

## CHAPTER 17.

AN ACT TO AMEND AND CODIFY THE CHARTER OF THE BOROUGH OF LE SUEUR, IN THE COUNTY OF LE SUEUR, MINNESOTA.

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

SECTION 1. All that part of the county of Le Sueur, Minnesota, contained within the limits and boundaries hereinafter specified, shall be a borough by the name of Le Sueur, and the people now inhabiting, or who shall hereinafter inhabit the district of country herein described, shall continue to be a municipal corporation, by the name of the borough of Le Sueur, and shall have the general powers possessed by municipal corporations at common law, and, in addition thereto, shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

SEC. 2. The territory included within the following boundaries and limits, shall constitute the borough of Le Sueur, to-wit: Sections number one (1) and two (2), lots number one (1) and two (2) in section three (3), lot three (3) in section ten (10), lot one (1) and the east half ( $\frac{1}{2}$ ) and the south-west quarter ( $\frac{1}{4}$ ) of the north-west quarter ( $\frac{1}{4}$ ), and the north-east quarter ( $\frac{1}{4}$ ) of section eleven (11), and the north half ( $\frac{1}{2}$ ) of section twelve (12), all in township number one hundred and eleven (111) north, of range twenty-six (26) west, and all that part of township number one hundred and twelve (112) north, of range number twenty-six (26) west, described as follows, to-wit: commencing at the south-east corner of said township, thence running north to the Minnesota river, thence in a southerly direction along said river to the south side of said township, and thence east to the place of beginning; and the jurisdiction of said borough shall extend ten (10) rods across the Minnesota river, and all borough ordinances, and police regulations of said borough, for the detection and punishment of crimes and misdemeanors, and for the preservation of the health, peace, and good order of the borough, shall have like effect, and be enforced in the same manner, on and over the same as within the aforesaid limits of said borough.

SEC. 3. The annual election of the officers of said borough shall be held on the first (1st) Monday of April in each year, at such place in said borough as the borough council shall designate, and the polls shall be kept open from ten (10) o'clock A. M., until four (4) o'clock P. M., and ten (10) days previous notice shall be given by the borough clerk of the time and place of holding such elec-

tion, by posting notices thereof in three public places in said borough, which said notice shall contain the names of the offices to be filled.

SEC. 4. The elective officers of said corporation shall be one (1) mayor, three (3) councilors, one (1) treasurer, one (1) clerk, one (1) attorney, two (2) borough justices, and two (2) constables, all of whom shall be elected from among and by the legal voters of said borough; and the borough council shall, at their first (1st) regular meeting after the annual election in each year, appoint an assessor, a borough marshal, and one (1) street commissioner, and all other officers necessary for the proper management of the affairs of said borough, as provided by this act, or as the borough council may from time to time direct.

SEC. 5. That the terms of office of the respective officers of said corporation shall be as follows: Of the councilors and clerk, each three (3) official years; of the borough justices and constables, each two (2) official years; and of all other officers, each one (1) official year; and all officers shall enter upon the duties of their respective offices within ten (10) days after their election or appointment, and hold the same until his successor is elected and qualified. Any vacancy occurring in any office shall be filled by the borough council, until the next annual election. *Provided*, that the [borough] council shall have power to expel any of their members, and remove from office any of the borough officers for sufficient cause, by a two-third vote of all the members of the borough council.

[ELECTIONS.]

SEC. 6. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. Whenever two (2) or more candidates for an elective office in said borough shall receive an equal number of votes for the same office, the election shall be determined by casting of lots in the presence of the borough council, at such time and in such manner as they may direct.

[VOTERS.]

SEC. 7. All persons entitled to vote for county and State officers who shall have resided in the borough ten (10) days next preceding the day of election, shall be entitled to vote for any officer to be elected under this act, and shall hold any office hereby created.

[CONDUCT OF ELECTIONS.]

SEC. 8. Said elections shall be conducted, and the votes canvassed in the same manner, and under the same penalties, and vacancies in the board of judges thereof filled, as provided by the general laws of this State regarding elections.

SEC. 9. Every person elected or appointed to any office under

this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer administering the same, with the borough clerk.

The treasurer, and such other officers as the borough council may direct, shall severally, before entering upon their respective offices, execute to the borough of Le Sueur a bond, with at least two (2) sureties, to be approved by the borough council; and said bond shall contain such conditions as said council shall deem proper; and said borough council may from time to time require, in their discretion, new or additional bonds, and may remove from office any officer refusing or neglecting to give the same.

SEC. 10. The mayor shall, when present, preside over the meetings of the borough council, and take care that the laws of the State, and the ordinances of the borough be strictly enforced and duly observed, and that all other executive officers of the borough discharge their respective duties.

He shall, from time to time, give the borough council such information, and recommend such measures as he may deem advantageous to the borough. He shall be the chief executive officer, and head of the police of the borough, and shall appoint all police officers and watchmen, subject to the approval of the council, and any police officer or watchman appointed by the mayor as aforesaid, may be discharged from office by him, with the approval of the borough council, whenever in their opinion the welfare of the borough may demand it, or a reduction of their numbers renders it necessary.

The borough council shall hold stated meetings, and the mayor, or any councilor may call special meetings of the borough council, by causing notice thereof to be served personally upon each member of the council, or by leaving the same at their usual place of abode.

The mayor shall have power to execute all acts that may be required of him by any ordinance made under the provisions of this act, and is hereby authorized and empowered to call upon every male inhabitant of said borough over the age of eighteen years, to aid in enforcing the laws and ordinances of said borough; and any person who shall not obey such call, shall forfeit to said borough a fine not exceeding twenty-five dollars (\$25), and not less than five dollars (\$5.)

The mayor shall sign all ordinances passed by the borough council.

SEC. 11. In case of the absence of the mayor from the borough, or his inability from any cause to discharge the duties of his office, the council shall elect, by ballot, from among their own number, an officer who shall be styled "acting mayor;" and all acts performed by him shall have the same force and validity as if performed by the mayor.

SEC. 12. The borough clerk shall keep the corporate seal of the borough, and all the papers and records of the borough council.

He shall draw all orders on the treasurer, in pursuance of any

order or resolution of the borough council authorizing the same, which shall be signed by the mayor, or acting mayor for the time being, and countersigned by himself, and shall also impress thereon the corporate seal of the borough, and shall keep a full and accurate account thereof in books provided for that purpose, and make a full and fair record of all the by-laws, resolutions, and ordinances passed by said borough council.

The said clerk shall have power to administer oaths and affirmations, and copies or transcripts of all papers filed in his office, and transcripts from the records of the borough council duly certified by him, under the corporate seal of the borough, shall be evidence in all courts in like manner as if the originals were produced.

Said borough clerk shall countersign all contracts made in behalf of the borough.

He shall examine the reports, books, papers, and accounts of the borough treasurer, and shall perform such other duties as may be required of him by the [borough] council.

But he shall not be directly or indirectly interested in any contract or job to which the borough is a party, or in any loan to be negotiated by or in behalf of the borough.

SEC. 13. The borough attorney shall perform all professional duties incident to his office, and when required, shall furnish written opinions upon any and all subjects, or questions submitted to him in writing by the borough council or its committees.

SEC. 14. The borough treasurer shall receive all moneys belonging to the borough, and keep an accurate and detailed account thereof, and at the last regular meeting of the council before the annual election, he shall exhibit to them a full and detailed account of all the receipts and expenditures during the preceding year, which account shall be filed with the borough clerk.

SEC. 15. It shall be the duty of the street commissioner to render his personal service, and perform labor in repairing the streets and highways of said borough, and to superintend all work and improvements, and carry into effect all orders of the borough council in relation to work and improvements upon the streets, highways, and public grounds of the borough.

He shall keep accurate accounts of all moneys received by him, and of all moneys expended in the discharge of his duties, and render monthly reports thereof to the borough council, or oftener if required.

[BOROUGH JUSTICES.]

SEC. 16. The borough justices shall have sole and exclusive jurisdiction to hear all complaints, and conduct all examinations and trials, in cases arising under any of the ordinances of said borough, and shall pay over all fines to the borough treasurer.

[CONSTABLES AND POLICE.]

SEC. 17. The constables shall be the ministerial officers of the

council, and of the courts in and for said borough, and belong to the police force of said borough; but the kind and amount of compensation for their services as such shall be fixed by ordinance or resolution of the council; and said constables shall, within the county in which they reside, 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.

The council of said borough, at its first meeting, after the annual election in each year, shall designate, by resolution, one of the borough constables to be chief of the entire police force of the borough; but as such, he shall be subordinate to the mayor.

[BOROUGH PRINTER.]

SEC. 18. The borough council may designate a newspaper, printed in the borough, in which shall be published all ordinances and other proceedings and matters required to be published in a public newspaper, the publisher of which shall be termed the borough printer.

The borough printer shall, immediately after the publication of any notice or ordinance, resolution, or other matter which may be required to be published, file in the office of the borough clerk, his affidavit, or the affidavit of his foreman, with a printed copy of such publication cut from the columns of said paper, specifying the day on which the same was published; and all ordinances having the effect of law in said borough so published, shall take effect and be in force from and after five (5) days from the filing of said affidavit and printed copy. And said printed copy and affidavit shall be received in all courts and places as prima facie evidence of the due passage and publication of the same.

SEC. 19. The borough council shall have power to require other and farther duties of any officer whose duties are herein prescribed, and to fix the compensation of all the officers of said borough.

SEC. 20. No member of the borough council, or other borough officers, shall be a party to or interested in any contract or job of work wherein the borough may be one of the contracting parties.

SEC. 21. The assessor of said borough shall have the same powers and authority, and perform the same duties as are or may be required by the laws of this State of town assessors, and shall qualify in the same manner. Said assessor shall, whenever the borough council shall determine, make and return a census of the population of the borough in the manner and form prescribed by said council.

SEC. 22. The mayor and councilors shall constitute the borough council, and the style of all ordinances shall be: Be it ordained by the council of the borough of Le Sueur. The regular meetings of said council shall be on the first (1st) Friday of each month, and a majority shall constitute a quorum. The borough council shall determine the rules of its proceedings, and be the judges of

the election and qualifications of its members, and shall have power to compel the attendance of absent members.

SEC. 23. The council shall have the control and management of the finances and property of the borough, and shall have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct, and repeal all such ordinances, rules and by-laws for the government and good order of the borough, and for the suppression of vice, as they shall deem expedient, and declare and impose penalties by fine or imprisonment, or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances rules and by-laws, are hereby declared to be and have full force of law, and for these purposes, said borough council shall have authority by ordinances, resolutions or by-laws:

*First.*—To license and regulate the exhibition of common shows of any kind, caravans, circuses or theatrical performances and pedlers, and shall have the exclusive right to license and regulate billiard tables, bowling allies, 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 alley, or pigeon-hole table, 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.

*Second.*—To restrain and prohibit the use of all gambling devices whatever from being set up or used for gambling purposes, and to restrain and prohibit all descriptions of gambling and fraudulent devices and practices.

*Third.*—To prevent any riots, noises, disturbances, disorderly assemblages, suppress and restrain disorderly houses, houses of ill-fame, and provide for the arrest and punishment of the keepers and inmates thereof, and to authorize the destruction of all instruments used for the purpose of gambling, and of all spirituous, vinous, fermented, mixed, or intoxicating liquors of any kind that may be dealt in or kept for sale contrary to the ordinances of the borough.

*Fourth.*—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, slaughter house, stable, lane, privy, sewer, or other unwholesome or nauseous structure or place, to cleanse, remove, or obviate the same, and to provide for the abatement and removal of all nuisances within the limits of the borough.

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

*Sixth.*—To prevent the encumbering of streets, alleys, sidewalks, and public grounds with vehicles of any kind, or with wood, stone, lumber, posts, awnings, or any other material or structure.

*Seventh.*—To prevent immoderate riding or driving in the streets, or obstructing streets, alleys, or crossings, and to regulate the speed of cars and locomotives, and to prevent their obstructing streets and public walks, to compel persons to fasten their horses or other animals while standing in the streets, and to regulate the places of bathing.

*Eighth.*—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 pound masters to carry into effect this provision.

*Ninth.*—To restrict and regulate the running at large of dogs—may grant licenses therefor, and impose fines upon the owners of vicious or dangerous dogs, and may authorize the destruction of any dog, when at large contrary to any ordinance in relation thereto.

*Tenth.*—To prevent any person from bringing, depositing, or having in his possession within the borough, any putrid carcass or other unwholesome substance, and to require the removal of the same, and on default thereof, to provide for the removal of the same at the expense of such person or persons.

*Eleventh.*—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 lamps and other means to light the borough.

*Twelfth.*—To regulate the width and surface line of sidewalks, and to prevent damage thereto.

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

*Fourteenth.*—To restrain drunkenness, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places.

*Fifteenth.*—To compel the owners or occupants of buildings or grounds, to remove snow, dirt, or rubbish from the streets, alleys or sidewalks opposite thereto; and in his default, to authorize the removal thereof by some officer of the borough, at the expense of such owner or occupant.

*Sixteenth.*—To establish a board of health, and prescribe its powers and duties, and to prevent the introduction and spread of contagious diseases.

*Seventeenth.*—To grant licenses to auctioneers, and to regulate the place and manner of holding public auctions.

*Eighteenth.*—To appropriate money to pay the debts and expenses of the borough.

*Nineteenth.*—The council have power to alter, vacate, abolish,

open, widen, extend, establish, grade, repair, or otherwise improve and keep in repair, all the highways, streets, avenues, lanes, and alleys in the borough; and also to open and repair public roads outside the corporate limits thereof, at the expense of the borough.

*Twentieth.*—To establish and regulate police officers and watchmen, and prescribe their numbers and duties.

*Twenty-first.*—To provide for a public hall for the use of the borough, and to provide offices for the officers thereof.

*Twenty-second.*—To restrain and punish vagrants, mendicants, and prostitutes.

*Twenty-third.*—To provide for the enclosing, improving, and regulating all public grounds belonging to the borough, and for adorning the same and the streets of said borough with shade trees, and make provision for the protection and preservation of the same.

*Twenty-fourth.*—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, created, cleansed and repaired.

*Twenty-fifth.*—To prescribe limits within which wooden buildings, or buildings of other materials that shall not be deemed fire-proof, shall not be erected or placed.

*Twenty-sixth.*—To prevent the construction, placing and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and appurtenances used in and about any building in a dangerous manner, and when found so constructed, to cause the same to be placed in a safe and secure condition, and to prevent the deposit of ashes in an unsafe place, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the borough.

*Twenty-seventh.*—The borough council shall have power to purchase fire engines and other apparatus for the extinguishment of fires, and to authorize the formation of fire companies, hook and ladder, bucket and hose companies, and to provide for the due support and regulation of the same, and to order such companies to be disbanded, and their apparatus to be delivered up. Each member of every such company shall be exempt from a poll tax, from serving on juries, and from militia duty during the continuance of such membership.

*Twenty-eighth.*—To provide that [any male person convicted before] any of the borough justices, subjecting such person to imprisonment or fine, may be kept at hard labor in any workhouse established by the borough council for that purpose, or upon the public streets or highways of said borough, or both, until such person shall work out the amount of such fine, in conformity with any ordinance of said borough.

SEC. 24. The borough council shall have power and authority to charge for and collect a license fee for all licenses issued by them.



SEC. 25. All property, real and personal, except such as may be exempt by the laws of this State, or by ordinances of the borough, shall be subject to taxation for the purpose of constructing, repairing and improving of streets, roads and bridges, and all other needful improvements, and for purposes conducive to good order, cleanliness, and protection against crime, disease and fire; and for the support of the borough government, and the payment of its debts and liabilities incurred on account of and for the purposes above mentioned. And the same shall be assessed, levied and collected in the manner provided by the laws of this State for the assessment and collection of county or State taxes.

*Provided*, that said taxes shall not exceed fifteen (15) mills on the dollar of the assessed valuation of the property in said borough.

SEC. 26. Every male inhabitant not herein exempted, between the ages of twenty-one (21) and fifty (50) years, in said borough, shall annually pay a capitation or poll tax of two (2) day's work upon the streets, highways, or other improvements within said borough. All persons liable to pay such capitation or poll tax, may, in lieu of work, pay to the street commissioner one dollar and a half (\$1.50) per day, and the street commissioner shall expend all moneys so received upon the streets, highways, or other improvements within said borough.

*Provided*, that the same shall be levied by the borough council, and collected by the street commissioner in the manner provided by the laws of this State for the collection of highway labor taxes in towns by assessors of highways.

SEC. 27. The borough council are hereby authorized and empowered to levy special assessments and taxes on any lot, piece, or parcel of land in said borough, without regard to the assessed valuation thereof, for grading, building of sidewalks, sewers, or other improvements which may benefit any such lot, piece or parcel of land, not to exceed the amount of such benefit.

The amount of such benefit, and the tax to be levied thereon, shall be fixed and determined by the borough council; and all such special assessments or taxes shall be a lien upon such lot, piece or parcel of land, and be levied and collected in the same manner as provided by the laws of this State for the levying and collecting of other taxes.

SEC. 28. The borough council shall have power to lay out public squares, grounds and highways, streets and alleys, and to widen and enlarge the same, as follows: Whenever twelve (12) or more freeholders, residing in said borough; shall, by petition, represent to the borough council that it is necessary to take certain lands within the borough for the purposes of laying out public squares, grounds, streets, highways or alleys, or enlarging or widening the same, and the courses, distances, metes and bounds of the land proposed to be taken, together with the names and residences of the owners of such lands, if the same are known to the petitioners, are or shall be set forth in the petition.

SEC. 29. The borough council shall thereupon cause notice of

such application to be given to the occupant or occupants of such lands, if any there be, and if such lands, or any portion of them, shall not be in actual occupation of any one, then the borough council shall cause such notice, describing as near as may be the premises proposed so to be taken, to be published in the official paper of the borough for three (3) weeks successively, once at least in each week. The publisher of such paper, or his foreman, shall make affidavit of such publication, and file the same with the borough clerk.

SEC. 30. Such notice shall state that on a certain day therein named, not less than six (6) days from the day of service of such notice, or the expiration of such publication, as the case may be, the borough council will appoint three (3) commissioners to view said premises, and determine whether it is necessary to take the same for the purposes specified in said petition, and at the time so specified, the borough council shall proceed and appoint three (3) reputable persons, residents of said borough, but not interested in said petition, and shall enter an order in their proceedings, requesting said commissioners to view said premises within ten (10) days, the time to be specified in said order, and to make report thereof to the borough council, whether in their judgment it is necessary to take and appropriate said premises, or any part thereof, for the public use specified in the petition.

SEC. 31. The said commissioners at such time as may be specified in said order, shall view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of their number, and either of said commissioners are authorized to administer the necessary oaths to witnesses.

SEC. 32. When the view and hearing aforesaid shall be concluded, if the commissioners aforesaid shall deem it necessary to take such premises, or any portion thereof, for such public use, they shall examine and report to the borough council their estimate of the damages to be paid to the owner or owners of each piece or parcel of property so proposed to be taken or used, or which may be damaged by the making of said improvements, and in so doing shall take into consideration the value of the property proposed to be taken, with such other damages as may be incidental thereto, and also the advantages which may accrue to such owner or owners by the making of such improvements, and make a report in detail of their doings to said borough council.

SEC. 33. If the land or buildings belong to different persons, or if the lands be subject to lease, judgment, mortgage or lien, or if there be any estate in fee, the injury done to said person or interest respectively, may be awarded to them from the proposed appropriation to the public use.

SEC. 34. The awards and report of said commissioners shall be signed by them or a majority of them, together with the testimony so taken by them, and returned to the borough council within the time limited in the order of appointment. Should they fail so to do, they shall receive no compensation for their

services thus rendered, and the borough council shall appoint new commissioners therefor.

SEC. 35. The land required to be taken for the purposes mentioned in this chapter, shall not be taken until the report of said commissioners shall be approved and confirmed by the borough council, and the damages thus awarded to the owners thereof, for the taking of the same, shall be paid or tendered the owner or his agent, or deposited for his use with the borough treasurer, in case such owner or his agent are unknown; and the said lands and premises so taken and appropriated, shall be thereafter subject to all the laws and ordinances of the borough, in the same manner as streets, alleys, or public grounds heretofore opened or laid out, and the damage so assessed shall be paid or tendered, or so deposited within one (1) month from the time of the confirmation of such assessment and report by the borough council; when no appeal is claimed thereon, or within one (1) month from the time of the final confirmation thereof on such appeal; and if not so paid, tendered or deposited, all the proceedings in any such case shall be void.

SEC. 36. When the whole or any part of a tract of land or other premises under lease or contract, shall be taken by virtue of this act, all the covenants, contracts, and engagements between landlord and tenant, or any other contracting parties respecting the same, upon the confirmation of the commissioners' report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof; and the same considerations in relation to benefits received and damages sustained by any lessee, contractor, or owner of any interest in any premises so taken, shall be observed and followed as in other cases of assessing damages.

SEC. 37. When any known owner of any lands or premises affected by any proceedings under the provisions of this act shall be an infant, or labor under any other legal disability, the judge of probate of said county of Le Sueur shall, upon the application of such person, his next friend, or said borough council, appoint a guardian for such person, upon whom shall be served all notices required by this act.

SEC. 38. Said commissioners shall each, before entering upon the discharge of their duties, severally take and subscribe an oath or affirmation, in substance as follows: That he is not in any way interested in the premises proposed to be taken, and that he will faithfully and impartially discharge the trust reposed in them as such commissioners, and file the same with the borough clerk.

SEC. 39. Any person whose premises or any interest therein may be taken in the manner hereinbefore prescribed; may, within ten (10) days after the confirmation by the borough council of the report and return of said commissioners, appeal from such determination of damages to the district court of Le Sueur county, where such appeal shall be tried as in ordinary cases of appeal in said court.

SEC. 40. The borough council may establish and determine

the grade or grades of any street or alley in the borough, and shall cause accurate profiles of all such grades to be made and certified by a competent surveyor, and when approved and established by the borough council, to be certified by the mayor and borough clerk.

SEC. 41. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the borough.

It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of the act, by-law, ordinance, or regulation under which the forfeiture is claimed, and to give the special matter in evidence under it.

SEC. 42. In all prosecutions for any violation of this act, or of any by-law or ordinance of said borough, the first process shall be by warrant. *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 any ordinance of said borough of Le Sueur, 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 by warrant.

All warrants, process, or writs by justices of the peace of said borough, for violation of any ordinance or by-law of said borough, shall run in the name of the State of Minnesota, and shall be directed to the sheriff of Le Sueur county, borough marshal, or any police officer of said borough, and may be substantially as follows, in form, to-wit:

STATE OF MINNESOTA, }  
 Borough and County of Le Sueur. } ss.

The State of Minnesota to the Sheriff of said county, or the borough marshal or any police officer of said borough:

Whereas, ..... has this day complained in writing to me on oath, that, ..... did, on the ..... day of ..... A. D. 18. ...., at the borough and county aforesaid, (here insert the complaint, whatever it may be,) contrary to the provisions of an ordinance of the borough of Le Sueur, entitled (here insert title of the ordinance,) and pray that the said ..... might be arrested and dealt with according to law.

Now, therefore, you are hereby commanded, forthwith, to apprehend the said ..... and bring ..... before me, to be dealt with according to law.

Given under my hand this ..... day of ..... A. D. 18. ....

J. .... P. ....

Justice of the Peace.

SEC. 43. No person shall be an incompetent judge, justice, witness, juror, or commissioner, by reason of his being an inhabit-

ant of the borough, in any action in which the borough is or shall be a party in interest.

SEC. 44. All the property owned by the borough and used for borough purposes shall be exempt from taxation.

SEC. 45. If any election for any borough officer or officers, for any cause, shall not be held in the manner or at the time herein prescribed, it shall not be deemed taken or considered a reason for ousting, suspending or dissolving said corporation, but said election may be held upon any subsequent day under the direction of the borough council; and if any of the duties enjoined by this act by the ordinances, by-laws, rules and regulations of the borough, to be done by any officer at any specified time, be not done or performed at that time, the borough council may, in their discretion, appoint another time, at which the said act or acts may be done and performed.

SEC. 46. All ordinances, resolutions and by-laws now in force in the borough aforesaid, and not inconsistent with or repugnant to the provisions of this act, shall continue in force in said borough till the same shall be altered, amended or repealed by the borough council, and all officers heretofore elected shall hold their respective offices for the term for which they were severally elected.

SEC. 47. That in any action brought before any justice of the peace, under any ordinance of said borough or the general laws of this State, wherein the borough of Le Sueur is a party, either party shall have the right to appeal to the district court from the judgment of a justice, or to the supreme court of the State from a judgment of the district court, and such appeals shall be taken in the manner prescribed by the general laws of the State relating thereto.

SEC. 48. 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, corporations heretofore existing within the limits of the corporation hereby created, 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 real estate from said council shall become necessary in the proper execution of its trusts, the said council shall be the grantor in such deed of conveyance, and such deed shall be under the seal of the corporation, signed and acknowledged by the mayor and attested by the clerk of said borough.

SEC. 49. All suits or actions, either at law or equity, that have been commenced and are now pending in any court of this State, by or against the above mentioned Le Sueur City, or town of Le Sueur, or the authorities thereof, or of 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.

SEC. 50. This act is hereby declared to be a public act, and may be read in evidence in any and all courts of law in this State, and no general law of this State contravening in any manner the

provisions of this act or any ordinance or thing done by virtue thereof, shall be considered or deemed as repealing, or amending or in any manner modifying the same, unless such purpose and intention shall be expressly set forth in such law.

SEC. 51. All acts and parts of acts in relation to the incorporation of the said borough of Le Sueur, or amendatory thereof, or providing for the election or appointment of any officer of said borough, are hereby repealed. *Provided*, that neither this act nor such repeal shall, in any manner invalidate or otherwise affect the provisions of any law or act authorizing said borough to issue bonds for the construction of a bridge across the Minnesota river, or to fund the floating indebtedness of said borough; but the said acts shall still continue in force, and the principal and interest of said bonds shall be paid in the manner required by said several acts, and taxes for the payment thereof shall be levied, assessed and collected in the manner therein stated. *And provided further*, that this act shall not affect any contract or act done or right accrued, or any suit or prosecution commenced prior to the passage of this act; but every such right, act, contract or proceeding shall be as valid and effectual in all respects, as if this act had not been passed.

SEC. 52. This act shall take effect from and after its passage.

Approved March 6, 1877.

## CHAPTER 18.

AN ACT TO AMEND AND REVISE CHAPTER NINE (9) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY (1870), INCORPORATING THE VILLAGE OF EAST JANESVILLE, AND THE ACTS AMENDATORY THEREOF.

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

SECTION 1. The whole of chapter nine (9) of the Special Laws of one thousand eight hundred and seventy (1870), and acts amendatory thereto, are amended and revised so that said chapter shall read as follows:

SEC. 2. That all that part of the town of Janesville, known and described as follows, to-wit: All of the west half ( $\frac{1}{2}$ ) of section twenty-six (26), all of the south half ( $\frac{1}{2}$ ) of section twenty-seven (27), all of the south-east quarter ( $\frac{1}{4}$ ) of section twenty-eight (28), all of the east half ( $\frac{1}{2}$ ) of section thirty-three (33), all of section thirty-four (34), and all of section thirty-five (35), all in township one hun-