

## CHAPTER XXXV.

*An Act to amend an act entitled an act to incorporate the Borough of Le Sueur, in the county of Le Sueur, approved March ninth, eighteen hundred and sixty-seven.*

March 6, 1868.

- SECTION 1. Amendment to section 18. Council to have control of the finances—further powers of Council.
2. Repeal of Section 29 of said act.
  3. Repeal of inconsistent acts.
  4. When act to take effect.

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

SECTION 1. That section eighteen of the act entitled “an act to incorporate the borough of Le Sueur, in the county of Le Sueur,” approved March ninth, eighteen hundred and sixty-seven, be amended so as to read as follows: The council shall have the management and control of the finances, and of all the property of the said borough, and shall likewise have full power and authority to make, ordain, establish, enforce, alter, correct and repeal all ordinances rules and by-laws for the government and good order of the borough, and for the suppression of vice, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws, shall have the same force and effect as laws.

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*Second*—The council have within the limits of the said borough, the exclusive right to license and regulate the exhibition of common shows of any kind, caravans, circuses or theatrical performances, and shall have the exclusive right to license and regulate billiard tables, bowling alleys, pigeon hole tables, bagatelle tables, groceries, taverns, and all persons vending or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors, and to impose penalties upon any person or persons keeping and using any billiard table, bowling saloon or alley, or pigeon hole

table, or bagatelle table, without first procuring a license therefor, and to impose penalties upon any person vending or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors, without having first obtained license therefor.

*Third*—To prevent any riots, noise, disturbance and disorderly assemblages, surpress and restrain disorderly houses, groceries, and houses of ill-fame.

*Fourth*—To restrain drunkards brawling and obscenity in the streets or public places, and to restrain the selling of any intoxicating liquors to any drunkard, or immoderate drinker of intoxicating liquors.

*Fifth*—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse or remove and abate the same from time to time as often as may be deemed necessary for the comfort and health of the citizens affected thereby.

*Sixth*—To prevent any person from bringing in, depositing or having within the limits of the said borough, any putrid carcass or unwholesome substance, and, to require the removal thereof by any person having the same on his premises, or from any street, alley, or public place where he shall have thrown or put the same, and upon default to authorize the removal thereof at the expense of the person or persons depositing or leaving the same, or at the expense of the owner of any animal that may die and be left unburied within the limits of the said borough.

*Seventh*—To regulate and license hackmen, draymen, carters, porters, omnibus drivers, cabmen, carmen, and all others whether in the permanent employment of any individual, firm or corporation, or otherwise.

*Eighth*—To direct the location and management of slaughter houses and markets in said borough, and to regulate the sale, storeage, keeping and conveying of gunpowder, and other explosive materials, and to regulate the place and manner of selling, for the inspection and weight of hay and coal, and the measuring of charcoal, wood, and other fuel, and to appoint suitable persons to weigh and measure the same.

*Ninth*—To restrain the running at large of horses, mules, cattle, swine, sheep, and poultry of all kinds, and to authorize the impounding, distraining and sale of the same, and may erect pounds, and appoint masters to carry into effect this provision.

*Tenth*—To prohibit the running at large of dogs, and to impose fines upon the owners, and to authorize the destruction of the same when at large contrary to any ordinance.

*Eleventh*—To prevent horse racing or immoderate riding or driving in the streets, and to denote the places of bathing and swimming in the waters of the river adjoining or within the limits of the borough.

*Twelfth*—To prevent riding or driving upon the sidewalks, or the incumbrance of the streets, sidewalks, lanes, alleys, with carriages, carts, wagons, boxes, sleighs, firewood, lumber, and any other material.

*Thirteenth*—To provide for the inclosing, improving and regulating all public grounds belonging to the borough, and to provide for and regulate the adorning of streets with shade and ornamental trees.

*Fourteenth*—To provide for a public hall for the use of the said borough, and to provide offices for the officers thereof.

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*Fifteenth*—To make and establish public wells, cisterns, and reservoirs, and to provide for the erection of waterworks for a supply of water for the inhabitants, and to provide for the erection of lamp and other means to light the borough.

*Sixteenth*—To appropriate money to pay the debts and expenses of the borough, and to provide from time to time for taking the census of the said borough.

*Seventeenth*—To prevent the shooting of firearms, crackers, rockets or other projectiles, or the burning or exploding of any fire works in any situation that by the council shall be deemed dangerous to any property or an annoyance to the citizens thereof.

*Eighteenth*—To provide for the formation of fire engine, hook and ladder and hose companies, and to purchase engines and other suitable apparatus therefor.

*Nineteenth*—To cause any street, alley or highway to be filled, graded, leveled, paved, curbed, walled, gravelled, macadamized or planked, and to keep the same in repair; and to cause all crosswalks, sidewalks, area walls, lamp posts, sewers, private drains to be constructed and laid, relaid, erected, cleansed and repaired.

*Twentieth*—The council have power to alter, vacate, abolish, open, widen, extend, establish, grade, repair or otherwise improve and keep in repair all streets, avenues, lanes, and alleys, and regulate, direct and control the lo-

cation of railroad tracks to be run or already established through the said borough, and may make such contracts and arrangements with railroad companies in regard to the direction, location and purchasing right of way and depot grounds, either at the expense of the borough or the companies for all railroads now running through or hereafter to run through the said borough, as to the council shall seem most conducive to the permanent interests of the said borough. Whenever it shall be necessary to take private property for any of the purposes prescribed in this section, the same shall be considered as taken for public use, and the council shall appoint three competent and disinterested persons who shall be residents and qualified electors of the borough to ascertain and determine the damages which may be occasioned to the owners and all others interested in such property to be taken, and shall appoint a time and place where the said commissioners shall meet and qualify, and may at any time appoint other commissioners to fill any vacancy occurring from any cause. The said commissioners shall meet at the time and place appointed by the council, and shall be sworn to faithfully and impartially discharge their duties as such commissioners, and shall at such meeting appoint time and place in said borough when they will meet and ascertain and determine the compensation to the owners and all others interested in the property to be taken, and shall within twenty days thereafter give notice to all persons interested therein of the time and place of such meeting, which notice shall be by publication in some newspaper published in said borough, if any, if not, in the nearest paper therefor three successive weeks prior to said meeting, and by serving notice upon all occupants of said property if the same is actually occupied by any person, or by giving notice in writing to all owners or others interested as shown by the record if they are residents of said borough, at least ten days before said meeting, of the time, place and object of the said meeting. At the time and place designated for said meeting the said commissioners shall proceed to ascertain and determine the compensation to be paid to the owner and all others interested in each piece or parcel of property, and may hear any proofs or evidence offered by any party interested, and may adjourn from time to time, and when their view and hearing is concluded they shall report the amount to be paid to each owner or other person interested in said property, and in determining

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said amount they shall take into consideration the value of the property taken and damages incident thereto, and shall offset thereto the advantages accruing to the person by the taking and using the property in the manner proposed and shall return only the balance. When the said commissioners have ascertained and determined the damages aforesaid, they shall file with the clerk of the said borough a written report of the amount to be paid to the owner or other person interested therein of each piece or parcel of land to be taken, with a plat of the same and the names of the persons to be paid and the costs of the proceedings. Upon such report being made and filed, the said clerk shall cause a notice to be published for two weeks, to the effect that such report has been returned and is on file in his office, the council shall, at the next meeting after the publication of said notice, or at any subsequent meeting, have power to confirm, revise or annul the assessment. The owner of any property may appeal within twenty days after the said report and assessment has been confirmed, to the district court of the county of Le Sueur, which appeal shall be taken by serving a notice thereof upon the clerk of the said borough, and shall bring before the said court the propriety of the amount of the said damages and shall be tried by a jury if demanded by either party, and tried as other appeal cases are tried, but the rule for ascertaining the damages shall be the same adopted by the commissioners. After the expiration of the time limited for appeal, the commissioners shall determine the amount to be raised for the payment of the said property and of all costs and expenses therein, and shall cause the amount to be returned by the clerk of the said borough to the auditor of the said county of Le Sueur, and it shall be the duty of the county auditor to assess and levy and carry out upon the next tax duplicate such tax as is necessary to raise that amount, and the same shall be collected and paid over by the county treasurer to the treasurer of said borough. The council shall, within one year after the final settlement of the damages due for any property, pay to the party entitled thereto, or deposit in the district court of Le Sueur county, the amount of such assessment, and from the time of such deposit the said borough shall become seized in fee of the said property. *Provided, however,* This shall not preclude the council from making any contracts with any persons owning or interested in any property required for any of the purpo-

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ses specified in this section, but they are hereby authorized to contract with such owners in the name of said borough for such property, and to assess and return the amount necessary to carry such contracts out, which sums shall be raised and collected in the same manner as specified in this section for raising and collecting the taxes when the amounts are ascertained by commissioners. The said money in either case when raised, shall be drawn on orders signed by the mayor of said borough, as directed by ordinances of the council.

Repeal of section 29.

SEC. 2. That section twenty-nine (29) of the said act is hereby repealed.

Repeal of inconsistent acts.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

When act to take effect.

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

Approved March 6, 1868.

## CHAPTER XXXVI.

March 5, 1868. *An Act to incorporate the borough of Belle Plaine, in the county of Scott.*

- SECTION 1. Boundary lines of the Borough of Belle Plaine.
2. Incorporation of the Borough of Belle Plaine.
  3. All subdivisions termed districts.
  4. Elective officers.
  5. Who to constitute the Council—powers granted to said Council—style of all ordinances—when Council to meet for transaction of business—quorum.
  6. Duties of Mayor.
  7. Duties of Clerk.
  8. Duties of Treasurer.
  9. Jurisdiction of Borough Justice.
  10. Duties of Constable—compensation.
  11. Who to be Chief of Police.
  12. Duties of Attorney.