

chapter five of the session laws, passed at the extra session of 1862, in case of residents of any incorporated town.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved March 1, 1864.

## CHAPTER XII.

### *An Act relating to the Town of Lake City.*

**SECTION 1. Power of Board of Supervisors.**

2. May impose fines, penalties and punishments for violation of any ordinances, rules or by-laws.
3. Limits of said town.
4. Ordinances, rules and by-laws, how enacted.
5. All prosecutions to be brought in the name of said town.
6. Disposition of fines and penalties when collected.
7. In case fine or penalty not paid, the offender to be committed to the common jail.
8. No person shall be an incompetent judge, justice or juror, by reason of being an inhabitant of said town.
9. Board of Supervisors to appoint Town Marshal—vacancy how filled.
10. Town Marshal to give bonds for faithful performance of his duties.
11. Town Marshal may appoint a deputy.
12. Fees of Town Marshal.
13. Salary of Town Marshal, by whom fixed.
14. Further powers of Board of Supervisors.
15. Duty of Town Assessor.
16. When act to take effect.

*Beit enacted by the Legislature of the State of Minnesota :*

SECTION. 1. The supervisors of the town of Lake City, in the county of Wabashaw, 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 occupants of any

grocery, cellar, tallow chandler shop, soap factory, tannery, hog-yard or hog-pen, stable, barn, privy, sewer, hide-yard, 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 gun-powder and other combustible materials.

Third.—To prevent the incumbering 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.

Power of board of supervisors

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,

Power of board of supervisors

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 regulate and 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 Washington street, or so much thereof as they shall deem expedient, at the expense of the owners of the lots or parts of lots respectively, opposite and adjoining to such sidewalk or crossing.

Thirteenth.—To cause to be established, under the direction of a competent surveyor, the grade of Washington street 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; and shall make and enforce all necessary rules and regulations in reference to filling in any street, or in excavating the same.

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.

To impose fines, etc., for violation of ordinances

SEC. 2. 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 in the county jail, 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 im-

prisonment, 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. 3. The powers herein granted shall be exercised by said board of supervisors only in reference to the district described as follows:

*Limits of said town*

The southwest quarter of the southwest quarter and lots number one, two, three and four of section number four, and the east half and northwest quarter of the southeast quarter of section number five; the east half of the northwest quarter, and the south half of the northeast quarter, and lots one and two of section number five; and the east half of the northwest quarter and northwest quarter of the northwest quarter, and lots one and two of section nine, all in township number one hundred and eleven north, of range number twelve west, according to the United States survey.

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 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 the 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 shall be 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.

*Ordinance, rules and by-laws, how enacted*

SEC. 5. All prosecutions for any 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 Lake City, 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 other-

*Prosecutions to be brought in name of said town*

wise herein directed, as are required to be had by the laws of this State in criminal actions before justices of the peace; *Provided*, That no appeal shall be allowed in cases where the fine or penalty imposed is less than twenty dollars. The justices of the peace of the town of Lake City, shall have and possess exclusive and original jurisdiction of all cases arising under the provisions of this act.

Disposition of fines  
when collected

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

When offender to  
be committed to  
jail

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 Wabashaw county, and be there imprisoned for a term not exceeding thirty days, in the discretion of the justice, unless the fine, 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, such imprisonment shall be in the said common jail of Wabashaw 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 Wabashaw 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 Lake City shall be liable to pay for the support and keeping of said prisoners the same charges and allowance 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.

Qualifications of  
judge, justice, etc.

SEC. 8. No person shall be an incompetent judge, justice or juror by reason of his being an inhabitant of

said town of Lake City, in any proceeding or action in which said town shall be a party in interest.

SEC. 9. 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.

Who to appoint town marshal—vacancy how filled

SEC. 10. Said town marshal shall give a bond with sufficient surety, to be approved by the board, conditioned for the faithful discharge of his duties, in such sum as the board may 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.

Town marshal to give bond

SEC. 11. Said marshal shall have 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.

Marshal may appoint a deputy

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 all 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.

Fees of town marshal

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

Salary of town marshal, by whom fixed

SEC. 14. 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 three

Further powers of town supervisors

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 Lake City shall make a separate list of the persons and personal property of all persons residing within the district of country described in section three of this act, in the same manner as he is now required to do by chapter five of the session laws, passed at the extra session of 1862, in case of residents of any incorporated town.

Duty of town assessors

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved March 3, 1864.

---

### CHAPTER XIII.

*An Act to amend an act entitled "An act for the support and better regulation of Common Schools in the City of Saint Anthony."*

SECTION 1. Amendment to Section six, of Chapter forty. Board of Education to establish Primary Schools, Grammar Schools and Central High Schools—what number—when.

2. When act to take effect.

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

SECTION 1. That section six, of chapter forty, of the session laws of 1860, be amended, so as to read as follows :