

statement of expenses shall have been performed by the said road commissioners, as provided in this act, shall, at their first regular or special session held thereafter, cause the orders of the county of Wright to be issued in payment of the expenses of said location and survey, as provided for in section six (6) of this act, and shall also issue the orders of said county in payment of the damages to the owners of lands sustaining damages, in such amounts as shall be assessed by said road commissioners.

SEC. 8. Any person aggrieved by such assessment of damages, or by reason of neglect and refusal to allow in the location of said road, may appeal from the action of said commissioners and county commissioners to the district court of said Wright county; said appeal shall be taken within ten (10) days after the session of said board of county commissioners, at which said plat and report are presented, by the serving on the county attorney of said Wright county, a notice of said appeal, and a copy of the appellant complaint therein; like pleadings and proceedings shall be had as in actions originally commenced in said district court.

SEC. 9. The said commissioners, in assessing damages to owners of lands through which said road may pass, shall omit to make any such assessment on the cause of lands lying adjacent to such parts of such road as has been used and worked upon by the public for the period of five years past.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved February 27, 1878.

CHAPTER 233.

AN ACT GRANTING SPECIAL POWERS TO THE SUPERVISORS OF THE TOWN OF HARTLAND, IN FREEBORN COUNTY, MINNESOTA.

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

SECTION 1. All that territory described as follows, to-wit: The south half of the southwest quarter of the northwest quarter of section sixteen (16), and the north half of the northwest quarter of the northwest quarter of section twenty-one (21), township one hundred and four (104), range twenty-two (22), lying and being in the town of Hartland in Freeborn county, Minnesota, and all additions thereto that may hereafter be laid out, platted and recorded as such, shall be known as the village of Hartland.

SEC. 2. The supervisors of the town of Hartland in the county of Freeborn, shall have full power and authority to enact, publish, enforce, alter, modify, amend and repeal all such ordinances as they shall deem expedient for the following purpose, to-wit:

First. To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, hog or cattle yard, stable, barn, privy, sewer, hide yard and slaughter house, market, or other unclean, unwholesome or nauseous place to cleanse, remove or abate the same.

Second. To direct the location and management of slaughter houses and markets, and to direct the manner of storing, transportation and taking care of gun powder and other combustible material.

Third. To prevent the incumbrance of streets, sidewalks lanes or alleys, and to remove such incumbrance, and to punish persons guilty of a violation of such ordinance.

Fourth. To restrain the running at large of domestic animals and fowls, and to authorize the empounding 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 leaving within said town, 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, alley or public place in said town, and in default thereof, to authorize the removal of the same at the expense of such person.

Seventh. To make and establish public pounds, and to regulate the same.

Eighth. To regulate the burial of the dead, and to prevent the spread of contagious diseases.

Ninth. To prevent persons doing damage to sidewalks, shade and ornamental trees or other public or private property.

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

Eleventh. To prevent the dangerous construction of chimneys, and to take all necessary measures to prevent the occurrence and spread of fire, and to establish such regulations as they may deem advisable for the prevention and extinguishment of fires.

Twelfth. To provide for the construction, maintenance, and repair of suitable sidewalks and crossings in said village of Hartland.

Thirteenth. To prevent and punish riots, noise, and disturbance of meetings and assemblies, and generally to preserve peace and good order in such town. *Provided,* That any of said ordinances may be made to apply to said village of Hartland and not to any other portion of said town, as may be considered for the interest of the public, and clearly expressed in such ordinance.

Fourteenth. To license, regulate, restrain or prohibit, the sale of alcoholic liquors in said town.

SEC. 3. All ordinances passed by said board of supervisors in pursuance of this act, shall be so passed by a majority vote, in a regular or special public meeting of said supervisors, signed by the chairman and attested by the clerk, and before such ordinances shall become law they shall be posted up for a period of ten days in three public places in said town of Hartland, and published once in a newspaper having general circulation in said town, and when so passed, posted and published, said ordinance together with proof of the posting and publication thereof, which shall be by affidavit of the person who posted them, and by the foreman or publisher of such newspaper, shall be recorded by the town clerk in a book to be provided for that purpose, and known as the book of ordinances. And such ordinances shall be received in evidence without further proof, in all courts of this State. The style of all ordinances shall be, "The supervisors of the town of Hartland do order." And the subject of each ordinance shall be plainly stated in its title.

SEC. 4. The board of supervisors shall have full power by ordinance to declare and impose fines, penalties and punishments, and to enforce the same against any person or persons who shall violate any of the provisions of any [law] enacted by them, and all such ordinances are hereby declared to have the force of law. The fines, penalties and punishments may extend to fines not exceeding one hundred dollars (\$100), and imprisonment in the county jail not exceeding thirty (30) days, or both. And offenders may be required to give security for good behavior, not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500).

SEC. 5. The supervisors of the town of Hartland, shall have full and exclusive authority—

First—To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons and alleys, groceries, victualing houses, the sale of spirituous, vinous, fermented, mixed, malt or intoxicating liquors; *Provided*, That no license to sell or deal in any such liquors shall be granted for a smaller sum than one hundred dollars (\$100) per year; nor for a longer period than one year, nor until the money therefor has actually been paid to the town treasurer. And all such licenses shall terminate with the expiration of the term of office of the board of supervisors that granted the same. And all moneys received for any such licenses, and all fines, penalties and forfeitures [recovered] for violation of any such ordinances, shall be paid into the town treasury to the credit of the general town fund, and may be appropriated by said supervisors to any public use in said town.

Second—To prohibit and restrain all gaming, gambling and playing of games, with all or any gambling devices or implements, and the use of all fraudulent devices and practices, and to punish by fine or imprisonment, or both, any person who shall violate the provision of any ordinance enacted in restraint of gambling.

Third—To authorize the organization and equipment of any hook, ladder or fire company.

Fourth—To appoint a town marshal, special police or extra constable, whose power within said town shall be coextensive with that of a constable under the laws of this State. It shall be his duty to serve all warrants and writs issued by a justice of the peace, for violation of any ordinance of said town, and the same shall be directed by him and shall be served by any other officer. He shall give a bond to said supervisors for the faithful discharge of his duties, and may appoint special deputies when necessary, for whose official acts he shall be responsible. Said officer shall have authority to execute any process arising under, or to enforce any ordinance of said town in any part of said county of Freeborn. *Said marshal shall receive like fees as constables for like services.*

SEC. 6. All prosecutions for any violation of any ordinance enacted under the provisions of this act, shall be brought [in] the name of the State of Minnesota, and commenced by warrant upon complaint, and shall be conducted according to the rules of law and practice of courts of this State in criminal cases. The justices of the peace of the town of Hartland shall have exclusive original jurisdiction of all cases arising under any ordinance of said town, and no appeal shall be allowed in any case where the judgment is limited to a fine of less than twenty-five dollars (\$25), and the imposition of a provision that the accused shall be committed to jail until such fine is paid, shall not be considered an additional penalty for the purpose of determining the right of appeal.

SEC. 7. No person shall be an incompetent judge, justice, witness or juror, in any prosecution or action arising under any of the ordinances of said town, by reason of being a resident of said town.

SEC. 8. In all cases of conviction for violation of any ordinance of said town, the person so convicted, in addition to the judgment and sentence of fine and imprisonment, may be adjudged to pay the cost of the action, and may be committed to the common jail of said county until all such fine and cost is paid, not exceeding thirty (30) days; and in all cases when the punishment of imprisonment shall be imposed, such imprisonment shall be in the common jail of Freeborn county. And from and after the arrest of any person or persons for the violation of any such ordinance, until the time of trial or hearing, the person or persons so arrested may be imprisoned in said jail unless admitted to bail. The sheriff of Freeborn county, and the jailor or jailors of such jail, and their and each of their deputies, are required to receive such persons, and all persons sentenced to imprisonment in said jail into custody and confine them safely in said jail until they shall be discharged in due course of law. The town of Hartland 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 authority of the State.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 8, 1878.