

under this act shall be to the county jail of Stevens county, under charge of the sheriff of said county; but when the common council of the village of Morris shall procure and designate any proper place as the village prison, then it shall be at the discretion of the village justices to commit offenders, as before specified in this section, or to the said village prison, in charge of the village marshal or his deputy.

SEC. 6. Section thirty-two of said act is amended so as to read as follows:

Section 32. The acts of the people of the said village of Morris in organizing a board of trade are hereby legalized, and the board of trade of said village is hereby declared to be legally organized, and incorporated, with full power to act under the general laws of the state relating thereto.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved February 26, 1879.

CHAPTER LI.

AN ACT IN RELATION TO THE INCORPORATION OF THE VILLAGE OF MORRISTOWN, IN COUNTY OF RICE.

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

SECTION 1. That chapter three of the special laws of one thousand eight hundred and seventy-seven, is hereby repealed, the same being an act incorporating the village of Morristown, in Rice county.

SEC. 2. The supervisors of the township of Morristown, in the county of Rice, shall have full power and authority to enact, publish, enforce, 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 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.

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

Third—To prevent the incumbrance of streets, sidewalks, lanes and 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, distaining 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 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, stovepipes, ovens, boilers, 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 prevent the carrying on of manufactories dangerous in causing and promoting fires; to regulate and prevent the use of fireworks and firearms, and generally 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 on both sides of Main street from Third street to First street in Adams and Allen's addition, and for suitable street crossings across said Main street within the same limits, said sidewalks to be constructed and maintained by or at the expense of the owners of 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 from Third street to First street in Adams and Allen's addition, and cause accurate profiles thereof to be made by such surveyor and certified by him, one of which shall be filed with the register of deeds, to be recorded as town plats are recorded.

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

Fifteenth—To do all acts and make all regulations which may be necessary or expedient for the preservation of health.

Sixteenth—To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Seventeenth—To regulate, prevent or license the sale of all intoxicating, vinous, spirituous, malt or fermented liquors within the limits of the district hereinafter described.

SEC. 3. Said board of supervisors shall have full power and authority to declare and impose fines, penalties, and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law 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—a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days, or both with power to order the offender to be fed on bread and water during the whole or a 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 for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

SEC. 4. The powers herein granted shall be exercised by said board of supervisors only in reference to the district described as follows, to-wit:

Sections twenty-two, twenty-three, twenty-six, and twenty-seven in township one hundred and nine north of range twenty-two west, according to United States survey, and all situate in the county of Rice and state of Minnesota.

SEC. 5. 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 days before the same shall be in force, and shall be recorded by the town clerk in a book to be provided for that purpose. But before any of said 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 is to post the same) of said posting, and the said 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.

SEC. 6. All prosecutions for the violation of any of the ordinances, rules or by-laws enacted under the provisions of this act, shall be brought in the name of the town of Morristown, and 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 when not otherwise herein directed, as are required to be had by the laws of this state in criminal actions before justices of the peace. The justices of the peace of the town of Morristown shall have and possess exclusive original jurisdiction of all cases arising under this act.

SEC. 7. All fines, licenses and penalties imposed under and by virtue of the provisions of this act, shall belong to the said town of Morrystown, and shall constitute a fund to pay the expenses incurred under the provisions of this act.

SEC. 8. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the town. In all prosecutions for any violations of this act, or of any ordinance of said town, the first process shall be by a warrant; *provided*, that no warrant shall be necessary in any case of the arrest or apprehension of any person or persons while in the act of violating any law of the state of Minnesota or any ordinance of said town; but the person or persons so arrested may be proceeded against, tried and convicted, and punished or discharged in the same manner as if the arrest had been by warrant.

SEC. 9. In all cases of the imposition of any fine or penalty, or the rendering of any judgment of 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 or to the lock-up in the town of Morrystown, as the justice shall direct, and there be imprisoned for a term not exceeding thirty 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 when the punishment of such offender shall be by imprisonment, such imprisonment shall be in the said common jail of Rice county, or the lock-up of the town of Morrystown as directed by the justice, and from and after the arrest of any person or persons for any violation as aforesaid, until the term of trial or hearing, the person or persons so arrested may be imprisoned in said jail or in said lock-up, 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 Morrystown 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 the said town shall be reimbursed out of the funds provided for paying the expenses incurred in carrying out the provisions of this act.

SEC. 10. No person shall be an incompetent judge, justice or juror by reason of his being an inhabitant of said town of Morrystown, in any proceeding or action in which said town shall be a party in interest.

SEC. 11. Said board of supervisors shall, within thirty days after the annual town meeting, appoint a town marshal, who shall hold his office for the term of one year and until his successor is appointed and qualified, unless sooner removed, as he may be by said board. All vacancies in said office of town marshal shall be filled by the board of supervisors.

SEC. 12. Said town marshal shall give a bond, with sufficient security to be approved by the board, conditioned 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.

SEC. 13. Said marshal shall have power to appoint a deputy, who shall possess the same powers and receive like fees as said marshal, and said marshal shall be responsible for the acts of his deputy.

SEC. 14. 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 all services which cannot be performed by a constable.

SEC. 15. The board of supervisors shall fix the fees of the marshal and may change the same.

SEC. 16. The board of supervisors shall have power, and it shall be their duty, to vote a tax upon the taxable property of the district described in section four 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. 17. The township assessor of town of Morristown shall make a separate list of the persons and personal property of all persons residing within the district of country described in section four of this act, in the same manner as he would be required to do if said district were incorporated by itself.

SEC. 18. All ordinances and by-laws of the village of Morristown are hereby declared to be valid so far as the same are consistent with this act.

SEC. 19. Any tax voted by the supervisors, as provided in section sixteen of this act, shall in no case exceed five mills per annum on each dollar of assessed property of the district, described in section four of this act; and the supervisors shall not contract or authorize any indebtedness in excess of an amount equal to the tax above named.

SEC. 20. The present officers of the village of Morristown shall hold their respective offices until the annual town election succeeding the passage of this act.

SEC. 21. This act shall take effect and be in force from and after its passage.

Approved February 21, 1879.