

CHAPTER IV.

An Act to Incorporate the Town of Brownsville.

- SECTION 1. Boundaries of the Town.
 2. First election for Town officers.
 3. Term of office, and vested rights.
 4. Manner of conducting elections.
 5. Officers elected to take oath of office.
 6. Corporate powers of Trustees.
 7. } Duties of the President.
 8. }
 9. Council may fill vacancies.
 10. } Powers of the Town Council.
 11. }
 12. Authority to levy tax, and manner.
 13. Taxes, how to be collected.
 14. Books and papers of officers to be given to successors.
 15. Act takes effect on passage.

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

CHAPTER I.—BOUNDARIES.

SEC. 1. That so much territory as is contained in sections twenty-three, twenty-four, twenty-five, twenty-six, town one hundred and three, range four, shall be and constitute the town of Brownsville. Boundary

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 some suitable place in the town of Brownsville, on the first Monday of April next, and annually thereafter, at such time and 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 house-holders of said town, and having the qualifications of electors as aforesaid. First election

SEC. 3. The President, Recorder and Trustees to be elected as aforesaid, shall hold their offices for one year and until their successors are 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; and for the better government of said Town Council, shall extend to the centre of the Mississippi river, in front of said town. Vested rights of officers

SEC. 4. At the first election to be holden under this act, there shall be chosen, *viva voce*, by the electors present at the time of opening the polls on the day of holding said first

Election how
conducted

election, two judges and one clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required 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 five days before each and every election, to give notice of the same by setting up advertisements in three of the most public places in said town; and if a newspaper be published in said town, by inserting the notice in said paper at least once before such election.

Elected officers to take
oath

SEC. 5. The candidates receiving the highest number of votes for the offices for which they shall respectively be candidates, shall be declared elected by said judges of 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 laws of this State, and also faithfully and honestly to discharge the duties of the office, which shall be taken before some Justice of the Peace or Notary Public, and filed with the Recorder.

Corporate
powers

SEC. 6. The President, Recorder and Trustees of said town shall be capable in law, by their own corporate name aforesaid, to acquire property, real, personal and mixed, within its corporate limits, 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; and when any suit shall be commenced against said corporation, the first protest 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 rights and privileges, and be subject to all the duties and obligations appertaining to municipal corporations.

President

SEC. 7. The President, and in his absence, the Recorder, shall preside at all meetings of the Town Council, and the Recorder shall attend all the 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 and 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 disability of the Recorder, the Clerk may appoint one of their body Clerk *pro tempore*.

SEC. 8. The President shall keep the seal of said corpora-

tion, 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 are observed and executed. He shall have power to administer oaths and affirmations, and to take and certify acknowledgements of deeds and other instruments in writing; as a judicial officer, he shall have concurrent jurisdiction with Justices of the Peace, and try all cases for the violation of any ordinances of said town under the laws of the State. .

President

SEC. 9. The Town Council shall have power to fill all vacancies that may happen in said Board, from the qualified voters of said town, who shall hold their appointment until the next general election, and until their successors are 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
council

SEC. 10. The Town Council shall have power to provide for the employment of attorneys, the appointment or election of 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 terms of their appointments and the fees they shall receive for their respective services, when the same is not otherwise provided for by this act, and to require 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 sufficient security, conditioned for the faithful performance of the duties of their respective offices; and it is hereby provided that the said Treasurer shall pay no moneys, except upon the order of the Town Council, signed by the President and countersigned by the Recorder. 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 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 of 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.

Powers of
council

SEC. 11. The Town Council shall have power to enact, establish, publish, alter, amend or repeal all such ordinances, rules and by-laws for the government and good order of the town, for the suppression of vice 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 any such ordinances, rules or by-laws, and such Ordinances, rules and by laws are hereby declared to be, and to have the force of law; *provided*, that they be not repugnant to the Constitution

Powers of
council

and laws of the United States and of this State. Said Town Council shall have power to prevent, abate and remove nuisances, and take such measures for the public health as they may deem proper, and compel the owner of any grocery, cellar, chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the town. 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 laws. To restrain and prohibit all descriptions of gaming, or fraudulent devices and practices, and all playing of cards, dice and other games of chance, for the purpose of gambling in said town. To prevent any noise, disturbances or disorderly assemblages, with power to demand the assistance of the citizens to effect the same, suppress and restrain disorderly houses, groceries, shows and exhibitions. To prevent encumbering the streets, side-walks and public grounds with carriages, carts, wagons, sleighs, sleds, boxes, lumber, fire wood, or other material or substances whatever. To prevent horse racing, immoderate riding or driving in the streets. To restrain drunkards or immoderate drinking or obscenity in the streets or public places, and provide for arresting, fining or imprisoning any person or persons who may be guilty of the same. To regulate and provide for the improvement and grading of the streets, avenues and alleys in said town. Also to lay out, alter, extend, grade and keep in good repair the levee in front of said town, under such rules and regulations as they may adopt. Also to erect any buildings necessary for the use of said town. Also to lay out, enclose and regulate the public grounds and squares. Also to provide for one or more public schools, and the erection of necessary school houses for the same.

Powers of council

Tax how levied

SEC. 12. For the purpose of more effectually enabling the said town 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 State, so that said tax shall not exceed in any one year, one per cent. on the valuation of the property, as the same may be found on the books of the County Commissioners at the time of assessing said tax. The town shall also have power, if authorized to do so by a majority of the holders of real estate in said town, at any meeting called for that purpose, to levy, by *viva voce* vote, an additional tax as above specified, sufficient to carry into effect any of the provisions of this Act, 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 of said town, ten days before the time of such meeting.

SEC. 13. When any tax is levied, it shall be the duty of the Recorder to make out a duplicate of the taxes charged ^{Tax how collected} 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 aforesaid, which duplicate shall be certified by the President and Recorder, and one copy thereof placed in the hands of the Marshal, or such other person as may be appointed collector, whose duty it shall be to collect said tax in the same manner and under the same regulations as 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 said Marshal or other collector, shall have the same power to sell real and personal property for the non-payment of corporation taxes as is given to the county collector; and when necessary, the Recorder shall have power to make deeds in the same manner as 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 monies so by him collected, to be paid by the Treasurer on the order of the Recorder.

SEC. 14. The President, Recorder or other officer of said corporation, shall, on demand, deliver to their successors in ^{Books and papers} office, all such books and other property as appertain in any wise to said corporation.

SEC. 15. This Act shall take effect 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, }

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.