

missioner Statistics, except such as shall be necessary to the duties of the Auditor.

Commissioner to Sec. 15. That the Commissioner may have a desk in the  
have access to State Library, with free access to the books of said library.

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

AMOS COGGSWELL,  
Speaker of the House of Representatives.

IGNATIUS DONNELLY,  
President of the Senate.

Approved February sixth, one thousand eight hundred and sixty.

SECRETARY'S OFFICE, MINNESOTA, }  
February 6th, 1860.

ALEX. RAMSEY.

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

J. H. BAKER, Secretary of State.

## CHAPTER XIV.

### *An Act to provide for Township Organization.*

ARTICLE 1. Sec. 1. Organization of towns—duty of County Commissioners.

2. Provision in cases of fractional townships, or when townships are divided by rivers.
3. Towns to be named by the inhabitants therein.
4. County Commissioners to designate time and place of holding town meetings.
5. Duty of County Auditor.
6. Duty of Auditor when two or more towns have same name.

ARTICLE 2. Sec. 1. Limits and boundary lines of townships to remain as already established.

2. Powers of each town as a body corporate.
3. Towns to exercise only the powers enumerated in this Act.
4. Proceedings by or against town to be made in name of the town.

ARTICLE 2. Sec. 5. By-laws to be posted—to affect all persons within the limits of the town.

ARTICLE 3. Sec. 1. Town meetings to be held annually.  
2. Officers chosen at town meeting.  
3. Assessors and Supervisors to be Fence Viewers.  
4. Powers of electors at town meeting.  
5. When special town meetings may be held.  
6. Duties of Town Clerk in case of special meeting.  
7. Notice of special town meeting what to specify.

ARTICLE 4. Sec. 1. Town meeting to be called together by Town Clerk.  
2. Moderator to state business to be transacted.  
3. Provision in case of unqualified voter.  
4. Qualifications requisite to vote at town meeting.  
5. Minutes of town meeting to be filed with Town Clerk.

ARTICLE 5. Sec. 1. Proclamation of time of opening and closing polls.  
2. Manner of electing the several officers.  
3. All officers voted for by ballot to be named in one ballot.  
4. Clerk to keep a poll list.  
5. One of the judges to deposit ballots.  
6. Judges to publicly canvass votes.  
7. Canvass how conducted.  
8. Clerk to enter statement of result in minutes and publicly announce the same.  
9. Clerk to notify persons elected.

ARTICLE 6. Sec. 1. Persons eligible to office.  
2. Officer to take oath within ten days after election.  
3. Certificate of oath to be filed in office of Town Clerk.  
4. Neglect to file oath deemed a refusal to serve.  
5. Person chosen to office of Overseer of Highways or Pound Master to file notice of acceptance.  
6. Town Treasurer to execute bond.  
7. Chairman of Supervisors to file such bond with sureties with Register of Deeds.  
8. Bond and sureties of Constable.  
9. Bond and oath of Justice of the Peace.  
10. Action against Constable to be prosecuted within one year after expiration of office.  
11. Neglect of Treasurer or Constable to give bond to be deemed a refusal to serve.  
12. Person chosen to office of Supervisor, Treasurer, Town Clerk or Assessor to forfeit five dollars in case of refusal to serve.  
13. Overseers of Highways or Pound Masters to forfeit five dollars if refuse to serve.  
14. Penalty for entering upon duties of office before taking oath.  
15. Town officers to hold office one year—exceptions.

ARTICLE 7. Sec. 1. Vacancies how filled.  
2. Vacancies in appointing board may be filled by remaining officers.  
3. Proceedings in case of neglect to elect officers at time fixed by law.

- ARTICLE 7. Sec. 4. Justices of the Peace may accept resignations.
- ARTICLE 8. Sec. 1. Powers of Supervisors.  
 2. Town Supervisors may cause improvements on streets in incorporated towns.  
 3. Supervisors to prosecute actions upon bonds.  
 4. Two Supervisors to constitute a quorum.
- ARTICLE 9. Sec. 1. Town Clerk to have custody of records, books, &c.  
 2. Records, what to contain.  
 3. Form of bond of Town Clerk.  
 4. Town Clerk to transmit name of Constable to Clerk of District Court.  
 5. Notice of election of Justices of the Peace to be transmitted to Clerk of District Court.  
 6. Penalty for neglect of Town Clerk to make return.  
 7. Copies of papers to be received as evidence.  
 8. Clerk to post copies of by-laws.
- ARTICLE 10. Sec. 1. Supervisors to constitute a town board for auditing accounts.  
 2. Board to meet annually.  
 3. Board to audit accounts of Town Treasurer.  
 4. Board to make report—what to contain.  
 5. Report to be publicly read.  
 6. Town Treasurer to pay audited accounts.  
 7. Town Clerk to be clerk of town board.
- ARTICLE 11. Sec. 1. Town Treasurer to receive and have charge of all moneys belonging to his town.  
 2. Treasurer to keep account of all moneys.  
 3. Town Treasurer to draw from County Treasurer moneys belonging to his town.  
 4. Town Treasurer to make report of moneys received from County Treasurer.  
 5. Penalty for neglect to comply with provisions of this Article.
- ARTICLE 12. Sec. 1. Compensation of town officers.  
 2. Compensation of Town Clerks, Assessors, Supervisors.  
 3. Compensation of Pound Masters.
- ARTICLE 13. Sec. 1. Suits between towns how conducted.  
 2. Suit to be in name of town.  
 3. Town not required to appear at first term of court.  
 4. Process to be served on Chairman of Supervisors.  
 5. Inhabitants to be competent witnesses and jurors.  
 6. Action not to be brought before Justice residing in such town.  
 7. Action for trespass on town lands.  
 8. Court may partition lands claimed by towns.  
 9. Judgment against towns how collected and paid.
- ARTICLE 14. Sec. 1. Pounds to be under direction of Pound Master.  
 2. Pounds may be discontinued.  
 3. Definition of town charges.  
 4. Money to defray town charges to be levied on property.  
 5. Officers to demand books, &c., from predecessor.  
 6. Person appointed to demand books and papers from person having them in charge.

ARTICLE 14. Sec. 7. Officer to deliver, under oath, all books and papers to successor in office.

8. Death of officer, duty of administrator.
9. Each town to constitute an election district.
10. Supervisors to be judges of election.
11. Limitation of town tax and debt.
12. Act not to apply to incorporated cities.
13. Repeal of former Acts.
14. When Act to take effect.

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

## ARTICLE I.

SECTION 1. Whenever twenty-five legal voters of any Congressional Township in this State, containing one hundred inhabitants, shall petition the Board of County Commissioners to be organized as a Town under this Act, the Board of County Commissioners shall forthwith proceed to fix and determine the boundaries of such new town, and to name the same; and said Board of County Commissioners shall make a full record of all their proceedings in relation to laying off said town, and file the same with the County Auditor. Organization of town

SEC. 2. Fractions of townships, or either of them, may be attached by said Commissioners to an adjoining town, or may be divided between two or more towns, or organized separately, according to the wishes of a majority of the legal voters to be affected thereby; and when rivers or creeks so divide a township as to be inconvenient for doing town business, the fraction so formed may be disposed of as other fractions; and any township having two or more villages or cities, each containing two hundred or more inhabitants, may petition the County Commissioners for such division; and whenever the County Commissioners are so petitioned, they may, if they shall think that the interests of such town will be subserved thereby, proceed to divide such township in such manner as will best suit the convenience of the people. Fractional townships

SEC. 3. Towns thus formed shall be named in accordance with the expressed wish of the inhabitants of the town, but if there should not be a degree of unanimity as to the name, the County Commissioners may designate a name. Name of towns

SEC. 4. The County Commissioners shall thereon make out notices for each town, designating a suitable place for holding the first Town Meeting in such town, which shall be holden within twenty days after said town shall be organized; and the Auditor shall deliver such notice to the Sheriff of the county, who shall cause the same to be posted in such township, not less than ten days before the day set for such Town Meeting. Town meetings

SEC. 5. Each Auditor shall, within thirty days after such

**Abstract to be transmitted to State Auditor** town shall be organized, transmit by mail to the Auditor of State, an abstract of such report, giving the bounds of each town and the name designated; and said County Auditor shall record, in a book for that purpose, a full description of each town.

**Provision when towns have same name** SEC. 6. If the Auditor, on comparing the abstract of the reports from the several counties, shall find that any two or more townships have names alike, he shall transmit to the Auditor of the county or counties the name or names of such town or towns to be altered; and the Board of Commissioners shall, at its next meeting thereafter, adopt for such town some name different from those heretofore named, so that no two towns organized under this Act shall be named alike; and when such name shall be adopted, the Auditor of the county shall inform the State Auditor as before directed.

## ARTICLE II.

### OF BOUNDARIES, RIGHTS, POWERS AND LIABILITIES OF TOWNS AS BODIES CORPORATE.

**Boundaries to remain as before** SEC. 1. The limits and boundary lines of every organized township shall remain as now established until otherwise provided by the Board of County Commissioners under the authority of law.

**Capacity of each town** SEC. 2. Each town as a body corporate, has capacity—  
*First*—To sue and be sued, in the manner prescribed by the laws of the State.

*Second*—To purchase and hold lands within its own limits, and for the use of its inhabitants, subject to the powers of the Legislature.

*Third*—To make such contracts, purchase and hold such personal property as may be necessary for the exercise of its corporate or administrative powers.

*Fourth*—To make such orders for the disposition, regulation or use of its corporate property as may be deemed conducive to the interests of its own inhabitants.

**Limitation of the powers of towns** SEC. 3. No town shall possess or exercise any corporate powers except such as are enumerated in this Act, or shall be especially given by law, or shall be necessary to the exercise of the powers so enumerated or granted.

**Proceedings to be in name of town** SEC. 4. All acts or proceedings by or against a town in its corporate capacity, shall be in the name of such town; but every conveyance of lands within the limits of such town, made in any manner for the use or benefit of its inhabitants, shall have the same effect as if made to the town by name.

**By-laws to be posted** SEC. 5. No by-law made by any town shall take effect before the same shall be published by posting up copies thereof in three of the most public places in the town; and such

by-laws duly made and so published shall be binding upon all persons coming within the limits of the town as well as upon the inhabitants thereof, and shall remain in force until altered or repealed at some subsequent Town Meeting.

### ARTICLE III.

#### OF TOWN MEETINGS.

SEC. 1. The citizens of the several towns of this State, qualified to vote at general elections, shall annually assemble and hold Town Meetings in their respective towns, on the first Tuesday of April, at such place in each town as the electors thereof, at their annual Town Meetings, shall from time to time appoint; and notice of the time and place of holding such meeting, shall be given by the Town Clerk, by posting up written or printed notices in three of the most public places in said town, at least ten days prior to said meeting. Town meetings to be held annually

SEC. 2. There shall be chosen at the annual Town Meeting in each town, three Supervisors—one of whom shall be designated on the ballots as Chairman, one Town Clerk, one Treasurer, one Assessor, two Justices of the Peace, two Constables, and one Overseer of Highways for each road district in said town; *Provided*, That Justices of the Peace and Constables shall be elected only once in two years, except to fill vacancies. Officers chosen

SEC. 3. The Assessor and Supervisors elected in every town shall, by virtue of their office, be fence viewers of such towns. Fence viewers

SEC. 4. The electors of each town shall have power at their annual Town Meeting— Powers of electors

*First*—To determine the number of pound masters, and the location of pounds.

*Second*—To select such town officers as may be required to be chosen.

*Third*—To direct the institution or defence of suits at law or in equity, in all controversies where such town shall be interested.

*Fourth*—To direct such sums to be raised in such town for prosecuting or defending such suit as they may deem necessary.

*Fifth*—To make all rules and regulations for ascertaining the sufficiency of all fences in such towns, and for impounding animals.

*Sixth*—To determine the time and manner in which cattle, horses, mules, asses, hogs, sheep, goats, and dogs shall be permitted to go at large.

*Seventh*—To impose such penalties on persons offending against any rule or regulations established by said towns, except such as relate to the keeping and maintaining of fences,

as they may think proper, not exceeding ten dollars for each offence.

*Eighth*—To apply such penalties, when collected in such manner as they may deem most conducive to the interests of such town.

*Ninth*—To vote to raise such sums of money for the repair and construction of roads and bridges, for the support of the poor and for other necessary town charges as they shall deem expedient.

Special town  
meetings

SEC. 5. Special Town Meetings may be held for the purpose of choosing town officers to fill any vacancies that may occur, also for the purpose of transacting any other lawful business, whenever the Supervisors, Town Clerk, and Justices of the Peace, or any two of them, together with at least twelve other freeholders of the town, shall file in the office of the Town Clerk a written statement that a special meeting is necessary to the interests of the town.

Town Clerk to  
post notices of  
meeting

SEC. 6. Every Town Clerk with whom such statement shall be filed, as required in the preceding Section, shall record the same, and immediately cause notice to be posted up in five of the most public places in the town, giving at least ten days' notice of such special meeting; and if there is a newspaper printed in said town he shall cause a copy of said notice to be published therein at least three days before the time appointed for such meeting.

Notice what to  
specify

SEC. 7. Every notice given for a special Town Meeting shall specify the purpose for which it is to be held, and no other business shall be transacted at such meeting than such as is specified in such notice. If vacancies in office are to be filled at such meeting, the notices shall specify in what office vacancies exist, how they occurred, who was the last incumbent, and when the legal term of each office will expire.

## ARTICLE IV.

### OF THE METHOD OF CONDUCTING TOWN MEETINGS.

Town meeting  
how conducted

SEC. 1. The electors present, at any time, between nine and ten o'clock in the forenoon of the day of the annual Town Meeting, or special Town Meeting, shall be called to order by the Town Clerk, if there be one present; in case there is none present, then the voters may elect, by acclamation, one of their number chairman. They shall then proceed to choose one of their number to preside as moderator of such meeting. The Town Clerk last before elected, shall be clerk of the meeting, and shall keep faithful minutes of its proceedings, in which he shall enter at length, every order or direction, and all rules and regulations made by this meeting. If the Town Clerk be absent, then such person as shall be elected for that purpose, shall act as clerk of the meeting. And the

Board of Supervisors of each town shall be the Judges of Election at such Town Meeting; *Provided*, That in case of the absence of any of said Board at the opening of the meeting, the electors present shall choose from their number other persons to act in their stead as judges of such election.

Sec. 2. At the opening of every Town Meeting, the moderator thereof, shall state the business to be transacted, and the order in which such business shall be entertained; and no proposition to vote a tax shall be acted on out of the order of business as stated by the moderator, and no proposition to reconsider any vote shall be entertained at any Town Meeting, unless such proposition to reconsider shall be made within one hour from the time such vote shall have been passed, or the motion for such reconsideration shall be sustained by a number of voters equal to a majority of all the names entered upon the poll list at such election up to the time such motion be made; and all questions upon motions made at Town Meetings shall be determined by a majority of the electors voting; and the moderator presiding at said meeting shall ascertain and declare the result of the votes on each question.

Moderator to state business of meeting

Sec. 3. If any person offering to vote at any election, or upon any question arising at such Town Meeting, shall be challenged as an unqualified voter, the judges of the Town Meeting, shall proceed thereupon in like manner as the judges at the general election are required, adapting the oath to the circumstances of the Town Meeting.

Votes challenged

Sec. 4. No person shall be a voter at any Town Meeting unless he shall be qualified to vote at general elections, and has been for the last ten days, an actual resident of the town wherein he shall offer to vote.

Qualifications of voters

Sec. 5. The minutes of the proceedings of every Town Meeting, subscribed by the clerk of said meeting, and by the judges, shall be filed in the office of the Town Clerk, within two days after such Town Meeting.

Minutes of meeting to be filed

## ARTICLE V.

### PROCLAMATIONS.

Sec. 1. Before the electors shall proceed to elect any town officer, proclamation shall be made of the opening of the polls, by the moderator, and proclamation shall, in like manner, be made at such adjournment, and of the opening and closing of the polls, until the election is ended.

Moderator to proclaim opening of polls

Sec. 2. The Supervisors, Treasurer, Town Clerk, Assessor, Justices of the Peace, and Constables, shall be chosen by ballot; all other officers shall be chosen either by yeas and nays, or by dividing the electors, as the electors may determine.

Officers how chosen.

Sec. 3. When the electors vote by ballot, all the officers voted for, shall be named in one ballot, which shall contain,



- All officers to be on same ballot written or printed, or partly written and partly printed, the names of the persons voted for, and the offices to which such persons are intended to be chosen, and shall be delivered to one of the judges so folded as to conceal its contents.
- Poll list to be kept SEC. 4. When the election is by ballot, a poll list shall be kept by the clerk of the meeting, on which shall be entered the name of each person whose vote shall be received.
- Judge to deposit ballots in box SEC. 5. When the election is by ballot, one of the judges shall deposit the ballots in a box provided for that purpose.
- Votes to be publicly canvassed SEC. 6. At the close of every election by ballot, the judges shall proceed publicly to canvass the votes, which canvass when commenced, shall continue without adjournment or interruption, until the same is completed.
- Canvass how conducted SEC. 7. The canvass shall be conducted by taking a ballot at a time from the ballot box, and continue counting until the number of ballots are equal to the number of names on the poll list, and if there shall be any left in the box, they shall be immediately destroyed, and such person as shall have the greatest number of votes, shall be declared to be elected. If, on opening the ballots, two or more ballots shall be found to be so folded, that it be apparent that the same person voted them, the Board shall destroy such votes immediately.
- Result to be publicly announced SEC. 8. The canvass being completed, a statement of the result shall be entered at length by the clerk of the meeting in the minutes of its proceedings, to be kept by him as before required, which shall be publicly read by him to the meeting, and such reading shall be deemed notice of the result of the election, to every person whose name shall have been entered on the poll list as a voter.
- Clerk to notify person elected SEC. 9. The clerk of every Town Meeting, within ten days thereafter, shall transmit to each person elected to any town office, whose name shall not have been entered on the poll list as a voter, notice of his election.

## ARTICLE VI.

### QUALIFICATIONS.

- Eligibility to office SEC. 1. Every person qualified to vote at Town Meetings, shall be eligible to any town office.
- Oath of officer SEC. 2. Every person elected or appointed to the office of Supervisor, Town Clerk, Assessor, Treasurer, or Constable, within ten days after he shall be notified of his election or appointment, shall take and subscribe before the Town Clerk or Justice of the Peace, an oath or affirmation, to support the Constitution of the United States, and of the State of Minnesota, and faithfully to discharge the duties of his office, (naming the same,) to the best of his ability. Such oath shall be administered without fee, and certified by the officer before whom it was taken, with the date of taking the same.

SEC. 3. The person taking such oath, shall immediately, <sup>Certificate of</sup> and before entering upon the duties of his office, file the oath to be filed certificate of such oath in the office of the Town Clerk.

SEC. 4. If any person chosen or appointed to any town office, of whom an oath or bond is required, shall neglect to <sup>Neglect deemed</sup> file the same within the time prescribed by law, such neglect <sup>refusal to serve</sup> shall be deemed a refusal to serve in such office.

SEC. 5. Every person chosen or appointed to the office of Overseer of Highways or Pound Master, before he enters on <sup>Notice of accept-</sup> the duties of his office, and within ten days after he shall <sup>ance</sup> have been notified of his election or appointment, shall cause to be filed in the office of the Town Clerk, a notice signifying his acceptance of such office. A neglect to cause such notice to be filed, shall be deemed a refusal to serve.

SEC. 6. Every person chosen or appointed to the office of Treasurer, before he enters upon the duties of his office, and within ten days after he receives notice of the amount of taxes to be collected by him, shall execute to the Supervisors of <sup>Bond of Treas-</sup> the town and their successors in office, and lodge with them <sup>urer</sup> a bond, with one or more securities, to be approved by the Chairman of their Board, in double the amount of such taxes, conditioned for the faithful execution of his duties as such Treasurer.

SEC. 7. The Chairman of the Board of Supervisors of the town shall, within six days thereafter, file such bond, with <sup>Chairman of Su-</sup> said approval endorsed thereon, in the office of the Register <sup>pervisors to file</sup> of Deeds, who shall make an entry thereof in a book provided <sup>bond with Regis-</sup> for that purpose. <sup>ter of Deeds</sup>

SEC. 8. Every person chosen to the office of Constable, before he enters upon the duties of his office, and within eight days after he shall be notified of his election or appointment, <sup>Oath of Consta-</sup> shall take and subscribe the oath of office prescribed by law, <sup>ble</sup> and shall execute in the presence of the Chairman of the Town Board or Town Clerk, of the town, with one or more sureties, to be approved by such Chairman or Town Clerk, an instrument in writing, by which such Constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said Constable may become liable to pay on account of any execution or other process which shall be delivered to him for collection, by virtue of his office.

The Chairman of the Board of Supervisors, or Town Clerk, shall, if such bond be approved, endorse such approval of such instrument, which shall be his approval of the sureties <sup>Bond to be filed</sup> therein named, and shall cause the bond of such Constable to be filed in the office of the Town Clerk; a copy of said bond certified by the said Clerk, shall be presumptive evidence in all courts of the execution thereof by such Constable and sureties.

SEC. 9. Every person elected or appointed to the office of

**Oath of Justice of the Peace** Justice of the Peace, shall, within ten days after receiving notice thereof, take and subscribe before any Justice of the Peace, or other officer duly authorized to administer oaths, an oath to support the Constitution of the United States, and of the State of Minnesota, and faithfully and impartially to discharge the duties of his office, according to the best of his ability.

He shall also execute a bond to the Chairman of the Town Board, with two or more sufficient sureties, to be approved by such Chairman, in the penal sum of not less than five hundred (500) dollars, nor more than one thousand (1,000) dollars, conditioned for the faithful discharge of all his official duties as such Justice.

**Bond and oath to be filed** The Chairman of the Town Board shall endorse thereon, his approval of the sureties named in such bond; and such Justice shall immediately file the same, together with his oath of office, duly certified, with the Clerk of the District Court of the proper county.

**Action against Constable** SEC. 10. All actions against a Constable or his sureties, upon such instrument, shall be prosecuted within one year after the expiration of the term for which the Constable named therein, shall have been elected or appointed, which may be prosecuted before a Justice of the Peace, when the amount claimed does not exceed one hundred (100) dollars.

**Neglect to give security** SEC. 11. If any person chosen or elected to the office of Treasurer or Constable, shall not give such security and take such oath as is required above, within the time limited for that purpose, such neglect shall be deemed a refusal to serve.

SEC. 12. If any person chosen to the office of Supervisor, Treasurer, Town Clerk, or Assessor, shall refuse to serve, he shall forfeit to the town five dollars.

**Penalty for refusing to serve** SEC. 13. If any person chosen or appointed to the office of Overseer of Highways or Pound Master, shall refuse to serve, he shall forfeit to the town five dollars.

**Penalty for entering upon duties before taking oath** SEC. 14. If any town officer who is required by law to take the oath of office, shall enter upon the duties of his office before he shall have taken such oath, he shall forfeit to such town the sum of fifty dollars.

**Term of office of town officers** SEC. 15. Town officers, except Justices of the Peace and Constables, shall hold their offices for one year, and until others are chosen or appointed in their places, and are qualified. The Justices of the Peace and Constables shall hold their offices for two years, or until others are chosen and qualified.

## ARTICLE VII.

**Proceedings in case of failure to elect officers** SEC. 1. Whenever any town shall fail to elect the proper number of town officers to which such town may be entitled by law, or when any person elected to a town office shall fail

to qualify as such, or whenever any vacancy shall happen in any town offices, from death, resignation, removal from the town, or other cause, it shall be lawful for the Justices of the Peace of the town, together with the Board of Supervisors or a majority of them, to fill the vacancy or vacancies occasioned or occurring in consequence of any or either of the causes above specified, by appointment by warrant under their hands; and the persons so appointed, shall hold their offices until others are chosen or appointed in their places, and shall have the same powers, and be subject to the same duties and penalties as if they had been duly chosen by the electors.

SEC. 2. Whenever a vacancy shall occur from any cause, in any or either of the offices enumerated in the foregoing Section, composing the Board of Appointment for the appointment of town officers, in case of vacancy, it shall be lawful for the remaining officers, of such appointing Board to fill any vacancy or vacancies thus occurring.

Vacancy in board  
of appointment

SEC. 3. In case any town in any county shall refuse or neglect to organize and elect town officers at the time fixed by law for the time of holding annual Town Meetings, it shall be lawful for twelve free-holders of the town to call a Town Meeting for the purpose aforesaid, by posting up notices in three public places in such town, giving at least ten days' notice of such meeting; which notice shall set forth the time and place and object of such meeting; and the electors when assembled, by virtue of such notice, shall have and possess all the powers conferred upon them at the annual Town Meeting. In case no such notice shall be given, as aforesaid, within thirty days after the time for holding the annual Town Meeting, the Board of County Commissioners of the county, shall, on the affidavit of any free-holder of said town, filed in the office of the clerk of the Board, setting forth the facts, proceed, at any regular or special meeting of the Board, and appoint the necessary town officers of such town, and the persons so appointed shall hold their respective offices until others are chosen or appointed in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly chosen by the electors of said town.

Proceedings if  
town neglect to  
organize and  
elect officers at  
proper time

SEC. 4. The Justices of the Peace of any town, may, for sufficient cause shown to them, accept the resignation of any town officer in their town, and whenever they shall accept any such resignation they shall forthwith give notice thereof to the Town Clerk of the town.

Justices may ac-  
cept resignation

## ARTICLE VIII.

### OF SUPERVISORS.

SEC. 1. The Supervisors of each town shall have charge

Duties of Super-  
visors

of such affairs of the town as are not by law made the duties of other town officers; and they shall have power to draw orders on the Town Treasurer for the disbursement of such sums as may be necessary for the purpose of defraying the incidental expenses of the town, and for all moneys raised by the town to be disbursed for any other purpose.

Supervisors may  
cause improve-  
ments in villages

SEC. 2. Whenever any incorporated village or town which is laid out into streets shall be included in the limits of an organized township, the Town Supervisors shall be authorized to cause improvements to be made in any street that may be needed as a highway, if the corporate authorities of said village or town shall neglect to make such improvements.

Supervisors to  
prosecute action  
upon bonds

SEC. 3. The Supervisors of each town shall, by their name of office, prosecute for the benefit of the town, all actions upon bonds and sureties given to them, or their predecessors in office; and shall also sue for and collect all penalties and forfeitures in respect to which no other provision is made, which shall be incurred by any officer or inhabitant of the town; and they shall have power in like manner, to prosecute for any trespass committed on any public enclosure, or property belonging to the town, and shall pay all moneys collected under this Section to the Town Treasurer.

Two Supervisors  
to constitute a  
quorum

SEC. 4. Any two of the Supervisors may in all cases constitute a quorum for the performance of any duties required by law, of the Town Supervisors, except when otherwise provided.

## ARTICLE IX.

### OF THE TOWN CLERK.

Clerk to have  
care of records

SEC. 1. The Town Clerk of each town shall have the custody of records, books, and papers of the town when no other provision is made by law; and he shall duly file, and safely keep all certificates of oaths, and other papers required by law to be filed in his office.

Duty of Town  
Clerk

SEC. 2. He shall transcribe in the book of records of his town, minutes of the proceedings of every Town Meeting therein, and he shall enter therein every order or direction, and all rules and regulations of any such Town Meeting; and shall also file and preserve all accounts added by the Town Board, or allowed at a Town Meeting, and enter a statement thereof in such book of records.

Form of Clerk's  
bond

SEC. 3. Every person hereafter elected or appointed to the office of Town Clerk in any of the towns of this State, shall, before he enters upon the duties of his office, and within the time prescribed by law for filing his oath of office, execute an instrument in writing, with two or more sufficient sureties, to be approved by the Town Treasurer, which writing shall be in substance as follows: A. B., chosen (or appointed) Town Clerk in the town of——— and C. D., and E. F., his sureties,

do hereby agree to pay to said town, or to each and every person who may be entitled thereto, all damages which said town, or person or persons, may sustain by reason of the loss of any chattel mortgage or other paper, required by law, to be filed and kept in the office of said Clerk, or by reason of neglect to perform, or unfaithful performance of official duty by said Clerk.

SEC. 4. Every Town Clerk, immediately after the qualification of any Constable, chosen or appointed in his town, shall transmit to the Clerk of the District Court of the county, the name of such Constable.

SEC. 5. Each Town Clerk shall, immediately after the election of any Justices of the Peace in his town, transmit a written notice thereof to the Clerk of the District Court of said county, stating therein the names of the persons elected, and the terms for which they were respectively elected; and if one or more of them have been elected to fill a vacancy, he shall state in said notice who was the last incumbent of the office.

SEC. 6. If any Town Clerk shall wilfully neglect to make such return, such omission is hereby declared a misdemeanor, and on conviction thereof, the person so offending, shall be adjudged to pay a fine not exceeding ten (10) dollars.

SEC. 7. Copies of all articles duly filed in the office of the Town Clerk, and transcripts from the book of records, certified by him, shall be evidence in all courts in like manner as if the original were produced.

SEC. 8. It shall be the duty of the Town Clerk to post up in three of the most public places in his town, copies of all by-laws made by such town, and shall make an entry in the town records of the time when, and the place where such by-laws were posted up.

## ARTICLE X.

### BOARD OF AUDITORS.

SEC. 1. The Supervisors of each town shall constitute a Town Board for the purpose of auditing all accounts payable by said town; and if from any cause, there shall not be three Supervisors present, to constitute said Board, the Chairman, and in his absence, either of the other Supervisors, may notify any one, or so many of the Justices of the Peace of the town, as will, together with the Supervisor or Supervisors present, make a Board of three; and the Board so constituted, shall have authority to act as the Town Board.

SEC. 2. The Town Board shall meet annually on the Tuesday next preceding the annual Town Meeting to be held in said town, and at such other times as they shall deem necessary and expedient, for the purpose of auditing and

settling all charges against said town; and they shall state on each account the amount allowed by them; but no allowance shall be made for any account which does not specifically state each item of the same, and the nature thereof.

**Board to audit accounts of town officers** SEC. 3. The said Board shall, also, at their annual meeting in each year, examine and audit the accounts of the Town Treasurer for all moneys received and disbursed by him as such officer; and they shall audit the accounts of all other town officers who are authorized by law to receive or disburse any money of the town by virtue of their office.

**Board to make report** SEC. 4. Such Board shall draw up a report, stating in detail the items of account audited and allowed, the nature of each account, and the name of the person to whom such account was allowed; such report shall be accompanied by a statement of the fiscal concerns of the town and an estimate of the sum necessary for the current expenses thereof, the support of the poor, and other incidental expenses for the ensuing year.

**Report to be publicly read** SEC. 5. Such report shall be produced and publicly read by the Town Clerk at the next ensuing Town Meeting, and the whole or any portion of such report may be referred, by the order of the meeting, to a committee, whose duty it shall be to examine the same and report thereon to such meeting.

**Audited accounts to be paid by Treasurer—orders to be received for taxes** SEC. 6. The amount of any account audited and allowed by the Town Board, and the amount of any account voted to be allowed at any Town Meeting, shall be paid by the Town Treasurer on the order of said Board, signed by the chairman and countersigned by the clerk; and all orders issued to any person or persons by the Town Board for any sums due from such town, shall be receivable in payment of town taxes of said town.

**Town Clerk to be clerk of town board—duties** SEC. 7. The Town Clerk shall be the clerk of the Town Board, and shall keep a true record of all their proceedings in his office; he shall file in his office all accounts audited by the Town Board, and preserve the same for the inspection of any of the inhabitants of the town. He shall also within six days after any meeting of the Town Board, transmit to the clerk of the Board of County Commissioners, a certified statement of the aggregate amount of all charges against the town, audited and allowed at such meeting, to be by such Commissioners levied upon the property of the town, and collected as other taxes are levied and collected.

## ARTICLE XI.

### OF THE TREASURER.

SEC. 1. The Town Treasurer shall receive and take charge of all moneys belonging to the town, or which are by law required to be paid into the Town Treasury, and shall pay over and

account for the same upon the order of such town, or the officers thereof, duly authorized in that behalf, made pursuant to law, and shall perform all such duties as may be required of him by law. belonging to his town

SEC. 2. Every Town Treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided at the expense of the town for that purpose, and exhibit such account, together with his vouchers, to the Town Board at its annual meeting for such adjustment; and he shall deliver all books and property belonging to his office, and the balance of all moneys in his hands as such Treasurer, to his successor in office on demand, after such successor shall have qualified according to law. Treasurer to keep account of all moneys—to deliver books &c. to successor

SEC. 3. The Town Treasurer shall from time to time draw from the County Treasurer such moneys as shall have been received by the County Treasurer for the use of his town, and on receipt of such moneys shall deliver proper vouchers therefor. Each Town Treasurer shall be allowed and entitled to retain two per centum of all moneys paid into the town treasury, for the receiving, safe keeping, and paying over the same according to law. Town Treasurer to draw from Co. Treasurer moneys belonging to his town

SEC. 4. It shall be the duty of each Town Treasurer, within five days preceeding the annual Town Meeting, to make out a statement in writing of the moneys by him received into the town treasury from the County Treasurer, and from all other officers and persons, and also of all moneys paid out by him as such Treasurer, in which statement he shall set forth particularly from whom and on what account such moneys were received by him, with the amount received from each officer or person, and the date of receiving the same, also to whom and for what purpose any moneys have been paid out by him, with the amount and date of each payment. He shall also state therein the amount of moneys remaining in his hands as Treasurer. Such statement shall be filed by him in the office of the Town Clerk, and shall be by such Clerk carefully preserved and recorded in the town book of records. Report of Treasurer—what to contain

SEC. 5. Each and every person holding the office of Town Treasurer, who shall refuse or neglect to comply with the provisions of this Article, shall forfeit not less than ten (10) dollars, nor more than two thousand (2,000) dollars, to be recovered in any court of competent jurisdiction in this State, the amount to be fixed by the jury trying the cause, or by the court if there be no jury empanelled in such case, and may be recovered by a civil action, in the name of any person who will prosecute for the same, with costs of suit; one half shall go to the person so prosecuting, and the remainder to the town of which such delinquent is or has been Treasurer. Penalty for neglect to comply with provisions of this Article



## ARTICLE XII.

SEC. 1. The following town officers shall be entitled to compensation at the following rates for each day necessarily devoted by them to the service of the town, in the duties of their respective offices :

Compensation of  
Town Clerk, As-  
sessor and Super-  
visor

SEC. 2. The Town Clerks, Assessors, and Supervisors, shall receive for their services, one (1) dollar per day when attending to business in their town, and one dollar and fifty cents (\$1.50) when attending to business out of town; *Provided*, That no Town Supervisor shall receive more than twenty (20) dollars for compensation in any one year; *Provided further*, That the Town Clerk shall be paid fees for the following, and not a per diem: For serving notices of election upon town officers, as required by law, twenty-five (25) cents each; for filing any paper required by law to be filed in his office, ten (10) cents each; for posting up notices required by law, twenty-five (25) cents each; for recording any order or any instrument of writing authorized by law, six (6) cents for each one hundred words; for copying any record or instrument on file in his office, and certifying the same, six (6) cents for each one hundred words, to be paid by the person applying for the same; *Provided further*, That at any Town Meeting before the electors commence balloting for officers, they may, by resolution, reduce the compensation of officers.

Fees of Pound  
Master

SEC. 3. The Pound Master shall be allowed the following fees, to wit: For taking into pound, and discharging therefrom, any horse, ass, or mule, and all neat cattle, ten cents each. For every sheep or lamb, three cents each; and for every hog, large or small, five cents; and twenty cents for keeping each head twenty-four hours in pound. And the Pound Master shall have a lien on all such animals, for the full amount of his legal charges and expenses, and shall be entitled to the possession of such animals until the same are paid; and if the same are not paid and said animals removed within four days after they are so impounded, the said Pound Master shall give notice, by posting the same in three of the most public places in said town, that said animals (describing them,) are impounded, and that unless the same are taken away and fees paid, within fifteen days after the date of such notice, he will sell the same at public vendue, at the place where the Town Meetings of said town are usually held, and on the day designated in such notice, the said Pound Master shall expose the said animals for sale, and sell the same to the highest bidder in cash, for which services he shall be entitled to a fee of two per cent of the purchase money for each animal. Out of the moneys realized from said sale, the said Pound Master shall deduct all his legal fees and charges, and pay the balance, if any, over to the Chairman of the Town Supervisors, at the same time giving to said Supervisors an accurate descrip-

tion of the animal or animals sold, and the amount received by him for each animal, and shall take a receipt and duplicate therefor, and file one of them with the Town Clerk; *Provided*, That the said Supervisors shall at any time within six months, upon sufficient proof from the owner or owners of any animal or animals so sold, as aforesaid, pay to said owner or owners, the balance due as received from the said Pound Master; but if said money be not claimed within that time, then the sum so received shall be retained for the use of said town.

### ARTICLE XIII.

#### SUITS BETWEEN TOWNS.

SEC. 1. Whenever any controversy or cause of action shall exist between any towns of this State, or between a town and an individual or corporation, such proceedings shall be had either at law or equity, for the purpose of trying and settling such controversy, and the same shall be conducted in the same manner, and the judgment or decree therein, shall have the like effect as in other suits or proceedings of a similar kind between individuals and corporations.

SEC. 2. In all such suits and proceedings, the town shall sue and be sued by its name, except where town officers shall be authorized by law to sue in their name of office for the benefit of the town.

SEC. 3. But no towns or their officers shall be required to appear, answer, or plead to any such suit or action at the first term of the court after the commencement thereof, when the same shall be commenced in the District Court, unless the process aforesaid shall be served as herein directed, at least thirty days before the commencement of the term.

SEC. 4. In all legal proceedings against the town by name, the first process and all other proceedings required to be served shall be served on the chairman of the Board of Supervisors of the town, and in case of his absence, on the Town Clerk, and whenever any suit or proceeding shall be commenced, it shall be the duty of said chairman to attend to the defense thereof, and to lay before the electors of the town at the first Town Meeting, a full statement of such suit or proceedings, for their direction in regard to the defense thereof.

SEC. 5. On the trial of every action in which a town is a party or interested, the electors and inhabitants of such town shall be competent witnesses and jurors, except that in suits and proceedings by and against towns, no inhabitant of either town shall be a juror.

SEC. 6. No action in favor of any town shall be brought before any Justice of the Peace residing in such town.

SEC. 7. Whenever any action shall be brought to recover a penalty imposed for any trespass committed on the lands pass

Suits between towns how conducted

Town to be sued by its name

Town not required to appear at first term of court

Process to be served on chairman of Supervisors

Electors competent witnesses

Actions for trespass

belonging to the town, if it shall appear on the trial thereof that the actual amount of injury to such town lands in consequence of such trespass, exceeds the sum of twelve dollars and fifty cents (\$12.50), then the amount of actual damage with cost of suit shall be recovered in said action, instead of any penalty for said trespass imposed by the Town Meeting, and such recovery shall be used as a bar to every other suit for the same trespass.

Partition of prop-  
erty

SEC. 8. Whenever, by decree or decision, in any suit or proceeding brought to settle any controversy in relation to town commons or other lands, the common property of a town, or for the partition thereof, the rights of any town shall be settled and confirmed, the court in which such proceedings shall be had, may partition such lands according to the right of parties.

Judgment how  
collected

SEC. 9. When a judgment shall be recovered against any town or against any town officers in an action prosecuted by or against them in their name of office, no execution shall be awarded or issued upon such judgment, but the same, unless reversed, shall be levied and collected as other town charges, and when so collected shall be paid by the Town Treasurer to the person to whom the same shall have been adjudged, upon the delivery of a proper voucher therefor.

## ARTICLE XIV.

Pounds to be un-  
der charge of  
Pound Master.

SEC. 1. Whenever the inhabitants of any town shall determine at their annual Town Meeting to erect one or more pounds therein, the same shall be under the care and direction of such Pound Masters as shall be chosen or appointed for that purpose.

Pounds may be  
discontinued

SEC. 2. The inhabitants of any town may at any annual Town Meeting, discontinue any pounds therein.

SEC. 3. The following shall be deemed town charges:

*First*—The compensation of town officers for services rendered their respective towns.

Town charges

*Second*—Contingent expenses necessarily incurred for the use and benefit of the town.

*Third*—The moneys authorized to be raised by the vote of the Town Meeting for any town purpose.

*Fourth*—Every sum directed by law to be raised for any town purpose, and

*Fifth*—The support of the resident poor of the town.

Money how rais-  
ed

SEC. 4. The moneys necessary to defray the town charges of each town shall be levied on the taxable property in such town, in the manner prescribed in the Act for raising revenue and other money for State and county purposes and expenses.

Officer to demand  
books of prede-  
cessors

SEC. 5. Whenever the term of any Supervisor, Town Clerk, or Assessor shall expire, and other persons shall be appointed or elected to such offices, it shall be the duty of such successor or successors, immediately after he or they

shall have entered on the duties of their offices, to demand of his or their predecessors, all books and papers under his or their control belonging to such office.

SEC. 6. Whenever either of the officers above named shall resign, or the office become vacant in any way, and another person shall be elected or appointed in his stead, the person so elected shall make such demand of his predecessor or of any person having charge of such books and papers. Person going out of office to deliver books &c. to successor

SEC. 7. It shall be the duty of every person so going out of office, whenever thereto required, pursuant to the foregoing provisions, to deliver upon oath, all records, books, and papers in his possession, or in his control, belonging to the office held by him, which oath may be administered by the officer to whom such delivery shall be made.

SEC. 8. Upon the death of any of the officers enumerated, the successor of such officer shall make such demand as above provided, of the executors or administrators of such deceased officer, and it shall be the duty of such executors or administrators to deliver upon like oath, all records, books, papers, or moneys in their possession or under their control and belonging to the office held by their testator or intestate. In case of death of officer books to be demanded from executor

SEC. 9. Each town organized under this Act, or any Act heretofore in force, shall constitute an election district. Election district

SEC. 10. The Supervisors of each town shall be judges of election by virtue of their offices; *Provided*, That if one or more of them be absent at the time of opening the polls, the voters present shall elect a judge or judges to act for the day. Judges of election

SEC. 11. No town shall have power to contract debts, or to exceed in its expenditures for any one year a larger sum than the amount of taxes assessed for such year, without having been authorized by the approval of a majority of the voters of such township, and no town shall assess for township purposes more than three (3) mills on the dollar of taxable property for any one year. Limitation of town debt

SEC. 12. Nothing in this Act contained shall in any way or manner apply to any portion of the State which is embraced within the limits of any incorporated city; but each incorporated city in the State shall have and exercise within its limits respectively, in addition to its other powers, the same powers conferred by this Act upon towns in such way and manner as shall be prescribed by law. Act not to apply to incorporated cities

SEC. 13. Article one (1) to Article thirteen (13), inclusive, of an Act to provide for Township Organization, approved August thirteenth, eighteen hundred and fifty-eight, the same being Section one (1) to Section ninety (90) inclusive, of Chapter eight (8) of the Public Statutes of Minnesota, and all Acts or parts of Acts inconsistent with this Act be and the same are hereby repealed. Repeal of former laws

SEC. 14. This Act shall take effect and be in force from and after the first day of April next.

GEO. W. GREEN,  
Speaker *pro tem.* of the House of Representatives.  
IGNATIUS DONNELLY,

President of the Senate.

Approved February twenty-first, one thousand eight hundred and sixty.

ALEX. RAMSEY.

SECRETARY'S OFFICE, MINNESOTA, }  
February 21st, 1860.

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

J. H. BAKER, Secretary of State.

## CHAPTER XV.

### *An Act to provide for County Organization and Government.*

- ARTICLE 1. Sec. 1. Powers, rights, duties, and privileges to remain as now established.
2. Powers of County as a body corporate.
  3. Real estate already conveyed deemed property of County.
  4. Powers of County to be exercised only by County Commissioners.
  5. Lands of county may be conveyed by agents.
  6. County to provide necessary buildings.
  7. County to reimburse money recovered from Sheriff.
  8. Actions against county may be prosecuted in District Court of same.
  9. Actions where county is plaintiff may be prosecuted in county where defendant resides.
  10. Suits between counties to be conducted in like manner as between individuals.
  11. Suits to be in name of County Commissioners.
  12. Process to be served on clerk of said Board—duty of clerk.
  13. When action against county may be prosecuted before Justice of the Peace.
  14. Costs may be recovered as in other cases.
  15. Judgments against county how recoverable.