

REVISED LAWS

MINNESOTA

1905

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breakages or injuries in or connected with public buildings, where the public interest would suffer by delay, contracts for repairs may be made without advertising for bids, but in such case the action of the board shall be recorded in its official proceedings. (02 c. 50)

See 1905 c. 189

620. Actions against counties—No action shall be maintained against a county upon any claim except county orders, when the only relief demanded is a judgment for money, until such claim shall have been duly presented to the board, and it shall have failed to act upon the same within the time fixed by law, or unless such board shall consent to the institution of such action. No action shall be brought upon any county order until the expiration of thirty days after a demand for the payment thereof has been made, and any judgment against the county entered in an action brought on any such order without such demand shall be void.

CHAPTER 8

TOWNS AND TOWN OFFICERS

621. Boundaries—The boundaries of towns shall remain as now established until otherwise provided by the county board pursuant to law. (920)

POWERS—DUTIES—LIABILITIES

622. Corporate powers—Each town is and shall be a body corporate, and empowered:

1. To sue and be sued by its corporate name.
2. To purchase, take, and hold real and personal property for public uses, and convey and dispose of the same.
3. To make all contracts necessary for the exercise of its corporate powers.
4. To make such orders for the disposition, regulation, and use of its corporate property as the inhabitants thereof may deem expedient. (922)

Nature of towns defined. Not liable for negligence (30-186, 14+877; 65-5, 67+648). Not liable for unauthorized acts of officers (59-3, 60+675).

623. Limitation of powers—No town shall possess or exercise any corporate powers except such as are expressly given by law, or are necessary to the exercise of the powers so given. (924)

12-124, 71.

624. Conveyances to towns—All real and personal property conveyed to any town, or to the inhabitants thereof, or to any person for the use of the town or its inhabitants, shall be deemed the property of such town, and all such conveyances shall have the same force and effect as if made directly to the town by name. (925)

625. Powers of town meetings—The electors of each town have power at their annual town meeting:

1. To determine the locations of pounds, and number of poundmasters, and to discontinue any such pound.
2. To select such town officers as are to be chosen.
3. To direct the institution and defence of all actions in which the town is a party or interested, to employ necessary agents and attorneys for the prosecution or defence of the same, and to raise such sums of money for that purpose as they deem necessary.
4. To make such lawful orders and by-laws as they deem proper for restraining horses, cattle, sheep, swine, and other domestic animals from going at large on the highways, and provide for impounding such animals so going at large.
5. To fix penalties for violations of any order or by-law made by such town, except such as relate to the keeping and maintaining of fences.

07 622 - 399

09 622-697 - 279

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625 (3)
99-M - 286
109-NW 248
625 (3)
99-M - 287

6. To vote money for the repair and construction of roads and bridges, and determine the amount thereof to be assessed as labor tax, and to vote such sums as they deem expedient for other town expenses.

7. When they deem it for the interest of the town, to direct that a specified amount of the poll and road tax be expended, under the direction of their town board, on the roads of an adjoining town.

8. To authorize the town board to sell and convey any real or personal property belonging to the town, not conveyed to and required to be held by the town for a special purpose.

9. To authorize the town board to purchase or build a town hall or other building for the use of the town, and to determine by ballot the amount of money to be raised for that purpose.

10. To authorize the town board by vote to purchase grounds for a town cemetery, and limit the price to be paid, and to vote a tax for the payment thereof. (930; '03 c. 36)

Subd. 1 (31-451, 18+315). Subd. 3 (83-219, 86+87). Subd. 4 (15-350, 253; 43-207, 45+152). Subd. 6 (14-248, 181; 38-186, 190, 36+454). Subd. 7 (24-14).

626. Sale of realty—Whenever any real estate belonging to the town is sold, the conveyance thereof shall be executed by the chairman of the town board in his official capacity, and attested by the clerk; and such conveyance, duly witnessed and acknowledged, shall convey to the grantee therein named all of the right, title, and estate which the town then has in the real estate conveyed.

627. By-laws to be posted—No by-laws shall take effect until posted notice thereof has been given. Thereafter it shall be binding upon all the inhabitants of the town, and upon all persons coming within its limits. (926)

628. Town buildings—Tax—Whenever any town shall have authorized the purchase or building of a town hall or other building for its use, and determined the amount of money to be raised for that purpose, the town board may levy a tax for the amount so authorized, and make all necessary contracts for purchasing or building the same, and shall have the control and management thereof.

629. Cemeteries—When authorized by a vote of its electors, any town may acquire, by purchase or gift, land within its limits, to be used as a cemetery for the burial of its dead. The town board shall have control and management of every such cemetery, and may lay the same out into lots, streets, and walks, and cause plats and maps thereof to be made and filed in the office of the town clerk. If any such cemetery becomes separated from the town by being included in a village thereafter organized from its territory, it may be sold and conveyed by the town board to such village. ('99 c. 264 ss. 1, 2)

630. Sale of lots—Proceeds—Lots in such cemetery may be sold by the board only for the burial of the dead of such town, and upon sale shall be conveyed in like manner as its other real estate. Proceeds of all sales shall be paid into the town treasury, and shall constitute a fund to be used only in maintaining, improving, and ornamenting such cemetery. ('99 c. 264 ss. 2, 3)

631. Public burial grounds—Whenever any tract of land in a town, title to which is not vested in some cemetery association, has been used as a public burial ground for ten years, the title thereto shall be deemed vested in such town, and the same shall be subject to the control and management of its town board in like manner as other town cemeteries. (923)

TOWN MEETINGS

632. First meeting—Proceedings—The first town meeting in each new town shall be held within twenty days after it is organized, at a time and place to be designated by the county board, and the county auditor shall cause ten days' posted notice thereof to be given in each such town. The voters present at such meeting, between 9 and 10 o'clock a. m., shall choose one of their number as moderator, two others as judges of election, and one as clerk, who shall severally take and subscribe the oath required of judges and clerks of a general

election, which may be administered to the judges and clerk by the moderator, and to the moderator by either of the judges. They shall thereupon conduct the proceedings of such meeting, and the voters shall possess the same powers as at other town meetings. (917)

633. Annual meeting—Business—There shall be an annual town meeting held in each town on the second Tuesday of March at the place of holding the last town meeting, or at such other place in the town, or in a city or village within or adjoining the same, designated by the annual town meeting. The clerk shall give ten days' posted notice of such meeting, specifying the time and place, and all town officers required by law to be elected shall be chosen thereat, and such other business done as is by law required or permitted. (927; '03 c. 26)

634. Special meetings—Special town meetings may be held for the purpose of electing officers to fill vacancies or 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, file in the office of the town clerk a written statement that the interests of the town require that such meeting be held. (931)

23-521, 524.

635. Notice—Whenever such statement is so filed, the clerk shall record the same, and cause ten days' posted notice thereof to be given, specifying the purpose for which it is to be held, and, if a newspaper is published in the town, shall cause one week's published notice of such meeting to be given. If vacancies in office are to be filled, the notice shall specify in what offices they exist, how they occurred, who was the last incumbent, and when the legal term of such office expires. (932, 933)

23-521.

636. Town meetings—How organized—The voters present at any time between 9 and 10 o'clock a. m. on the day of the annual or any special town meeting shall be called to order by the town clerk, if present; if not, the voters present may elect a chairman by acclamation. They shall then in the same manner choose a moderator of such town meeting. (934)

637. Clerk of meeting—The town clerk shall be clerk of the town meeting, and keep full minutes of its proceedings, in which he shall enter at length every order or direction and all rules and regulations made by the meeting. If the town clerk is absent, the voters present shall elect a clerk of the meeting. The minutes of such meeting shall be subscribed by the clerk of the meeting and judges, and filed in the office of the town clerk within two days after the meeting. (934, 938)

638. Order of business—At the opening of every town meeting the moderator shall state the business to be transacted, and the order in which it will be entertained, and no proposition to vote a tax shall be acted on out of the order of business stated by the moderator; and no proposition to reconsider any vote shall be entertained at any town meeting unless made within one hour from the time such vote was passed, or the motion for such reconsideration is 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 is made; and all questions upon motions made at town meetings shall be determined by a majority of the electors voting, and the moderator shall ascertain and declare the result on each question. (935)

639. Qualification of voters—Every person qualified to vote at a general election may vote at any town meeting in the town where he resides. If a voter is challenged, the judges shall proceed thereupon as in the case of challenges at a general election, adapting the oath to the circumstances of the case. (936, 937)

640. Judges of election—The supervisors of each town shall be the judges of election at the town meetings, but, if there be a vacancy in said board, or any supervisor is absent, the electors may choose judges to fill their places from the qualified voters of the town.

641. Polls opened and closed—The polls shall be opened between 9 and 10 o'clock a. m., proclamation of which shall be previously made by the moderator. Proclamation shall in like manner be made of the adjournment and of the opening and closing of the polls thereafter. (934, 939)

642. Officers, how elected—The supervisors, treasurer, town clerk, assessor, justices of the peace, and constables in each town shall be elected by ballot. All other officers, if not otherwise provided by law, shall be chosen by yeas and nays, or by division, as the electors determine. (940)

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643. Ballots—In an election of town officers to be chosen by ballot, the names of all the persons voted for, and the offices to which they are intended to be chosen, shall be written or printed on one ballot. Such ballot shall be delivered to one of the judges, so folded as to conceal its contents. (942)

644. Poll list—Ballots, how cast—When an 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 is received. The ballots shall be handed to one of the judges, and by him forthwith deposited in a box provided for that purpose. (943, 944)

645. Canvass of votes—When an election by ballot is closed, the judges shall publicly canvass the votes, which canvass, when begun, shall continue without adjournment or interruption until completed. (945)

646. Manner of canvassing—The canvass shall be conducted by taking a ballot at a time from the ballot box, and counting until the number of ballots is equal to the number of names on the poll list; and, if there are any left in the box, they shall be immediately destroyed. The person having the highest number of votes for any office shall be declared elected, but, if two or more persons have an equal and the highest number of votes for any office, the judges shall at once publicly determine by lot which of such persons shall be declared elected. If, on opening the ballots, two or more ballots are found to be so folded that it is apparent that the same person voted them, the board shall destroy them immediately. (946)

647. Result of canvass read—When the canvass is completed, a statement of the result shall be entered at length by the clerk of the meeting in the minutes of its proceedings, and publicly read by him to the meeting. Such reading shall be deemed notice of the result of the election to every person whose name is entered on the poll list as a voter. (947)

648. Votes on other questions—Every proposition to be voted upon by ballot at a town meeting, other than the election of officers, shall be specified in the notice of such meeting. The ballots cast upon such proposition shall be deposited in a separate box, and a separate poll list kept of the electors voting thereon, and shall be counted and canvassed, and the result ascertained, declared, and certified, in like manner as in the case of ballots cast for officers.

649. Adjournments—Any town meeting may be adjourned to any other day, and from time to time, for the purpose of transacting any business of the town except the election of officers.

650. Failure to elect officers—Whenever any town fails to organize or to elect town officers at the time fixed by law, twelve freeholders thereof may call a town meeting for such purpose by giving ten days' posted notice thereof, setting forth its time, place, and object. When assembled by virtue of such notice, the voters shall have all the powers conferred upon them by law at annual town meetings. If no such notice is given in such case within thirty days after the time for holding annual town meetings, the county board, on the affidavit of any freeholder of such town, filed with the county auditor, setting forth the facts, shall appoint officers for such town, who shall have all the powers of officers duly elected, and shall hold their offices until their successors qualify. (965)

TOWN BOARD

651. How constituted—Duties—The supervisors of each town shall constitute a board to be designated "The town board of," and any two

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shall constitute a quorum, except when otherwise provided. They shall have charge of all the affairs of the town not by law committed to other officers. They shall draw orders on the treasurer for the disbursement of money to pay the town expenses, and for all moneys raised by the town to be disbursed for any other purpose. They may prohibit or license and regulate the keeping of billiard, pool, and pigeonhole tables and bowling alleys, fix the price and time of continuance of such license, and, whenever in their opinion the public interest requires it, revoke the same. They may select and designate a bank as the depository of town moneys for a time not extending beyond their official term, on the execution by such bank of a sufficient bond to the town, in double the sum deposited, to be approved by the board and filed in the office of the town clerk, and thereupon may require the treasurer to deposit all or any part of the town moneys in such bank. Such designation shall be in writing, and shall set forth all the terms and conditions upon which the deposits are made, be signed by the chairman and clerk, and filed with the clerk. The town treasurer shall not be liable for the loss of moneys while so deposited, and all interest thereon shall belong to the town. (963, 981; '95 cc. 51, 255)

33-127, 130, 22+174.

652. Billiard table, etc.—License—Any person who shall keep a billiard, pool, or pigeonhole table, or a bowling alley in any town, without first obtaining a license therefor as provided in § 651, shall be guilty of a misdemeanor, and be punished by a fine of not more than fifty dollars, or by imprisonment in the county jail for not more than thirty days. ('95 c. 51)

653. To prosecute bonds, etc.—The town board shall prosecute, in the name of the town and for its benefit, all actions upon bonds given to the town, or to them or their predecessors in office for its benefit, and shall sue for and collect all penalties and forfeitures, in respect to which no other provision is made, incurred by any officer or inhabitant of the town, and they shall in like manner prosecute for any trespass on town property. All moneys collected under this section shall be paid to the town treasurer. (980)

654. May repair village streets—If any village included in the limits of a town neglects to keep its streets in repair, the town board of such town may cause repairs and improvements to be made on any such street needed as a highway. (969)

BOARD OF AUDIT

655. How constituted—Meetings—The town board shall constitute a board of audit, and shall meet each year on the Tuesday next preceding the annual town meeting for the purpose of auditing and settling all charges against the town, and all unpaid accounts of town officers for services rendered since the last annual meeting of the board shall be presented at such meeting. They may also meet at such other times as they deem necessary for the purpose of auditing and settling charges against the town; but no allowance of any account shall be made which does not specifically state each item of the same. If any supervisor fails to attend, a justice of the peace shall be called in to fill the vacancy. (989, 990)

656. Duties—It shall be the duty of such board of audit:

1. To examine and audit the accounts separately of each town officer authorized by law to receive or disburse money.

2. To examine and audit every account presented against the town, and to indorse thereon the amount allowed and disallowed, stating the items; and no allowance shall be made on any account which does not specifically give each item, with the date, amount, and nature thereof, separately. Such statement shall be verified by the claimant, his agent or attorney, and filed with the town clerk, and no such claim against any town shall be considered or acted upon unless such statement shall be made and filed.

3. To examine into the character and circumstances of every other demand presented against the town which they are not authorized to audit, and in their report to give a summary thereof, with their recommendations in regard thereto.

4. To report in detail the items of accounts audited and allowed, the nature of each, and the person to whom allowed, and the same in respect to accounts disallowed. Such report shall also contain a statement of the fiscal affairs of the town, with an estimate of the sum necessary to be raised for the current expenses or other authorized purpose for the ensuing year, and such recommendations as they deem advisable. (991, 992)

Filing claim condition precedent to action (67-1, 69+471).

657. Report posted and read—The clerk shall post a copy of such report at the place of holding the town meeting at least half an hour before the time for opening the polls. Such report shall also be publicly read by the clerk to the meeting, and the whole or any portion thereof may be referred by the meeting to a committee, who shall examine the same and report to the meeting thereon. For making such report the clerk shall receive one-half the fees allowed by law for making the original report. (993; '95 c. 10)

TOWN CLERK

658. Bond and oath—Every person elected or appointed to the office of town clerk, before he enters upon the duties of his office, shall give bond to the town, with sureties approved by the town treasurer, in such penal sum as the town board directs, conditioned for the faithful discharge of his duties. Such bond, with his oath of office, shall be filed with the clerk of the district court, and an action may be maintained thereon by the town or any person aggrieved. ('97 c. 247)

659. Deputy—Each town clerk may appoint a deputy, for whose acts he shall be responsible, and who, in case of his absence or disability, shall perform his duties. (982)

660. Duties—It shall be the duty of the town clerk:

1. To act as clerk of the town board, and keep in his office a true record of all its proceedings.

2. To have the custody of the records, books, and papers of the town, when no other provision is made by law, and to file and safely keep all papers required by law to be filed in his office.

3. To record in the book of town records minutes of the proceedings of every town meeting, and enter therein at length every order or direction and all rules and regulations made by the town meeting.

4. To file and preserve all accounts audited by the town board or allowed at a town meeting, and enter a statement thereof in the book of records.

5. To transmit to the clerk of the district court, immediately after the election of any justice of the peace of his town, a written notice stating therein the name of the person elected, and the term for which he was elected, and, if elected to fill a vacancy, the name of the last incumbent of the office, and likewise the name of every constable, after he shall have qualified, and, upon the resignation of a justice or constable, to immediately transmit to such clerk notice thereof.

6. To record every request for any special vote or special town meeting, and properly post the requisite notices thereof.

7. To post, as required by law, fair copies of all by-laws made by the town, and enter, over his signature, in the town records, in connection with such by-laws, the time when and places where the same were posted.

8. To furnish to the town board of audit at its annual meeting every statement from the county treasurer of money paid to the town treasurer, and all other information respecting the fiscal affairs of the town in his possession, and all accounts, claims, and demands against the town filed with him.

9. To perform such other duties as are required of him by law. (927, 982, 983, 985, 986, 988, 997)

661. New town—Papers—Whenever a new town is organized, embracing any part of an existing town, the clerk of such existing town shall deliver to the clerk of the new town all papers and files removable, and certified copies of all records, papers, and files not removable, pertaining to such new town;

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and the same, being deposited in the office of the clerk of the new town, shall have the same effect as if originals, and originally filed therein.

TOWN TREASURER

662. Bond—Every person elected to the office of town treasurer, before he enters upon the duties of his office, shall give bond to the town in double the probable amount of money to be received by him, to be determined by the board, conditioned for the faithful discharge of his duties as such treasurer. Within six days thereafter the chairman shall file such bond, with his approval indorsed thereon, for record, with the register of deeds. (954, 955)

23-521, 525.

663. Duties—It shall be the duty of the town treasurer:

1. To receive and take charge of all the moneys belonging to the town, or which are required to be paid into its treasury, and to pay out the same only upon the order of such town or its officers, made pursuant to law.

2. To preserve all books, papers, and property pertaining to or filed in his office.

3. To 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 for that purpose, and exhibit such account, together with his vouchers, to the town board of audit, at its annual meeting, for adjustment.

4. To deliver on demand all books and property belonging to his office, and all moneys in his hands as such treasurer, to his successor in office, when qualified.

5. To keep in a suitable book a register of all town orders presented for payment that he cannot pay for want of funds, with the date when so presented, and to indorse upon the back of all such orders the words, "Not paid for want of funds," with the date of such indorsement, signed by him as town treasurer.

6. To draw from the county treasurer from time to time such moneys as have been received by such treasurer for his town, and receipt therefor.

7. To make and file with the town clerk, within five days preceding the annual town meeting, a statement in writing of the moneys received by him from the county treasurer, and from all other sources, and all moneys paid out by him as such treasurer, setting forth the items thereof, from whom and on what account received, 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, and the unexpended balance in his hands.

8. To perform such other duties as are required of him by law. (995, 998-1001)

664. Neglect of duty—Every town treasurer who refuses or neglects to comply with the provisions of § 663 shall be guilty of a gross misdemeanor, and, in addition to the punishment prescribed therefor, shall forfeit his office as such treasurer. (1002)

665. To pay audited accounts—Accounts audited and allowed, 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 the town board, signed by the chairman and countersigned by the clerk. Such orders shall be received in payment of town taxes of such town. (994)

666. Order of payment—Interest—Town orders shall bear interest from the date when presented to the treasurer for payment, and shall be paid in the order in which they are registered, out of the first money that comes into the treasurer's hands for that purpose. (995, 996)

667. Fees—Each town treasurer shall be allowed to retain two per cent. of all moneys paid into the town treasury, for receiving, safely keeping, and paying over the same according to law, provided that his compensation shall in no case exceed one hundred dollars in any one year. (1000)

GENERAL PROVISIONS

668. Officers elected—The following town officer's shall be elected by ballot: Three supervisors, one of whom shall be elected each year for the term of three years, one town clerk, one treasurer, one assessor, two justices of the peace, and two constables. All such elections shall take place at the annual meeting. (928; '03 c. 64) See 1905 cc. 70, 243

37-475, 35+179.

669. Persons elected notified—The clerk of every town meeting, within ten days thereafter, shall transmit to each person elected to a town office, whose name is not entered on the poll list as a voter, notice of his election. (948)

670. When to take oath—Every supervisor, town clerk, assessor, treasurer, and constable, within ten days after receiving notice of his election or appointment, shall take and subscribe the oath required by law. If taken before the town clerk or a justice of the peace, such oath shall be administered and certified without fee. (950)

671. Oath and bond, when filed—Before entering upon his duties, the person taking such oath shall file the same with the town clerk. Failure to file his oath and bond within the time prescribed by law shall be deemed a refusal to serve. (951, 952)

672. Acceptance of office—Every person elected or appointed to the office of overseer of roads or poundmaster, before he enters upon his duties, and within ten days after he is notified of his election or appointment, shall file his acceptance with the town clerk. (953)

673. Failure to take oath—Any town officer who enters upon the duties of his office before taking the oath required by law shall forfeit to the town the sum of fifty dollars. (959)

26-25, 27, 1+43.

674. Term of office—Chairman—The supervisors shall hold office for three years and until their successors qualify, one of whom shall be named as chairman at the first meeting of the board after each annual town meeting. Justices of the peace and constables shall hold office for two years and until their successors qualify. All other town officers elected at the annual town meeting shall hold office for one year and until their successors qualify. (961; '03 c. 64)

675. Justice's bond—Before entering upon his duties, and within ten days after he is notified of his election or appointment, every person chosen to the office of justice of the peace shall give bond to the town in a sum not less than five hundred dollars nor more than one thousand dollars, with sureties approved by the chairman of the town board, conditioned for the faithful discharge of his official duties. The approval of the chairman shall be indorsed on the bond, which, together with his oath of office, such justice shall forthwith file with the clerk of the district court for the benefit of any person aggrieved by his acts, and any person so aggrieved may maintain an action on such bond in his own name against the justice and sureties. (957)

64-51, 66+130; 72-116, 75+13.

676. Constable's bond—Before entering upon his duties, and within ten days after he is notified of his election or appointment, every person chosen to the office of constable shall give bond to the town, in a sum directed and with sureties approved by the chairman of the town board, conditioned for the faithful discharge of his official duties. The chairman shall indorse such approval on the bond, and cause it to be filed with the town clerk, for the benefit of any person aggrieved by the acts or omissions of such constable, and any person so aggrieved, or the town, may maintain an action thereon in his own name against such constable and sureties. (956)

35-167, 28+191.

677. Bonds, how executed—Every bond required of a town officer shall be executed to the town by its name, and, when no other provision is made,

shall be in a sum fixed by the town board; and, if none be fixed, then in the sum of the bond of the last incumbent of the office. Every such bond shall be approved by the chairman in writing thereon and filed with the town clerk within the time prescribed for filing the oath of office, except the bonds of the clerk and treasurer, which shall be filed with the clerk of the district court and register of deeds, respectively. Whenever the town board deems any bond insufficient, it may require an additional bond to be made and filed, in a sum, and within a time not less than ten days, to be fixed by them.

678. Resignations—The town board, for sufficient cause shown to them, may accept the resignation of any town officer, in which case they shall forthwith give notice thereof to the town clerk. (967)

679. Vacancies—Whenever a vacancy occurs in any town office, the town board shall fill the same by appointment. The person so appointed shall hold his office until the next annual town meeting and until his successor qualifies: Provided, that vacancies in the office of supervisor shall be filled by the remaining supervisors and town clerk until the next annual town meeting, when his successor shall be elected to hold for the unexpired term. (962, 963; '03 c. 64)

26-313, 3+977.

680. Auditor to appoint assessor—Whenever a vacancy in the office of assessor is not filled by the town board before June 1 of the year in which it occurs, the county auditor shall appoint some resident of the county as assessor of such town. (964)

681. Delivery to successor—Every town officer shall, immediately after qualifying, demand of his predecessor, or other person having control or possession thereof, all books, records, and other property belonging to his office; and every person having control or possession of any such books, records, or property shall, upon such demand, deliver the same to such officer. (1023-1026)

682. Compensation—The following town officers shall be entitled to compensation for each day's service necessarily rendered, as follows, viz.: Assessors, two dollars; supervisors and clerks, one dollar and fifty cents when the service is rendered within the town, and two dollars when rendered without the town; but no supervisor shall receive more than forty dollars as compensation in any one year. For the following services the clerk shall receive fees, and not a per diem, viz.: For certifying each notice of election, twenty-five cents; posting notices, each, twenty-five cents; filing each paper, ten cents; recording orders and other instruments, six cents per folio; copying and certifying any record or instrument recorded or filed in his office, six cents per folio—to be paid by the person applying therefor. The voters at any town meeting, before balloting for officers begins, may by resolution increase the compensation of town officers, not to exceed fifty per cent. (1003; '95 c. 13)

683. Fees and duties of poundmaster—Poundmasters shall be allowed fees as follows, viz.:

1. For taking animals into the pound and discharging the same:
 - a. Sheep, three cents each.
 - b. Hogs, five cents each.
 - c. All other animals, ten cents each.
2. Keeping animals in pound, twenty cents for each twenty-four hours.
3. For selling impounded animals, two per cent. of the amount of sale.

The poundmaster shall have a lien on impounded animals for his fees, which shall be paid before such animals are discharged. If not discharged within four days, they shall be advertised by the poundmaster for sale at public auction to the highest bidder, at the place where impounded, upon fifteen days' posted notice. At the time and place fixed in the notice, the poundmaster shall sell the same pursuant thereto. Out of the moneys received from such sale, he shall deduct his fees and charges, and pay the balance to the chairman of the town board, and at the same time deliver to such chairman a correct written description of each animal sold, and a statement of the amount received

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for the same. He shall take duplicate receipts therefor, one of which shall be filed with the clerk. If the owner of any animal so sold appears within six months, the money received by said chairman shall be paid to him. If not claimed within that time, the same shall be paid into the town treasury. (1004)

31-451, 18+315.

684. Guideposts—Every town shall erect and maintain suitable guideposts and boards at such places on the public roads therein as shall be convenient for the direction of travelers. (1014-1018)

685. Pounds—Whenever the electors of any town determine at the annual town meeting to maintain one or more pounds, the same shall be under the control of such poundmasters as are chosen for that purpose. (1019)

38-186, 191, 36+454.

686. Town charges—The following shall be town charges:

1. The compensation of town officers for services rendered their towns.
2. Contingent expenses necessarily incurred for the use and benefit of the town.
3. The moneys authorized to be raised by the vote of the town meeting for general purposes.
4. Every sum directed by law to be raised for any town purpose.

But no tax for town purposes shall exceed the amount voted to be raised at the annual town meeting, as provided by law. (1021)

14-248, 181; 33-186, 190, 36+454.

687. Public places—The voters at each annual town meeting shall designate three places in the town as public places at which legal notices shall be posted, and provide facilities for posting notices at such places. (1030)

27-38, 43, 6+408.

688. Officers—Contracts—No supervisor or town clerk shall become a party to, or be directly or indirectly interested in, any contract made or payment voted by the town board. Every contract and payment voted or made contrary to the provisions of this section shall be void, and any such officer violating the provisions of this section shall be guilty of a misdemeanor, and, in addition to the punishment prescribed by law, shall be removed from office. (960)

689. Town taxes—Taxes to raise money for defraying town charges shall be levied on the taxable property in the town in the manner prescribed in the chapter on taxation. (1022)

690. Limit of debts, etc.—No town shall contract debts or make expenditures for any one year exceeding in amount the taxes assessed for such year, unless such debt or expenditure is authorized by the vote of a majority of the electors of such town, and no taxes in excess of the amounts authorized by law shall be levied by any town in any one year. (1028)

23-368, 370.

691. Separation from village—Upon filing with the town clerk of any town a notice, signed by not less than fifty voters thereof residing either within or without the village to be separated, stating that the question of the separation of such town for all purposes from any village located therein will be voted upon at the next annual town meeting, the clerk shall insert such statement in the notice of such meeting, and the question shall be voted upon by ballot. If a majority of the votes cast upon such proposition be in favor of such separation, such town shall thereafter be separated from such village for all purposes. ('95 c. 260)

692. Cities or villages—Nothing in this chapter contained shall apply to territory embraced within the limits of any city or village, but each such city and village shall have and exercise within its limits all the powers conferred by this chapter upon towns. (1029)

33-351, 353, 23+526; 37-475, 476, 35+179; 38-186, 189, 36+454; 41-136, 138, 42+930; 90-406, 408, 97+103.

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99-M - 499
110-NW 1

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09 - 492

693. Actions between towns, etc.—Actions and proceedings between towns, or between a town and an individual or corporation, shall be begun, tried, and conducted in the same manner, and a judgment therein shall have a like effect, as in similar actions and proceedings between individuals. (1005)
20-74, 59.

694. Actions, in what name—In all actions or proceedings the town shall sue and be sued in its name, except where town officers are authorized to sue in their official names for its benefit. In every action against a town, process and papers shall be served on the chairman of the town board, or, in his absence, on the town clerk; and such chairman shall attend to the defence of such action, and lay before the voters at the first town meeting a full statement of the facts relating thereto, for their direction in defending the same. (1006, 1008)

13-383, 355.

695. Filing claims—Demand—No action upon any claim or cause of action for which a money judgment only is demandable, except upon town orders, bonds, coupons, or written promises to pay money, shall be maintained against any town, unless a statement of such claim shall have been filed with the town clerk. No action shall be brought upon any town order until the expiration of thirty days after payment thereof has been demanded.

696. Judgments against towns—When a judgment is recovered against a town, or against any town officer in an action against him in his official name, no execution shall be issued thereon; but, unless reversed or stayed, it shall be paid by the town treasurer upon demand, and the delivery to him of a certified copy of the docket thereof, if he has in his hands sufficient town money not otherwise appropriated. If he fails to do so, he shall be personally liable for the amount, unless the collection thereof is afterwards stayed upon appeal. If payment is not made within thirty days after the time fixed by law for the county treasurer to pay over to the town treasurer the money in his hands belonging to the town levied for the purpose of paying such judgment, execution may issue, but only town property shall be liable thereon. (1012)

697. Tax to pay judgment—If a judgment for the recovery of money is rendered against a town, and is not satisfied or proceedings thereon stayed before the next annual town meeting, upon presentation of a certified copy of the docket of such judgment to such town meeting the town board shall add to the tax levy for said year the amount of such judgment. (1013)

CHAPTER 9

VILLAGES AND CITIES

698. Villages and boroughs—Until reorganized as provided in § 699, the several villages and boroughs existing as such, at the time of the taking effect of the Revised Laws, under special legislative charter, or under any general law, shall continue thereunder and in all things continue to be governed by such general or special laws: Provided, that any village or borough of either class, having the requisite population, may reorganize as a city in the mode hereinafter prescribed. (1198)

699. Surrender of charter—Reincorporation—Any village or borough organized under general law or special charter may relinquish the same, and thenceforth be governed as herein provided. The council or other governing body may propose such relinquishment by a resolution ordering a special election thereon. Notice of such election, and the conduct thereof, shall be as prescribed by law for other special village elections. The ballots used shall bear the printed words, "For reincorporation—Yes—No," with a square after each of the last two words, in one of which the voter may insert a cross to