

CHAPTER LXI.

An Act to incorporate the Town of Mantorville.

- SECTION 1 Boundaries and corporate name.
 2 Election of officers—Town Council.
 3 Mode of conducting elections.
 4 Officers to subscribe to an oath of office.
 5 President and Town Council created a body corporate and politic.
 6 Duties of the President.
 7 Vacancies in Town Council—how filled.
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 15 First officers named.
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Be it enacted by the Legislative Assembly of the Territory of Minnesota:

Boundaries SECTION 1. That so much land in the County of Dodge, Territory of Minnesota, contained in the south-west quarter, and the west half of the south-east quarter, and the south-east quarter of the south-east quarter of section number (16) sixteen, also the north-west quarter of the north-west quarter of section number (21) twenty-one, in township one hundred and seven (107) north of range (16) sixteen west, containing three hundred and twenty acres, more or less, be, and the same is hereby, created a town corporate by the name of Mantorville.

Election of Trustees 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 place of holding the last general election, in the Precinct of Mantorville, on the first Monday of April 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, 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.

Town Council

Judges of Election SEC. 3. At the said election the Trustees, or any two of them, shall act as Judges of Election, and the Recorder as Clerk, and in case of inability or non-attendance of said offi-

cers to act as aforesaid, the vacancy shall be filled by an appointment made by those officers present. The polls shall be opened between the hours of ten and eleven 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, in writing, to the persons so elected of their election; and at least ten days before each and every election, to give notice of the same by posting notices in three of the most public places in said Town.

Opening polls.

SEC. 4. Each member of said Town Council shall, before entering upon the duties of his office, take an oath or affirmation to support the Constitution of the United States, and faithfully to discharge the duties of the office, and file the same with the said Recorder.

Oath of officers

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 Mantorville." They may have a common seal, which they may alter 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.

Corporate powers

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 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 number Clerk pro tempore.

President

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 appointment until the next annual election, and until successors shall be elected and qualified; and in the absence of both the President and Recorder, the Trustees shall have the 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 subordinate officers which they may

Town Council may ordain ordinances and elect all necessary officers

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 by this Act, and to require of them to take an oath of office previous to their entering upon the duties of their respective offices, and may further require of them a bond with security 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 such by-laws shall not be 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 two of the most public places within said Town, and two successive weeks in a newspaper, if one be printed in said town, and the certificate of the Recorder entered upon the record of said Town Council, shall be deemed and taken as sufficient evidence of such publication.

Annual exhibit Sec. 9. The Town Council shall, at the expiration of each and every year, cause to be made out and posted and published, as aforesaid, the receipts and expenditures of the preceding year.

Regulate and improve streets, &c. 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 town; to regulate the public grounds; to erect a market house; to remove all nuisances and obstructions from the streets and commons of said Town, and to do all things which corporations have power to do, in order to provide for and secure the health and cleanliness and good order in said Town.

May assess tax 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, upon 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 per cent. on the dollar of valuation, as the same may be found on the books of the County Commissioners at the time of assessing said tax. The Town Council shall have power, if authorized to do so by two-thirds of the electors in said town, at any meeting called for that purpose, to levy an additional tax as above specified, sufficient to establish a fire company, and purchase an engine, hose, and other necessary apparatus for the extinguishment of fires in said Town; public notice of the meeting, and the object thereof shall be given by posting up a written or printed notice thereof, in three of the most public places in said Town, at least ten days before the time of such meeting.

Special tax for engines, &c. 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, in said corporation, 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 or elected 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 collector, shall immediately after collecting said tax, pay the same over to the Treasurer of the said corporation, and take his receipt therefor; and the said collector shall have the same power to sell both real and personal estate or property for the non-payment of 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 collector shall receive such fees as the Town Council may direct, not exceeding six per centum on all the moneys so collected by him, to be paid out by the Treasurer on the order of the Recorder.

Duplicate

Collector of Taxes

Power to sell property for taxes

Sec. 13. The President, Recorder and 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.

Deliver books, &c., to successors

Sec. 14. It shall be the duty of said Town Council, as soon as the title to said lands can be obtained from the Government of the United States, to enter the same at the proper land office, agreeable to the laws of Congress, and the same deed to the owners of the lots and blocks agreeable to the Act passed by the Territorial Legislature, March 3, 1855, under the hand of the President, and attested by the Recorder.

Pre-emption of town site

Sec. 15. And be it further enacted, that John Hubbell, Henry P. Whallon and Hiram A. Pratt, shall be, and are hereby, appointed Trustees, and William Adams Recorder, and Peter Mantor President, who shall act as such, and discharge all the duties of the said offices, until the first election provided for by this Act, and that they shall each take the oath required by the provisions of this Act, before entering upon the duties of their offices.

First President and Town Council

Sec. 16. 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 officer, except upon an order of three-fourths of all the legal voters of said Town, as specified in Section 11 of this Act.

Shall not borrow money

J. W. FURBER,
Speaker of the House of Representatives.

JOHN B. BRISBIN,
President of the Council.

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

S. MEDARY.

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

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

CHAS. L. CHASE,
Secretary of Minnesota Territory.

CHAPTER LXII.

A Bill for an Act relating to Public Roads.

- SECTION 1 Provides for the election of two Road Commissioners in each county.
- 2 Requires the Commissioners to take an oath of office.
- 3 In connection with the County Surveyors to constitute the Board of Road Commissioners.
- 4 Upon application of twelve free holders, they may lay out, alter or discontinue roads.
- 5 Manner of deciding upon applications.
- 6 Shall examine personally the roads, and hear reasons.
- 7 Duties prescribed in laying out and altering, or discontinuing a Road.
- 8 Required to record and describe all roads laid out.
- 9 Damages may be determined by agreement, not exceeding \$200.
- 10 When damages are not satisfactory, they may be submitted to a Jury.
- 11 Bond for costs to be executed, and provisions governing the costs in certain awards of the Jury.
- 12 Twelve disinterested freeholders to be summoned as the Jury.
- 13 Jury to be sworn, view the road, hear the statements, and make their appraisal.
- 14 Mileage and Jury fees.
- 15 Damages against the county to be presented to the County Board, and paid out of County Treasury.
- 16 Authority to alter Roads.
- 17 Relates to the Removal of Fences obstructing roads laid out.
- 18 All roads to be surveyed within one year from the passage of the Act granting them; and roads laid out to be completed in one year.
- 19 Trees may be planted on each side of public roads—damages for their injury.
- 20 Provisions of this Act to be general.
- 21 Roads hereafter to be laid out, shall be in accordance with this Act.

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

SECTION 1. At the first general election held in this Territory after the passage of this Act, there shall be elected two Road Commissioners in each organized county, and the per