

CHAPTER XXXIX.

A Bill to incorporate the Town of Henderson, and for other Purposes.

- SECTION 1.** The corporation limits of the Town of Henderson.
2. Of the election of the town council.
 3. Election of judges and clerks of election and the time of opening the polls.
 4. Oath of office to be taken by the members of the town council.
 5. The President, Recorder and Trustees created a body corporate and their power as such.
 6. Who shall preside at the meetings of the council, and the keeping of a record of the doings of the same.
 7. Of the filling of vacancies originating in the board.
 8. The establishment of by-laws, rules and regulations.
 9. The receipts and expenditures of each year to be made public.
 10. Improvement of levees, streets and alleys, side-walks public grounds and markets.
 11. The town council authorized to assess a tax.
 12. The manner of collecting taxes, and the forfeiture for non-payment of taxes.
 13. Of the delivery of books and other property to successors in office.
 14. The Common Council to apply for the pre-emption to certain lands.
 15. Of the survey and laying out of lands into squares, lots, streets and alleys.
 16. Of the deeding of lots to original claimants.
 17. The assessment of a tax upon the lots of said town of Henderson authorized.
 18. A plat of the lands surveyed to be recorded.
 19. When this act shall take effect.

Be it enacted by the Legislative Assembly of the Territory of Minnesota :

SECTION 1. That so much land as is contained within the southwest quarter of section one and the north-west quarter of section twelve, in town one hundred and twelve north, and range twenty-six, be, and the same is hereby created a town corporate by the name of Henderson.

Corporate limits

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 Territory of Minnesota, to meet at the place of holding the last general election in the precinct of Henderson, on the first Wednesday of March 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

Election of town council.

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.

Election of Judges and Clerks.

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 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.

Oath of office.

SEC. 4. Each member of said town council, before entering upon 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.

Corporate body.

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 Henderson," and shall be capable in law by their corporate name aforesaid, 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.

Who shall preside at meetings of the council and keep its record.

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 the by-laws, rules and ordinances made or passed by the common council aforesaid, 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*.

Filling vacancies.

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 election, 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 of president and recorder for the time being.

By-laws.

SEC. 8. The said town council shall have power to make, ordain and establish by-laws, ordinances, rules 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, 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 may further require of them, a bond with security, conditioned for the faithful performance 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 such by-laws and ordinances be not inconsistent with the constitution and laws of the United States, or of this Territory: *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 places 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.

SEC. 10. The town council shall have power to regulate and improve the levees, streets and alleys, and determine the width of side-walks in said town, to regulate the public grounds, to erect a new market, house and regulate the markets, to remove all nuisances and obstructions from the streets and commons of said town, and do all things which similar corporations have power to do, in order to provide for and secure health, cleanliness and good order in said town. Of improvements

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 Territory, 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 in said town, at any meeting called for that purpose, to levy an additional tax as above specified, sufficient to organize and establish a fire company, and purchase an engine, hose and other necessary apparatus, for the extinguishment of fires in said town; 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. Tax to be assessed.

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 Collection of taxes.

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.

Delivery of books

SEC. 13. 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 any wise to said corporation.

Pre-emption to be applied for.

SEC. 14. It shall be the duty of the Common Council of said town to apply for a pre-emption to the said south-west quarter section one, and the north-west quarter section twelve, in town one hundred and twelve north, and range twenty-six west, under the provisions of the act of Congress entitled, "An Act for the relief of the citizens of towns upon the lands of the United States under certain circumstances, approved May 23, 1844."

Lands to be surveyed and layed out.

SEC. 15. It shall be the duty of the 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 such manner as said town council may deem proper, and to authorize such improvements to be made on said streets or alleys, or any of them, as said council may deem necessary.

Deeding of lots.

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.

Tax upon lots.

SEC. 17. The town council of said town are authorized to assess a tax not exceeding one dollar on each lot in said town, immediately after said survey as aforesaid, to defray the expense of said survey and of any improvement on any of the streets or alleys or levees in said town 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, 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 three 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.

Plat of lands to be recorded.

SEC. 18. It shall be the duty of the town council to cause a plat of said survey, as aforesaid, to be recorded in the office of the 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 Territory.

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

J. S. NORRIS,
Speaker of the House of Representatives.
 WM. P. MURRAY,
President of Council.

APPROVED—February twenty-first eighteen hundred and fifty-five.
 W. A. GORMAN.

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

J. TRAVIS ROSSER,
Secretary of Minnesota Territory.

CHAPTER XL.

An Act to incorporate the Boston and Minnesota Mining Company.

- SECTION 1. Corporate name the Boston and Minnesota Mining Company—its seal, the manner of electing its officers and the establishment of By-Laws.
2. The capital stock and shares of the company.
 3. The rights and privileges to be enjoyed by the company.
 4. The stock of the company declared personal property.
 5. The affairs of the corporation to be managed and conducted by a board of not less than three nor more than seven directors, who shall decide the manner and proportions in which stock shall be paid in.
 6. Of the place and manner of electing directors.
 7. When this act shall take effect.
 8. This act declared a public act.
 9. The right to modify and amend reserved.

Be it enacted by the Legislative Assembly of the Territory of Minnesota:

SECTION 1. That William A. Randall, James Starkey, James D. Gooderich, Owen P. Marsh and Charles T. Ambrose and their associates, shall be, and are hereby constituted and made a body politic and corporate, by the name and style of the "Boston and Minnesota Mining

Corporate name
and powers of
the company.