

CHAPTER 38.

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March 5, 1853.

*An Act to incorporate the Town of Mendota in the County of Dakota.***SECTION.**

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SECTION.

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Limits of corporation.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That so much land as is contained within the following limits, be, and the same is hereby created a body corporate by the name of the town of Mendota, viz: Beginning at a point on the south side of the Minnesota river where the line of the military reserve strikes said river, thence down said river three-fourths of a mile, thence south five-eighths of a mile, thence westerly to a point five-eighths of a mile south of the point of beginning, thence north to the place of beginning, being the land reserved for a town site by an act of congress entitled "An Act to reduce and define the boundaries of the Military Reserve at the St. Peter's river in the Territory of Minnesota, Approved August 27, 1852."

Election of town officers.

SEC. 2. That for the good order and government of said town, it shall be lawful for the male inhabitants thereof, having the qualifications of electors of members of Legislative Assembly of the Territory of Minnesota, to meet at the place of holding elections in said town on the first Monday of June next, and at the same time, annually thereafter, at such place in said town as the town council may direct, and then and there proceed by ballot, to elect one President, one Recorder and three trustees, being householders of said town, and having the qualifications of electors as aforesaid, who shall hold their offices one year and until their successors shall be elected and qualified, and such president, recorder and trustees being so elected and qualified, shall constitute the town council of said town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties.

Judges and clerk of election.

SEC. 3. At the first election to be holden under this act, there shall be chosen *viva voce*, by the electors present, two judges and a clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this act, and at all subsequent elections, the trustees or any two of them, shall be judges,

and the recorder, or in his absence, some person to be appointed by the judges, shall be clerk. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four in the afternoon of said day, and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters present by one of the judges, and the clerk shall make a true record thereof, and within five days thereafter, he shall give notice to the persons so elected, of their election; and it shall be the duty of the said town council, at least ten days before each and every election, to give notice of the same by setting up advertisements at three of the most public places in said town.

Sec. 4. Each member of said town council before entering upon the duties of his office, shall take an oath or affirmation, to support the Constitution of the United States, and also an oath of office.

Oath of office.

Sec. 5. The President, Recorder and trustees of said town, shall be, and are hereby created a body corporate and politic, with perpetual succession, to be known and distinguished by the name and style of "The Town of Mendota," and shall be capable in law, by their corporate name aforesaid, to acquire property, real, personal and mixed, for the use of said town, and may sell and convey the same at pleasure. They may have a common seal, which they may break, alter or renew at pleasure; they may sue and be sued, plead and be impleaded, defend and be defended, in all manner of actions in all courts of law or equity; and when any suit shall be commenced against said corporation, the first process shall be served by an attested copy thereof left with the recorder or at his usual place of residence, at least six days previous to the return day of such process.

Powers of town council.

Sec. 6. The president, and in his absence, the recorder, shall preside at all meetings of the town council; and the recorder shall attend all meetings of the town council, and make a fair and accurate record of all their proceedings, and of the by-laws, rules and ordinances made or passed by the common council aforesaid, and the same shall at all times be open for inspection of the electors of said town; but in case of the absence, or inability of the recorder, the trustees may appoint one of their own body clerk *pro tempore*.

Who shall preside.

Sec. 7. The town council shall have power to fill all vacancies which may happen in said board, from the householders who are qualified voters of said town, who shall hold their appointments until the next annual election, and until their successors shall be elected and qualified; and in the absence of the president and recorder from any meeting of the town council, the trustees shall have power to appoint any two of their number to perform the duties of president and recorder for the time being.

Vacancies, how filled.

Sec. 8. The said town council shall have power to make, ordain and establish by-laws, ordinances, rules and regulations for the government of said town; and the same to alter, amend or repeal at pleasure; to provide in such by-laws, for the appointment or election of a treasurer, town marshal and all the subordinate officers which they may think necessary for the good government and well being of said town; to prescribe their duties, and determine the period of their appointment, and the fees they shall be entitled to receive for their respective services, when the same is not otherwise provided for by this act, and to require of them to take an oath of office previous to entering upon the duties of their respective

By-laws, ordinances, etc.

offices, and may further require of them, a bond with security, conditioned for the faithful performance of their respective offices. The town council shall also have power to fix to the violation of the by-laws and ordinances of the corporation such reasonable fines and penalties: *Provided*, That such by-laws and ordinances be not inconsistent with the constitution and laws of the United States, or of this Territory. *And provided, also*, That no by-laws or ordinances of said corporation, shall take effect or be in force until the same shall have been posted up at least ten days in one of the most public places within said town, and the certificate of the recorder entered upon the record of said town council, shall be deemed and taken to be sufficient evidence of such publication.

Financial affairs.

SEC. 9. The town council shall at the expiration of each and every year, cause to be made out and posted up as aforesaid, the receipts and expenditures of the preceding year.

Town improvement.

SEC. 10. The town council shall have power to regulate and improve the streets and alleys, and determine the width of sidewalks in said town, to regulate the public grounds, to erect a market house and regulate the markets, to remove all nuisances and obstructions from the streets and commons of said town, and do all things which similar corporations have power to do, in order to provide for and secure health, cleanliness and good order in said town.

May assess taxes.

SEC. 11. For the purpose of more effectually enabling the said town council to carry into effect the provisions of this act, they are hereby authorized and empowered to assess a tax for corporation purposes, within the limits of said corporation, made taxable by the laws of this Territory, so that said tax shall not exceed in any year, five mills on the dollar of valuation, as the same may be found on the books of the county commissioners of the county of Dakota, at the time of assessing said tax. The town council shall also have power, if authorized to do so by a majority of all the electors in said town, at any meeting called for that purpose, to levy an additional tax as above specified, sufficient to organize and establish a fire company, and purchase an engine, hose and other necessary apparatus, for the extinguishment of fires in said town; public notice of which meeting and the object thereof, shall be given by posting up a written or printed notice thereof, in at least three of the most public places in said town, ten days before the time of such meeting.

Duty of Collector.

SEC. 12. When any tax is levied, it shall be the duty of the recorder to make out a duplicate of the taxes, charging each individual owning property, in said corporation with the amount assessed on each item of property, as found on the books of the county commissioners of said county, which duplicate shall be certified by the president and recorder, and one copy thereof shall be placed in the hands of the marshal, or such other person as shall be appointed collector, whose duty it shall be to collect said tax, in the same manner and under the same regulations as other county taxes are collected; and the said marshal, or such other person as may be appointed collector, shall immediately after collecting said tax, pay the same over to the treasurer of said corporation, and take his receipt therefor; and the said marshal or other collector, shall have the same power to sell both real and personal property for the non-payment of the corporation taxes, as is given to the county collector; and when necessary the recorder shall have power to make deeds

in the same manner that other sheriffs do, and the marshal or other collector, shall receive for his fees, such sum as the town council may direct, not exceeding six per centum on all moneys so by him collected, to be paid by the treasurer on the order of the recorder.

Sec. 13. The president of said town shall be a conservator of the peace within the limits of said corporation, and shall have and exercise all the ordinary powers of justice of the peace, within the limits of the said corporation, in all matters civil or criminal, arising under the laws of this Territory, he shall give bond and security as required of justices of the peace, except that the said bond shall be taken in the name of the town of Mendota; and appeals may be taken from his judgments in all civil cases and in all penal cases arising under the laws and ordinances of said town to the district court of the county of Dakota, in the same manner and within the same time as appeals are, or may be taken and perfected in ordinary cases before justices of the peace. Said president shall keep a docket, and a fair and true record of his proceedings, judgments and executions in all cases which may come before him, and shall be entitled to the same fees as are allowed to justices of the peace for similar services.

Powers of president.

Sec. 14. The marshal shall be principal ministerial officer of said town, and shall have the same powers therein, as constables have by law in their respective counties, and his jurisdiction in criminal cases shall be co-extensive with the county; he shall execute all processes issued by the president, and receive the same fees that constables are allowed in similar cases for like services.

Marshal.

Sec. 15. Said corporation shall be allowed the use of the jail of the county for the imprisonment of such persons as may be liable to imprisonment under the by-laws and ordinances of said corporation, and such persons shall be under the charge of the sheriff of said county as in other cases.

Jail.

Sec. 16. That the president, recorder, trustees, or other officers of said corporation, shall, on demand, deliver to their successors in office, all such books and other property, as appertain in any wise to said corporation.

Officers to deliver property.

Sec. 17. This act to take effect from and after its passage.

Approved March 6, 1853.

CHAPTER 39.

An Act to dissolve the marriage contract between Marcella Couturier and his wife Margaret Couturier.

March 25, 1851.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That the marriage contract heretofore existing between Marcella Couturier and his wife, Margaret Couturier be, and the same is hereby dissolved; and that the said parties be, and hereby restored to all the rights and privileges of unmarried persons.

Marriage contract dissolved.

Approved March. 25, 1851.