

## CHAPTER LXII.

*An Act for the Incorporation of the Town of New Ulm  
in the County of Brown.*

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*Be it enacted by the Legislative Assembly of the Territory of Minnesota :*

SECTION 1. That all that country in the county of Brown, Boundaries contained within the limits and boundaries hereinafter described, shall be a town by the name of "New Ulm," and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of "Town of New Ulm," and shall possess powers by their corporate name to acquire property, real, personal or 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 change 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 and equity. Name Incorporation Sell and convey Seal

SEC. 2. The territory included within the following limits and boundaries shall constitute the Town of New Ulm: Lot number two, (2) and the north-west quarter of the north-east quarter, and the north one-half of the south-west quarter of section number thirty-three, (33) and the east half of the north-east quarter of section No. thirty-two, (32) and lots number seven, (7) eight, (8) nine, (9) and the south-west quarter of the north-west quarter of section number twenty-eight, (28) and the east half of north-west quarter, and north-east quarter of south-west quarter of section twenty-nine, (29) and section No. twenty, (20) except lots number one (1) and two, (2) and the south-west quarter of south-east quarter, Boundaries

and the south-east quarter of the south-west quarter, and the west half of south-west quarter, and lots number one (1) and two (2) in section number seventeen, 17) and the east half of the southwest quarter and the southeast quarter, and the south-east quarter of the north-east quarter of section No. eighteen, (18) and the north-east quarter and the east half of the south-east and the north-east quarter of the north-west of section number nineteen, (19) all in township one hundred and ten, of N. of range number thirty, (30) of the fifth (5) principal meridian.

Wards

SEC. 3. The said town shall be divided into four wards, the limits of which shall be determined at their first meeting by the Town Council hereinafter mentioned.

Elect officers

SEC. 4. That for the good order and government of said town it shall be lawful for the male inhabitants thereof having the qualification of voters 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 hereafter, in such place as the Town Council may direct, and then and there proceed by ballot to elect the elective officers of said town.

Elective officers

SEC. 5. The elective officers of said town shall be a justice of the peace and three trustees, and have the qualification of voters aforesaid, who shall hold their offices for one year, and until their successors shall be elected and qualified. The justice of the peace, when so elected, shall be president, and the president and trustees so elected and qualified, shall constitute the Town Council. One of said Trustees shall be elected and resident of each ward, except at the first election aforementioned; any three members of said council shall constitute a quorum for the transaction of business pertaining to their duties.

Elect officers

SEC. 6. At the first election held 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

Trustees to be Judges

two of them, shall be Judges, and the Clerk of the Town Council, or in his absence some person appointed by the Judges shall be Clerk. The polls shall be opened between the hours of ten and eleven in the forenoon, and closed at four o'clock, P. M., of the same 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 report 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. Each member of said Town Council, before entering upon the duties of his

Polls to be open;

Oath

Give notice

office, shall take an oath or affirmation to support the Constitution of the United States, and also an oath of office.

SEC. 7. The President shall preside at all meetings of the Town Council, and in his absence one of the Trustees may be elected President *pro tem*. The Town Council shall have power to fill all vacancies which may occur in said Board, from the voters of said town, who shall hold their appointment until the next annual election, and until their successors shall be elected and qualified.

President shall  
preside

Vacancies

SEC. 8. The said Town Council shall have power to make, ordain and establish bylaws, ordinances, rules and regulations for the government of said town; and the same to alter, amend or repeal the same at pleasure; to provide in such by-laws for the appointment or election of Clerk, Treasurer, Town Marshal, and of 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 provided for by law, and require of them to take an oath of office previous to entering upon the duties of their respective offices, and may require of them a bond with security, conditioned on the faithful performance of the duties of their respective offices. The Town Council shall also have power to fix for 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 in each ward within said town; and the certificate of the Clerk entered upon the record of said Town Council shall be deemed and taken to be sufficient evidence of such publication.

Power

Fees

Oath

Give Bond

Provide

Certificate

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.

Receipts and  
expenditures

SEC. 10. The Town Council shall have power to regulate and improve the streets and alleys, and determine the width of the 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, to prevent any riots, noise, disturbance, disorderly assemblages, suppress and restrain disorderly houses and houses of ill-fame, and to authorise the destruction of all instruments used for the purpose of gaming, and to 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.

Improvements

SEC. 11. The Town Council is hereby authorised and empowered to assess a tax for corporation purposes, within the

Assess tax

limits of said Corporation, made taxable by 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 Brown at the time of assessing said tax. The Town Council shall also have power, if authorized to do so by a majority of 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 therefor, 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.

Duplicate of  
taxes

SEC. 12. When any tax is levied it shall be the duty of the Clerk 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 Clerk, and one copy thereof shall be placed in the hands of the Marshal, or such other person as shall be to collect said tax, in the same manner and under the same regulations as the 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 Clerk 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 Clerk.

Make deeds

Bonds

SEC. 13. The Justice of Peace elected under the provisions of this act, shall give bonds, taken in the name of the town of New Ulm, and filed with the Clerk, with an oath of office written thereon. He shall possess all the authority, powers and rights of a Justice of the Peace, except he shall in no case entertain any civil proceedings to which the town of New Ulm is not a party, and shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the town, cognizable before a Justice of the Peace; but warrants returnable before the said Justice may be issued in criminal cases, by any other Justice in the town; but no fee shall be received therefrom by such Justice. Said Justice shall have exclusive jurisdiction in all cases in which the town is a party, and he shall have the same power and authority in cases of con-

Issue warrants

tempt, as a Court of Record: *Provided*, Nothing herein contained shall be deemed to divest the District Judges of their authority as conservators of the peace, nor to effect in any manner the jurisdiction or powers of the District Court of Brown county. In case of absence, sickness, or other inability of said Justice, or for any other sufficient reason, the Town Council shall authorize any other Justice of Peace within said town, to perform the duties of said Justice, and it shall thereupon be the duty of said Council to inform the Marshal of such substitution, and cause a record thereof to be made in the records of the town; such Justice of the Peace so appointed, shall for the time being possess all the authority, powers and rights of said Justice of the Peace of the town of New Ulm. The Justice of the Peace of said town 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.

SEC. 14. The Clerk shall be elected by ballot, by the Town Council; he shall keep the corporate seal, and all papers and records of the said town; and keep a record of the proceedings of the Town Council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of said Town Council, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced; he shall draw and countersign all orders on the treasurer, in pursuance of any order or resolution of the Town Council, and keep a full and accurate account thereof, in books provided for that purpose. The Clerk shall have power and authority to administer oaths or affirmations.

SEC. 15. The treasurer shall perform such offices, and receive and disburse the moneys of said town, according to by-laws and ordinances.

SEC. 16. The Marshal shall perform such duties as shall be prescribed by the Town Council for the preservation of the public peace, and for the collection of moneys and fines. He shall possess the powers of constable at common law, or by the laws of this Territory, and receive like fees, but shall not serve civil process, except when the town is a party.

SEC. 17. 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.

SEC. 18. The 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.

SEC. 19. The Marshal or any other officer authorized to execute writs or other process issued by the Justice of the Peace, shall have power to execute the same within the lim-

its of Brown county, and shall be entitled to the same traveling fees as are allowed to constables in similar cases.

No tax

SEC. 20. No tax shall be raised for the following purposes, to wit:—to purchase public grounds, to procure fire engines, and necessary apparatus therefor, and implements for hook and ladder companies, to erect engine houses and market houses, to make public wells and other reservoirs, to erect a town pound, to make and repair streets and side walks, excepting in the following manner: At any meeting to elect town officers, or at any other meeting of such electors, duly notified by the trustees, the persons entitled to vote to raise taxes in said town, may by resolution, direct the Trustees to cause to be raised by a tax upon the taxable property liable to be assessed for taxes in said town. The notice of holding such meetings required by this section, shall be twenty days, and such notice shall specify the amount and objects of such tax, and that such meeting will be called upon to vote at any such meeting in respect to raising any such tax, unless he shall be qualified to vote for Trustees of the town, and shall own property liable to be assessed for taxes therein, or have property in his possession upon which he is liable to pay taxes for town purposes.

Borrow money

SEC. 21. Said town shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account, or advances in its behalf by its officers, or any other person, nor shall any of its money or property be applied to any such purpose, nor shall such town incur any debt or liability except for the purpose and in the manner specifically set forth and provided by this act.

Take effect

SEC. 22. This act shall be in force from and after its passage.

J. W. FURBER,

Speaker of the House of Representatives.

JOHN B. BRISBIN,

President of the Council.

APPROVED—March sixth one thousand eight hundred and fifty-seven.

W. A. GORMAN.

SECRETARY'S OFFICE, Minnesota, }  
SAINT PAUL, March 10th, 1857. }

I certify the above to be a true copy of the original on file in this office.

J. J. McCULLOUGH,

Acting Secretary.