

Prohibition against borrowing money

SEC. 13. Said town shall have no power to borrow money, nor be liable to pay money borrowed on its account, nor for advances in its behalf by its officers or any other persons; nor shall said town incur any debt or liability for any purpose whatever, which is not fully covered and provided for by the tax authorized in Section eight of this Act.

SEC. 14. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the fifth one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 5, 1858.

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

FRANCIS BAASEN, Secretary of State.

CHAPTER CXXIX.

An Act to Incorporate the Town of Rockville.

- SECTION 1. Boundaries of the Town.
2. Annual election for Town officers.
3. Manner of conducting Town elections.
4. Oath of office to be taken by members of Town Council.
5. Corporate powers vested in Town officers.
6. Record of proceedings of Town Council.
7. Vacancies in Town Council, how filled.
8. General powers of Town Council.
9. Receipts and expenditures to be posted annually.
10. Powers of Council to regulate and improve streets, &c.
11. Corporation tax, limit of.
12. Collection of tax, how made.
13. Delivery of books to successors.
14. Town Council to pre-empt town site.
15. Town to be surveyed and platted.
16. Town Council to deed lots to original claimants.
17. Special tax upon each lot to defray expenses.
18. Record of survey to be filed with Register of Deeds.

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

SECTION 1. That so much land as is contained within the south half and the north-east quarter of the south-west

quarter and the south-west quarter of the south-east quarter of section nine, the west half and the north-east quarter of the north-west quarter of section sixteen, and the north-east quarter of the north-east quarter of section seventeen, in township one hundred and seventy-three north, and range twenty-nine (29) west, be, and the same is hereby created a town corporate by the name of Rockville. Boundaries of the town

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 State of Minnesota, to meet at the place of holding the last general election in the precinct of Rockville on the first Tuesday 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, and such President, Recorder and Trustees, being 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. Annual election for town officers

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 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 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. Manner of conducting town elections

Sec. 4. Each member of said Town Council before entering on the duties of his office, shall take an oath or affirmation to support the Constitution of the United States, and also an oath of office. Oath of office to be taken by members of town council

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 Rockville," and shall be capable in law by their corporate name

Corporate powers vested in town officers

aforsaid, to acquire property, real, personal and 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 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 or 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.

Record of proceedings of town council

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 a accurate record of all their proceedings, and of the by-laws, rules and ordinances made or passed by the Common Council aforsaid, 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*.

Vacancies in town council how filled

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 appointments until the next annual elections, 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 President and Recorder for the time being.

General powers of town council

Sec. 8. The said Town Council shall have power to make, ordain and establish by-laws, rules, ordinances 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, whom the same is not otherwise provided for by this Act, and to require of them to take an oath of office previous to entering on the duties of their respective offices, and may further require of them a bond with security, conditioned for the faithful discharge or performance of their respective offices. The Town Council shall also have power to fix to the violation of the by-laws and ordinance of the corporation, 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 State; *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 place 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.

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 to be posted annually

Sec. 10. The Town Council shall have power to regulate and improve the streets and alleys, to regulate the public grounds, to construct and maintain mills, and dams across Mill Creek within said town, provided that no public rights are infringed, or that the rights of no persons be infringed outside of the present limits of said town, according to a plat of said town, as now stands recorded in the office of Register of Deeds for Stearns County, and to do all things which similar corporations have power to do for the good of said town. Powers of council to regulate and improve streets, &c

Sec. 11. 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 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, 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. Corporation tax—limit of

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 shall be appointed Collector, whose duty it shall be to collect said tax, in the same manner, 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 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. Collection of tax how made

Sec. 13. The President, Recorder, or other officer 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. Delivery of books to successors

Town council
to pre-empt
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 south half, and the north-east quarter of the south-west quarter, and the south-west quarter of the south-east quarter of Section Nine; the west half and the north-east quarter of the north-west quarter of Section Sixteen; and the north-east quarter of the north-east quarter of Section Seventeen, in Township One Hundred and Twenty-three, north of Range Twenty-nine west, under the provisions of the Act of Congress entitled "An Act for the Relief of Citizens of Towns upon the Land United States, under certain circumstances, approved May 23, 1844."

Town to be sur-
veyed and
platted

Sec. 15. It shall be the duty of said Town Council, as soon as practicable after the application shall have been made for a pre-emption as aforesaid, to cause land within the corporate limits of said town to be surveyed and laid out into squares and lots, and streets and alleys, in addition to that which has been already so surveyed and laid out, in such manner as said Town Council may deem proper, and to authorize such improvements to be made in said streets or alleys, or any of them, as said Council may deem necessary.

Town council
to deed lots to
original claim-
ants.

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 or squares within the said town, who may have a valid right, either by an original claim or by transfer from any person or persons having made an original claim to said lands, and to deed, under the hand of the President and attested by the Recorder, and sealed with the seal of said corporation, to every such person entitled as aforesaid, the lots 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 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 or squares so deeded.

Special tax up-
on each lot to
defray expen-
ses

Sec. 17. The Town Council of said town are authorized to assess a tax not exceeding one dollar on each lot in said town, to defray any necessary expenses which the said Council ordain to be made, and said tax shall be collected by the Treasurer or Recorder, as the said Council shall direct, the said assessment to be made immediately after the passage of this Act; and all lots on which said tax shall not be paid within three months from the date of said assessment, shall be deemed to be the property of the said town, and shall not be deeded by said Council until the said tax, with interest at the rate of twenty per cent. per annum from date of assessment, shall have been paid. *Provided*, That after the expiration of two 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 [thereafter] be subject to redemption.

SEC. 18. It shall be the duty of the Town Council to cause a plat of such surveys as may be made to be recorded in the office of 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 State.

Record of survey to be filed with register of deeds

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

GEORGE BRADLEY,

Speaker of the House of Representatives.

RICHARD G. MURPHY,

President *pro tem.* of the Senate.

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

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota; }

March 20, 1858. }

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

CHAS. L. CHASE, Secretary.

CHAPTER CXXX.

An Act to amend an Act, entitled "An Act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a Ferry across the Mississippi River."

- SECTION 1. Amendment to previous charter, relating to a change in ownership of Ferry right.
2. Steam Ferry boat, well managed, to be kept for the purposes contemplated.
 3. Rates of Ferryage.
 4. Prohibition against establishment of other within half a mile.
 5. Penalty for constructing docks or wharves.
 6. Penalty for neglect to keep Ferry in running order.

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

SECTION 1. This Section may be amended so as to read,
 "That C. S. Case and D. W. C. Danzell, their heirs, executors, administrators and assigns shall have the exclusive right and privilege for the period of fifteen years, of keep-