

CHAPTER XXIV.

March 9, 1867. *An Act to incorporate the borough of Le Sueur in the county of Le Sueur.*

- SECTION 1.**—Borough boundaries.
- 2.—Title of incorporation.
- 3.—Divides borough into districts.
- 4.—Officers of corporation.
- 5.—Who shall constitute council—ordinances—meetings—quorum—presiding officer, etc.
- 6.—Powers of mayor.
- 7.—Duties of clerk.
- 8.—Treasurer to receive all moneys—give receipt therefor.
- 9.—Powers of borough justice.
- 10.—Constable—his duties and compensation.
- 11.—Who shall be chief of police.
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- 13.—Annual elections—when held—how conducted—who to be inspectors of election.
- 14.—Term of office of elective officers.
- 15.—Who to be eligible to hold office.
- 16.—Council to prescribe place of election.
- 17.—Council to pass ordinances and fix penalties for breach of same.
- 18.—Powers of council.
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- 23.—How actions to be brought.
- 24.—What constitutes town of Le Sueur.
- 25.—Council may levy taxes.
- 26.—Books, etc., to be delivered to clerk.
- 27.—Existing trusts transferred to corporate authorities.
- 28.—Regulates how pending suits may be conducted.
- 29.—Provides for council planting shade trees.
- 30.—Repeals inconsistent acts.
- 31.—To be a public act—when act to take effect.

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

SECTION 1. That all the district of country, known

and described as lots six and seven in section twenty-five, the north-west quarter of section thirty-six, lots three and four, and the west half of the south east quarter of section thirty five, and the west half of the south-west quarter of section thirty-six, the east half of the north-east quarter, the north-west quarter of the north-east quarter, and lot five in section thirty-five, all in town one hundred and twelve north, of range twenty-six west, and the north half of the north-east quarter of section two, town one hundred and eleven north, of range twenty-six west, shall be, and the same is hereby created a borough by the name of Le Sueur.

Boundaries

SEC. 2. That the people who now do, or hereafter may reside within the said borough, are hereby created a corporation for municipal purposes, with perpetual succession, under the name and style of "The Borough of Le Sueur," and as such corporation shall possess and enjoy all the powers, rights and privileges which can now or hereafter be possessed and enjoyed by corporations for municipal purposes, under the constitution and laws of the State of Minnesota.

Incorporates citizens of Le Sueur

SEC. 3. That all sub-divisions of said borough shall be termed districts, and be numbered in order of creation, and until the first sub-division thereof the whole of said borough shall constitute the first division; but no district having less than one hundred legal voters therein, shall be created by said corporation.

Districts

SEC. 4. That the officers of said corporation shall be one mayor, three councillors, one treasurer, one clerk, one attorney, one borough justice, and one constable, all of whom shall be elected from among, and by the legal voters of said borough.

Who shall be officers

SEC. 5. That the mayor and councillors shall constitute the council, to which body shall belong the exclusive right to exercise all the legislative powers granted by this act to said corporation, except as otherwise therein specially provided. All actions of the council intended to have the force of rules, or law, or authority for contract, shall be by ordinance under the style of "Be it ordained by the council of the borough of Le Sueur;" but no ordinance shall embrace more than one subject, which shall be expressed in its title. And no ordinance shall be amended,

Who shall constitute council

unless the ordinance or section thereof as so amended, shall be stated in full in the ordinance making such amendment. The council shall meet for the transaction of business at least once in three months, and a majority of the council shall be a quorum for business, and may remove the other officers, for sufficient cause, and fill vacancies by appointment, and may, by ordinance, prescribe the kind of security and the mode of giving the same, for the other officers, and may prescribe by ordinance the duties of all officers, The mayor shall preside at all the meetings of the council, unless unable to attend from any cause; in such case one of the council may be chosen by the rest to preside during his absence, but no ordinance shall be made except by a vote of the majority of all the members of the council present. A record in book form shall be kept by the clerk, in which he shall record all the proceedings of the council, and the ayes and noes on every ordinance voted upon shall be entered therein.

Duties of mayor

SEC. 6. That to the mayor shall belong the exclusive right to exercise all the executive powers granted by this act to said corporation, except such of said powers as are thereby specially vested in, or must, from the nature of their several offices, necessarily pertain to the other executive officers of said corporation, whether said officers are created by this act, or hereafter shall be, under section five thereof. He shall have power, and it shall be his duty, to call out and use in such manner as to him may seem most proper, all the constabulary or police force of said borough when he may deem it necessary to quiet or prevent riot. He shall have power to call a meeting of the council, by giving such notice thereof as may have been provided therefor by ordinance, or in default of such provision, as he may deem meet and proper.

Duties of clerk

SEC. 7. That the clerk shall be the recording officer of the borough and the council, and shall attend at all meetings thereof. He shall have the custody of the seal of said corporation, and of all the records thereof, not necessarily and specifically appertaining to the other officers thereof. He shall receive all moneys payable to said corporation, and shall immediate-

ly pay the same over to the treasurer, charging him therewith, and taking his receipt therefor. He shall keep all the accounts of the said corporation, and shall audit all claims against the same, but no claim shall be allowed by him, unless he shall have authority to do the same, by some general or special ordinance. He shall draw all orders upon the treasurer for moneys payable by said corporation, but no such order shall ever be drawn by said clerk, unless the same shall be in full or part payment of a claim against said corporation, previously audited and allowed, and there shall be in the hands of said treasurer moneys belonging to said corporation, otherwise unappropriated and undrawn for, sufficient to pay said order. Every order shall bear the seal of said corporation, and be endorsed by the clerk, over his official signature, as follows: "Authorized by an ordinance entitled (here insert the title,) ordained on the (here insert the day and year of the passage of said ordinance.)" The clerk shall levy or assess all taxes, or assessments authorized by ordinance of the council, and for that purpose, or in connection therewith, shall have access to, and the right to make copy of, all and any records pertaining to taxes, kept or made by the several officers, or any of them, in and for the townships surrounding, or the county including said borough. He shall make at the close of each official year, to the council, a condensed report of all his doings as such officer, during such year, which report shall be published in such manner, and to such extent as may be provided by ordinance of the council, and he shall, with all reasonable dispatch, make such other reports, and at such times, as the council shall require.

SEC. 8. That the treasurer shall be the depository of all moneys belonging to said corporation, and he shall receipt to the clerk therefor. He shall from such moneys pay, upon presentation, all orders therefor drawn by the clerk: *Provided*, That no order shall be paid by him unless first endorsed in writing thereon, with the name of the payee therein, and the party receiving the money therefor.

SEC. 9. That to the borough justice elected under the provisions of this act, shall belong separately and

Duties of treasurer

Powers of Justice exclusively, as to all other officers and courts, the right to exercise originally all the judicial powers granted to said corporation by this act, except as elsewhere therein specially provided for; but the council shall fix the kind and amount of compensation of said borough justice, except as in this section hereinafter provided; said borough justice shall within the county in which he shall reside, and keep his office as such, also have and exercise all the powers and jurisdiction of, and when acting as such, receive the same compensation as justices of the peace elected under the general laws of the state of Minnesota; but all portions of general laws relating to trial by jury, change of venue, appeals, writs of certiorari, in and from justices' courts, shall apply to the entire jurisdiction of said borough justice: *Provided*, That in matters arising solely under this act, or under the ordinances made in pursuance thereof, no change of venue shall be taken from the borough justice, except to another borough justice, whenever said borough shall have more than one justice: *Provided further*, That all writs and processes of said borough justice in relation to such of the matters arising solely under this act, or such ordinances as shall be of a penal nature, may be issued to the sheriff of the county in which said borough is situated. The borough justice shall keep a record of all his official doings, and he shall forthwith pay over to the clerk of said borough all fines collected by him.

Constable—duties and compensation

SEC. 10. The constable elected under the provisions of this act shall be the ministerial officer of the council and of the court in and for said borough, and belong to the police force of said borough; but the kind and amount of compensation for his services as such, except as in section ten of this act is otherwise provided, shall be fixed by ordinance of the council, and said constable shall, within the county in which he resides, also have and exercise all the powers, and perform all the duties of, and when acting as such, receive the same compensation as constables elected under the general laws of the state of Minnesota.

To be chief of police

SEC. 11. That the constable shall be chief of the entire police force of the borough, but as such he shall be subordinate to the mayor.

Sec. 12. That the attorney shall be the legal adviser of the officers and council of said corporation in all matters relating to their several official duties, and he shall render such legal counsel to them, or any of them, whenever, but only when, the application therefor is made in writing, signed by the applicant, which writing shall contain the points upon which said counsel is asked, and all opinions by him shall be made in writing, copies of which, together with the original application therefor, shall be preserved in his office, and delivered by him to his successor in office. He shall be and act as the attorney of said corporation, in all actions to which said corporations may be a party.

Duties of attorney

Sec. 13. There shall be an annual election held in said borough on the first Monday in April of each year, at which the electors of said borough, qualified to vote as hereinafter specified, may elect by ballot and plurality of votes all or any of the officers mentioned in section four of this act. The clerk shall give ten days notice of the time and place of holding such election, by posting up written notices thereof in three of the most public places in said borough: *Provided*, That the first election shall be held on the first Monday in April, eighteen hundred and sixty-seven. The election shall be held and conducted in the same manner as town elections, and the laws of this State applicable to elections generally, shall apply as far as consistency will admit, and the oath of a voter shall be the same as at town meetings, and false swearing to any oath administered at the polls, shall be perjury, and punished accordingly. That for the purposes of the first election under this act, Joseph Kirby, Daniel Haire and E. R. Smith shall be the inspectors of election, and also a board of canvassers for such election, and shall perform all the duties, and possess all the powers of inspectors of election and board of canvassers prescribed by this act; they shall appoint the place of holding the polls of such election, and post public notices thereof, ten days before the same: *Provided*, In case any of the foregoing board of inspectors and canvassers should not be present, or should fail to act as above, then and in that case it shall be lawful for the by-standers to fill any such vacancy that may occur in said board.

Annual elections

Terms of office

SEC. 14. That the term of office of the respective officers of said corporation shall be as follows: Of the councillors and clerk, each three official years; of the borough justice and constable, each two official years; and of all other officers, each one official year; and all official terms shall succeed each to its preceding year, without lapse of time from any cause: *Provided*, That at the first general election under this act, one councillor from said borough shall be elected for a short term, to end with the first official year of said corporation, and one other councillor from said borough, for a short term, to end with the second official year of said corporation: *And provided further*, That every officer shall hold over his official term until his successor is elected and qualified.

Qualifications for office

SEC. 15. That no person shall be eligible to any office of said corporation unless he shall have the qualifications of an elector, and have been a resident of said borough for one year next preceding the day of his election to such office, and no person elected or chosen to any office under this act, shall enter into possession of the same until he shall have taken an oath in writing to support the constitution of the United States, and the constitution of the state of Minnesota, and to faithfully and impartially discharge all and singular the duties of such office, whether the same be directly or collaterally given by or under this act, or necessarily appertain to said office, and (excepting the first mayor and councillors) shall have given such official bond as may have been in the manner previously prescribed by ordinance of the council, all of which official bonds shall be filed with the clerk, save and except the official bond of the clerk, which shall be filed with the treasurer; and all officers of said corporation shall receive for their services as such, only the the kind and amount of compensation which may be prescribed and provided for by ordinance of the council, except as otherwise in this act specially provided for; and no officer thereof shall be directly or indirectly interested in any contract, express or implied, to which said corporation shall be a party, either on its own behalf, or on behalf of any member or members thereof, and in any such case, the officer so interested shall forfeit his office, and the

contract in which he is so interested shall be void, and may be so declared by any court in and for said borough, or any court of record of the state of Minnesota, upon application sustained by sufficient testimony of any citizen of said borough. The mayor, councillors, borough justice, constable, and every officer, police or otherwise, hereafter created under the provisions of section five of this act, shall within said borough be conservators of the peace. All officers of said corporation shall, on demand, deliver each to his successor in office, all books, papers, and other property in any wise appertaining to such officer, or belonging to said corporation.

SEC. 16. The council shall prescribe by ordinance the place within the borough where the annual election shall take place. The councillors shall be the inspectors of such elections, and shall constitute the board of canvassers at the closing of the polls.

Annual electⁿ

SEC. 17. The council may enact ordinances for all purposes contemplated by this act, and may fix penalties for violating the same, and they shall have the force of law. *Provided*, That no such ordinance shall be in force until the same shall have been posted up for ten days in three of the most public places in said borough, and the certificate of the clerk, entered upon record of said borough, shall be deemed sufficient evidence of the publication of the same.

May enact ordi-
nances, etc.

SEC. 18. The council shall have power to regulate, open, and improve the levees, streets and alleys in said borough, by contract to the lowest and most responsible bidder, to determine the width of side walks, to regulate the public ground, to erect new market house, regulate the market, remove all nuisances and obstructions from the streets and commons of said borough, to license common showmen, or any public exhibition, peddlers, billiard tables, bowling saloons, auctioneers, and all persons to vend or deal in spirituous, vinous, fermented or malt liquors, to restrain the running at large of hogs, cattle or other animals, to prosecute immoderate driving in the streets, and riding or driving on the sidewalks, to prevent any damage to sidewalks, cross walks, fences, buildings, shade or ornamental trees, and any public improvement or property of said borough, and to establish and create

Powers of coun-
cil

pounds, pumps, water cisterns, reservoirs, drains or ditches within the same.

Further powers]

SEC. 19. To prevent the dangerous construction, placing or continuance of chimneys, fire-places, stove-pipes or any pipes or instruments for the conducting of fire, heat or smoke, ovens, boilers or appurtenances, and to cause the same to be removed or to be made secure, and to prosecute the depositing of ashes in any unsafe place, and to prevent the carrying on of any kind of business or manufactory, dangerous in causing or promoting fires, or which might be dangerous to the health of the people of said borough.

How cost de-
frayed

SEC. 20. The cost and expenses of opening, grading, paving or repairing streets or alleys to the centre thereof, and also of sidewalks, shall be chargeable to the lots fronting on said improvement.

Tax'ble property

SEC. 21. All property, real and personal, in the borough, except such as may be exempt by the laws of this state or is borough property, shall be subject to taxation not exceeding two and a half mills on the dollar per year, for general purposes. Such property shall also be liable for such special taxes as the council shall be authorized to levy.

Council to report
to auditor

SEC. 22. The council shall report to the auditor of the county of Le Sueur the amount of general taxes levied on the borough, and the amount of special taxes levied upon any of the lots or portions of said borough, and shall certify to him the lots or portions of the property upon which such special taxes are so levied, and it shall be the duty of the auditor of Le Sueur county to insert such taxes in the assessment roll of the town of Le Sueur, and the same shall be collected by the county treasurer, or returned by him as delinquent, and all proceedings in relation thereto, including the selling, conveying, and redeeming property, shall be the same as in proceedings on account of other taxes. The borough shall be a town, so far as the collection of taxes will admit. All residents of the borough shall pay a tax on their personal property, wherever situated, proportionally with their real estate tax.

How actions
brought

SEC. 23. In any action brought to recover any penalty or damages under this act, or under any ordinance made by the council, it shall be sufficient to complain that the defendant is indebted to the bor-

ough for the amount of said penalty or damages, and to refer to the act or ordinance under which the same is claimed, and to give the special matter in evidence under it. All civil cases shall be under the control and direction of the council; they shall have power to settle, compromise, or prosecute all such actions on the part of the borough, when said borough shall be a party, or be interested in such action; and no person shall be an incompetent witness or juror by reason of being an inhabitant of said borough in an action to which the borough shall be a party. Every execution issued upon any judgment recovered therein, for any penalty, may contain a clause directing, in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail for thirty days, if the damages recovered by said judgment shall be ten dollars or less, and sixty days if such damages exceed that sum, and if there be no county jail, then the general laws of this state shall apply in such cases, and the defendant shall be dealt with according to them in the matter of imprisonment.

Sec. 24. In all respects not herein provided for, the borough of Le Sueur shall constitute and be a part of the town of Le Sueur.

Borough to be part of town

Sec. 25. The council shall have full power to order and direct the levy and collection, within the limitation prescribed by law, of taxes sufficient to give full effect to the powers herein conferred.

May levy taxes

Sec. 26. All books, papers and records in the hands of the corporate authorities, or either of them, of Le Sueur city and the town of Le Sueur or either, corporations heretofore existing within the limits of the corporation hereby created, and which books, papers and records pertain to said corporations as such, shall upon reasonable demand, be delivered up to the clerk of the borough of Le Sueur.

Books, etc., to be delivered up

Sec. 27. All trusts now conferred upon and existing by law in the corporate authorities of Le Sueur city and the town of Le Sueur, or either of them as aforesaid, are hereby transferred to, conferred upon and vested in the council of the borough of Le Sueur, as created by this act, and their successors in office, which said trusts shall be executed in all respects as by law provided; but when any deed of conveyance of

Transfers trusts

real estate from said council shall become necessary in the proper execution of its trust, the said council shall be the grantor in such deed of conveyance, and the same shall be under the seal of the corporation, signed and acknowledged by the mayor, and attested by the clerk of said borough.

Suits to remain
as if act had not
passed

SEC. 28. All suits or actions, either in law or equity, that have been commenced and are now pending in any court of this state, by or against the authorities of the above mentioned Le Sueur city and town of Le Sueur, or either of them, may be prosecuted or defended as the case may be, by such authorities, in all respects as if this act had never been passed.

Council to plant
trees

SEC. 29. It shall be the duty of the council of the borough of Le Sueur, by contract or otherwise, to plant or cause to be planted at the proper season in each year, for five years next ensuing after 1867, shade trees on the margin of the public streets in said borough, of such kind and at such places as the council shall deem fit: *Provided*, That not less than fifty nor more than seventy-five dollars shall be expended in each of said years for such purpose, and to cause a tax to be levied on the property in said borough to defray such expenditures.

Repeals inconsis-
tent acts

SEC. 30. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 31. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

Approved March 9, 1867.