THE HERALD.

A BILL FOR AN ACT TO PROVIDE FOR TOWNSHIP ORGANIZATION.

Introduced by Mr. Colby.

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

ARTICLE I.

TOWNSHIP ORGANIZATION—HOW IT MAY BE ADOPTED.

SECTION 1. At any general election that may be held in the several counties of the State, the qualified voters in any county may vote for or against township organization in such county.

SEC. 2. The county commissioners on petition of fifty legal voters, shall cause to be submitted to the voters of the county, the question of township organization under this act, by ballot, to be written or printed, or partly written and partly printed, "for township organization," or "against township organization," the votes to be canvassed and returned in like manner as votes for State and county officers.

SEC. 3. If it shall appear by the returns of said election that a majority of the legal voters of said county voting at said election are for township organization, then the county so voting in favor of its adoption, shall be governed by, and subject to the provisions of this act, on and after the first day of January next succeeding.

SEC. 4. The board of county Commissioners of such county shall at their next meeting, proceed to divide said county into towns or townships, making them conform as near as practicable to townships according to the government survey. When fractions of townships are caused by the Co., lines not being in accordance with the surveyed townships, then the commissioners may attach such fractions to adjoining towns when the number of inhabitants, or the amount of territory shall not be sufficient for a separate town. When a surveyed township shall have too few inhabitants for a separate organization, then such township may be added to some adjoining town, or such township may be divided between two or more towns, for the time being; and when creeks or rivers so divide a township as to make it inconvenient for transacting town business, then such creek or river may be made the town boundary, and the town fractions so formed may be disposed of as fractions formed by county lines. No city of the first or second class shall be included within the corporate limits of any township organized under this act, but the territory occupied by such city shall constitute a town by the name of such city for the purposes of town election and organization as hereinafter provided.

SEC. 5. The board of county commissioners shall designate the name of each town, and may change the name of any town, upon petition of a majority of the voters of said town.

SEC. 6. The county clerk shall record in a book provided for that purpose the names and boundaries of each town, as designated by the county board, and shall forthwith forward an abstract thereof to the auditor of public accounts of this State, who shall make a record of the same.

SEC. 7. The county board shall, at least twenty days before the first Tuesday in April next after adoption of township organization, designate some central and convenient place in each town, for the holding of the first town election, and shall also appoint three suitable electors of the town, as judges of the election.

SEC. 8. The county clerk shall thereupon make out notices, stating the time, which shall be the first Tuesday in April thereafter, and place for holding the first election, names of the judges of election so appointed, and deliver the same to the sheriff, who shall cause the same to be posted in some public place in said town, at least fifteen days before the holding of such election.

SEC. 9. The first town election shall be conducted in the same manner as other town elections hereinafter provided for.

ARTICLE II.

CORPORATE POWERS AND RIGHTS OF TOWNS.

SECTION 1. The corporate name of each town shall be "The town of (name of town)" and all acts done by the town, and all actions by or against the town shall be in its corporate name.

SEC. 2. Every town shall have corporate capacity to exercise the powers granted thereto, or necessarily implied, and no others. It shall have power:

First—To sue and be sued.

Second—To acquire by purchase, gift, or devise, and to hold property, both real and personal, for the use of its inhabitants, and again to sell and convey the same.

Third—To make all such contracts as may be necessary in the exercise of the powers of the town.

SEC. 3. The electors present at the annual town meetings shall have power:

First—To make all orders for the sale, conveyance, regulation, or use of the corporate property of the town that may be deemed conducive to the interests of its inhabitants.

Second—To take all necessary measures and give directions for the exercise of their corporate powers:

Third—To provide for the institution, defense, or disposition, of suits at law, or in equity, in all controversies between the town and any other town, or any individual or corporation, in which the town is interested.

Fourth—To take such action as shall induce the planting and cultivating of trees along the highways in such towns, and to protect and preserve trees standing along or on highways.

Fifth—To take such action as may be necessary for the destruction of worms, of migratory locusts, or other injurious insects, and eggs deposited by them.

Sixth—To guard against the destruction of property in said town by prairie fires.

Seventh—To establish and maintain pounds at such places within the town as may be deemed necessary and convenient, and to discontinue any pounds therein, to determine the number of pound masters, to prescribe their duties, and regulate their fees, and to elect poundmasters in such manner as they may see fit.

Eighth—To restrain, regulate, or prohibit the running at large of cattle, horses, mules, asses, swine, sheep, and goats, and to determine when such animals may go at large: Provided, that all votes thereupon, or upon any by-law regulating the same, shall be taken by ballot, and canvassed in the same manner as provided for the election of supervisors of said town.

Ninth—To authorize the distraining, impounding, and sale of cattle, horses, mules, asses, sheep, goats, and swine, for penalties incurred, and costs of proceedings: Provided, That the owner of such animals shall have the right to redeem the same from the purchaser thereof at any time within one month from the day of sale, by paying the amount of the purchaser's bid with reasonable costs for their keeping, and interest upon the amount bid at the rate of ten per cent per annum.

Tenth—To construct and keep in repair public wells, and to regulate the use thereof.

Eleventh—To prevent the exposure or deposit of offensive or injurious substances within the limits of the town.

Twelfth—To make such by-laws, rules, and regulations as may be deemed necessary to carry into effect the powers herein granted, and impose such fines or penalties, not exceeding $20.00 for one offense, as shall be deemed proper, except when a fine or penalty is already allowed by law, such fine or penalty to be recovered before any justice of peace for the town where the offense shall have been committed.

Thirteenth—To direct the raising of money by taxation for the following purposes:

First—For constructing or repairing roads, bridges, or causeways within the town, not exceeding five mills on the dollar of the assessed value of all taxable property in the town.

Second—For the prosecution or defense of suit by or against the town, or in which it is interested.

Third—For any other purpose required by law.

Fourth—For the purpose of building or repairing bridges over streams divding said town from any other town.

Fifth—For the support of the poor within the town: Provided, That when the County Board of any county shall have established a poorhouse under any statute law of the State, the support of the poor shall be provided for by the County Board, and no taxes for that purpose shall be voted by the electors at town meetings.

Sixth—For the compensation of town officers at the rates allowed by law, and when no rate is fixed, for such amount as the electors may direct.

SEC. 4. None of the provisions of this article shall apply to towns whose limits are co-extensive with cities of the first and second class, but such cities and the inhabitants thereof shall continue to be governed by their organic acts.

ARTICLE III.

ALTERATION, DIVISION AND BOUNDARIES OF TOWNS.

SECTION 1. The board of supervisors of each county shall have full and complete power to alter the boundaries of towns, except such towns as are also cities of the first or second class, to divide, to enlarge, and to create new towns, in their respective counties to suit the convenience of the inhabitants residing therein; but no new towns shall be created under the provisions of this act, unless there shall be at least twenty-five legal voters residing in such new town, nor unless at least fifteen of said legal voters of said town shall petition for such alteration; nor shall any new town be hereafter created, or any town divided, or the boundaries thereof changed by the board of supervisors without at least sixty days' notice thereof has been given before the presentation of the petition therefor, by posting up not less than five notices in the most public places of the town or towns interested and by also publishing such notices at least once in some newspaper published in the county wherein such towns are situated, if any shall be published therein.

SEC. 2. In case any town in any county wherein township organization has been, or may be adopted, shall refuse or neglect to organize and elect town officers at the time fixed by law for holding annual meetings, it shall be lawful for twelve freeholders of the town to call a town meeting for the purposes aforesaid, by posting up notices in six public places in such town, giving at least ten days' notice of such meeting, which notice shall set forth the time, place and object of such meeting; and the electors, when assembled by virtue of such notice, shall possess all the powers conferred upon them by this act at the annual town meeting.—In case no such notice shall be given as aforesaid within thirty days after the time for holding the annual town meeting, the board of supervisors of the county shall, upon the affidavit of any freeholder, resident of said town, filed in the office of the county clerk, setting forth the facts, proceed at any regular or special meeting of the board and appoint the necessary town officers for such town, and the person so appointed shall hold their respective offices until others are chosen or appointed in their places, and shall have the same power, and be subject to the same duties and penalties as if they had been duly chosen by the electors of the town.

SEC. 3. Whenever it shall be made to appear to the board of supervisors that the town officers appointed by them, or by any preceding board, as provided in the foregoing sections shall, have failed to qualify as required by law, so that such town connot become organized, the board of supervisors may annex such town to any adjoining town, and the said town so annexed shall thereafter form and constitute a part of such adjoining town.

SEC. 4. When a town seized of real estate, or possessed of rights, credits, or other personal real estate, shall be divided into two or more towns, the supervisors and assessors of the several towns constituted by such division, shall meet as soon as may be after the first town meetings subsequently held in such towns, and when so met shall have power to make such agreement concerning the disposition to be made of such town property, and the apportionment of the proceeds thereof as shall be equitable, and to take all measures, and execute all conveyances, which may be necessary to carry such agreement into effect.

SEC. 5. When any such town shall be altered in its limits by the annexing of a part of its territory to other town or towns, the supervisors and assessors of the town affected by such change, shall, as soon as may be thereafter, meet for the purpose, and possess the powers provided in the last preceding section.

SEC. 6. Whenever a meeting of the supervisors & assessors of two or more towns shall be required in order to carry into effect the provisions aforesaid, such meeting may be called by either of said supervisors by giving at least three days's notice in writing to all the other officers of the time and place at which such a meeting is to be held.

SEC. 7. The preceding sections shall not apply to any cemetery or burial-ground; but the same shall belong to the town within which it may be situated after a division shall have been made.

SEC. 8. Debts owing to a town so divided or altered shall be apportioned between the towns interested therein by the supervisors and assessors of such towns according to the amount of taxable property in the town divided or altered, as the same existed immediately before such division or alteration, to be ascertained by the last assessment list of such town. And if, upon the organization of towns under this act, there be any indebtedness existing against precincts under any laws of this state, the same shall be and remain a charge upon the territory from which the towns are organized, and no town or part of town shall be released from the payment of its proportion of such indebtedness, such proportion to be ascertained from the amount of taxable property in such precinct, as shown by the last assessment roll thereof, by the county board upon the adoption of this act, and the county clerk shall extend the same upon the tax list of such town, and the same shall be collected and disbursed in the manner provided by law.

ARTICLE IV.

TOWN-MEETINGS—POWER OF ELECTORS

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

SEC. 2. There shall be chosen at the annual town meeting, on the first Tuesday in April of each year, in each town, one supervisor, one town clerk, one assessor, one town treasurer, one overseer of highways for each road district in said town, and three judges and two clerks of election, to serve as such only under the general election laws of the State. Provided, That at the first annual town meeting in April, and every two years thereafter, there shall be elected two justices of the peace, and two constables, who shall be successors to precinct justices, and constables, and shall hold their offices for the same terms, and perform the same duties as justices and constables, in counties not under township organization; and Provided further, That in towns whose limits are co-extensive with cities of the first and second class, the electors shall elect at the annual city election, one assessor, and the electors of each ward shall elect one supervisor, who shall sit in the county board, which officers shall respectively hold their offices for one year, perform the duties, and exercise the powers conferred upon them by law.

SEC. 3. 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 in equity, to which such town may be a party, to direct such sum to be raised in such town for the support and maintenance of roads and bridges, or for any other purpose provided by law, as they may deem necessary, to take measures and give directions for the exercise of their corporate powers, to impose such penalties upon persons offending against any such regulations, and to apply the same when collected in such manner as they may deem most conducive to the interests of the town, and to make all rules, regulations, and by-laws, necessary to carry into effect the powers herein granted.

SEC. 4. 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 of the town, and by inserting once 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. 5. Special town meeting shall be held when the supervisor, town clerk and justice of the peace, or any two of them, together with at least twelve free-holders 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 case of his absence, the supervisor, 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 object of the meeting, as contained in the statement filed as aforesaid; the place of holding special town meetings shall be at the place where the last annual town meeting was held; but in case such place may be inconvenient, the meeting may adjourn to the nearest convenient place; Provided, That no 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. 6. The electors at special town meetings when properly convened, shall have power to fill vacancies in any of the town offices, when the same shall not have been filled by appointment; to provide for raising money for repairing highways, or building or repairing bridges, in cases of emergency, and to direct the building or repairing thereof; to act upon any subject within the powers 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 and notice calling the same.

SEC. 7. 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 special town meeting, shall be called to order by the town clerk, if present; if not present, then the voters may elect 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. 8. 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. 9. The town clerk last before elected or appointed, shall be the clerk of the town meeting, and shall keep faithful minutes of its proceedings, in which he shall enter at length every order or direction, and all rules and regulations made by such meeting.

SEC. 10. 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. 11. 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. 12. 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 thirty days an actual resident of the town wherein he shall offer to vote.

CONTINUED NEXT WEEK.

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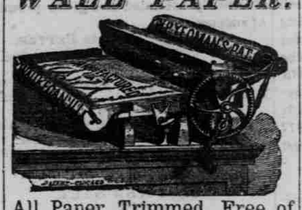

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