

and a majority of affirmative votes as aforesaid shall be held to authorize the loan of the credit of the city, for the purpose and in the manner in this Act declared.

Sec. 5. This Act shall be in force from the date of its passage.

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

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }  
August 2, 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 CCIII.

### *An Act to amend an Act entitled "An Act to incorporate the town of Mantorville.*

- SECTION 1. Boundaries of the town.  
2. Annual Town elections—when held.  
3. Town elections—how conducted.  
4. Elected officers to take oath of office.  
5. Corporate powers of Town Officers.  
6. Record of proceedings of Town Council.\*  
7. Vacancies in Town Council, how filled.  
8. Duties of the President.  
9. Powers of the Town Council.  
10. Receipts and expenditures to be posted annually.  
11. Powers of Town Council enumerated.  
12. Corporation tax, how levied.  
13. Taxes, manner of collecting.  
14. Delivery of books to successors.  
15. Per diem of Town officers.  
16. Repeal of former incorporation laws.

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

Boundaries of  
the town

SECTION 1. That so much land in the county of Dodge, State of Minnesota, contained in the south half of section sixteen, and north half of section seventeen, and north-east quarter of section twenty, and the south-east quarter of section seventeen, in town one hundred and seven, north of

range sixteen west, be, and the same is hereby created a town corporation by the name of Mantorville.

Sec. 2. That for the good order and government of said town, it shall be lawful for the male inhabitants thereof, <sup>Annual elec-  
tions</sup> having the qualification 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 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.

Sec. 3. At the said election the trustees, or any two of <sup>Elections how  
conducted</sup> them, shall act as judges of election, and the recorder as clerk, and in case of inability or non-attendance of said officers 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 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.

Sec. 4. Each member of said Town Council shall, before <sup>Officers to take  
oath of office</sup> entering upon the duties of his office, take an oath or affirmation to support the Constitution of the United States and of the State of Minnesota, and faithfully to discharge the duties of the office, and file the same with the said Recorder.

Sec. 5. The President, Recorder and Trustees of said town shall be, and are hereby created a body corporate and <sup>Powers of  
town council</sup> 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 at his usual place of residence.

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

Record of pro-  
ceedings of  
council

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 the absence or inability of the Recorder, the Trustees may appoint one of their number clerk, *pro tem*.

Vacancies 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 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.

Duties of Pres-  
ident

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 town are observed and executed.

Powers of the  
town council

Sec. 9. 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 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 shall 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 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.

Receipts and  
expenditures  
posted annual-  
ly

Sec. 10. 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. 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 and by laws; and such ordinances, rules, and by-laws, are hereby declared to be, and to have the force of law: *Provided*, That they are not repugnant to the Constitution and Laws of the United States and of this State; 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 a 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 discover if 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 part thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and raze such building 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 take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, butcher shop, 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, circuses, or theatrical performances, under the ordinances or common law.

*Fourth*—To restrain and prohibit all descriptions of gam-

Powers of  
town council  
enumerated

Powers of  
town council  
enumerated

ing 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, 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 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 any such animal found so 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 other 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 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 burial grounds set apart for public use from taxation.

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

*Fourteenth*—To restrain drunkards, immoderate drinking, obscenity in the streets or public places, and provide for arresting, removing and banishing 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.

*Fifteenth*—To protect trees and monuments in the town.

*Sixteenth*—To regulate and provide for the improvement, cleansing and grading of the streets and alleys of said town, under such rules and regulations as they may adopt.

*Seventeenth*—To cause the owners of all unoccupied lots in the town to set out and properly protect shade trees along the highways in front of said lots and in case the owners re-

fuse or neglect to comply with the same, the Council are authorized and empowered to cause the same to be done, and to collect a reasonable sum for the same in a civil action against the owners of said lots in the name of the town corporation.

SEC. 12. For the purpose of more effectually enabling said Corporation  
Town Council to carry into effect the provisions of this Act, <sup>tax—Value of</sup> 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 counties 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 the electors of said town voting at such election, 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, public notice of which meeting, and the object thereof, shall be given by posting 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 or newspapers published in said town.

SEC. 13. When any tax is levied, it shall be the duty of the Recorder to make out a duplicate of the taxes, <sup>Tax how col-</sup> charging each individual owning property in said corporation, <sup>lected</sup> 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 and under the same regulations as other county taxes are collected, and the 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 said Marshal or other collector shall have the same power to sell both real and personal 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 Marshal or other collector shall receive for his fees such sum as the Town Council may direct, not exceeding six per centum so by him collected, to be paid by the Treasury on the order of the Recorder.

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, agreeably to the Act passed by the Territorial Legislature, March third, 1858, under the hand of the President, and attested by the Recorder.

Delivery of  
books to suc-  
cessors

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 appertaining in any wise to said corporation.

Per diem

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 Justice of the Peace, shall receive such compensation, [and from the same source] as is by law provided for similar services.

Repeal of for-  
mer laws

Sec. 17. All laws heretofore passed for the incorporation of the said town of Mantorville, inconsistent with this Act, are hereby annulled and repealed.

GEORGE BRADLEY,

Speaker of the House of Representatives.

WILLIAM HOLCOMBE,

President of the Senate.

APPROVED—August thirteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }  
August 13, 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 COIV.

### *An Act to amend the Boundary line between Scott and Dakota Counties.*

- SECTION 1. Boundry line between Scott and Dakota Counties amended.  
2. Repeal of conflicting Acts.  
3. Change in lines to be submitted to the voters of the two Counties.

*Be it enacted by the Legislature of the State of Minn. as follows:*

Boundary line  
amended

SECTION 1. That the present boundary line between Scott and Dakota Counties, be amended as follows: Commencing at the south-west corner of section thirty six, in township one hundred and thirteen, north of range twenty-one west; thence north on the section line to the south line of town-