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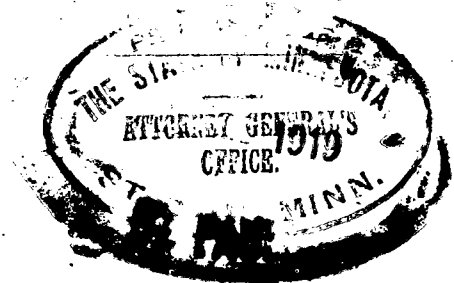
GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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CHAPTER X.

TOWNSHIP ORGANIZATION.

1 SECTION 1. Whenever a majority of the legal voters of
 2 any congressional township in this state containing twenty-five 1862—p. 137, Sect. 1. c 67
 3 legal voters petition the board of county commissioners to
 4 be organized as a town under this chapter, said board shall
 5 forthwith proceed to fix and determine the boundaries of
 6 such new town, and to name the same; and said board shall
 7 make a full report of all their proceedings in relation to
 8 laying off said town, and file the same with the county au-
 9 ditor.

1 SECT. 2. A fraction of a township may be attached by
 2 said commissioners to an adjoining town, or divided be- 1862—p. 113, Sect. 2. c 14 a 1
 3 tween two or more towns, or organized separately, accord-
 4 ing to the wishes of a majority of the legal voters to be af-
 5 fected thereby; and when rivers or creeks so divide a town-
 6 ship as to make it inconvenient to do town business, the
 7 fraction so formed may be disposed of as other fractions;
 8 and any township having two or more villages or cities, each
 9 containing two hundred or more inhabitants, may petition
 10 the county commissioners for a division; and whenever the
 11 county commissioners are so petitioned, they may, if they
 12 think the interests of such town will be subserved thereby,
 13 proceed to divide such township in such manner as will best
 14 suit the convenience of the people.

1 SECT. 3. Towns thus formed shall be named in accord- 1860—p. 113, Sect. 3. Amended. c 14 a 1
 2 ance with the expressed wish of a majority of the legal
 3 voters resident therein, but if they fail to so designate the
 4 name, the county commissioners may select a name.

1 SECT. 4. The county commissioners shall thereupon 1860—p. 113, Sect. 4. c 14 a 1
 2 make out notices designating a suitable place for holding
 3 the first town meeting in each town, which shall be holden
 4 within twenty days after said town is organized; and the
 5 auditor shall deliver such notice to the sheriff of the county
 6 who shall cause the same to be posted in each township,
 7 not less than ten days before the day set for such town
 8 meeting.

1 SECT. 5. Each county auditor shall, within thirty days af-
 2 ter such town is organized, transmit by mail to the auditor of

C14 a1

1860-p.113, Sect. 5.

3 state, an abstract of such report, giving the bounds of each
4 town and the name designated; and said county auditor
5 shall record, in a book for that purpose, a full description
6 of each town.

C14 a1

1860-p.114, Sect. 6.

1 SECT. 6. If the auditor of state on comparing the ab-
2 stract of the reports from the several counties, finds that
3 any two or more townships have the same name, he shall
4 transmit to the auditor of the proper county the name of
5 the town to be altered; and the board of commissioners
6 shall, at its next meeting thereafter, adopt for such town
7 some name different from those heretofore named, so that
8 no two towns organized under this chapter shall have the
9 same name, and when such name is adopted, the auditor of
10 the county shall inform the state auditor as before directed.

C14 a2

1860-p.114, Sect. 1.

1 SECT. 7. The limits and boundary lines of every organ-
2 ized township shall remain as now established until other-
3 wise provided by the board of county commissioners under
4 the authority of law.

C14 a2

1860-p.114, Sect. 2.

1 SECT. 8. Each town is a body corporate, and has ca-
2 pacity—
3 *First.*—To sue and be sued.
4 *Second.*—To purchase and hold lands within its own lim-
5 its, and for the use of its inhabitants, subject to the powers
6 of the legislature.
7 *Third.*—To make such contracts, purchase and hold such
8 personal property as may be necessary for the exercise of
9 its corporate or administrative powers.
10 *Fourth.*—To make such orders for the disposition, regu-
11 tion or use of its corporate property as may be deemed con-
12 ducive to the interests of its own inhabitants.

C14 a2

1860-p.114, Sect. 3.

1 SECT. 9. No town shall possess or exercise any corpo-
2 rate powers except such as are enumerated in this chapter,
3 or are especially given by law, or necessary to the exercise
4 of the powers so enumerated or granted.

C14 a2

1860-p.114, Sect. 4.

1 SECT. 10. All acts or proceedings by or against a town
2 in its corporate capacity, shall be in the name of such town;
3 but every conveyance of lands within the limits of such
4 town, made in any manner for the use or benefit of its in-
5 habitants, has the same effect as if made to the town by
6 name.

C14 a2

1860-p.114, Sect. 5.

1 SECT. 11. No by-law made by any town shall take
2 effect before the same is published by posting up copies
3 thereof in three of the most public places in the town; and
4 such by-laws duly made and so published are binding upon

5 all persons coming within the limits of the town as well as
6 upon the inhabitants thereof, and shall remain in force until
7 altered or repealed at some subsequent town meeting.

1 SECT. 12. The citizens of the several towns of this state, 1860—p. 115, Sect. 1. c14 a 3
2 qualified to vote at general elections, shall annually assem-
3 ble, and hold town meetings in their respective towns, on
4 the first Tuesday of April; at such place in each town as
5 the electors thereof, at their annual town meetings, from
6 time to time, appoint; and notice of the time and place of
7 holding such meeting, shall be given by the town clerk, by
8 posting up written or printed notices in three of the most
9 public places in said town, at least ten days prior to said
10 meeting.

1 SECT. 13. There shall be elected at the annual town
2 meeting in each town, three supervisors—one of whom 1860—p. 115, Sect. 9. c14 a 3
3 shall be designated on the ballots as chairman, one town
4 clerk, one treasurer, one assessor, two justices of the peace,
5 two constables, and one overseer of highways for each road
6 district in said town; but justices of the peace and consta-
7 bles shall be elected only once in two years, except to fill
8 vacancies.

1 SECT. 14. The assessor and supervisors elected in every 1860—p. 115, Sect. 8. c14 a 3
2 town are, by virtue of their office, fence viewers of such
3 town.

1 SECT. 15. The electors of each town have power at their
2 annual town meeting—
3 *First.*—To determine the number of pound masters, and 1860—p. 115, Sect. 4 c14 a 3
4 the location of pounds. & 1863—ch. 48, c48
5 *Second.*—To select such town officers as are required to Sects. 1 & 2 com-
6 be chosen. bined.
7 *Third.*—To direct the institution or defence of actions,
8 in all controversies where such town is interested.
9 *Fourth.*—To direct such sums to be raised in such town
10 for prosecuting or defending such actions as they may deem
11 necessary.
12 *Fifth.*—To make all rules and regulations for ascertain-
13 ing the sufficiency of fences in such towns, and for im-
14 pounding animals.
15 *Sixth.*—To determine the time and manner in which cat-
16 tle, horses, mules, asses, hogs, sheep, goats, and dogs are
17 permitted to go at large.
18 *Seventh.*—To impose such penalties on persons offending
19 against any rule or regulation established by said towns,
20 except such as relate to the keeping and maintaining of
21 fences, as they think proper, not exceeding ten dollars for
22 each offence, unless herein otherwise provided.

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

26 *Ninth.*—To vote to raise such sums of money for the re-
27 pair and construction of roads and bridges, for the support
28 of the poor and for other necessary town charges as they
29 deem expedient; *Provided*, That they may at their annual
30 town meeting, direct such an amount of the poll and road
31 tax of the town to be expended on the highways in an ad-
32 joining township as they deem conducive to the interests of
33 the town; which labor and tax shall be expended under the
34 direction of the supervisors of the town furnishing the
35 same.

c14 a 3

1860—p. 116, Sect. 5.

1 SECT. 16. Special town meetings may be held for the
2 purpose of electing town officers to fill any vacancies that
3 occur, also for the purpose of transacting any other lawful
4 business, whenever the supervisors, town clerk, and justi-
5 ces of the peace, or any two of them, together with at least
6 twelve other freeholders of the town, file in the office of
7 the town clerk a written statement that a special meeting is
8 necessary to the interests of the town.

c14 a 3

1860—p. 116, Sect. 6.

1 SECT. 17. Every town clerk with whom such statement
2 is filed, as required in the preceding section, shall record the
3 same, and immediately cause notice to be posted up in five
4 of the most public places in the town, giving at least ten
5 days' notice of such special meeting; and if there is a news-
6 paper printed in said town he shall cause a copy of said no-
7 tice to be published therein at least three days before the
8 time appointed for such meeting.

c14 a 3

1860—p. 116, Sect. 7.

1 SECT. 18. Every notice given for a special town meet-
2 ing shall specify the purpose for which it is to be held, and
3 no other business shall be transacted at such meeting than such
4 as is specified in such notice. If vacancies in office are to
5 be filled at such meeting, the notices shall specify in what
6 office vacancies exist, how they occurred, who was the last
7 incumbent, and when the legal term of each office expires.

c14 a 4

1860—p. 116, Sect. 1.
Amended.

1 SECT. 19. The electors present, at any time, between
2 nine and ten o'clock in the forenoon of the day of the an-
3 nual town meeting, or special town meeting, shall be called
4 to order by the town clerk, if there is one present; in case
5 there is none present, then the voters may elect, by accla-
6 mation, one of their number chairman. They shall then
7 proceed to choose one of their number to preside as modera-
8 tor of such meeting; The town clerk last before elected,
9 shall be clerk of the meeting, and keep full minutes of its
10 proceedings, in which he shall enter at length, every order

11 or direction, and all rules and regulations made by the
12 meeting. If the town clerk is absent, then such person as
13 is elected for that purpose, shall act as clerk of the meeting.

1 SECT. 20. At the opening of every town meeting, the
2 moderator shall state the business to be transacted, and the
3 order in which it shall be entertained, and no proposition to
4 vote a tax shall be acted on out of the order of business as 1860-p. 117, Sect. 2. c14 a 4
5 stated by the moderator, and no proposition to reconsider
6 any vote shall be entertained at any town meeting, unless
7 such proposition to reconsider is made within one hour from
8 the time such vote was passed, or the motion for such re-
9 consideration is sustained by a number of voters equal to a
10 majority of all the names entered upon the poll list at such
11 election up to the time such motion is made; and all ques-
12 tions upon motions made at town meetings shall be deter-
13 mined by a majority of the electors voting; and the modera-
14 tor shall ascertain and declare the result of the votes on each
15 question.

1 SECT. 21. If any person offering to vote at any election,
2 or upon any question arising at such town meeting, is chal- 1860-p. 117, Sect. 3. c14 a 4
3 lenged as unqualified, the judges of the town meeting shall
4 proceed thereupon in like manner as the judges at the gen-
5 eral election are required to proceed, adapting the oath to
6 the circumstances of the town meeting.

1 SECT. 22. No person is a voter at any town meeting un- 1860-p. 117, Sect. 4. c14 a 4
2 less he is qualified to vote at general elections, and has been,
3 for the last ten days, an actual resident of the town where-
4 in he offers to vote.

1 SECT. 23. The minutes of the proceedings of every town 1860-p. 117, Sect. 5. c14 a 4
2 meeting, subscribed by the clerk of said meeting, and by
3 the judges, shall be filed in the office of the town clerk,
4 within two days after such town meeting.

1 SECT. 24. Before the electors proceed to elect any town 1860-p. 117, Sect. 1. c14 a 5
2 officer, proclamation shall be made of the opening of the
3 polls, by the moderator, and proclamation shall, in like
4 manner, be made of the adjournment, and of the opening
5 and closing of the polls, until the election is ended.

1 SECT. 25. The supervisors, treasurer, town clerk, as- 1861-p. 49, Sect. 2. c14 a 5
2 sessor, justices of the peace, constables and overseer of the
3 poor, in each township, shall be elected by ballot. All
4 other officers if not otherwise provided by law, shall be
5 chosen either by yeas and nays, or by a division as the
6 electors determine.

c14 a5

1860-p. 117, Sect. 3.

1 SECT. 26. When the electors vote by ballot, all the of-
 2 ficers voted for, shall be named in one ballot, which shall
 3 contain, written or printed or partly written and partly print-
 4 ed the names of the persons voted for, and the officers to
 5 which such persons are intended to be chosen, and shall be
 6 delivered to one of the judges so folded as to conceal its
 7 contents.

c14 a5

1860-p. 118, Sect. 4.

1 SECT. 27. When the election is by ballot, a poll list shall
 2 be kept by the clerk of the meeting, on which shall be en-
 3 tered the name of each person whose vote is received.

c14 a5

1860-p. 118, Sect. 5.

1 SECT. 28. When the election is by ballot, one of the
 2 judges shall deposit the ballots in a box provided for that
 3 purpose.

c14 a5

1860-p. 118, Sect. 6.

1 SECT. 29. At the close of every election by ballot,
 2 the judges shall proceed publicly to canvass the votes,
 3 which canvass when commenced, shall continue without
 4 adjournment or interruption, until the same is completed.

c14 a5

1860-p. 118, Sect. 7.

1 SECT. 30. The canvass shall be conducted by taking a
 2 ballot at a time from the ballot box, and counting until the
 3 number of ballots is equal to the number of names on the
 4 poll list, and if there are any left in the box, they shall be
 5 immediately destroyed, and the person having the greatest
 6 number of votes, shall be declared elected. If, on opening
 7 the ballots, two or more ballots are found to be so folded,
 8 that it is apparent that the same person voted them, the
 9 board shall destroy such votes immediately.

c14 a5

1860-p. 118, Sect. 8.

1 SECT. 31. The canvass being completed, a statement
 2 of the result shall be entered at length by the clerk of the
 3 meeting in the minutes of its proceedings, to be kept by him
 4 as before required, which shall be publicly read by him to
 5 the meeting, and such reading shall be deemed notice of
 6 the result of the election, to every person whose name is
 7 entered on the poll list as a voter.

c14 a5

1860-p. 118, Sect. 9.

1 SECT. 32. The clerk of every town meeting, within ten
 2 days thereafter, shall transmit to each person elected to any
 3 town office, whose name is not entered on the poll list as a
 4 voter, notice of his election.

c14 a6

1860-p. 118, Sect. 1.

1 SECT. 33. Every person qualified to vote at town meet-
 2 ings, is eligible to any town office.

c14 a6

1860-p. 118, Sect. 2.

1 SECT. 34. Every person elected or appointed to the
 2 office of supervisor, town clerk, assessor, treasurer, or con-
 3 stable, within ten days after he is notified of his election or

4 appointment, shall take and subscribe before the town clerk
5 or justice of the peace, an oath to support the constitution
6 of the United States, and of the State of Minnesota, and
7 faithfully to discharge the duties of his office, (naming the
8 same,) to the best of his ability. Such oath shall be ad-
9 ministered without fee, and certified by the officer before
10 whom it was taken, with the date of taking the same.

1 SECT. 35. The person taking such oath, shall imme- 1860-p.119, Sect. 3. c14 a b
2 diately, and before entering upon the duties of his office,
3 file the certificate of such oath in the office of the town
4 clerk.

1 SECT. 36. If any person elected or appointed to any
2 town office, of whom an oath or bond is required, neglects 1864-p.119, Sect. 4. c14 a b
3 to file the same within the time prescribed by law, such
4 neglect shall be deemed a refusal to serve in such office.

1 SECT. 37. Every person elected or appointed to the of- 1860-p.119, Sect. 5. c14 a b
2 fice of overseer of highways or pound master, before he en-
3 ters on the duties of his office and within ten days after he
4 is notified of his election or appointment, shall file in the
5 office of the town clerk, a notice signifying his acceptance
6 of such office. A neglect to file such notice shall be deem-
7 ed a refusal to serve.

1 SECT. 38. Every person elected or appointed to the
2 office of treasurer, before he enters upon the duties of his 1860-p.119, Sect. 6. c14 a b
3 office, shall execute and deliver to the supervisors of the
4 town and their successors in office, a bond, with one or
5 more sureties to be approved by the chairman of the board,
6 in double the probable amount of money to be received by
7 him, which amount shall be determined by said board, con-
8 ditioned for the faithful execution of his duties as such treas-
9 urer. Amended.

1 SECT. 39. The said chairman shall, within six days
2 thereafter, file such bond, with said approval endorsed there- 1860-p.119, Sect. 7. c14 a b
3 on, in the office of the register of deeds, who shall record
4 the same in a book provided for that purpose.

1 SECT. 40. Every person chosen to the office of consta- 1860-p.119, Sect. 8. c14 a b
2 ble, before he enters upon the duties of his office, and with-
3 in eight days after he is notified of his election or appoint-
4 ment, shall take and subscribe the oath of office prescribed
5 by law, and execute a bond to the board of supervisors in
6 such penal sum as the supervisors direct, with one or more
7 sufficient sureties to be approved by the chairman of said
8 board or the town clerk, conditioned for the faithful dis-
9 charge of his duties. The chairman of said board or the

10 town clerk shall, if such bond is approved, endorse his ap-
 11 proval thereon, and cause such bond to be filed with the
 12 town clerk for the benefit of any person aggrieved by the
 13 acts or omissions of said constable, and any person so ag-
 14 grieved, or the town, may maintain an action on said bond
 15 against said constable and sureties.

c14 a6

1860—p. 119, Sect. 9.
 Amended.

1 SECT. 41. Every person elected or appointed to the
 2 office of justice of the peace, shall, within ten days after re-
 3 ceiving notice thereof, take and subscribe before any other
 4 officer duly authorized to administer oaths, an oath to sup-
 5 port the constitution of the United States, and of the State
 6 of Minnesota, and faithfully and impartially to discharge
 7 the duties of his office, according to the best of his ability.
 8 He shall also execute a bond to the board of supervisors,
 9 with two or more sufficient sureties, to be approved by the
 10 chairman, in the penal sum of not less than five hundred
 11 dollars, nor more than one thousand dollars, conditioned for
 12 the faithful discharge of his official duties. Said chairman
 13 shall endorse thereon, his approval of the sureties named in
 14 such bond, and such justice shall immediately file the same,
 15 together with his oath of office, duly certified, with the
 16 clerk of the district court of the proper county, for the ben-
 17 efit of any person aggrieved by the acts of said justice, and any
 18 person aggrieved may maintain an action on said bond in his
 19 own name against said justice and his sureties.

c14 a6

1860—p. 120, Sect.
 11.

1 SECT. 42. If any person elected or appointed to the of-
 2 fice of treasurer or constable, does not give such security
 3 and take such oath as is required above, within the time
 4 limited for that purpose, such neglect shall be deemed a re-
 5 fusal to serve.

c14 a6

1860—p. 120, Sect.
 14.

1 SECT. 43. If any town officer who is required by law to
 2 take the oath of office, enters upon the duties of his office
 3 before taking such oath, he forfeits to such town the sum of
 4 fifty dollars.

c14 a6

1860—p. 120, Sect.
 15.

1 SECT. 44. Town officers, except justices of the peace
 2 and constables, hold their offices for one year, and until
 3 others are elected or appointed in their places, and are qual-
 4 ified. The justices of the peace and constables shall hold
 5 their offices for two years, and until others are chosen and
 6 qualified.

c14 a7

1861—p. 49, Sect. 1.

1 SECT. 45. Whenever any town fails to elect the proper
 2 number of town officers, or when any person elected to a
 3 town office fails to qualify, or whenever any vacancy happens
 4 in any town office, from death, resignation, removal from
 5 the town, or other cause, the justices of the peace of the

6 town, together with the board of supervisors, or a majority
 7 of them, shall fill the vacancy by appointment, by warrant
 8 under their hand, and the persons so appointed shall hold
 9 their offices until the next annual town meeting, and until
 10 others are elected and qualified in their places, and shall
 11 have the same powers and be subject to the same duties and
 12 penalties as if they had been duly elected.

1 SECT. 46. Whenever a vacancy occurs from any cause, 1860—p. 121, Sect. 2.
 2 in any of the offices enumerated in the foregoing section,
 3 composing the board of appointment for the appointment
 4 of town officers in case of vacancy, the remaining officers,
 5 of such appointing board, shall fill any vacancy thus occur-
 6 ring. *c 14 a 7*

1 SECT. 47. In case any town refuses or neglects to orga-
 2 nize and elect town officers at the time fixed by law for
 3 holding annual town meetings, twelve free-holders of the 1860—p. 121, Sect. 3.
 4 town may call a town meeting for the purpose aforesaid, by
 5 posting up notices in three public places in such town, giv-
 6 ing at least ten days' notice of such meeting; which notice
 7 shall set forth the time and place and object of such meet-
 8 ing; and the electors, when assembled, by virtue of such
 9 notice, shall possess all the powers conferred upon them at
 10 the annual town meeting. In case no such notice is given,
 11 as aforesaid, within thirty days after the time for holding
 12 the annual town meeting, the board of county commission-
 13 ers of the county, shall, on the affidavit of any free-holder
 14 of said town, filed in the office of the clerk of the board,
 15 setting forth the facts, proceed, at any regular or special
 16 meeting of the board, and appoint the necessary town offi-
 17 cers of such town, and the persons so appointed shall hold
 18 their respective offices until others are elected and qualified
 19 in their places, and shall have the same powers and be sub-
 20 ject to the same duties and penalties as if they had been
 21 duly elected. *c 14 a 7*

1 SECT. 48. The board of supervisors of any town may,
 2 for sufficient cause shown to them, accept the resignation of 1861—p. 40, Sect. 3.
 3 any town officer in their town, and whenever they accept
 4 any such resignation, they shall forthwith give notice there-
 5 of to the town clerk. *c 7*

1 SECT. 49. The supervisors shall have charge of such af-
 2 fairs of the town as are not by law committed to other 1860—p. 121, Sect. 1.
 3 town officers; and they shall have power to draw orders on
 4 the town treasurer for the disbursement of such sums as
 5 may be necessary for the purpose of defraying the inciden-
 6 tal expenses of the town, and for all moneys raised by the
 7 town to be disbursed for any other purpose. *c 14 a 8*

c14 a 8

1860—p. 122, Sect. 2.

1 SECT. 50. Whenever any incorporated village or town
2 which is laid out into streets is included in the limits of an
3 organized township, the town supervisors are authorized to
4 cause improvements to be made in any street that may be
5 needed as a highway, if the corporate authorities of said
6 village or town neglect to make such improvements.

New.

1 SECT. 51. The town supervisors shall constitute a board
2 of health, and within their respective towns shall have and
3 exercise all the powers necessary for the preservation of the
4 public health.

c16

C. S. p. 272, Sect. 3.

1 SECT. 52. The board of health may examine into all nuis-
2 ances, sources of filth and causes of sickness, and make such
3 regulations respecting the same as they may judge neces-
4 sary, for the public health and safety of the inhabitants;
5 and every person who shall violate any order or regulation
6 made by any board of health, and duly published, shall be
7 deemed guilty of misdemeanor, and punished by a fine not
8 exceeding one hundred dollars, or by imprisonment in the
9 county jail not exceeding three months.

c16

C. S. p. 272, Sect. 4.

1 SECT. 53. Notice shall be given by the board of health
2 of all orders and regulations made by them, by publishing
3 the same in some newspaper, if there is one published in
4 such town; if there is none, then by posting up such notice
5 in five public places therein; and such publication of said
6 orders and regulations, shall be deemed a legal notice to all
7 persons.

c16

C. S. p. 272, Sect. 5.

1 SECT. 54. Whenever any nuisance, source of filth, or
2 cause of sickness, is found on private property, the board
3 of health shall order the owner or occupant thereof, at his
4 own expense, to remove the same within twenty-four hours;
5 and if the owner or occupant neglects so to do, he shall for-
6 feit a sum not exceeding fifty dollars, to be recovered in the
7 name of and for the use of the town.

c16

C. S. p. 272, Sect. 6.

1 SECT. 55. Whenever such owner or occupant shall not
2 comply with such order of the board of health, said board
3 may cause the said nuisance, source of filth, or cause of
4 sickness to be removed, and all expenses incurred thereby
5 shall be paid by the said owner or occupant, or by such
6 other person as has caused or permitted the same.

c16

C. S. p. 273, Sect. 7.

1 SECT. 56. Whenever the board of health thinks it neces-
2 sary, for the preservation of the health of the inhabitants,
3 to enter any building or vessel in their town, for the pur-
4 pose of examining into and destroying, removing or pre-
5 venting any nuisance, source of filth, or cause of sickness,

6 and shall be refused such entry, any member of the board
7 may make complaint under oath to a justice of the peace of
8 his town, stating the facts in the case so far as he has knowl-
9 edge thereof.

1 SECT. 57. Such justice shall thereupon issue a warrant,
2 directed to the sheriff or any constable of the county, com-
3 manding him to take sufficient aid, and being accompanied
4 by two or more of the board of health, between the hours
5 of sunrise and sunset, to repair to the place where such nuis-
6 ance, source of filth or cause of sickness complained of may
7 be, and the same destroy, remove, or prevent, under the
8 direction of the members of such board of health.

C. S. p. 273, Sect. 8.

c 16

1 SECT. 58. When any person coming from abroad, or
2 residing in any town within this state is infected or lately
3 has been infected with the small pox or other contagious
4 disease, dangerous to the public health, the board of health
5 of the town where such sick or infected person is, may im-
6 mediately cause him to be removed to a separate house, if
7 it can be done without danger to his health, and shall pro-
8 vide for him nurses and necessaries, which shall be at the
9 charge of the person, his parents, guardian or master, if
10 able, otherwise at the charge of the town to which he belongs,
11 and if he is not an inhabitant of any town, at the charge of
12 the state.

C. S. p. 273, Sect. 9.
Amended.

c 16

1 SECT. 59. If such infected person cannot be removed
2 without danger to his health, the board of health shall make
3 provision as directed in the preceding section, for such
4 person in the house where he may be, and in such case,
5 they may cause the persons in the neighborhood to be re-
6 moved, and may take such other measures as they may
7 deem necessary for the safety of the inhabitants.

C. S. p. 273, Sect. 10.

c 16

1 SECT. 60. When a disease dangerous to the public
2 health breaks out in any town, the board shall immediately
3 provide such hospital or place of reception for the sick and
4 infected as is judged best for their accommodation and the
5 safety of the inhabitants, which shall be subject to the reg-
6 ulations of the board; and the board may cause any sick
7 and infected person to be removed thereto unless his con-
8 dition will not admit of such removal without danger to his
9 health, in which case the house or place where he remains
10 shall be considered as a hospital, and, with all its inmates
11 subject to the regulations of the board.

New.

1 SECT. 61. The supervisors shall, by their name of office,
2 prosecute for the benefit of the town, all actions upon bonds
3 given to them, or their predecessors in office; and shall

c14 a 8

1860—p. 122, Sect. 3.

4 also sue for and collect all penalties and forfeitures in re-
 5 spect to which no other provision is made, incurred by any
 6 officer or inhabitant of the town; and they shall have power
 7 in like manner, to prosecute for any trespass committed on
 8 any public enclosure, or property belonging to the town,
 9 and shall pay all moneys collected under this section to the
 10 town treasurer.

c14 a 8

1860—p. 122, Sect. 4.

1 SECT. 62. Any two of the supervisors constitute a quo-
 2 rum for the performance of any duties required by law, of
 3 the town supervisors, except when otherwise provided.

c14 a 9

1860—p. 122, Sect. 1.

1 SECT. 63. The town clerk shall have the custody of rec-
 2 ords, books and papers of the town when no other provision
 3 is made by law; and he shall duly file, and safely keep all
 4 certificates of oaths, and other papers required by law to be
 5 filed in his office.

c14 a 9

1860—p. 122, Sect. 2.

1 SECT. 64. He shall record in the book of records of his
 2 town, minutes of the proceedings of every town meeting,
 3 and he shall enter therein every order or direction, and all
 4 rules and regulations of any such town meeting; and shall
 5 also file and preserve all accounts audited by the town board
 6 or allowed at a town meeting, and enter a statement thereof
 7 in such book of records.

c14 a 9

1860—p. 122, Sect. 3.
Amended.

1 SECT. 65. Every person elected or appointed to the office
 2 of town clerk in any of the towns of this state, shall, before
 3 he enters upon the duties of his office, and within the time
 4 prescribed by law for filing his oath of office, execute a bond
 5 with two or more sufficient sureties, to be approved by the
 6 town treasurer, in such penal sum as the supervisors direct,
 7 conditioned for the faithful discharge of his duties. Said
 8 bond so approved shall be filed in the office of the clerk of
 9 the district court for the benefit of any person aggrieved by
 10 the acts or omissions of said town clerk, and any person so
 11 aggrieved, or the town, may maintain an action on said bond
 12 against said town clerk and sureties.

c14 a 9

1860—p. 123, Sect. 4.

1 SECT. 66. Every town clerk, immediately after the
 2 qualification of any constable, elected or appointed in his
 3 town, shall transmit to the clerk of the district court of the
 4 county, the name of such constable.

c14 a 9

1860—p. 123, Sect. 5.

1 SECT. 67. Each town clerk shall, immediately after the
 2 election of any justice of the peace in his town, transmit a
 3 written notice thereof to the clerk of the district court of
 4 said county, stating therein the name of the person elected,
 5 and the term for which he is elected; and if elected to fill a
 6 vacancy, he shall state in said notice who was the last in-
 7 cumbent of the office.

1 SECT. 68. If any town clerk wilfully neglects to make
 2 such return, such omission is hereby declared a misdemeanor- 1860-p. 123, Sect. 6. c14 a 9
 3 or, and on conviction thereof, the person so offending shall
 4 be adjudged to pay a fine not exceeding ten dollars.

1 SECT. 69. The town clerk shall post in three of the
 2 most public places in his town, copies of all by-laws made 1860-p. 123, Sect. 8. c14 a 9
 3 by such town, and shall make an entry in the town records
 4 of the time when, and the place where such by-laws were
 5 posted.

1 SECT. 70. The supervisors constitute a town board
 2 for the purpose of auditing all accounts payable by said 1860-p. 123, Sect. 1. c14 a 10
 3 town; and if from any cause there are not three supervi-
 4 sors present, to constitute said board, the chairman, and in
 5 his absence, either of the other supervisors, may notify any
 6 one, or so many of the justices of the peace of the town as
 7 will, together with the supervisors present, make a board
 8 of three; and the board so constituted shall have authority
 9 to act as the town board.

1 SECT. 71. The town board shall meet annually on the
 2 Tuesday next preceding the annual town meeting to be held 1860-p. 123, Sect. 2. c14 a 10
 3 in said town, and at such other times as they deem neces-
 4 sary and expedient, for the purpose of auditing and settling
 5 all charges, against said town; and they shall state on each
 6 account the amount allowed by them; but no allowance
 7 shall be made for any account which does not specifically
 8 state each item of the same, and the nature thereof.

1 SECT. 72. The said board shall, also, at their annual
 2 meeting in each year, examine and audit the accounts of 1860-p. 124, Sect. 3. c14 a 10
 3 the town treasurer for all moneys received and disbursed
 4 by him as such officer; and they shall audit the accounts
 5 of all other town officers who are authorized by law to re-
 6 ceive or disburse any money of the town by virtue of their
 7 office.

1 SECT. 73. Such board shall draw up a report, stating
 2 in detail the items of account audited and allowed, the na- 1860-p. 124, Sect. 4. c14 a 10
 3 ture of each account, and the name of the person to whom
 4 such account was allowed, including a statement of the fis-
 5 cal concerns of the town and an estimate of the sum neces-
 6 sary for the current expenses thereof, the support of the
 7 poor, and other incidental expenses for the ensuing year.

1 SECT. 74. Such report shall be produced and publicly
 2 read by the town clerk at the next ensuing town meeting, 1860-p. 124, Sect. 5. c14 a 10
 3 and the whole or any portion of such report may be refer-
 4 red, by the order of the meeting, to a committee, whose

5 duty it shall be to examine the same and report thereon to
6 such meeting.

c14 a 10

1860—p. 124, Sect. 6.

1 SECT. 75. The amount of any account audited and al-
2 lowed by the town board, and the amount of any account
3 voted to be allowed at any town meeting, shall be paid by
4 the town treasurer on the order of said board, signed by
5 the chairman and countersigned by the clerk; and all or-
6 ders issued to any person by the town board for any sums
7 due from such town, shall be receivable in payment of town
8 taxes of said town.

c14 a 10

1860—p. 124, Sect. 7.

1 SECT. 76. The town clerk shall be the clerk of the
2 town board, and shall keep a true record of all their pro-
3 ceedings in his office; he shall also within six days after
4 any meeting of the town board, transmit to the clerk of the
5 board of county commissioners, a certified statement of the
6 aggregate amount of all charges against the town, audited
7 and allowed at such meeting, to be by such commissioners
8 levied upon the property of the town, and collected as
9 other taxes are levied and collected.

c14 a 11

1860—p. 124, Sect. 1.

1 SECT. 77. The town treasurer shall receive and take
2 charge of all moneys belonging to the town, or which are
3 by law required to be paid into the town treasury, and
4 shall pay over and account for the same upon the order of
5 such town, or the officers thereof, duly authorized in that
6 behalf, made pursuant to law, and shall perform all such
7 duties as may be required of him by law.

c14 a 11

1860—p. 125, Sect. 2.

1 SECT. 78. Every town treasurer shall keep a true ac-
2 count of all moneys by him received by virtue of his office,
3 and the manner in which the same are disbursed, in a book
4 provided at the expense of the town for that purpose, and
5 exhibit such account, together with his vouchers, to the
6 town board at its annual meeting for adjustment; and he
7 shall deliver all books and property belonging to his office,
8 the balance of all moneys in his hands as such treasurer, to
9 his successor in office; on demand, after such successor has
10 qualified according to law.

c14 a 11

1860—p. 125, Sect. 3.

1 SECT. 79. The town treasurer shall from time to time
2 draw from the county treasurer such moneys as have been
3 received by the county treasurer for the use of his town,
4 and on receipt of such moneys shall deliver proper vouch-
5 ers therefor. Each town treasurer shall be allowed and
6 entitled to retain two per centum of all moneys paid into
7 the town treasury, for receiving, safe keeping, and paying
8 over the same according to law.

1 SECT. 80. Each town treasurer, within five days pre-
 2 ceding the annual town meeting; shall make out a state-
 3 ment in writing of the moneys by him received into the
 4 town treasury from the county treasurer, and from all other 1860—p. 123, Sect. 4.
 5 officers and persons, and also of all moneys paid out by
 6 him as such treasurer, in which statement he shall set forth
 7 particularly from whom and on what account such moneys
 8 were received by him, with the amount received from each
 9 officer or person, and the date of receiving the same, also
 10 to whom and for what purpose any moneys have been paid
 11 out by him, with the amount and date of each payment.
 12 He shall also state therein the amount of moneys remaining
 13 in his hands as treasurer. Such statement shall be filed by
 14 him in the office of the town clerk, and shall be by such
 15 clerk carefully preserved and recorded in the town book of
 16 records.

c 14 a 11

1 SECT. 81. Every town treasurer who refuses or neglect
 2 to comply with the provisions of the four preceeding sec-
 3 tions, shall forfeit not more than two thousand dollars, to
 4 be recovered in any court of competent jurisdiction, the 1860—p. 123, Sect. 5.
 5 amount to be fixed by the jury trying the cause, or by the
 6 court if there is no jury empanelled, and may be recovered
 7 by a civil action, in the name of any person who prosecutes
 8 the same, with costs of suit; one half shall go to the per-
 9 son so prosecuting, and the remainder to the town of which
 10 such delinquent is or has been treasurer.

c 14 a 11

1 SECT. 82. The following town officers are entitled to
 2 compensation at the following rates for each day necessarily
 3 devoted by them to the service of the town, in the duties of
 4 their respective offices: the town assessors shall receive for 1860—p. 123, Sect.
 1; 1860—p. 83, Sect.
 2 combined.
 5 their services one dollar per day, while engaged in their res-
 6 pective duties as such assessors. The town clerks and
 7 supervisors shall receive for their services one dollar per
 8 day, when attending to business in their town, and one dol-
 9 lar and fifty cents, when attending to business out of town;
 10 no town supervisor shall receive more than twenty dollars,
 11 for compensation, in any one year; *Provided*, That the
 12 town clerk shall be paid fees for the following, and not a
 13 per diem: For serving notices of election upon town offi-
 14 cers, as required by law, twenty-five cents each; for filing
 15 any paper required by law to be filed in his office, ten cents
 16 each; for posting up notices required by law, twenty-five
 17 cents each; for recording any order or any instrument of writ-
 18 ing authorized by law, six cents for each one hundred
 19 words; for copying any record or instrument on file in his
 20 office, and certifying the same, six cents for each one hun-
 21 dred words, to be paid for by the person applying for the
 22 same; *Provided further*, That at any town meeting, be-

c 14 a 12
c 12

23 fore the electors commence balloting for officers, they may
24 by resolution reduce or increase the compensation of offi-
25 cers, but no such increase shall exceed fifty per cent.

c14 a12 1860-p. 126, Sect. 3.

1 SECT. 83. The pound master is allowed the following
2 fees, to wit: For taking into pound, and discharging there-
3 from, any horse, ass or mule, and all neat cattle, ten cents
4 each. For every sheep or lamb, three cents each; and for
5 every hog, large or small, five cents; and twenty cents for
6 keeping each head twenty-four hours in pound. And the
7 pound master has a lien on all such animals, for the full
8 amount of his legal charges and expenses, and shall be en-
9 titled to the possession of such animals until the same are
10 paid; and if the same are not paid and said animals re-
11 moved within four days after they are so impounded, the
12 said pound master shall give notice, by posting the same in
13 three of the most public places in said town, that said ani-
14 mals (describing them,) are impounded, and that unless the
15 same are taken away and fees paid, within fifteen days
16 after the date of such notice, he will sell the same at public
17 vendue, at the place where the town meetings of said town
18 are usually held, and on the day designated in such notice,
19 the said pound master shall expose the said animals for sale,
20 and sell the same to the highest bidder in cash, for which
21 services he shall receive two per cent. of the purchase
22 money for each animal. Out of the moneys realized from
23 said sale, the said pound master shall deduct all his legal
24 fees and charges, and pay the balance, if any, to the chair-
25 man of the town supervisors, at the same time giving to
26 said supervisors an accurate description of the animal sold,
27 and the amount received by him for each animal, and shall
28 take a receipt and duplicate therefor, and file one of them
29 with the town clerk; *Provided*, That the said supervisors
30 shall at any time within six months, upon sufficient proof
31 from the owner of any animal so sold, pay to said owner
32 the balance due as received from the said pound master;
33 but if said money is not claimed within that time, then the
34 sum so received shall be retained for the use of said town.

c14 a13 1860-p. 127, Sect. 1.

1 SECT. 84. Whenever any controversy or cause of ac-
2 tion exists between towns, or between a town and an
3 individual or corporation, such proceedings shall be had
4 either at law or equity, for the purpose of trying and set-
5 tling such controversy, and the same shall be conducted in
6 the same manner, and the judgment or decree therein, shall
7 have the like effect as in other actions or proceedings of a
8 similar kind between individuals and corporations.

c14 a13 1860-p. 127, Sect. 2.

1 SECT. 85. In all such actions and proceedings the town
2 shall sue and be sued by its name, except where town offi-

3 cers are authorized by law to sue in their name of office for
4 the benefit of the town.

1 SECT. 86. But no town or town officer shall be requir-
2 ed to appear, answer, or plead to any such action at the
3 first term of the court after the commencement thereof,
4 when the same is commenced in the district court, unless
5 the process aforesaid is served as herein directed, at least
6 thirty days before the commencement of the term.

1863—p. 127, Sect. 3.

c 14 a 13

1 SECT. 87. In legal proceedings against a town by name,
2 all papers shall be served on the chairman of the board of
3 supervisors, and in case of his absence, on the town clerk,
4 and whenever any action or proceeding is commenced, said
5 chairman shall attend to the defense thereof, and lay be-
6 fore the electors of the town at the first town meeting, a
7 full statement of such proceedings, for their direction in
8 regard to the defense thereof.

1860—p. 127, Sect. 4.

c 14 a 13

1 SECT. 88. No action in favor of any town shall be
2 brought before any justice of the peace residing in such
3 town.

1860—p. 127, Sect. 5.

c 14 a 13

1 SECT. 89. Whenever any action is brought to recover
2 a penalty imposed for any trespass committed on the lands
3 belonging to the town, if it appears on the trial thereof that
4 the actual amount of injury to such town lands in conse-
5 quence of such trespass, exceeds the sum of twelve dollars
6 and fifty cents, then the amount of actual damage with cost
7 of suit shall be recovered in said action, instead of any pen-
8 alty for said trespass imposed by the town meeting, and
9 such recovery shall be used as a bar to every other action
10 for the same trespass.

1860—p. 127, Sect. 7.

c 14 a 13

1 SECT. 90. Whenever, by decree or decision, in any
2 action or proceeding brought to settle any controversy in
3 relation to town commons or other lands, the common prop-
4 erty of a town, or for the partition thereof, the rights of
5 any town are settled and confirmed, the court in which such
6 proceedings are had, may partition such lands according to
7 the right of parties.

1860—p. 128, Sect. 8.

c 14 a 13

1 SECT. 91. When a judgment is recovered against any town
2 or against any town officers in an action prosecuted by or against
3 them in their name of office, no execution shall be awarded or
4 issued upon such judgment, but the same, unless reversed or
5 stayed on appeal, shall be paid by the town treasurer upon de-
6 mand and the delivery to him of the certified copy of the dock-
7 et of the judgment if there is sufficient money of such town
9 in his hands not otherwise appropriated. If he fails to do

1860—p. 128, Sect.

9; 1865—p. 36, Sect.

3; 1864—p. 118, Sect. 1, combined

& amended.

c 14 a 13

c 11
c 63

10 so, he shall be personally liable for the amount, unless the
 11 collection thereof is afterwards stayed upon appeal. If pay-
 12 ment is not made within thirty days after the time fixed by
 13 law for the county treasurer to pay over to the town treas-
 14 urer the money in his hands belonging to such town, levied
 15 for the purpose of paying such judgment, next after the
 16 rendition of such judgment, execution may be issued on
 17 such judgment, but only town property shall be liable
 18 thereon.

1863—p. 85-6, Sects.
 1 & 2. Amended.

1 SECT. 92. If judgment for the recovery of money is
 2 rendered against any town, and the judgment is not satis-
 3 fied, or proceedings thereon stayed by appeal or otherwise,
 4 before the next annual meeting of said town, a certified
 5 copy of the docket of the judgment may be presented to
 6 said town at said annual meeting. The supervisors of the
 7 town shall thereupon cause the amount due on the judg-
 8 ment with interest from the date of its recovery to be added
 9 to the tax of said town, and the same certified to the county
 10 auditor and collected as other town taxes are collected.

c49

1863—p. 91, Sect. 1.

1 SECT. 93. Every township shall, in the manner provi-
 2 ded herein, erect and maintain guide posts on the highways
 3 and other ways within the township, at such places as are
 4 necessary or convenient for the direction of travelers.

c49

1863—p. 91, Sect. 2.

1 SECT. 94. The supervisors shall submit to the inhabi-
 2 tants, at every annual meeting, a report of all the places at
 3 which guide posts are erected and maintained within the
 4 town, and of all places at which, in their opinion, they
 5 ought to be erected and maintained. For each neglect or
 6 refusal to make such report, they shall severally forfeit the
 7 sum of ten dollars.

c49

1863—p. 91, Sect. 3.

1 SECT. 95. Upon the report of the supervisors, the town
 2 shall determine the several places at which guide posts shall
 3 be erected and maintained, which shall be recorded in the
 4 town records. A town which neglects or refuses to deter-
 5 mine such places, and to cause a record thereof to be made,
 6 shall forfeit the sum of five dollars for every month during
 7 which it neglects or refuses so to do; and in such case, up-
 8 on any trial for not erecting or maintaining guide posts re-
 9 ported to be necessary or convenient, by the supervisors,
 10 the town shall be estopped from alleging that such guide
 11 posts were not necessary or convenient.

c49

1863—p. 91, Sect. 4.

1 SECT. 96. At each of the places determined by the
 2 town, there shall be erected a substantial post, of not less
 3 than eight feet in height, near the upper end of which shall
 4 be placed a board, and upon such board shall be plainly and

5 legibly painted, or otherwise marked, the name of the next
6 town or place, and such other town or place of note as the
7 supervisors think proper, to which each of such roads lead,
8 together with the distance or number of miles to the same;
9 and also the figure of a hand, with the forefinger thereof
10 pointed towards the towns or places to which said roads
11 lead; *Provided*, That the inhabitants of any town, may,
12 at their annual meeting, agree upon some suitable substitute
13 for such guide posts.

1 SECT. 97. Every town which neglects or refuses to
2 erect and maintain such guide posts, or some suitable sub- 1863-p. 92, Sect. 5.
3 stitute therefor, shall forfeit annually, the sum of five dol- *c 49*
4 lars for every guide post which it so neglects or refuses to
5 maintain, which sum may be sued for and collected by any
6 person, before any justice of the peace of the proper coun-
7 ty, and the moneys so collected shall be paid into the town
8 treasury, for the benefit of the roads and bridges of the
9 said town.

1 SECT. 98. Whenever the inhabitants of any town deter- 1860-p. 123, Sect. 1.
2 mine at their annual town meeting to erect one or more *c 14 a 14*
3 pounds therein, the same shall be under the care and direc-
4 tion of such pound masters as are chosen or appointed for
5 that purpose.

1 SECT. 99. The inhabitants of any town may at any an- 1860-p. 123, Sect. 2.
2 nual town meeting, discontinue any pounds therein. *c 14 a 14*

1 SECT. 100. The following shall be deemed town charges :
2 *First.*—The compensation of town officers for services 1862-p. 130, Sect. 1. *c 66*
3 rendered their respective towns. Amended.
4 *Second.*—Contingent expenses necessarily incurred for
5 the use and benefit of the town.
6 *Third.*—The moneys authorized to be raised by the vote
7 of the town meeting for any town purpose.
8 *Fourth.*—Every sum directed by law to be raised for any
9 town purpose; *Provided*, That no tax for town purposes
10 shall exceed the amount voted to be raised at the annual
11 town meeting as provided in subdivision nine, section fif-
12 teen aforesaid.

1 SECT. 101. The moneys necessary to defray the town 1860-p. 128, Sect. 4.
2 charges of each town shall be levied on the taxable property *c 14 a 14*
3 in such town, in the manner prescribed in the chapter for
4 raising revenue and other money for state and county pur-
5 poses and expenses.

1 SECT. 102. Whenever the term of any supervisor,
2 town clerk, or assessor expires, and another person is ap-

c14 a14

1860—p. 128, Sect. 5.

3 pointed or elected to such office, such successor, imme-
 4 diately after he enters on the duties of his office, shall de-
 5 mand of his predecessor, all books and papers under his
 6 control belonging to such office.

c14 a14

1860—p. 129, Sect. 6.

1 SECT. 103. Whenever either of the officers above named
 2 resigns, or the office becomes vacant in any way, and an-
 3 other person is elected or appointed in his stead, the person
 4 so elected shall make such demand of his predecessor or of
 5 any person having charge of such books and papers.

c14 a14

1860—p. 129, Sect. 7.

1 SECT. 104. Every person so going out of office, when-
 2 ever thereto required, pursuant to the foregoing provisions,
 3 shall deliver upon oath, all records, books, and papers in
 4 his possession, or in his control, belonging to the office held
 5 by him, which oath may be administered by the officer to
 6 whom such delivery is made.

c14 a14

1860—p. 129, Sect. 8.

1 SECT. 105. Upon the death of any of the officers enu-
 2 merated, the successor of such officer shall make such de-
 3 mand as above provided, of the executors or administra-
 4 tors of such deceased officer, and such executors or admin-
 5 istrators shall deliver upon like oath, all records, books,
 6 papers, or moneys in their possession or under their con-
 7 trol belonging to the office held by their testator or intes-
 8 tate.

c14 a14

1860—p. 129, Sect. 9.

1 SECT. 106. Each town organized under this chapter, or
 2 any law heretofore in force, constitutes an election district.

c14 a14

1860—p. 129, Sect.
11.

1 SECT. 107. No town has power to contract debts, or
 2 make expenditures for any one year in a larger sum than the
 3 amount of taxes assessed for such year, without having
 4 been authorized by a majority of the voters of such town-
 5 ship, and no town shall assess for township purposes more
 6 than three mills on the dollar of taxable property for any
 7 one year.

c14 a14

1860—p. 129, Sect.
12.

1 SECT. 108. Nothing in this chapter contained shall in
 2 any way apply to any portion of the state which is em-
 3 braced within the limits of any incorporated city; but each
 4 incorporated city shall have and exercise within its limits,
 5 in addition to its other powers, the same powers conferred
 6 by this chapter upon towns, in the manner prescribed by
 7 law.