

CHAPTER XIV.

An Act to Incorporate the Town of Caledonia.

March 2, 1865.

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

SECTION 1. That so much of the county of Houston and State of Minnesota as is known and designated as the south-east quarter of section number thirteen, township number one hundred and two, range six, be, and the same is created and declared to be an incorporated town by the name of Caledonia, *Provided*, That on or before the first Wednesday of May, A. D. eighteen hundred and sixty-five, a majority of the legal voters residing thereon, shall by ballot or otherwise signify a desire for such incorporation.

Incorporation of the town of Caledonia.

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 of Minnesota, to meet at the place of holding the last general election in said town of Caledonia, on the first Wednesday of May 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

When annual election to be held—elective officers.

by ballot to elect one president, one recorder, and three trustees, being householders or owners of real estate, and residents of said town, and having the qualifications of electors as aforesaid, who shall hold their office 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, and 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.

What to constitute
the town council.

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 of opening the polls on the day of holding said first election, two judges and one 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 poll shall be opened between the hours of ten and eleven o'clock in the forenoon, and closed at four in the afternoon of said day, and at the close of the polls the vote 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 elections. 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, at least twice before such election.

How judges and
clerk of election
chosen—duties of.

SEC. 4. The candidates receiving the highest number of votes for the offices for which they shall respectively be candidates, shall be declared elected by the said judges of the election, and the candidates so elected shall, before entering upon the performance of the duties of their respective offices, each take an oath or affirmation to support the Constitution of the United States, and also an oath of office which shall be taken

What deemed
elected—to take
oath.

before some justice of the peace or other person authorized to administer oaths, and filed with the recorder.

SEC. 5. The president, recorder and trustees of said town shall be capable in law, by their 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 the rights and privileges, and to be subject to all the duties and obligations appertaining to municipal corporations.

Rights and privileges 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 accurate record of all their proceedings, and of all 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 case of the absence or inability of the recorder to act, the trustees may appoint one of their body clerk pro tempore.

Who to preside at meetings of town council—when clerk pro tem. to be appointed.

SEC. 7. 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; 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 Houston, of all cases of violations of any ordinance of said town, or under the laws of the State.

Duty of president of town council.

SEC. 8 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

Vacancies how filled.

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.

To appoint subordinate officers—to fix fines and penalties for violation.

SEC. 9. The town council shall have power to provide for 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; 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, 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 of said town, or published in some newspaper of 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 of each year to be published.

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 of said town the receipts and expenditures of the preceding year.

Power of the town council.

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 or 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 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 exercises, 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 real estate, and exempt from seizure, distress, or sale, in any manner, and if the owner shall refuse to procure suitable ladders and 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 material; 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 fireworks and firearms 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 safe [raze] such buildings 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.

Power of the town council.

Second. To prevent, abate and remove nuisances and take such measures for the public health as they may deem proper, and compel the owners 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 exhibition 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 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, disturbances, or disorderly assemblages, suppress and restrain disorderly houses, or groceries, or houses of ill-fame, shows and exhibitions.

Power of the town council.

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 every 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 or depositing, or having within said town any putrid carcass, or 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 burying of the dead, and the returns of the bills of mortality, and to exempt burying grounds set apart for public use from taxation.

Power of the town council.

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 any damage to such sidewalks.

Fourteenth. To restrain drunkards, immoderate drinking or 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, changing and grading of the streets and alleys of said town, under such rules and regulations as they may adopt.

Seventeenth. To provide for conveying the water in pipes into any and all parts of the said town in any manner they may deem necessary for the convenience of the inhabitants thereof.

SEC. 12. 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. The town shall also have power, if authorized to do so by a majority of all the electors of said town, at any meeting called for the purpose, to carry an additional tax as above specified, sufficient to carry into effect any of the provisions of this act, public notice of which

To levy a tax for corporation purposes—limited.

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 said meeting, or by publishing a copy thereof in the newspaper or newspapers published in said town.

Duty of recorder when tax is levied—how tax collected.

SEC. 13. 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 and under the same regulations as other county taxes are collected, and the marshal and such other person as may be appointed collector, shall immediately after collecting said tax, pay over the same 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 to 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 by him collected, to be paid by the treasurer on the order of the recorder.

All books, etc., to be delivered to successor in office.

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 appertaining in any wise to said corporation.

Compensation.

SEC. 15. 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 performance of their duties, except that the president, when performing duties as the justice of the peace, shall receive such compensation and from same source as is by law provided for similar services.

Approved, March 2, 1865.