

## CHAPTER LXIII.

*An Act to establish the Town of Olean.*

- SECTION 1. Boundaries of the town of Olean.  
 2. Names of Trustees of town.  
 3. Election of successors to Council. Oath of office.  
 4. Declared a body corporate. Corporate powers.  
 5. Provision for keeping Records of proceedings of Council.  
 6. Vacancies in the Town Council how filled.  
 7. By-Laws and Ordinances to be enacted. Further duties of Council.  
 8. Corporation tax to be assessed. Limit to one per cent.  
 9. Duplicate of tax list to be made out. Manner of collecting.  
 10. Books and papers of Council and other officers to be delivered to successors.  
 11. Pre-emption of town site to be obtained. Deeds to rightful owners. Costs of entry, &c.

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

SECTION 1. That so much land as is contained within the Town of Olean, according to a survey and plat of said town made by Mr. Lancaster, for the proprietors of said town, and situated in the county of Todd and State of Minnesota, as appears by the recorded plat of the same in the office of the Register of Deeds of Morrison county shall be a town corporate by the name of Olean. Boundaries of the town

SEC. 2. That for the good order and improvement of said town, John Gibson be, and is hereby appointed President, B. Bolt, E. D. Whitman, H. Brownson and F. X. Delise be, and are hereby appointed Trustees, which Board of Trustees shall elect a Secretary, and said President, Trustees and Secretary shall constitute the Council of said town, and shall hold their offices until their successors be elected and qualified. Names of trustees

SEC. 3. The male inhabitants of said town, being qualified voters, may, at any election of State and county officers, elect successors to the aforesaid Council, who shall enter upon the duties of their offices on the first Wednesday of January; and shall, before entering upon the duties of their offices, take an oath to support the Constitution of the United States, and also an oath of office. Election of successors—oath of office

SEC. 4. The President, Trustees and Secretary of said town shall be, and are hereby created a body corporate and politic, with perpetual successors, to be known by the name and title of the Town of Olean, and shall be capable in law, by the corporate name aforesaid, to acquire, hold and convey property, real and personal, for the use of said town. They may have a common Seal, and may alter and renew the same Corporate powers and rights

at pleasure; may sue and be sued, plead and be impleaded, defend and be defended in all the Courts of law and equity; and when any suit shall be commenced against said town, the first process shall be served by an attested copy thereof, with the Secretary, at his usual place of residence, at least twenty days previous to the return day of such process. The officers of said town shall have a right of action against all trespasses on the property of said town; and any person trespassing upon any lands within the limits of said town, or occupying said lands without a conveyance from the proprietors of said town or their trustees, agents or assigns, shall forfeit all improvements he may make on such lands, and shall be liable to pay damages to twice the amount of actual injustice done to said lands.

Records of pro-  
ceedings of a  
council

Sec. 5. The President, and in his absence the Secretary, shall attend to all meetings of said Council, and make a fair and accurate record of their proceedings, and of the By-Laws, Rules and Ordinances made or passed by said Council, and the same shall be open for the inspection of the electors of said town; but in the absence of the Secretary, the Trustees shall appoint one of their own body Secretary *pro tem*.

Vacancies--  
how filled

Sec. 6. The said Town Council shall have power to fill all vacancies which may occur in said Board, from the householders of said town, who shall hold their appointment until their successors shall be elected and qualified; and in the absence of the President and Secretary 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 Secretary for the time being.

By-laws and or-  
dinances

Sec. 7. The Town Council aforesaid, shall have power to make and ordain and establish By-Laws and Ordinances for the government of said town, provided, that no such By-Laws and Ordinances shall conflict with the laws of the United States, or of this State; and to fix fines and penalties for the violation of such By-Laws and Ordinances; to provide for the election of a Treasurer and Marshal, and suitable subordinate officers of said town, and fix the compensation of said officers; to regulate and improve the levees, piers, streets and alleys; determine the width of side-walks in said town, to regulate the public grounds, to remove all nuisances and obstructions from the streets and public grounds of said town, and to do all things which similar corporations have power to do, in order to provide for the health, security and good order of said town.

Duties of coun-  
cil

Sec. 8. For the purpose of enabling said Council to carry into effect the provisions of this Act, they are hereby authorized and empowered to assess a tax for corporation purposes, on all taxable property within the limits of said corporation, which tax shall not exceed in any [case] one cent on the dollar valuation, as the same may be found on the books of the Commissioners of the county in which said town may be located at the time of assessing such tax.

Corporation  
tax--limit

SEC. 9. When any tax is levied, it shall be the duty of the Secretary to make out a duplicate of the taxes assessed against each individual, and on each item of property, which duplicate shall be certified by the President and Secretary, and one copy placed in the hands of the Marshal, whose duty it shall be to collect such tax, in the same manner and under the same regulations as county taxes are collected in this State; and the said Marshal shall, immediately after collecting said tax, pay the same to the Treasurer of said corporation, and take his receipt therefor; and said Marshal shall have the power to sell property, both real and personal, in the same manner and under the same regulations as the collectors of county taxes, for the non-payment of said corporation tax; and when necessary, the Secretary shall have power to make deeds in the same manner as sheriffs do; and the Marshal receive for his fee, such sum as the Town Council shall direct, not to exceed six per cent of the taxes by him collected.

Tax roll--man-  
ner of collect-  
ing

Fees for col-  
lecting

SEC. 10. The President, Secretary and other officers of said town shall, on demand, deliver to their successors in office, all books, papers, and other property belonging to said town.

Delivery of  
books &c to  
successors

SEC. 11. It shall be the duty of said Council of said town to apply for a pre-emption of the land, within the limits of said town, not exceeding three hundred and twenty acres, under the provisions of an Act of Congress, entitled "An Act for the relief of citizens of towns upon lands of the United States under certain circumstances," approved May 23, 1844; and as soon as the title of said lands shall be obtained aforesaid, to ascertain the persons entitled to the various lots and blocks within said town, who may have a valid right to the same, either by original claim, or by transfer by the person having made such original claim; and to deed, under the hand of the President and Secretary, and sealed by the seal of said corporation to such person so entitled, the lots or blocks to which such person may be entitled, *Provided*, that no street or alley, or other public ground shall be so deeded; and provided, also, that every person or persons to whom such lots or blocks shall be deeded as aforesaid, shall first pay to the Treasurer or Secretary of said town, for such lots or blocks, the cost of entry, and incidental expenses of the same.

Pre-emption of  
town site--  
deeds to right-  
ful owners--  
costs of entry

GEORGE BRADLEY,

Speaker *pro tem.* of the House of Representatives.

RICHARD G. MURPHY.

President *pro tem.* of the Senate.

APPROVED March ninth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, }  
March 9, 1858. }

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

CHAS. L. CHASE, Secretary.