

CHAPTER OXXVII.

An Act to Incorporate the Town of Nininger City.

- SECTION 1.** Boundaries of the Town.
 2. Annual election for Town Officers.
 3. Tenure of office for Town Officers.
 4. Town Elections how conducted.
 5. Town Officers to take oath of office.
 6. Corporate powers vested in Town Officers.
 7. Record of proceedings of Town Council.
 8. Official duties of President.
 9. Vacancies in Town Council.
 10. Town Council to appoint subordinate officers.
 11. General powers of Town Council.
 12. Corporation tax, how assessed.
 13. Collection of Tax, how made.
 14. Delivery of Books to successors.

Be it enacted by the Legislature of the State of Minnesota :

**Boundaries of
the town**

SECTION 1. That so much territory as is contained in township 115, north of range 17 west, as included in the following limits : Lots 1, 2, 3 and 4 in the same, and the south half of section 18 of the same, together with all that portion of township 115 north, range 18 west, contained in the following limits, viz : Lots 3 and 4, and the south-east quarter of section 18 of the same, shall be and constitute the town of Nininger City.

**Annual elec-
tions for 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 the State Legislature, to meet at the Handyside House, in the town of Nininger, on the second Wednesday after the passage of this Act, and annually thereafter, at such time and 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.

**Tenure of office
for town offi-
cers**

Sec. 3. The President, Recorder and Trustees to be 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, any 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 ; and for the better government of said town, it is hereby provided that the jurisdiction of the said Town Council shall extend to the center of the Mississippi River in front of the said town.

SEC. 4. At the first election to be holden under this Act, there shall be chosen, *viz* *viz*, by the electors present at the time of 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 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 said Town Council, at least five days before each and every election, to give notice of the same by setting up advertisements in three of the most public places in said town. And if a newspaper be published in said town by inserting the notice in said newspaper, at least once before such election.

Town elections
how conducted

SEC. 5. The candidates receiving the highest number of votes for the offices for which they shall respectively be candidates, shall be declared elected by said Judges of the election, and the candidates so elected shall, before entering upon the duties of their respective offices, each take an oath or affirmation to support the Constitution of the United States, and the laws of this State, and also faithfully and honestly to discharge the duties of the office, which shall be taken before some Justice of the Peace or Notary Public, and filed with the Recorder.

Town officers
to take oath of
office

SEC. 6. The President, Recorder and Trustees of said town shall be capable in law, by their own 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 at 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 previous to the return day of such process, and this corporation shall be competent to have and exercise all rights and privileges, and be subject to all the duties and obligations appertaining to a municipal corporation.

Corporate pow
ers vested in
town officers

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 and 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

Record of pro
ceedings of
town council

case of the absence or inability of the Recorder, the Trustees may appoint one of their body Clerk *pro tempore*.

Official duties
of president

SEC. 8. The President shall also keep the seal of the said corporation, sign all commissions, licenses and permits, which may be granted by the Town Council; he shall maintain peace and good order, and see that ordinances of the 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 Dakota, of all cases for the violation of any ordinance of said town, or under the laws of the State.

Vacancies in
town council

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.

Town council
to appoint sub-
ordinate offi-
cers

SEC. 10. The Town Council shall have power to provide for the employment of attorneys, the appointment or election of a Treasurer, Town Marshal, and all subordinate officers which they may think necessary for the good government and well being of said town, together with two or more disinterested persons to act as commissioners to appraise damages where private property is taken for public use, to prescribe their duties and determine the period of their appointment, and the fees they shall 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 shall further require of them a bond with sufficient security, conditioned for the faithful performance of their respective offices. And it is hereby provided that the said Treasurer shall pay no moneys except upon the order of the Town Council, signed by the President, and countersigned by the Recorder; 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 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 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 and by-laws are hereby declared to be, and to have the force of law; *Provided*, That they be not repugnant to the constitution and laws of the United States and of this State, and for these 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 owners shall refuse to procure suitable ladders or fire-buckets, after reasonable notice, the Town 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 to deposit 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 discover 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 fireworks and fire-arms within the limits of said town, or such part thereof as they may think proper; to compel the inhabitants of said town to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of the fire as shall be directed by the Town 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 take such measures for the public health as they may deem proper, and compel the owner of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house 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 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, circuses, or theatrical performances, under the ordinances or common laws.

General power
of town council

General power of town council *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, with power to demand the assistance of the citizens to effect the same; 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, sidewalks, 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, 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 so being 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 on 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 person or 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 establishment of ferries and provide for the protection of the same.

Fourteenth. To provide for the security and protection of bridges.

Fifteenth. To prevent all persons riding or driving any horse, ox or mule, cattle or other animal on the sidewalks in said town, or in any way doing any damage to such sidewalks.

Sixteenth. To restrain drunkards, immoderate drinking, or obscenity in the streets, or public places, and provide for arresting, fining, or imprisoning of 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, and if the same is deemed expedient, grant licenses, with such charges, and under such restrictions, as they may deem proper for the sale of intoxicating drinks in the said town.

General power
of town coun-
cil

Seventeenth. To protect trees and monuments in the town.

Eighteenth. To regulate and provide for the improvement and grading of the streets, avenues and alleys of said town; also, to lay out, alter and extend, grade and keep in good repair the levee in front of said town, under such rules and regulations as they may adopt; also, to erect any buildings necessary for the use of said town; also to lay out, enclose, ornament and regulate public grounds and squares; also, to provide for one or more public schools, and the erection of necessary school-houses for the same.

SEC. 12. For the purpose of more effectually enabling the said town 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 State, so that said tax shall not exceed in any one year one per cent. of the valuation of the property, 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 shall also have power, if authorized to do so by a majority of all the holders of real estate in said town, at any meeting called for that purpose, to levy, by *viva voce* vote, an additional tax, as above specified, sufficient to carry into effect any of the provisions of this Act, 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 newspaper of said town.

Corporation
tax how assessed

SEC. 13. When any tax is levied it shall be the duty of the Recorder to make out a duplicate of the taxes charged 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 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 neces-

Collection of
tax how made

sary, 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.

Delivery of
books to suc-
cessors

SEC. 14. 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 anywise to said corporation.

SEC. 15. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-sixth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.
SECRETARY'S OFFICE, Minnesota, }
February 26, 1858. }

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

CHAS. L. CHASE, Secretary.

CHAPTER CXXVIII.

For An Act to incorporate the town of Elysian.

- SECTION 1. Boundaries of the Town.
2. Annual election for Town Officers—Town Council.
3. Town elections, how conducted.
4. Vacancies in Town Council—oath of office of members.
5. Receipts and expenditures to be posted annually.
6. Powers of Council over Streets, Alleys, &c.
7. Corporation tax, limit of.
8. Collection of taxes, how made.
9. Duties of the City Justice.
10. Corporation to have use of County Jail.
11. Delivery of books, &c., to successors.
12. Powers of the Town Marshal.
13. Prohibition against borrowing money.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much Territory as is contained in lots.