

CHAPTER CCCXLVII.

AN ACT ENTITLED AN ACT TO PERMIT THE ERECTION AND MAINTENANCE OF A MILL DAM IN MORRISON COUNTY, MINNESOTA.

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

SECTION 1. That Charles A. Estey and Peter H. Berg, their heirs or assigns, are hereby authorized and empowered to build and maintain a mill dam across the Skunk river, and upon the southeast quarter of the northeast quarter of section number twenty-five in township number forty northern range thirty-one west, in Morrison county, Minnesota.

SEC. 2. Said mill dam shall have constructed and connected herewith, a good and sufficient sluice-way, so arranged as to permit logs, timber and lumber to pass over said dam without unreasonable delay or hinderance.

SEC. 3. This act shall not be construed so as to permit the erection of said dam, or its maintenance to the injury of parties owning lands which may be overflowed thereby.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved February 7, 1879.

CHAPTER CCCXLVIII.

AN ACT TO GIVE ADDITIONAL POWERS TO THE TOWN OFFICERS OF THE TOWNSHIP OF PLAINVIEW, WABASHA COUNTY.

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

SECTION 1. The supervisors of the township of Plainview, Wabasha county, Minnesota, in addition to the power vested in them under the provisions of the general statutes, shall have full power and authority to make, enact, ordain, establish, publish, alter, modify, amend and repeal all such ordinances, orders, by-laws and reg-

ulations for the government and good order of the town, for suppression of vice, and for the prevention of crimes as they shall deem expedient. The 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, rules, by-laws and regulations which are hereby declared to be, and have force of law. *Provided*, That they be not repugnant to the constitution of the United States or of this state, and for those purposes shall have authority, by ordinance, rules, by-laws or resolutions.

First—To license and regulate the exhibition of circuses and shows of all kinds, and also to license and regulate all auctioneers, billiard tables, pigeon-hole tables, nine or ten pin alleys, and all persons vending, dealing in or disposing of spirituous, vinous, malt, or fermented liquors; and all money received for any such license shall be paid to the treasurer of the town for its use. *Provided*, That nothing herein contained shall be so construed as to prevent the people of said town from deciding for themselves whether license may or may not be granted to sell spirituous, vinous, malt or fermented liquors, the same as under the general statutes.

Second—To authorize the peace officers of said town to inspect and search any building wherein it is suspected there is sold or kept for sale any spirituous, vinous, malt or fermented liquors contrary to any ordinance of said town.

Provided always, That an officer shall have this power of search only upon a warrant issued by a justice of the peace upon complaint of at least two competent witnesses under oath that they have reason to believe, and do believe that intoxicating liquors are unlawfully kept for sale or disposal in a certain building within said town, and shall state in said complaint the name of the person or persons so keeping or having said liquors as aforesaid, if known.

Third—To restrain and prohibit the use of all gambling devices whatever from being set or used for gambling purposes, and to restrain and prohibit all description of gaming and fraudulent devices and practices, and to authorize the destruction of all instruments used for the purpose of gaming.

Fourth—To prevent any riots, noise, disturbance or disorderly assemblages.

Fifth—To prevent the encumbering of streets, sidewalks, lanes and alleys.

Sixth—To prevent the shooting of fire arms, fire crackers, or other projectiles, or the exhibition of any fire works in any situation which may be deemed by the supervisors dangerous to any property or annoying to any citizens.

Seventh—To restrain drunkards, brawling and obscenity in the streets or public places.

Eighth—To restrain and punish street beggars, tramps and prostitutes, and to punish all inmates and visitors of houses of ill-fame.

Ninth—The supervisors shall have power to enact any other by-law or do any other act necessary and proper to perform the duties contemplated by this act.

SEC. 2. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the town supervisors and be signed by the chairman and town clerk, and shall be published in the official paper of the town, or posted for ten days in three of the public places in the town.

SEC. 3. The chairman and each supervisor, the justices of the peace and the constables of the town of Plainview shall be officers of the peace, and shall suppress in a summary manner all disorderly behavior within the limits of the town, and for such purposes either of them may, at any time, call to his assistance any number of citizens sufficient to aid him in the suppression of a riot or any public disturbance, or to aid him in making arrests.

SEC. 4. In all prosecutions for any violation of this act, the first process shall be by warrant on complaint being made; *provided*, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance or by-law of the town of Plainview, but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant.

SEC. 5. In the trial for any violation of the provisions of this act, or of any ordinances passed and enacted by virtue thereof, the rules of evidence prescribed by chapter forty-four of the general laws of eighteen hundred and seventy-seven shall be in force and apply the same as in prosecutions under the general laws of this state.

SEC. 6. All fines and penalties imposed by the justices of the peace for violation of any ordinance, by-law or regulation of said town, shall belong to or be a part of the finances of said town. In case of prosecutions for a breach or violation of any ordinance, by-law or regulation of said town or of this act, no appeal shall be allowed when the judgment or fine imposed shall not exceed ten dollars exclusive of costs.

SEC. 7. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said town in any proceeding or action in which the town shall be a party in interest.

SEC. 8. No law of this state contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SEC. 9. This act is a public act and need not be pleaded nor proven in any court in this state.

SEC. 10. Before this act shall take effect and be in force, the question whether the people in said town desire this act to take effect as set forth in the provisions thereof shall be submitted to the legal voters of the town of Plainview at the next general election held in said town after the passage of this act. Notice shall be given by the clerk of said town at least five days prior to said election that the question will be submitted to the electors of said town, and the question shall be decided by ballot. Those voting in favor of having this act take effect shall have printed or written the words "For additional powers to town officers," and those

against having this act take effect shall have printed or written the words "Against additional powers to town officers," and if a majority of the votes cast shall have printed or written thereon the words "For additional powers to town officers," then this act shall be in full force, but not otherwise.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 4, 1879.

CHAPTER CCCXLIX.

AN ACT TO INCREASE THE TIME OF HOLDING SESSIONS OF THE BOARD OF COUNTY COMMISSIONERS IN WASHINGTON COUNTY, AND REGULATING FEES OF SAME.

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

SECTION 1. The county commissioners of the county of Washington shall each receive three dollars per day for each day they are necessarily employed in transacting the county business of said county, and ten cents per mile traveled in going and returning from the meeting of the county board of said county in the discharge of any official duty, to be computed by the nearest travelled route, but no county commissioner in said county shall receive pay for more than thirty-five days, or mileage for more than ten sessions of said board in each year.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 4, 1879.