

TOWNSHIP ORGANIZATION.

The New System Under Which Townships will be Operated.

(House Bill No. 66)

AMENDMENTS TO HOUSE BILL NO. 66. Amendment to section 4. In line four of section four, say seven for five.

Amendment to section five. In line 2 of section 5, instead of the word five insert seven.

After the word "provided" in line 14, section 4, insert the following: Provided further, that if any such city has more than the requisite inhabitants for two districts, then and in such event sufficient outlying territory may be added to such city to make three districts.

The supervisors in such city districts shall all be elected at large, and the balance of that territory outside of such city districts shall be divided so as to create seven districts including such city districts. In section 4, line 13, strike out the words "a double numbers," and insert in lieu thereof the word "number."

To section 5, after the word "two" at the end of line 3, add the words "or more."

In line 5, section 7, strike out the word "two" in both places when it precedes the word supervisors and insert "four."

In line 5, section 8, strike out the word "five" and insert the word "seven."

After "require" in line 4, section 12: Provided, however, that notices of such meeting shall be posted in three conspicuous places at least 10 days before such meeting.

Strike out all of section 16.

Sec. 26. The electors of each town shall have power at their annual town meetings to elect such town officers as may be required to be chosen to direct the institution and defense of suits at law or equity in which such town may be a party in interest; to direct such sum to be raised in such town for the support and maintenance of roads and bridges, or for any other purposes provided by law as they may deem necessary; to take measures and give directions for the exercise of their corporate powers; to impose penalties upon persons offending against any such regulations, and to make rules, regulations and by-laws necessary to carry into effect the powers herein granted.

Sec. 27. It shall be the duty of the town clerk to cause all by-laws, rules, and regulations of the town, within twenty days after their adoption, to be published by posting in three public places in the town or by inserting one in any newspaper published in the county; but all such by-laws, rules and regulations, shall take effect and be in force from the date of their adoption, unless otherwise directed by the electors of the town.

Sec. 28. Special town meetings shall be held when the assessor, town clerk, and justice of the peace, or any two of them, together with at least twelve freeholders of the town, shall in writing file in the office of the town clerk a statement that a special meeting is necessary to the interests of the town, setting forth the object of the meeting, and the town clerk, or in his absence the assessor, shall post up notices in five of the most public places of the town, giving at least ten days' notice of such special meeting, setting forth the objects of the meeting as contained in the place where the last annual town meeting was held; but in case such place may be found inconvenient, the meeting may adjourn to the nearest convenient place; Provided, That not less than one-third of the electors of a town shall constitute a quorum for the transaction of business at any special town meeting.

Sec. 29. The electors at special town meetings, when properly convened, shall have full power to fill any vacancies in any of the town offices when the same shall not already have been filled by appointment; to provide for raising money for repairing highways or buildings, or repairing bridges in case of emergency, and to direct the repairing or building thereof; to act upon any subject within the power of the electors at any annual town meeting which was postponed at the preceding annual town meeting, for want of time, to be considered at a future special town meeting, but special town meetings shall have no power to act upon any subject not embraced in the statement of the notice calling the same.

Sec. 30. The electors present at any time between the hours of nine and ten o'clock in the forenoon of the day on which there is an annual or a special town meeting shall be called to order by the town clerk if present; if not present, then the voters may select by acclamation one of their number chairman; they shall then proceed to choose one of their number to act as moderator of such town meeting.

Sec. 31. Before the moderator of any town meeting shall enter upon the duties of his office, he shall take an oath faithfully and impartially to discharge the duties of such office, such oath to be administered by the town clerk or other proper officer.

Sec. 32. The town clerk last before elected or appointed shall be the clerk of the town meeting, and shall keep faithfully minutes of its proceedings, in which he shall enter at length every order or direction and all rules and regulations made by such meeting, and the same shall be signed by himself and the moderator.

Sec. 33. If the town clerk be absent, then some other suitable person shall be chosen by the electors present and shall act as clerk of the meeting.

Sec. 34. All questions upon motions made at town meetings shall be determined by a majority of the electors voting, and the presiding officer shall ascertain and declare the result of the votes upon each question.

Sec. 35. When the result of any vote shall, upon such declaration, be questioned by one or more of the electors present, the moderator shall make the vote certain by causing the voters to rise and be counted or by dividing off.

Sec. 36. No person shall be a voter at any town meeting unless he shall be qualified to vote at general elections, and has been for the last ten days a resident of the town wherein he shall offer to vote.

Sec. 37. If any person offering to vote at any election, or upon any question arising at such town meeting shall be challenged as an unqualified voter, and the presiding officer shall proceed therefore in like manner as the judges of general elections are required to do, adapting the oath to the circumstances of the town meeting, and the laws in force in regard to false swearing and illegal voting at general elections shall apply to false swearing and illegal voting at town meetings.

Sec. 38. Town meetings shall be kept open from the time of opening in the morning until six o'clock in the afternoon, unless a majority of the voters present vote to adjourn at an earlier hour, if the business before the meeting shall have been concluded.

Sec. 39. The minutes of the proceedings of every town meeting, subscribed by the moderator and clerk of such meeting, shall be filed in the office of the town clerk within ten days after such town meeting.

Sec. 40. Every person chosen or appointed to the office of town clerk, assessor, town treasurer, or overseer of highways, before he enters upon the duties of his office, and within ten days after he shall be notified of his election or appointment, shall take and subscribe before some authorized person an oath or affirmation to faithfully and impartially perform the duties of his office as prescribed by law, and shall cause a certificate of the same to be filed in the office of the city clerk.

Sec. 41. If any person chosen or appointed to any or either of the town offices shall neglect to take or prescribe such oath, and cause a certificate thereof to be filed as above required, such neglect shall be deemed to be a refusal to serve.

Sec. 42. All town officers, except justices of the peace and constable shall hold their offices for one year, and until their successors are qualified.

Sec. 43. It shall be the duty of every person retiring from a town office to deliver to his successor in office all the records, books, papers, moneys, and property belonging to such office held by him.

Sec. 44. The town treasurer of each town shall give bond to the town in the sum of \$5,000.00, or double the amount of money that may come into his hands, to be fixed by the town board. Whenever it shall be ascertained that such bond has been forfeited, suit in the name of such town on said bond may be brought by any resident freeholder of such town. (See also Sec. 19, Chapt. 10).

Sec. 45. The town clerk shall prosecute in the name of his town, or otherwise as may be necessary, for all penalties given by law to such town or for its use, and for which no other officer is especially directed to prosecute; and no person shall be disqualified from being a juror in a suit by or against a town by reason of his being an inhabitant of such town.

Sec. 46. The justice of the peace of each town shall be ex officio overseer of the poor. In counties in which poor houses or farms are established the care of the poor shall be under the charge of the board of supervisors as provided by law.

Sec. 47. The town clerk of each town in the state shall have the custody of all the records, books, and papers of the town and shall file all certificates of oaths and other papers required by law to be filed in his office and shall have power to administer the oath of office to all town officers; and it is hereby made the duty of the town clerk to administer all oaths which may be required in the transaction of any township business in the town where he may be clerk; provided, that nothing herein shall be so construed as to deprive any other person qualified by law from administering said oaths.

Sec. 48. The town clerk shall transcribe in the book of records of his town the minutes of the proceedings of every town meeting held therein, and he shall enter in his book every order or direction, and all rules and regulations of any such town meeting.

Sec. 49. The town clerk shall within ten (10) days after any township meeting at which any action was had for raising money deliver to the county clerk a certified copy or copies of all entries of votes for the raising of such money, and it shall be the duty of the county clerk to lay all such matters before the board of supervisors at their next meeting.

Sec. 50. Certified copies of all papers filed in the office of the town clerk, and the books of record, shall be evidence in all courts in like manner as the original.

Sec. 51. In each town the town clerk, the assessor, and the justice of the peace shall constitute the town board and such town board shall examine the accounts of the overseers of highways for moneys received and disbursed by them, and shall require all officers to account to such board for any and all such moneys received and disbursed by such officers in their official capacity, and such board shall examine and audit all charges and claims against the town, and the compensation of all town officers. In case of the absence of either or any of said officers, or their failure to attend any meeting of the board the two attending may appoint any qualified elector to act with them in the place of the absentee, and the appointee shall act only for such meeting in the place of such absentee as a member of such board.

Sec. 52. The board shall at the town clerk's office for the purpose of examining and auditing the town accounts three times in each year as follows: On the Tuesday next preceding the annual town meeting, and on the Tuesday next preceding each of the regular meetings of the board of supervisors of the county, and at such other times as the interest of the town may require.

Sec. 53. The accounts so audited, and those rejected, if any, shall be delivered with the certificates of the auditors, or a majority of them, to the town clerk, to be by him kept on file for the inspection of all persons; they shall also be produced by the town clerk at the next annual town meeting, and shall be there publicly read by him.

Sec. 54. Orders for the payment of money shall be drawn on the town treasurer, and signed by the town clerk, and shall be countersigned by the justice of the peace. All claims and charges against the town, duly audited and allowed by the town board, shall be paid by order so drawn. No order shall be drawn on the town treasurer in excess of seventy-five per cent of the amount of taxes levied for the current year on the property of said town subject to be expended by said town, unless the money is in the treasury of said town to pay the order so drawn on presentation. When any order drawn as aforesaid is presented to the town treasurer for payment, and is not paid for want of funds, the town treasurer shall endorse

on said order, presented and not paid for want of funds, shall note in a book of registration, to be kept by him for that purpose the fact of the presentation and non-payment of said order, and said order shall draw interest at seven per cent per annum from the date of presentation until there are sufficient funds in the hands of said treasurer to pay the same, after paying all orders drawn against such tax levy presented prior thereto, and said orders shall be paid in order of their presentation and registration. The money received by the town treasurer as the tax levied in any year shall be applied first in payment of the orders drawn against said levy, and such levy shall be deemed specifically appropriated, so far as the same may be lawfully expended by said town, to the payment of the orders drawn against said levy. (Amended 1885, chap. 42)

[TO BE CONTINUED] (All interested in this law should cut it out and save it. It will take about four issues to complete it.)

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