

St. Cloud and St. Joseph, as surveyed and located in the month of May, A. D. 1858, is hereby vacated, and the county road from St. Cloud to St. Joseph, in Stearns county, as surveyed and located in the year A. D. 1855, is declared to be a portion of the said State road from St. Cloud to Breckenridge.

Vacation of a portion of a State Road from St. Cloud to Breckenridge.

SEC. 2. This Act to take effect, and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August, 2, 1858. }

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

FRANCIS BAASEN, Secretary of State.

CHAPTER OXLVII.

An Act to incorporate the Town of Zumbrota.

- SECTION 1. Boundaries of the Town.
- 2. Town elections when to be held.
- 3. Manner of conducting the election.
- 4. Elected officers to take oath of office.
- 5. Powers of the Town Officers.
- 6. Record of Council proceedings.
- 7. Duties of the President.
- 8. Vacancies, how filled.
- 9. Powers of the Town Council.
- 10. Receipts and expenditures to be posted annually.
- 11. Powers of Town Council enumerated.
- 12. Corporation tax, power to levy.
- 13. Collection of taxes, how made.
- 14. Delivery of books to successors.
- 15. Per diem of Town officers.
- 16. Act to take effect on passage.

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

SECTION 1. That so much land as is contained within the west half of sections number thirty and thirty-one of township one hundred and ten north, range fifteen west, and the east half of sections twenty-five and thirty-six of township

Boundaries

one hundred and ten north, range sixteen west, in the County of Goodhue, be and the same is hereby created a town corporate by the name of Zumbrota.

Annual elections to be held

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 to meet at the usual place of holding election in said town, on the third Monday in July next, and annually on the first Monday in April thereafter, at such places as the Town Council may direct, and then and there proceed 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 offices one year and until their successors are chosen 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; 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.

Elections how conducted

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 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 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 said Town Council, at least ten days before each and every election to give notice of the same, by putting up notices at three of the most public places in said town.

Officers to take oath of office

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 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 afore-

said, to acquire property, real, personal and mixed, and may sell and convey the same, subject in all cases to the direction of the electors within the limits of said corporation, by a majority vote thereof at any legal meeting; 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 be subject to all the duties and obligations appertaining to municipal corporations.

Corporate powers of town officers

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 case of the absence or inability of the Recorder to act, the Trustees may appoint one of their number Clerk *pro tempore*.

Record of proceedings of council

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 Goodhue, of all cases of violation of any ordinance of said town, or under the laws of the State; *Provided*, That a certified copy of his election and of the time for which elected be transmitted by the Recorder to the District Clerks office, and the usual bond of Justices of the Peace be filed in said office.

Duties of the President

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 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 how filled

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

Powers of council

Powers of
council

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 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 to the violation of the by-laws and ordinance 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 in said town, at least ten days, or published in some newspaper in 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.

Receipts and
expenditures
posted annual-
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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 in said town, the receipts and expenditures of the preceding year.

Powers of coun-
cil enumerated

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 the appurtenances to real estate, and to 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 gun-powder 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 is 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 fire-works and fire-arms 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 extinguishing of fires, and to pull, break down and 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.

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

Sixth—To direct the location and management of all slaughter-houses and markets.

Seventh—To prevent the encumbering the streets, sidewalks, alleys, or the 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, depositing

Powers of
council enumerated

Powers of
council enume-
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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.

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 way doing damage to such sidewalks.

Fourteenth—To restrain drunkards, immoderate drinking, 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 such town.

Fifteenth—To protect trees and monuments in the town.

Sixteenth—To regulate and provide for the improvement, cleansing 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 said town, in any manner they may deem necessary for the convenience of the inhabitants thereof.

Tax how lev-
ied

SEC. 12. For the purpose of more effectually enabling the said Town Council to carry into effect the provisions of this Act, the town shall have power in its corporate capacity, by majority vote of all the electors present at a legal meeting, to levy a tax on all the property within the limits of said corporation, made taxable by the laws of this State, not exceeding one cent 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 of said tax. The avails of such tax to be apportioned for such public purposes as the electors may determine by vote as aforesaid. And all meetings for the raising of money and the choice of officers, shall be called by posting a written or printed notice thereof, in at least three of the most public places in said town, or by publishing the same in the newspaper published in said town, at least ten days before the time of said meeting.

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 Re-

order, 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, 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, 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 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 by him collected, to be paid by the Treasurer on the order of the Recorder.

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.

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 the performance of their duties, except that the President, when performing duties as Justice of the Peace, shall receive such compensation, and from the same source as is by law provided for similar services.

Sec. 16. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June the twenty-ninth, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor *ad interim*.

SECRETARY'S OFFICE, Minnesota, }
June 29, 1858.

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

FRANCIS BAASEN, Secretary.