

CHAPTER 90.

AN ACT TO AMEND CHAPTER SIX (6) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-FIVE (1875) AND CHAPTER ONE HUNDRED AND TWENTY-THREE (123) OF THE SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY-SEVEN (1877), BEING THE CHARTER OF THE CITY OF SHAKOPEE AND AN ACT AMENDING THE SAME.

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

SECTION 1. That section four (4) of chapter two (2) of said chapter six (6) of the Special Laws of eighteen hundred and seventy-five (1875), be, and is hereby amended by striking out the words "mayor or alderman" in the first and second lines of said section, and inserting in lieu thereof the words "mayor, alderman or city justice."

SEC. 2. That section three (3) of chapter four (4) of said chapter six (6) be, and is hereby amended as follows:

That sub-division *Ninth* of said section three (3) be amended so as to read as follows:

Ninth. To license and regulate the keeping of dogs within the said city, and to provide for the killing of unlicensed dogs or for imposing a fine upon the keepers of unlicensed dogs, or both."

That said section three (3) be further amended by adding at the end of said section, the following:

"Thirty-third. To establish and maintain a work-house and to provide by ordinance that any one convicted of an offense before a city justice, subjecting such offender to imprisonment under the charter and ordinance of said city, or committed for non-payment of fine, may be kept at hard labor during his term of imprisonment or commitment in such workhouse, or in case of a male offender, may be kept at hard labor during the term of his imprisonment or commitment in such work-house, or upon the public streets or improvements of said city.

That sub-division *First* of said section three (3) be amended by adding to the first proviso in said section, immediately following the word "year" in the ninth line of said section, the words "for druggists licensed to sell only for medicinal and mechanical purposes, and not less than one hundred dollars a year for license to sell such liquors by the glass, to be drunk upon the premises."

SEC. 3. That section two (2) of said chapter one hundred and twenty-three (123) of the Special Laws of eighteen hundred and seventy-seven (1877) be amended by inserting the words "in whole or in part," after the word "pay" and before the word "for" in the second line of said section.

SEC. 4. That section six (6) of said chapter one hundred and twenty-three (123) be amended so as to read as follows:

Sec. 6. Whenever it shall be necessary to take private property for the purposes contemplated in the four (4) last sections, the common council shall appoint three (3) commissioners who shall be freeholders and qualified electors of the city, one of whom at least, shall be a resident of the ward in which is situated the property proposed to be taken, to view the premises and assess the damages and benefits which may be occasioned by the taking of such property and making such improvement: such commissioners shall be notified as soon as practicable by the city recorder to attend at his office on a day fixed by him for the purpose of qualifying and entering upon their duties; and in case any such commissioner, upon being notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay to the city a fine not exceeding fifty dollars, and may be prosecuted therefor before the city justice as in the case of fines imposed for the violation of any city ordinance, and the common council shall fill the vacancy. The commissioners shall be sworn, by any officer authorized to administer oaths, to discharge their duties as commissioners in the matter with fidelity and impartiality, and to make due returns of their actions and doings to the common council, which said oath shall be reduced to writing, subscribed by said commissioners and filed with the city recorder. The said commissioners shall, with all reasonable dispatch, with the assistance of the city surveyor, cause a survey and plat of said improvements or grounds to be made and filed with the city recorder, showing, as far as practicable the land or parcel of property proposed to be taken or which may be damaged thereby, and shall determine what real property will be specially benefited, and shall thereupon fix a time and place when they will meet to assess the damages to and for [the property to be taken, or that may be damaged by] the proposed improvements, and the benefits which will accrue to the property specially benefitted thereby: such time shall be sufficient to give notice as hereinafter provided, to the owners, occupants and incumbrances of the property to be taken or injured, or upon which benefits will be assessed, and shall forthwith furnish the city recorder with a statement showing the time and place of such meeting, a brief description of the property to be taken or damaged, and a brief description of the property to be assessed for benefits.

The recorder shall thereupon immediately cause a notice of the time, place and purpose of the meeting of the commissioners to be published for two (2) weeks prior to such meeting in a newspaper published in said city and shall cause such notice to be served at least five (5) days before such meeting, on the occupants of each tract of such property which is actually occupied: such service shall be made in the same manner that a summons in the district court is required to be served; and proof of such service and of such publication shall be made and filed with the report of said commissioners. Such notice shall briefly describe the nature of such proposed

improvements, the property to be taken or damaged and the property to be assessed for benefits.

SEC. 5. That section seven (7) of said chapter one hundred and twenty-three (123) be amended as follows:

That words "what real estate will" in the twelfth line of said section be stricken out and the words "assess the benefits to the real estate which will" inserted in lieu thereof.

That the words "and assess" at the end of the fourteenth line of said section be stricken out and the words "which assessment shall include" be inserted in lieu thereof.

That the words "on the real estate by them deemed benefited" in the fifteenth and sixteenth lines of said section be stricken out.

That there be added at the end of said section seven (7) the following:

"*Provided* that if there is not found property specially benefited by such improvement sufficient to pay the whole expense thereof, the commissioners shall assess the property specially benefited to the extent of such special benefit, and the balance of the expense of such improvement shall be paid out of the general funds of said city. *Provided further*, that if such improvement shall be a general benefit to the property at large within the city, the commissioners shall so report, and the expense thereof shall be paid out of the general funds of the city."

SEC. 6. That section nine (9) of said chapter one hundred and twenty-three (123) be amended as follows:

That the words "and benefits" be inserted next after the word "damages" in the sixteenth line of said section.

That the words "including three dollars per day for each commissioner for their services" be inserted next after the word "costs" in the twentieth (20th) line of said section nine (9).

SEC. 7. Nothing in this act shall be construed as in any manner affecting any proceeding heretofore commenced or any ordinance heretofore passed under the charter of said city.

SEC. 8. This act shall take effect and be in force from and after its passage. This act and all acts in this act referred to, are declared to be public acts, and they shall be taken judicial notice of by all courts without being specially pleaded or proven.

Approved March 7, 1881.

CHAPTER 91.

AN ACT TO AMEND THE CHARTER OF THE VILLAGE OF SPRING VALLEY, IN THE COUNTY OF FILLMORE.

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

SECTION 1. That chapter twenty-five (25) of the special laws of