

Approved—March eight, eighteen hundred and fifty-eight.
 CHAS. L. CHASE, Acting Governor.
 SECRETARY'S OFFICE, Minnesota, }
 March 8, 1858. }

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

CHAS. L. CHASE, Secretary.

CHAPTER XI.

An Act to incorporate the town of Sheldon..

- SECTION 1. Boundary of the town.
 2. First election for Town Officers.
 3. Manner of Conducting Election.
 4. Powers of the Town Council Defined.
 5. Annual Statement of Finances to be made out.
 6. Power to Regulate Streets, &c.
 7. Authority to Levy Tax.
 8. Manner of Collecting Taxes.
 9. Duties of the Town Justice of the Peace.
 10. Use of the County Jail allowed.
 11. Books and Papers of Officers to be given to Successors.
 12. Traveling fees of Marshal.
 13. Town Prohibited from Borrowing Monies.
 14. Act goes into force immediately.

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

Boundary

SECTION 1. That so much land as is contained within the town of Sheldon, according to a survey and plat of said town, by Mr. J. G. Sheldon, for the proprietors of said town of Sheldon, and situated in the county of Houston, and State of Minnesota, as appears by the recorded plat of the same in the office of the Register of Deeds of said county, and the inhabitants occupying the above described town shall have and possess power by, in and vnder said corporate name, to acquire property, real and personal or mixed, for the use of said town, and may sell and convey the same at pleasure; they may sue and be sued, defend and be defended in all manner of actions, in all courts of law or equity.

First election

SEC. 2. The inhabitants of said town, qualified to vote on State elections, shall meet on the first Tuesday in May, A. D. 1858, at ten o'clock in the forenoon, at the house of John Paddock, in said town, and at the same time annually after-

wards, at such place as the Town Council may direct, and shall then and there proceed by ballot to elect a Justice of the Peace and four Trustees. The Justice of the Peace and the four Trustees shall constitute the Town Council, over whom the Justice of the Peace so elected shall preside as President, and in his absence the Town Council shall have power to appoint one of their number to preside, and a majority of the same shall constitute a quorum for the transaction of any business pertaining to their official duties. They shall have power to elect a Clerk from their own number, whose duties, except as hereinafter provided, shall be directed or appointed by the Town Council, and said officers shall hold their respective offices for the term of one year, and until their successors are elected and qualified.

Sec. 3. At the first election held under this act, there shall be chosen *viva voce* by the electors present, 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 Clerk of the Town Council, or in his absence, some person appointed by the Judges shall be Clerk. The polls shall be opened between the hours of ten and eleven o'clock, A. M., and closed at four o'clock, P. M., of the same 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 report thereof and within five days thereafter he shall give notice to the persons 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 and by one insertion of the same in any public newspaper that may be published in said town. 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 of this State, and also an oath of office.

Election how conducted

Sec. 4. The town Council shall have power to fill all vacancies which may occur in said board, from the voters of said town, who shall hold their appointment until the next annual election, and until their successors shall be elected and qualified. 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 other 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

Powers of council

provided for by law, and require of them to take an oath of office previous to entering upon the duties of their respective offices, and may 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, for a 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 this State; and *Provided, also*, That no by-laws and ordinances of said corporation shall take effect or be in force until the same shall have been posted up at least ten days in three public places in said town, and the certificate of the Clerk entered upon the records of said Town Council shall be deemed and taken as sufficient evidence of such publication.

Annual finance
report

SEC. 5. 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.

Powers of
council

SEC. 6. The Town Council shall have power to regulate and improve the streets and alleys, and determine the width of the sidewalks in said town, to regulate the public grounds, to erect a market house and regulate the markets, to remove all nuisances and obstructions from the streets and commons of said town; to prevent any riots, noise, disturbances, disorderly assemblages, suppress and restrain disorderly houses, and houses of ill-fame; and to authorize the destruction of all instruments used for the purpose of gaming, and to 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.

Tax how lev-
ied

SEC. 7. The Town Council is hereby authorized and empowered to assess a tax for corporation purposes, within the limits of said corporation, made taxable by laws of this State, so that said tax shall not exceed in any year one per cent. on the dollar of valuation, as the same may be found on the books of the County Commissioners of the county in which said town may be situated.

Tax how col-
lected

SEC. 8. When any tax is levied, it shall be the duty of the Clerk 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 Clerk, and one copy thereof placed in the hands of the Marshal or such other person as shall be appointed to collect said tax, in the same manner and under the same regulations as the county taxes are collected, and the said Marshal or such other person as may be appointed collector, shall, immediately after collecting said taxes, 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 corporation taxes as is given to the County Collector, and make the necessary conveyances in the same manner as is provided by law for the conveyance of property sold for the payment of county taxes; and the Marshal and other collector shall receive for his fees such sum as the Common Council may direct, not exceeding five per cent. on all moneys by him collected, and paid over as required by law.

Sec. 9. The Justice of the peace elected under the provisions of this act, shall have and possess the same authority and jurisdiction within the limits of said town, as is or may be conferred by law upon Justices of the Peace in the several counties; such Justice of the Peace shall keep a docket, a fair and true record of his proceedings, judgments and executions in all cases which may come before him, and shall be entitled to the same fees as are allowed to Justices of the Peace for similar services. Justice of the peace

Sec. 10. Said corporation shall be allowed the use of the jail of the county for the imprisonment of such persons as may be liable to imprisonment under the by-laws and ordinances of said corporation; and such person or persons shall be under the charge of the Sheriff of said county, as in other cases.

Sec. 11. The officers of said corporation shall, on demand, deliver to their successors in office, all such books or other property as appertain in anywise to said corporation. Books and papers

Sec. 12. The Marshal or any other officer authorized to execute writs or other process issued by the Justices of the Peace, shall have power to execute the same within the limits of the county in which said town may be located, and shall be entitled to the same traveling fees as are allowed to Constables in similar cases. Traveling fees of marshal

Sec. 13. Said town shall have no power to borrow money, nor to 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 which is not fully covered and provided for by the tax authorized in section eight of this act. Borrowing money prohibited

Sec. 14. 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, }

SAINT PAUL, March 20, 1858. }

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

CHAS. L. CHASE, Secretary.