize the destruction of the same.

Sixth—To prevent any person from bringing, depositing or having within the district hereinafter described, any putrid carcass or other unwholesome substance, and to require the removal of the same, by any person who

shall have the same upon his premises, or by the person who shall have put the same thereon, or from any street, lane, public square or alley, and on default, to authorize the removal thereof at the expense of such person so required to remove the same.

Seventh—To make and establish public pounds, and regulations touching the same.

Eighth—To regulate the burial of the dead, and to make such rules and regulations as they shall deem proper to prevent the introduction or spread of contagious diseases.

Ninth—To prevent all persons from doing any damage to the sidewalks.

Tenth—To prevent open or notorious drunkenness and brawling, and obscenity in the streets or public places, and to provide for the arrest and punishment of all persons who may be guilty of the same.

Eleventh—To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, ovens, boiler stacks and apparatus used in or about any building, and to cause the same to be placed in a safe and secure condition when considered dangerous, to prevent the deposit of ashes in unsafe places, and the throwing of ashes in the streets and highways, to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires, to regulate and prevent the use of fire works and fire arms, and finally to establish such regulations for the prevention and extinguishment of fires as they may deem expedient.

Twelfth—To provide for the construction and maintenance of suitable sidewalks and street crossings upon any of the streets and alleys within the district hereinafter mentioned, upon a petition of a majority of the owners of lots upon such street or alley and opposite and adjoining to which any such sidewalk is to be built, said sidewalks to be constructed and maintained by or at the expense of the owners of the lots or parts of lots respectively opposite and adjoining which any sidewalk may be ordered.

Thirteenth—To cause to be established under the direction of a surveyor, the grade of Main street, or any part thereof, from First street to Ninth street, and to cause the same to be graded, and to cause to be established the grade and to cause to be graded any of the other streets and alleys within the district hereinafter mentioned, upon the petition of three fourths of the owners of the lots upon

any such street, and cause accurate profile of such grade to be made by such surveyor, and certified by him, one of which shall be filed with the register of deeds of the county of Rice, to be recorded as town plats are recorded. *Provided*, That in grading all streets crossing Straight river, no lots upon any street shall be assessed for any grading of said street upon the opposite side of said river to that on which said lots are situated.

Fourteenth—To prevent and punish riots, noise and disturbance of meetings and assemblies, and generally to promote good order and the public peace.

Fifteenth—To prevent and punish horse racing and immoderate riding or driving in the streets, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the street.

Sixteenth—To grant licenses to suitable persons, to act as public auctioneers and require the payment of a reasonable license fee of each of such auctioneers, and to prohibit all persons from acting as auctioneers, or selling goods, wares, and merchandise or other property by public outcry, without first obtaining such license. The said license to be in lieu of the county license provided by law, and the proceeds of the same to be paid into the treasury of said town, but this subdivision shall not apply to the sheriff or other officers in the performance of official duties.

Seventeenth—To regulate the time manner and place of holding auctions.

SEC. 2. Said board of supervisors shall have full power and authority to declare and impose fines, penalties and punishments, and to enforce the punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-laws enacted by them, and all such ordinances, rules and by-laws are hereby declared to have the force of law. *Provided*, That they be not repugnant to the constitution and laws of the United States, or of this state, fines, penalties and punishments may extend to a fine exceeding one hundred dollars, or imprisonment not exceeding thirty days, in the county jail, or both, with power to order the offender to be fed on bread and water during the whole or part of said term of imprisonment, at the discretion of the justice. And offenders may be required to give security for their good behavior, and to keep the peace

May impose
fines—punish-
ment for non-
payment of
penalties.

for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

SEC. 3. The powers herein granted shall be exercised by said board of supervisors only in reference to the district described as follows: The south west quarter of the south west quarter of section number twenty nine (29), and the south half of the south east quarter and the north west quarter of the south east quarter, and all of the north east quarter of the south east quarter lying west of Straight River, and the south half of the south west quarter of the north east quarter, and all the half of the south east quarter of the north east quarter lying west of Straight River, and the south east quarter of the south west quarter, excepting blocks number twelve (12) and thirteen (13), and the north half of blocks number ten (10) and eleven (11), in Paquins second addition to said town of Faribault, and all of the north east quarter of the south east quarter lying west of the west line of Cherry street, of section number thirty (30), and all of section number thirty-one (31), and the west half of the north-west quarter, and the north half of the north-west quarter of the south-west quarter of section number thirty-two (32), all in township number one hundred and ten (110) north, of range number twenty (20) west, according to the United States survey and all situated in the county of Rice, and state of Minnesota.

Boundary lines
of the Town of
Faribault.

SEC. 4. All ordinances, rules, and by-laws shall be enacted by an affirmative vote of a majority of said board of supervisors, and shall be signed by the chairman and published once in a newspaper published in said town, or posted conspicuously in three public places in said town, for ten (10) days before the same shall be in force, and shall be recorded by the clerk of said town in a book to be provided for that purpose. But before any of such ordinances, rules and by-laws shall be recorded the posting of the same, or the publication thereof as aforesaid shall be proved by the affidavit of the foreman or publisher of such newspaper, or the certificate of said clerk (whose duty it shall be to post the same) of said posting, and the affidavit or certificate shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time, manner, and place of such publication and posting.

Ordinances, &c.,
how passed—
when deemed to
be in force.

SEC. 5. All prosecutions for any violation of any of the ordinances, rules or by-laws, enacted under the pro-

visions of this act, shall be commenced by warrant upon complaint being made as required by law in criminal cases before justices of the peace, and the same proceedings shall be had therein as required to be had by the laws of the state in criminal actions before justices of the peace; except that the offender when in the act of violating any of said ordinances, rules or by-laws, may be arrested without warrant or complaint previously made, and may be required to plead to the charge against him as stated in the complaint which shall forthwith be reduced to writing and sworn to as in other criminal cases; *Provided*, That no appeal shall be allowed when the fine or penalty imposed is less than twenty dollars. The justice of the peace of the said town of Faribault shall have and possess exclusive original jurisdiction in all cases arising under the provisions of this act.

How actions can be brought—when appeal can be taken.

SEC. 6. All fines and penalties imposed under or by virtue of the provisions of this act, shall belong to the said town of Faribault, and shall constitute a fund to pay the expenses incurred under the provisions of this act.

Disposition of fines collected.

SEC. 7. In all cases of the imposition of any fine or penalty, or the rendering of judgment by any justice, for the violation of any ordinance, rule or by-law enacted under the provisions of this act, the offender shall forthwith be committed to the common jail of Rice county, and be there imprisoned for the time not exceeding thirty (30) days, in the discretion of the justice unless the fine or penalty, or judgment with costs (if any are imposed,) be sooner paid or satisfied. And in all cases where the punishment of such offender shall be by imprisonment, shall be in the said common jail of Rice county, and from and after the arrest of any person or persons for any violation as aforesaid, until the time of the trial or hearing, the person or persons so arrested may be imprisoned in said jail, unless admitted to bail. The sheriff of Rice county, and jailors of said jail, and their, and each of their deputies, are required to receive such persons into custody, and confine them safely in said jail, until they may be discharged in due course of law. The town of Faribault shall be liable to pay for the support and keeping of such prisoners, the same charges and allowances as are allowed for the support and keeping of prisoners committed under the authority of the state. And said town shall be reimbursed out of the funds provided for paying the expenses incurred in carrying out the provisions of this act.

Punishment for non-payment of fines imposed.

Qualifications of
Judge, &c.

SEC. 8. No person shall be an incompetent judge, justice or juror, by reason of his being an inhabitant of said town of Faribault, in any proceeding or action arising under the provisions of this act.

When to appoint
officers—term of
office—vacancies
how filled.

SEC. 9. Said board of supervisors shall within thirty (30) days after the annual town meeting, appoint a town marshal, and a wood inspector and measurer, who shall hold their offices for the term of one year, and until their successors are appointed and qualified, unless sooner removed, as they may be by said board. All vacancies in said offices shall be filled by the board of supervisors.

Town Marshal
to give bonds—
duties of.

SEC. 10. Said town marshal shall give a bond with sufficient surety, to be approved by the board, conditional for the faithful discharge of his duties, in such sum as the board shall require, shall perform such duties as the board may prescribe under the provisions of this act. He shall have all the powers, and be subject to all the duties of constables by the laws of this state, and it shall be his duty to execute and serve all warrants, process, commitments, and all writs whatsoever issued by any justice of the peace, for any violation of the ordinances, rules or by-laws enacted under the provisions of this act, and the same shall not be executed or served by any other person except said marshal or his deputy, and shall be directed to him or his deputy.

May appoint a
deputy.

SEC. 11. Said marshal shall have the power to appoint a deputy, who shall possess the same powers and receive like fees (salary excepted) as said marshal, and said marshal shall be responsible for the acts of his deputy.

Compensation
of Marshal.

SEC. 12. Said marshal shall be entitled to demand and receive like fees as constables, when performing the duties of a constable, and shall be entitled to demand and receive such fees as may be prescribed by the board of supervisors, for services which cannot be performed by a constable, and, in addition thereto, shall receive such salary as the said board may fix, not exceeding one hundred dollars.

By whom fees
of Marshal fixed.

SEC. 13. The board of supervisors shall fix the fees and salary of the marshal, and may change the same.

Authorized to
levy a tax—for
what purpose—
duty of Town
Clerk.

SEC. 14. The board of supervisors shall have the power, and it shall be their duty to vote a tax upon the taxable property of the district described in section three (3) of this act, sufficient to pay all expenses incurred in carrying out the provisions of this act. The town clerk shall, on or before the first day of September in each year, file with the

county auditor, a certified copy of the record of such vote, and thereupon such tax shall be levied and collected as other town taxes are levied and collected.

SEC. 15. The township assessor of the town of Fari-bault shall make a separate list of the persons and personal property of all persons residing within the district of country described in section three (3) of this act, in the same manner as he is now required to do by section twenty-nine (29), of chapter eleven (11), of the general statutes of Minnesota, in case of incorporated towns.

Duties of town-
ship Assessor.

SEC. 16. The wood inspector and measurer shall give bond with sufficient surety to be approved by said board, conditioned for the faithful discharge of his duties, in such sum as the board shall require. He shall, upon application of any party interested, inspect and measure any fire-wood brought into said town for sale, and give the owner or possessor a certificate, setting forth the quantity and quality thereof, and date of inspection, making reasonable allowance for crooked and uneven wood, and estimating a cord (to) contain one hundred and twenty-eight (128) cubic feet. He shall be entitled to the following fees: For every load or pile of wood ten (10) cents per cord, which shall be paid to the inspector on delivery of his certificate of the quantity of any load or pile of wood to the person having such wood measured, and the board of supervisors shall have power by ordinance to make such additional regulations respecting the measurement of wood and for enforcing the same as they shall deem expedient.

Duties of Wood
Inspector—fees.

SEC. 17. The board of supervisors shall have power to assess all lots for the expense of building and maintaining any sidewalks opposite to and adjoining said lots, and said assessment shall, until (paid,) remain and constitute a lien thereon, and they shall deliver said assessments to the town marshal, who shall collect the same, and in case the same shall remain unpaid for ten days after demand made upon the property, the same shall be sold at public auction to the highest bidder, for such assessment, by said marshal, after the same notice as is required by law for tax sales, and the money received at such sale shall be paid into the town treasury for the use of the town, after paying such assessment and the expenses of sale. Any person whose property is sold for any such assessment, may redeem the same within one year thereafter by paying the amount for which said property was sold, with interest thereon at the rate of two per cent. per month to the

Expenses of
building side-
walks, how paid

town treasurer, who shall execute to the person redeeming, a certificate of redemption. If the same shall not be redeemed as aforesaid, the marshal shall execute a deed thereof to the purchaser or his assigns. *Provided*, That no proceeding under this section shall be had until the ordinance requiring the building of any such sidewalk, shall have been published in a newspaper published in said county for three (3) successive weeks.

Expenses of surveying streets, &c., how paid.

SEC. 18. The said board of supervisors shall have power to assess the expense of establishing the grade of any street and of grading the same, and of constructing street crossings upon the lots upon said street in proportion to the value thereof as shown by the assessment roll of the assessor for that year, deducting therefrom such damages as in their opinion such lot shall have sustained by reason of said grading, the deficiency occasioned by such deduction shall be apportioned rateably upon the other lots on such street; such assessment when so made shall be returned to the county auditor, and extended in a separate column upon such property at the same time and in the same manner as other town taxes are returned and extended, and shall be collected in the same manner as other town taxes are collected.

To keep in repair roads and bridges.

SEC. 19. It shall be the duty of the supervisors of said town, within said district, to repair and keep in order the roads and bridges therein, and to that end they shall have and possess all the powers and be subject to all the duties conferred and imposed by the general laws of this state upon overseers of highways, and shall, in all things pertaining to the discharge of said duties and the exercise of said powers, be governed by said general laws.

Repeal of inconsistent acts.

SEC. 20. Chapter eleven (11) of the special laws of eighteen hundred and sixty-four (1864), entitled "an act relating to the town of Faribault," chapter fourteen (14), of the special laws of eighteen hundred and sixty-six (1866), entitled "an act to amend an act entitled an act relating to the town of Faribault," and chapter forty (40), of the special laws of eighteen hundred and sixty-seven (1867), entitled "an act to amend an act entitled an act relating to the town of Faribault," are hereby repealed, but all ordinances and regulations now in force, under the acts mentioned in this section, shall remain in force until modified or repealed by the said board of supervisors.

SEC. 21. This act shall take effect and be in force from ^{When act to take} and after its passage. ^{effect.}

Approved March 6, 1868.

CHAPTER XXXVIII.

An Act to amend the Charter of the Borough of Henderson. March 2, 1868.

- SECTION 1. Amendment to Section 4. Insert Street Commissioner after Justice.
2. Amendment to Section 5.
3. Amendment to Section 18.
4. Amendment to Section 18.
5. Amendment to Section 20. Expense of opening or grading streets, how paid.
6. Amendment to Section 21. Constituted one road district.
7. Amendment to Section 22. Duties of Street Commissioner—compensation, how fixed.
8. Amendment to Section 23.
9. Amendment to Section 24. Council authorized to issue orders—for what purpose.
10. When act to take effect.

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

SECTION 1. That section four of the act incorporating the borough of Henderson is amended by inserting the word ^{Amendment} “street commissioner” after the word “justice,” in the third line thereof.

SEC. 2. That section five is amended by striking out ^{Amendment.} the words “at least once in three months,” in the fifteenth line thereof and inserting the words “at the first Monday in each month.”

SEC. 3. That section thirteen is amended by striking ^{Amendment.} out the words “in March” in the second line thereof, and inserting the words “in April.”

SEC. 4. That section eighteen is amended by inserting