

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,

in all things, perform and execute the duties imposed upon him by law; and an action may be brought and maintained upon said bond by any person aggrieved by the acts or omissions of such officer, to recover such damage as he may have sustained by reason of such unlawful act or misconduct. Said bond shall be filed with the city clerk of said city, and be kept on file for the benefit of all persons interested therein.

SEC. 2. Section ten, of chapter three, of said act is hereby amended so as to read as follows:

Sec. 10. The justices of the peace for the city, styled the city justices, shall possess all the authority, power and rights of a justice of the peace under the laws of this state, and shall have, in addition thereto, jurisdiction to hear and try all complaints for violation of any provision or provisions of this charter, and any ordinance, by-law, rule or regulation made or adopted by virtue thereof and of cases cognizable before a justice of the peace in which the city is a party. All prosecutions for a breach or violation of this act or any by-law, ordinance or regulation of said city, shall be commenced in the name of the city of Albert Lea as plaintiff, and the same proceedings shall be had as are required by law in criminal cases before justices of the peace; *provided*. That the city shall have the same right to an appeal that defendant has, and the affidavit of appeal, and the giving of bail, etc., by the city, shall be regulated by city ordinances. In all prosecutions for larceny, assaults, batteries and affrays, and for all other offences not indictable, and in all civil suits or proceedings before said city justices the same forms and proceedings shall be had and used where not otherwise directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace, and appeals from the judgment and decisions of said city justices, shall be allowed as now provided by law for appeals from judgments rendered by justices of the peace. In all cases of conviction the said justices shall have power in addition to the fines or penalties imposed, to compel said offenders to give security for their good behavior and to keep the peace, for a period of not exceeding six months, and in a sum not exceeding five hundred dollars. The said justices shall have the same power in cases of contempt as a justice of the peace under the laws now in force. All fines and penalties imposed for offences committed within the city limits, for the violation of any ordinance, by-law, or regulation of said city, shall belong to and be a part of the finances of said city; *provided further*. That whenever, in any action, or proceeding before either of said city justices, the defendant in such action, or proceeding, shall apply for a change of venue, under the laws of this state, if he or his attorney at the same time, shall in his affidavit for such change of venue, make oath, that the other and remaining city justice, (naming him) of said city is interested in the result of said action or is a material witness for said defendant, without whose testimony he cannot safely proceed to trial, or that from prejudice, bias, or other cause, he believes that such other city justice (naming him) will not decide impartially in the matter. Then upon filing such affidavit with the city justice before whom such action is then

pending, such city justice shall transfer such action, and all papers appertaining to the same, to one of the justices of the peace, of the town of Albert Lea, who shall become thereupon possessed of jurisdiction, and full power to hear and determine such action and shall proceed to hear, try, and determine the same according to law, whether such action was commenced under the ordinances of said city or the laws of this state.

SEC. 3. Section seven of chapter four of said act, is hereby repealed.

SEC. 4. Section four of chapter twelve of said act, is hereby amended so as to read as follows:

SEC. 4. The sale of spirituous, vinous, fermented and malt liquors, is prohibited in said city, without a license for that purpose granted by the city council, after being authorized thereto as hereinbefore set forth, which license when so granted, shall be signed by the mayor and countersigned by the clerk; and the sale to a minor person or to an intemperate person, or an habitual drunkard, or to a person intoxicated, is prohibited, whether a person has license or not, and any person violating any of the provisions of this section, shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars for each offense, and may be imprisoned until such fine is paid.

SEC. 5. Section six of chapter twelve of said act, is hereby amended so as to read as follows:

SEC. 6. The council may, by resolution, revoke any license when the interests of the city demand it, but no license granted to any person shall be revoked until after there has been a conviction before a competent tribunal of such person, for the violation of some ordinance of said city, which shall be a suitable cause for revoking such license.

SEC. 6. All acts or parts of acts inconsistent with this act, are hereby repealed.

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

Approved March 10, 1879.

CHAPTER LXXIX.

AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-FIVE OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SEVEN, RELATING TO THE VILLAGE OF DULUTH.

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

SECTION 1. That said chapter two hundred and thirty-five of the special laws of one thousand eight hundred and seventy-seven is hereby amended by adding at the end of said chapter the following sections: