

shall be sufficient to vest in the said Caroline Rady, the title of all lands belonging to the said Christian Loudon, at the time of his decease, subject to the debts of the said Christian Loudon, and the expenses of administration.

SEC. 2. If the said Caroline Rady shall give bond to the Judge of Probate of Houston County, in such sum, and with such sureties, as he shall direct and approve, with condition to pay all the debts and the expenses of administration, within such time as the Judge of Probate shall direct, none of said lands shall be sold for the payment of debts or expenses, and such Judge of Probate shall make a decree giving to the said Caroline Rady the immediate possession and full control of the property, both real and personal, of the said deceased.

Provision to prevent sale of lands belonging to estate for debts

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, }
March 20, 1858. }

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

CHAS. L. CHASE, Secretary.

CHAPTER CXXXIII.

An Act to Incorporate the Town of Fair Haven.

- SECTION 1. Of the Town Boundaries.
2. Annual election for Town Officers.
3. Tenure of office for Town Officers—Town elections, how conducted.
4. Town officers to take oath of office.
5. Corporate powers vested in Town Officers.
6. Vacancies in Town Council.
7. General powers of Town Council.
8. Powers of Council to regulate and open streets, &c.
9. Corporation Tax, how assessed.
10. Collection of Tax, how made.
11. Receipts and expenditures to be posted annually—Delivery of Books to successors.
12. Town Council to deed lots to original claimants.
13. Record of survey to be filed with Register of Deeds.

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

SECTION 1. That all the country in the counties of Wright

Boundaries of
the town

and Stearns, in the State of Minnesota, contained within the north-west quarter of the north [east] quarter; and the north-west quarter, and the north half of the south-west quarter of section four (4), in township one hundred and twenty-one (121), north of range twenty-eight (28) west, shall be a town by the name of "Fair Haven," and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, are hereby created a municipal corporation by the name of the "Town of Fair Haven," with perpetual succession, and they shall have the general powers possessed by municipal corporations at common law. They shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all Courts of law and equity. They shall possess the powers by their corporate name to acquire property real, personal and mixed, for the use of the same, and may sell and convey the same at pleasure.

Annual elec-
tion for town
officers

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 Legislature of the State of Minnesota, to meet at the school-house in Fair Haven, 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 by ballot to elect one President, one Recorder and three Trustees, being inhabitants of said town, and having the qualifications of electors as aforesaid, who shall hold their respective offices 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 be known as the "Fair Haven Town Council," any three of whom shall constitute a quorum for the transaction of business pertaining to their duties.

Tenure of office
of town officers
—town elec-
tions how con-
ducted

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, 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 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 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 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.

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 of the State of Minnesota, and also an oath of office.

Town officers to take oath of office

Sec. 5. The President, and in his absence the Recorder shall preside at all meetings of the Town Council; and the Recorder shall make a fair and accurate record of all the proceedings, and of the by-laws and ordinances made by the Town Council aforesaid, and the same shall be always open for inspection to the electors of said town; but in case of the absence or inability of the Recorder, the Trustees may appoint one their body Clerk *pro tempore*.

Corporate powers vested in town council

Sec. 6. 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 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.

Vacancies in town council how filled

Sec. 7. The said Town Council shall have power to make, ordain and establish by-laws and ordinances for the government of said town, and the same to alter, repeal or amend at pleasure. The Town Council shall have power to fix to the violations 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 the State of Minnesota. *And provided also*, That no by-law or ordinance 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 in said town, and the certificate of the Recorder entered upon the record of said Town Council, shall be deemed and taken to be evidence of such publication.

General powers of the town council

Sec. 8. The said Town Council shall have power to regulate and improve the streets and alleys; to regulate the public grounds; to remove all nuisances and obstructions from the streets and commons of said town, 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.

Powers of council to regulate and open streets, alleys &c

Sec. 9. 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 upon the property 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 or counties within which said town may be located at the time of assessing said tax.

Corporation tax how assessed

Collection of
tax how made

SEC. 10. When any tax is levied, it shall be the duty of the Recorder to make out a schedule 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 the county within which the same is situated, which schedule shall be certified by the President and Recorder. And it shall be the duty of the Recorder to collect said tax. The President of the Town Council shall be the Treasurer of the corporation. And the President and Recorder may be required to give bonds with surety conditioned for the faithful performance of their respective offices. And the said Recorder shall immediately after collecting said tax, pay the same over to the Treasurer and take his receipt therefor, and the said Recorder 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 Recorder shall receive such fees for collecting as the Town Council may direct, not exceeding four per cent. on the amount collected, to be paid by the Treasurer on the order of the Recorder.

Receipts and
expenditures
to be posted
annually—deli-
very of books
to successors

SEC. 11. The Treasurer shall pay out all money in his hands belonging to the corporation as directed by the Common Council of the town. The Town Council shall at the expiration of each and every year, cause to be made out and posted up in at least three public places in said town, the receipts and expenditures of the preceding year, and the President and Recorder shall deliver to their successors in office all such books and other property as appertain in anywise to said corporation.

Town council
to deed lots to
original claim-
ants

SEC. 12. It shall be the duty of said Town Council, as soon as the title of said lands shall be obtained from the government of the United States, 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 any transfer from any person or persons who had a valid right thereto, and to deed under the hand of the President, attested by the Recorder, and sealed with the seal of the 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 so deeded as aforesaid, shall previously pay to the said Treasurer at the rate of two and one-half dollars per acre for all lands so deeded.

Section 4, town-
ship 121, range
23, hereby va-
cated

SEC. 13. So much of the town of Fair Haven as is contained within the south-west quarter of the north-east quarter of section four (4), of township one hundred and twenty-one of range twenty-eight, according to a survey and plot of said town on record in the office of Register of Deeds in Stearns county, is hereby vacated and annulled.

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 sixteenth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.
 SECRETARY'S OFFICE, Minnesota, }
 March 16, 1858. }

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

CHAS. L. CHASE, Secretary.

CHAPTER OXXXIV.

An Act authorizing the City Council of Winona to Borrow Money.

- SECTION. 1. Authority to the City Council to borrow money, on a vote of the people.
 2. Form of ballot to be voted.
 3. Money received from loan to be paid into City Treasury.
 4. Purposes for which the borrowed money shall be used.

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

SECTION 1. That the City Council of Winona, are hereby authorized to borrow on the credit of the city, a sum not exceeding ten thousand dollars, and at an interest not exceeding twelve per cent. per annum, for a term of not less than five nor more than ten years : *Provided*, That the city authorities shall call a special election as provided for by the city charter, and a majority of the legal voters shall vote in favor of borrowing said amount of money. Authority to borrow money on a vote of the people

SEC. 2. The election shall be held and conducted as other elections provided for by law, and the tickets used shall be in the following form : "In favor of the loan—Yes !" and "For the loan—No !" Form of ballot to be voted

SEC. 3. Whenever the City Council shall have negotiated