

further, That nothing contained in this act shall be construed as to effect the rights and privileges granted to the Winona and LaCrosse Railroad Company, approved February twenty-fifth, 1856.

Sec. 8. This act shall be subject to amendment or alteration by any subsequent Legislature.

J. W. FÜRBER,

Speaker of the House of Representatives.

JOHN B. BRISBIN,

President of the Council.

APPROVED—February seventh, one thousand eight hundred and fifty-seven.

W. A. GORMAN.

SECRETARY'S OFFICE, Minnesota, }

SAINT PAUL, March 10, 1857. }

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

J. J. McCULLOUGH,
Acting Secretary.

CHAPTER LXXII.

An Act to Incorporate the Town of East Red Wing

- Sections 1** Boundaries—Name.
2 Elections.
3 Held Office—Quorum.
4 Judges of Election—Notice.
5 Declared elected—Oath.
6 Powers—Said.
7 President to preside—Record proceedings.
8 Powers of President.
9 Fill vacancies.
10 Election of Treasurer—Proviso.
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13 Town Council to Assess Tax.
14 Duplicate—Collect Tax.
15 Deliver Book, &c. to successor.
16 Compensation.
17 To take effect from its passage.

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

Boundaries

SECTION 1. That so much land as is contained within the following bounds, to wit: commencing at a point where the line between sections twenty-eight and twenty-nine in town one hundred and thirteen north, range fourteen west, strikes the centre of the Mississippi River; from thence south on said line to the south east corner of section twenty-nine aforesaid; thence west on the section line between said section twenty-nine and section thirty-two to the south-west corner of said section twenty-nine; thence west on the section line

between section thirty and thirty-one of the town and range aforesaid, to the south-west corner of the south-east quarter of the south-east quarter of section thirty; thence due east to the line between sections thirty and twenty-nine; thence north on said line to the centre of the main channel of the Mississippi River; thence down said channel to the place of beginning, be and the same is hereby created a town corporate by the name of East Red Wing. Name

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 the Legislative Assembly of the Territory of Minnesota, to meet at the house of Norris Hobart, in said town, on the second Tuesday of April, 1857, and annually thereafter at such times and places as the Town Council may direct, and then and there proceed to ballot for one President, one Recorder and three Trustees, being householders of said town, and having the qualifications of electors as aforesaid. Elections

SEC. 3. The President, Recorder and Trustees, elected as aforesaid, shall hold their offices for one year, and until their successors are elected and qualified—and such President, Recorder and Trustees, so elected and qualified, shall constitute the Town Council of said town—and three of whom shall constitute a quorum for the transaction of business pertaining to their duties; and in said Town Council shall be vested the government of said town, and the exercise of its corporate powers, and the management of its fiscal, prudential and municipal concerns. Hold office

SEC. 4. At the first election to be holden under this act, there shall be chosen viva voce, by the electors present at the time for opening the polls on the day for holding said first election, 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 cast 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. And if a newspaper is published in said town, by inserting the notice in said newspaper, at least once before such election. Judges of election
Give Notice

SEC. 5. The candidates receiving the highest number of votes for the offices for which they shall be respectively can-

Oath didates, shall be declared elected by the said judges of the election, and the candidates so elected shall before entering upon the performance of the duties of their respective offices each take an oath or affirmation to support the Constitution of the United States, and also an oath of office, which shall be taken before some Justice of the Peace, and filed with the Recorder.

Powers Sec. 6. The President, Recorder and Trustees of said town shall be capable in law by their corporate name aforesaid, to acquire property, real, personal and mixed, and may sell and convey the same at pleasure. They may have a common seal, which they may break, alter or renew with pleasure; 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 before the return day of such process, and this corporation shall be competent to have and exercise all the rights and privileges and subject to all the duties and obligations appertaining to a municipal corporation.

President to preside Sec. 7. 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 as 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 body Clerk *pro tempore*.

Powers of president Sec. 8. The President shall also keep the seal of said Corporation, sign all commissions, licenses and permits which may be granted by the Common Council; he shall maintain peace and good order, and see that the ordinances of the said town are observed and executed. He shall have power to administer oaths or affirmations, and to take and certify acknowledgments of deeds and other instruments in writing; as a judicial officer he shall have concurrent jurisdiction with Justices of the Peace of the county of Goodhue, of all cases for the violation of any ordinances of said town, or under the laws of this Territory.

Vacancies Sec. 9. The Town Council shall have power to fill all vacancies which may happen in said Board, from the 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.

Election of Treasurer Sec. 10. The Town Council shall have power to provide for the appointment or election of a Treasurer, Town Marshal and all the subordinate officers which they may think neces-

sary 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; to require of them to take an oath of office previous to entering upon the duties of their respective offices, and shall 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 reasonable fines and penalties: *Provided*, That no by-laws or ordinances of such Corporation shall take effect or be in force until the same shall have been posted up in one of the most public places in said town, or published in some newspaper in said town, at least ten days, 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.

Sec. 11. The Town Council shall, at the expiration of each and every year, cause to be made out and posted up as aforesaid, or published in some newspaper in said town, the receipts and expenditures of the preceding year.

Sec. 12. The Town Council shall have power to enact, establish, publish, alter, modify, amend or repeal all such ordinances, rules and by-laws for the government and good order of the town, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient; declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules or by-laws; and such ordinances, rules or by-laws are hereby declared to be and to have the force of law: *Provided*, That they be not repugnant to the Constitution or the laws of the United States and of this Territory; and for those purposes shall have authority, by ordinance or by-laws, to organize fire companies, hook and ladder companies, to regulate their government, and the time and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire-buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale in any manner; and if the owner shall refuse to procure suitable ladders or fire-buckets, after reasonable notice, the Common Council may procure and deliver the same to him, and in default of payment therefor, may recover of the said owner the value of such ladders or fire-buckets, or both, with costs of suit; to regulate the storage of gunpowder, and other dangerous materials, to direct the safe construction of a place for the deposit of ashes, to appoint one or more fire-wardens to enter into, at reasonable times, and examine all dwelling-houses, lots, yards, enclosures and buildings of every description, in order to dis-

cover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stove-pipes, to prevent fires and the use of fire-works and fire-arms within the limits of said town, or such parts thereof as they may deem proper; to compel the inhabitants of said village to aid in extinguishing fires, and to pull, break down and raze such buildings in the vicinity of the fire, as shall be directed by the Common Council, or a majority of them, who may be at the fire, for the purpose of preventing its communication to other buildings, and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper. *Second*, To prevent, abate and remove nuisances, and to take such measures for the public health as they may deem proper, and to compel the owner or occupant of any grocery, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous houses or places, to cleanse, remove, or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the town. *Third*, To license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circusses, or theatrical performances, under the ordinances or common law. *Fourth*, To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said town. *Fifth*, To prevent any riots, noise, disturbance, or disorderly assemblages, suppress and restrain disorderly houses, or groceries or houses of ill-fame, shows and exhibitions. *Sixth*, To direct the location and management of all slaughter houses and markets. *Seventh*, To prevent the encumbering the streets, side-walks, alleys or public grounds, with carriages, carts, wagons, sleighs, sleds, boxes, lumber, fire-wood, or other materials or substance whatever. *Eighth*, To prevent horse-racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of the town. *Ninth*, To restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same, or to impose a fine not exceeding five dollars for every such animal found going at large in violation of the by-laws of the town. *Tenth*, To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, or to impose a tax upon the same. *Eleventh*, To prevent any person from bringing, depositing or having within said town any putrid carcass, or any unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, and in default to authorize the removal

thereof by some competent officer, at the expense of such persons. *Twelfth*, To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burying grounds set apart for public use from taxation. *Thirteenth*, To regulate the improvement of the Levee, and provide for the security and protection of the same. *Fourteenth*, To regulate the establishment of ferries, and provide for the protection of the same. *Fifteenth*, To provide for the security and protection of bridges. *Sixteenth*, To prevent all persons riding or driving any horse, ox, mule, cattle, or other animal, on the side-walks in said town, or in any way doing any damage to such side-walks. *Seventeenth*, To restrain drunkards, immoderate drinking, or obscenity in the streets or public places, and provide for arresting, removing and punishing any person or persons who may be guilty of the same; and to regulate, restrict or prevent the sale of intoxicating drinks in said town. *Nineteenth*, To protect trees and monuments in the town. *Twentieth*, To regulate and provide for the improvement and grading of the levee, streets and alleys of said town, under such regulations as they may adopt.

SEC. 13. 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 Assess tax 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 one year five mills on the dollar of valuation, as the same may be found on the books of the County Commissioners of the county within which said town may be located 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 of said town, at any meeting called for that purpose, to levy an additional tax as above specified, sufficient to carry into effect any of the provisions of this act 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, and by publishing a copy thereof in the newspapers of said town, if any be published therein.

SEC. 14. When any tax is levied, it shall be the duty of the Recorder to make out a duplicate of the taxes charging Duplicate 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 may 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 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, taking his receipt therefor; and the Marshal or other collector shall have the same power to sell both real or 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 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.

Deliver books SEC. 15. The President, Recorder 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 cooperation.

Compensation SEC. 16. It shall not be lawful for the officers of said corporation to receive for their services more than one dollar per day for the time necessarily employed in the performance of their duties, except that the President, when performing duties as the justice of the peace, shall receive such compensation as is by law provided for such services.

Take effect SEC. 17. This act shall be in force and effect from and after its passage. J. W. FURBER,

Speaker of the House of Representatives.

JOHN B. BRISBIN,

President of the Council.

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

W. A. GORMAN.

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

J. J. McCULLOUGH,
Acting Secretary.

CHAPTER LXXIII.

An Act to extend the time for the Collection of Taxes in Winona County.

- SECTION 1 The time for collecting taxes extended.
2 Collect taxes.
3 Register of Deeds to sell lands.

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

Extension SECTION 1. That the time for the collection of taxes in the county of Winona for the year eighteen hundred and fifty-six, be and the same is hereby extended to the first Monday in July, eighteen hundred and fifty-seven.