

CHAPTER OXLVIII.

An Act to Incorporate the Town of Owatonna.

- SECTION 1.** Boundaries of the Town.
 2. Annual Town Elections, held when.
 3. Town elections, how conducted.
 4. Elected officers to take oath of office.
 5. Corporate powers of Town officers.
 6. Record of proceedings of Town Council.
 7. Duties of the President.
 8. Vacancies in Town Council, 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, how levied.
 13. Taxes, manner of collecting.
 14. Delivery of books to successors.
 15. Per diem of Town officers.
 16. Act takes effect on passage.

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

Boundaries of
the town

SECTION. 1. That so much land as is contained within the south-east quarter of section nine, the north-east quarter of section nine, the southwest quarter of section ten, the north-west quarter of section ten, the north half of the north-west quarter of section fifteen, the north half of the northeast quarter of section sixteen, all in township one hundred and seven, range twenty, in Steele county, be and the same is hereby created into a town corporate by the name of Owatonna.

Annual elec-
tions when
held

SEC. 2. That for the good order and improvement 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 elections in said town on the first Monday of September next, at such time and place annually thereafter 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.

SEC. 3. At the first election to be holden under this Act, there shall be chosen *vis a 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 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 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 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.

Elections how conducted

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.

Officers to take oath of office

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, subject in all cases to the direction of the electors within the limits of said corporation, by a major 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 town council

Sec. 7. The President shall also keep the seal of said

Duties of the
President

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; and for the purposes aforesaid he is truly created a Justice of the Peace for the county of Steele.

Vacancies how
filled

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.

Powers of the
town council

SEC. 9. The Town Council shall have the 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 appointments, 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 to the violation of the by-laws and ordinances of the corporation, such penalties, either by fine or imprisonment as they may deem proper; *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, or published in some newspaper in 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
posted annually

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 the
council 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; *Pro-*

vided, That they be not repugnant to the constitution and laws of the United States and of this State; and for these purposes, shall have authority by ordinance or by 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 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 stovepipes; 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 and extinguishment of fires as they may deem proper.

Powers of the
council enumerated

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 chandlers 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 of common law.

Fourth—To restrain and prohibit all description 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 disorder.

Powers of the
council enumerated

derly 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.

Seven h—To prevent the incumbring of streets, sidewalks, alleys, or the public grounds, with carriages, carts, wagons, sleighs, sleds, boxes, lumber, firewood, 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 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 any way doing 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 prohibit 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 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, the town shall have power in its corporate capacity by a major 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 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 or newspapers 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 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, 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 deed 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 anywise 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—August the ninth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 9, 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 CXLIX.

An Act to authorize the Register of Deeds of Kandiyohi County to copy from the Records of Meeker County.

Authority to copy records from Meeker county

- SECTION 1. Authority to copy Records from Meeker County.
2. Fees for copying, and to be paid by Kandiyohi County.
3. Act takes effect on passage.

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

Fees for copying to be paid by Kandiyohi county

SECTION 1. That it shall be lawful for the Register of Deeds of the County of Kandiyohi to copy from the records of the County of Meeker, all deeds, mortgages and other evidences of titles now remaining, of record, in the County of Meeker, in all cases, where the lands are situated within the County of Kandiyohi.

SEC. 2. That the Register of Deeds of Kandiyohi County shall be entitled to the same fees for the same as he is entitled by law for making original records, to be audited by the proper officer of Kandiyohi County, and paid out of the County Treasury.