

last aforesaid, as amended by section five of chapter twenty-two of the special laws of said state, approved March seventh, one thousand eight hundred and sixty-seven, and said section five be and the same hereby are repealed. Repeal of former section.

SEC. 9. That section eleven of chapter twenty-two of the special laws of said state, approved March seventh, one thousand eight hundred and sixty-seven, be and the same hereby is repealed: *Provided*, That the repeal of said last two named sections shall not impair the validity of any proceedings heretofore commenced and pending or completed, under the provisions of said sections, but such proceedings shall continue and be conducted, and the tax for the payment of the cost and expense thereof be levied and collected in the same manner as provided in said sections. Repeal of former section—proviso.

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

Approved March 4, 1870.

CHAPTER XIII.

An Act relating to the Town of Albert Lea.

March 9, 1870.

- SECTION 1. Powers of the Board of Supervisors.
2. Authorized to impose fines and penalties for violation of provisions of this act.
3. Further powers of Board of Supervisors.
4. All ordinances to be signed by the Chairman of the Board, also to be published or posted—when may be taken as legal evidence.
5. How actions may be brought—in what cases appeals may be taken.
6. Disposition of funds arising from fines and penalties.
7. Fines and penalties, how collected—liable for jail fees.
8. Qualifications of Judge, Justice, &c.
9. When Board to appoint Town Marshal—term of office—vacancy, how filled.
10. Marshal to give bond conditioned for faithful performance of duties—duties of.
11. Marshal authorised to appoint deputies.
12. Compensation of Marshal.
13. When act to take effect.

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

SECTION 1. The supervisors of the town of Albert Lea, in the county of Freeborn, 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, stable, barn, privy, sewer, hide yard, and slaughter house market, or other unwholesome or nauseous 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 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 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 square, 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 may 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, 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 awnings, on both sides of Broadway, between Clark street and Main street, and on Clark street, between Washington and Elizabeth streets; 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.—Shall have power to make regulations for the preservation of fish in the waters of the town.

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. *Provided*, That said board of supervisors may enact ordinances, rules and by-laws to apply to only a part of said town.

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 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

Authorized to
impose fines and
penalties for vio-
lation of this act.

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

SEC. 3. The supervisors of the town of Albert Lea shall have full and exclusive power and authority—

Further powers
of board of super-
visors.

First.—To license and regulate the exhibition of common showmen, or shows of any kind, or the exhibitions of caravans, circuses or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances or at common law or under this act, and to grant licenses, and to regulate groceries, victualing houses, and all persons vending or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors; *Provided*, That the license for so dealing in spirituous, vinous, fermented, mixed or intoxicating liquors, shall be at least fifty dollars a year, and as much higher as the council shall direct, and that no license shall be granted for a less term than one year; *And provided further*, That no license shall be issued until the money is first paid.

Second.—To restrain and prohibit E. O. or roulette tables, faro or pharo banks, and all gaming with cards, and all gambling tables, and to prohibit the use of all gambling devices whatever, from being set up or used for gambling purposes, and to restrain and prohibit all description of gaming and fraudulent devices and practices, and playing of cards, dice, and other games of chance for the purpose of gaming in said town, and to restrain and prohibit any person from vending, giving or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors of any kind, and impose such restrictions or prohibitions by fine or imprisonment, or by both fine and imprisonment. *Provided*, That said supervisors shall not have authority to prohibit druggists from vending or dealing in spirituous or vinous liquors for medicinal purposes or to require the payment of a license for the same.

Ordinances how
passed—when
used as evidence.

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 five 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.

SEC. 5. All prosecutions for any violation of any of the ordinances, rules or by-laws enacted under the provision of this act, shall be brought in the name of the state of Minnesota, 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. *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 Albert Lea shall have and possess exclusive original jurisdiction of all cases arising under this act.

How actions may be brought—in what cases appeals may be taken.

SEC. 6. All fines, penalties and licenses, imposed under or by virtue of the provisions of this act, shall belong to the town of Albert Lea.

Disposition of funds arising from fines, &c.

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 Freeborn county, and be there 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 be 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 said common jail of Freeborn 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 Freeborn 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 the due course of law. The town of Albert Lea 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

Penalties and forfeitures how collected—liable for jail fees.

keeping of prisoners committed under the authority of the state.

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 Albert Lea, in any prosecution or action in which said town shall be a party in interest.

When to appoint marshal—term of office—vacancy, how filled.

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.

Marshal to give bonds—duties of.

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 shall require; shall perform such duties as the board may prescribe under the provisions of this act. It shall be his duty to execute and serve all warrants, 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 served by any other person except said marshal or his deputy, and shall be directed to him or his deputy, and he shall have all the powers and be subject to all the duties of constable by the laws of this state, in all cases arising under this act.

Marshal may appoint deputies.

SEC. 11. 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 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 for similar services.

When act to take effect.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved March 2, 1870.