

CHAPTER LXXVII.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND AN ACT TO AUTHORIZE THE INCORPORATION OF THE CITY OF NORTHFIELD, SO AS TO PROHIBIT THE SALE OR DISPOSAL OF INTOXICATING LIQUORS AS A BEVERAGE."

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

SECTION 1. That the "act to amend an act to authorize the incorporation of the city of Northfield, so as to prohibit the sale or disposal of intoxicating liquors as a beverage," approved February twenty-seventh, one thousand eight hundred and seventy-eight, be amended by adding thereto the following sections:

Sec. 5. No person within the limits of said city shall own, or keep, or have in his possession, or be in any way concerned in owning or keeping any intoxicating liquors with intent to sell or in any way dispose of the same in said city, or to permit the same to be sold or disposed of therein in violation of the provisions of this act; and any person who shall so own or keep or have in his possession, or be concerned, engaged or employed in owning or keeping such liquor with any such intent, shall be deemed guilty of a misdemeanor, and shall upon conviction for said offence, be punished by fine not less than twenty-five dollars nor more than one hundred dollars, and pay the costs of prosecution, and shall be committed to the county jail, until the fine and costs shall be paid, not exceeding ninety days; and there shall be no appeal from the decision of the city justice when the judgment or fine imposed shall not exceed twenty-five dollars exclusive of costs. And upon trial for violations of the provisions of this section, proof of the finding of intoxicating liquors in the possession of the accused in any place, shall be received and acted upon by the court as prima facie evidence that such liquors were kept or held for sale or disposal contrary to the provisions hereof.

Sec. 6. If any credible person competent to be a witness shall make complaint in writing verified by his oath or affirmation, that he has reason to believe and does believe that any intoxicating liquors (described as particularly as may be in said complaint) is in said city in a place (described as particularly as may be in said complaint) owned or kept by any person, named or described in said complaint as particularly as may be, and is intended by him to be sold or furnished to others in violation of the provisions of this act, said justice shall, upon finding probable cause for such complaint, issue his warrant of search directed to the sheriff or any constable or other officer authorized to serve criminal warrants in

said city, describing as particularly as may be the liquor and the place described in said complaint, and the person named or described in said complaint as the owner, keeper or possessor of said liquor, and commanding the said officer to search thoroughly said place, and to seize the said liquor and the vessels containing it, and to keep the same securely until final action thereon be had, and to arrest the person named or described; whereupon the officer to whom said warrant may be directed, shall forthwith obey and execute, so far as he shall be able, the commands of said warrant, and make return of his doings to said justice; and if upon trial the justice or jury shall specially find that the liquor so seized was kept and intended for unlawful sale or disposal, the said liquor shall be adjudged contraband, and forfeited to the state, and the said person so having, owning or keeping said liquors for unlawful sale or disposal, shall be punished by fine of not less than twenty-five nor more than one hundred dollars and costs of prosecution, and shall be committed to the county jail until such fine and costs shall be paid, not exceeding ninety days; and there shall be no appeal from the decision of the justice when the judgment or fine imposed shall not exceed twenty-five dollars exclusive of costs.

Sec. 7. Whenever it shall be finally decided that liquors seized, as provided in this act, are forfeited, the court rendering a final judgment of forfeiture shall issue to the officer having said liquors in custody, or to some other peace officer, a written order directing him forthwith to destroy said liquor and the vessels containing the same, and immediately thereafter to make return of said order to the court whence issued, with his doings endorsed thereon. Whenever it shall be finally decided that any liquors so seized are not liable to forfeiture, the court before whom such decision shall have been rendered, shall issue a written order to the officer having the same in custody, or to some other competent officer, to restore said liquors, with the vessels containing the same, to the place where they were seized, as nearly as may be, or to the person entitled to receive them, which order the officer after obeying the commands thereof, shall make returns to the said court with his doings thereon endorsed, and the costs of the proceedings in such case shall be taxed and paid in the same manner as in cases of ordinary criminal prosecutions where the prosecution fails.

Sec. 8. In all prosecutions for the violation of the provisions of this act it shall not be necessary to prove the name or kind of intoxicating liquors sold or furnished.

Sec. 9. This proposed amendment shall be submitted to a vote of the electors of said city at the first annual meeting of said electors after the passage of this act. The city recorder of said city shall give at least ten days' notice before said meeting, that the question of a search and seizure amendment to the "prohibitory amendment" will be submitted to the legal voters of said city. The ballots used at said election shall have written or printed, or partly written and partly printed upon them the following words: "For search and seizure amendment," or, "Against search and seizure amendment."

The votes upon said question shall be deposited in a box by themselves, and shall be taken, canvassed and returned in the same manner and by the same persons as the votes for the elective officers of said city, and if such returns show that a majority of votes are "for search and seizure amendment," then this act shall take effect and be in force as a part of the charter of said city, on and after its adoption and ratification by the electors of said city.

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

Approved February 25, 1879.

CHAPTER LXXVIII.

AN ACT TO AMEND CHAPTER ONE OF THE SPECIAL LAWS OF THE STATE OF MINNESOTA FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT, ENTITLED AN ACT TO INCORPORATE THE CITY OF ALBERT LEA, FREEBORN COUNTY, MINNESOTA.

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

SECTION 1. Section seven of chapter three of said act is hereby amended so as to read as follows:

Sec. 7. There may be a chief of police of said city, to be appointed by the mayor with the consent of the common council, who shall perform such duties as shall be prescribed by the common council for the preservation of the public peace. Such officer and all police officers of said city shall possess the powers of constables at common law, or under the laws of this state, within said city, and it shall be their further duty to execute and serve all warrants, process, commitments and other writs issued by the city justices for any violation of the ordinances or by-laws of said city, and they shall have authority to execute process for the violation of such ordinances in any part of the state. Night watchmen on duty shall have authority to arrest and detain any person actually engaged in the commission of a crime, or while in pursuit thereof after a crime has been committed, and to arrest any person while committing a breach of the peace or violating the ordinances of said city; *provided, however,* that no officer in said city shall be authorized to serve any process or perform any duty as such officer until he shall have first made, executed and filed a good and sufficient bond to said city, in the penal sum of five hundred dollars, with two or more sureties to be approved by the common council of said city, conditioned that said officer shall well and faithfully,