

CHAPTER XLI.

An Act to incorporate the Town of Buffalo, and for other purposes.

- SECTION 1 Boundaries and corporate name.
 2 Election of officers—Town Council.
 3 Mode of conducting elections.
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 5 President and Recorder created a body corporate and politic.
 6 Duties of the President.
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 8 Powers of Town Council.
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 11 Authority to levy tax.
 12 Tax duplicate to be placed in hands of Marshal for collection.
 13 Officers required to deliver to their successors all books, &c.
 14 Town Council to apply for pre-emption of town site.
 15 Town Council to have the land surveyed and laid out in squares, &c.
 16 Town Council to make deeds to all persons entitled to lots, &c.
 17 Lots may be assessed for expenses of survey and street improvements.
 18 Plat of survey must be recorded in the Register of Deeds' Office.
 19 This Act to take effect on its passage.
 20 Incorporates the Town of Karns City.
 21 Incorporates the Town of Benshaw.
 22 Incorporates the Town of Sitomanee.

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

SECTION 1. That so much land as is contained within the east half of section thirty and the north half of the north-east quarter of section thirty-one, in township one hundred and twenty, north range, twenty-five west of the fifth principal meridian, be, and the same is hereby, created a Town corporate by the name of Buffalo.

Boundaries

SEC. 2. That for the good order and government of said Town it shall be lawful for the male inhabitants thereof having the qualification of electors of the Legislative Assembly of the Territory of Minnesota, to meet at the hotel of J. Taylor, on the first Monday in November 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 office one year and until their successors shall be elected and qualified; and such President, Recorder and three Trustees, being so elected and qualified, shall constitute the Town Council of said Town, any three of whom

Election of Trustees.

Town Council

shall constitute a quorum for the transaction of business pertaining to their duties.

Judges of Election
Opening polls
 SEC. 3. 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 before some officer properly qualified to administer such, 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 at nine o'clock in the forenoon, and close at four o'clock 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.

Oath of officers
 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 faithfully and impartially to discharge the duties of his office.

Corporate powers
 SEC. 5. The President and Recorder 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 Buffalo," and shall be capable in law, by their corporate name aforesaid, to acquire property, real, personal and mixed, for the use of said city, 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 and 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.

President
 SEC. 6. The President, and in his absence, the Recorder, shall preside at 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 Town Council aforesaid, and the same shall at all times be open for the 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.

SEC. 7. The Town Council shall have power to fill all va

cancies which may happen in said Board, from the householders who are qualified voters of said Town, who shall hold their appointment until the next annual election, and until 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

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 offices, and may further require of them a bond with security conditioned for the faithful performance of the duties 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 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.

Town Council
may ordain or-
dinances and
elect all ne-
cessary offi-
cers

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 preceeding year.

Annual exhibit

Sec. 10. The Town Council shall have power to regulate and improve the levees, streets and alleys, and determine the width of sidewalks in said city; to regulate the public grounds and 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.

Regulate and
improve
streets, &c.

Sec. 11. For the purpose of more effectually enabling 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, on property 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

May assess tax

which said town may be located at the time of assessing said tax. The Town shall 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 said meeting.

Special tax for
engines, &c.

Duplicate

Collector of
Taxes

Power to sell
property for
taxes

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 may be appointed collector, whose duty it shall be to collect such 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 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,
&c., to suc-
cessors

SEC. 13. 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 corporation.

Pre-emption of
town site

SEC. 14. It shall be the duty of the Town Council of said Town to apply for a pre-emption to the said east half of section thirty and the north half of the north-east quarter of section thirty-one, in township one hundred and twenty, north range twenty-five west of the fifth principal meridian, under the provision of the Act of Congress, entitled "an Act for the relief of the citizens of towns upon the lands of the United States under certain circumstances, approved May 23, 1844."

Survey of land
into squares,
&c.

SEC. 15. It shall be the duty of the said Town Council, as soon as practicable, after the application shall have been made for a pre-emption as aforesaid, to cause the land within the corporate limits of said Town to be surveyed and laid out into squares or blocks, and lots, streets and alleys,

in such manner as said Town Council may deem proper, and to authorize said improvements to be made on said streets and alleys, or any of them, as said Council may deem necessary.

SEC. 16. It shall be the duty of said town Council, as soon as the title to said lands shall be obtained, under the provisions of said Act of Congress aforesaid, to ascertain the number of persons entitled to lots, squares or blocks, within the said town, who may have a valid right, either by an original claim to said lands, or by transfer from any person or persons having made an original claim to said lands, and to deed under the hands of the President, attested by the Recorder, and sealed with the seal of said corporation, to every such person entitled as aforesaid, the lots, blocks or squares of land to which every such person may be entitled as aforesaid; *Provided*, that no street or alley shall be so deeded; and provided also that any person or persons to whom lots, blocks or squares shall be deeded as aforesaid, shall previously have paid to the Treasurer or Recorder of said town at the rate of two dollars per acre for all lots, blocks or squares so deeded, together with a reasonable amount to be paid to the attorney or other person who shall prepare said deeds as aforesaid.

Deeds to be
made to orig-
inal claimants

Proviso

SEC. 17. The Town Council of said town are authorized to assess a tax not exceeding one dollar on each lot in said town, immediately after said survey as aforesaid, to defray the expenses of said survey and of any improvement on any of the streets, alleys, or levees in said town, which the said Council ordain to be made, and said tax shall be collected by the Treasurer or Recorder, as the said Council may direct, and all lots on which said tax may not be paid within three months from the date of said assessment, shall be deemed to be property of the said town, and shall not be deeded by said Council until the said tax, with interest at the rate of ten per centum per annum shall have been paid. *Provided*, that after the expiration of three years the said Council may order such lot or lots to be sold to the highest bidder, and in no case shall such lot or lots be subject to redemption.

May assess tax
for expenses
of survey and
street im-
provements

SEC. 18. It shall be the duty of the said Town Council to cause a plat of said survey, as aforesaid, to be recorded in the office of the Register of Deeds of the County wherein said Town shall be located, in conformity to the provisions of the statute authorizing the record of town plats in this Territory.

Plat to be re-
corded

SEC. 19. This Act shall take effect and be in force from Act takes effect and after its passage.

SEC. 20. That so much land as is included within the plat of Karns City, in the County of McLeod be, and the same is hereby, created a town corporate and politic, by the name and style of Karns City, and the corporate name of said Town organization shall be "The Town Council of Karns City."

Karns City in-
corporated

SEC. 21. That so much land as is included in the town plat

Renshaw incor-
porated

of Renshaw, on the Sioux River be, and the same is hereby, created a body corporate and politic, by the name and style of Renshaw, and the town organization of said town organization shall be the "Town Council of the Town of Renshaw."

Sitomancee in-
corporated

SEC. 22. That so much land as is included within the town plat of Sitomancee, on the east bank of the Red River of the North be, and the same is, created a body corporate and politic, by the name and style of Sitomancee, and the corporate name of said Town organization shall be the "Town Council of the Town of Sitomancee."

J. W. FURBER,

Speaker of the House of Representatives.

JOHN B. BRISBIN,

President of the Council.

APPROVED—May twenty-third, one thousand eight hundred and fifty-seven.

S. MEDARY.

SECRETARY'S OFFICE, Minnesota, }
SAINT PAUL, July 22, 1857. }

I hereby certify the foregoing to be a correct copy of the original bill on file in this office.

CHAS. L. CHASE,

Secretary of Minnesota Territory.

CHAPTER XLII.

An Act granting to William Wakefield, his heirs, &c., a Charter to keep a Ferry across the Missouri River.

SECTION 1 Right to establish Ferry across the Missouri River.

2 Requires safe and good boats, and prompt attendance.

3 Rates of Toll.

4 Bond to be filed with County Commissioners.

5 Injury—Remedy.

6 Act to take effect—may be amended.

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

SECTION 1. That William Wakefield, his heirs, executors, administrators or assigns, shall have the exclusive privilege, **Ferry Charter** for the period of twenty years, of keeping and maintaining a Ferry across the Missouri River, in said Territory, at a