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:

(CONTINUED.)

SEC. 13. If any person offering to vote at any election, or upon any question arising at such town meeting, shall be challenged as an unqualified voter, the presiding officer shall proceed thereupon in like manner as the judges at 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. 14. Town meetings shall be kept open from the time of opening in the morning until six o'clock in the afternoon unless the voters present, by vote, adjourn one hour from twelve to one o'clock.

SEC. 15. 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 two days after such town meeting.

SEC. 16. Before the electors shall proceed to elect any town officer, proclamation shall be made of the opening of the polls by the town clerk, and proclamation shall in like manner be made of each adjournment, and of the opening and closing of the polls, until the election is ended.

SEC. 17. The supervisor, town clerk, assessor, town treasurer, overseers of highways, constables, and justices of the peace, shall be chosen by ballot; all other officers shall be chosen as the electors of the meeting may determine. When the electors vote by ballot all the officers voted for shall be named in one ballot, which shall contain the names of the persons voted for, and the offices to which such persons are intended to be chosen, and shall be delivered to the presiding officer so folded as to conceal the contents, and the presiding officer shall deposit the ballots in a box provided for that purpose.

SEC. 18. When the election is by ballot, a poll list shall be kept by the clerk of the meeting, on which shall be entered the name of each person whose vote shall be received.

SEC. 19. If any moderator shall at any town meeting before the poll is closed read or examine, or permit any person to read or examine the names on any voter's ballot, with the view of ascertaining any candidate voted for, such moderator shall forfeit to the use of the town the sum of twenty-five dollars.

SEC. 20. At the close of every election by ballot, the presiding officer shall proceed publicly to canvass the votes in the same manners as provided by law for canvassing votes at a general election.

SEC. 21. The canvass being completed, such person as shall have the greatest number of votes shall be declared to be elected, and a statement of the result shall be entered at length by the clerk of the meeting in the minutes of its proceedings, to be kept by him as before required, which shall be publicly read by him to the meeting. In case two or more persons shall have an equal number of votes for the same office, the question of which shall be entitled to the office shall be decided by lot under the direction of the town clerk, each party having notice of the time and place of drawing lots.

SEC. 22. The clerk of every town meeting, within ten days thereafter shall transmit to each person elected to any town office, a notice of his election; and the town clerk shall file in the office of the county clerk, within said time, a list of the names of all officers elected at such town meeting.

ARTICLE V.

QUALIFICATIONS, DUTIES AND TERMS OF TOWN OFFICERS.

SEC. 1. No person shall be eligible to any town office unless he shall have been a resident of such town for the period of six months next preceding his election.

SEC. 2. Every person chosen or appointed to the office of supervisor, 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 person authorized, 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 town clerk.

SEC. 3. If any person chosen or appointed to either or any of the town offices shall neglect to take and subscribe such oath, and cause a certificate thereof to be filed as above required, such neglect shall be deemed a refusal to serve.

SEC. 4. All town officers, except justices of the peace and constables, shall hold their offices for one year, and until their successors are qualified.

SEC. 5. 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, property and money belonging to such office held by him.

SEC. 6. Whenever any town shall fail to elect the proper number of town officers to which such town may be entitled by law, or when any person elected to any town office shall fail to qualify, or whenever any vacancy shall happen in any town office from death, resignation, removal from the town, or other cause, it shall be lawful for the justices of the peace of the town, together with the supervisor and town clerk, to fill the vacancies occasioned or occurring as above, by appointment by warrant under their hands and seals; and the persons so appointed shall hold their respective offices during the unexpired term of the persons in whose stead they have been appointed and until their successors are qualified, and shall have the same powers, and be subject to the same duties and penalties as if they had been duly chosen by the electors.

SEC. 7. Whenever a vacancy shall occur from any cause in any or either of the offices enumerated in the foregoing section, as composing the board of appointment of town officers in case of vacancy, it shall be lawful for the remaining officers of such appointing board to fill any vacancy or vacancies thus occurring.

SEC. 8. When any appointment shall be made, as provided in the preceding sections, the officer making the same shall cause the warrant of appointment to be immediately filed in the office of the town clerk, who shall forthwith give notice thereof to each person appointed, and shall, within ten days thereafter, file with the county clerk a list of the persons so appointed and qualified.

SEC. 9. The justices of peace of the town may, for sufficient cause shown to them, accept the resignation of any town officer of their town, but shall immediately after the acceptance of such resignation report the same to the town clerk.

ARTICLE VI.

DUTIES OF SUPERVISORS.

SECTION 1. The supervisor of each town shall sign all warrants on the town treasurer. Said supervisor shall give bond to the town with one or more sureties, conditioned for the faithful discharge of his duties, such bond to be approved by the town clerk, and to be filed in his office with his approval endorsed thereon.

Whenever the town clerk shall ascertain that such bond has been forfeited, he shall institute suit in the name of such town for the use of the inhabitants thereof against the supervisor.

SEC. 2. The supervisor 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 specially 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. 3. The supervisor of each town shall attend the regular meeting of the board of supervisors of the county and every adjourned or special meeting of said board of which he shall have notice. He shall receive all accounts which may be presented to him against the town, and shall lay them before the board of town auditors at or before their next regular meeting. He shall lay before the board of supervisors such copies of entries concerning moneys to be raised in his town as shall be delivered to him by the town clerk.

SEC. 4. The supervisor of each town shall be ex-officio overseer of the poor in his town, and shall act in that capacity in conjunction with the justices of the peace therein.

ARTICLE VII.

TOWN CLERK.

SECTION 1. The town clerk of each town in this State shall have the custody of all records, books, and papers of the town, and he shall file all certificates of oaths and other papers required by law to be filed in his office; and he 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. 2. 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. 3. The town clerk shall deliver to the supervisor before the next regular meeting of the board of supervisors of the county, certified copies of all entries of votes for raising money made since the last regular meeting of said board.

SEC. 4. Copies of all papers filed in the office of the town clerk, and transcripts from the book of records, certified by him, shall be evidence in all courts in like manner as if the originals were produced.

ARTICLE VIII.

BOARD OF AUDITORS, APPOINTMENT, AND HEALTH.

SECTION 1. In each town the supervisor, town clerk, and justices of the peace of the town shall constitute a board of auditors to examine the accounts of the overseers of the poor and overseers of the highways, for moneys received and disbursed by them, and shall require all town officers to account to them for any and all moneys received or disbursed by them in their official capacity, and shall examine and audit all charges and claims against the town, and the compensation of all town officers except the compensation of the supervisor for county services. In case of the absence of either or any of said officers, or their failure to attend any meeting of the board, those attending may associate with them the assessor of the town in place of any absentee who shall act for the time being as member of such board.

SEC. 2. The board of auditors of town accounts shall meet 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 interests of the town may require.

SEC. 3. 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 any of the inhabitants of the town. They shall also be produced by the town clerk at the next annual town meeting, and shall be there publicly read by him. Warrants shall be drawn on the town treasurer for all charges allowed by said board of auditors, and the same shall be signed by the supervisor, and countersigned by the town clerk.

SEC. 4. The board of auditors may require all accounts presented, to be verified by affidavit, setting forth that the same are correct and just, and unpaid.

SEC. 5. Said board shall make a certificate to be signed by a majority of said board specifying the value of the claim, and to whom the amount is allowed, and shall cause said certificate to be delivered to the town clerk of said town, to be by him kept on file for the inspection of any of the inhabitants of the town; and a statement of the aggregate amount shall be delivered to the supervisor of the town, to be by him laid before the board of supervisors at their regular annual meeting.—The board of supervisors shall cause the amount of said charges to be levied upon the property of said town, and collected as other taxes are levied and collected.

SEC. 6. The following shall be deemed town charges, to-wit: The compensation of town officers, for services rendered their respective towns, contingent expenses necessarily incurred for the use and benefit of the town, the moneys authorized by the vote of any town meeting for any town purpose, and every sum directed by law to be raised for town purposes.

SEC. 7. The moneys necessary to defray the town charges of each town shall be levied on the taxable property in such town, in manner prescribed by law for raising revenue.

SEC. 8. The supervisors, assessors, and town clerk of each township, shall constitute a board of health, and on the breaking out of any contagious disease in their township or immediate vicinity, they shall have power to make and enforce any rules and regulations tending to check the spreading of any such disease within the limits of their township as they may deem proper.

ARTICLE IX.

FEES AND COMPENSATION OF OFFICERS.

SEC. 1. The following town officers shall be entitled to compensation at the following rates for each day necessarily devoted by them to the service of the town in the duties of their respective offices, to-wit: the town clerk, supervisor, and town assessor shall receive for their services $1.50 per day when attending to town business; provided, that the town clerk shall receive fees for the following, and not a per diem: For serving notices of election as required by law, twenty-five cents each; filing papers, ten cents each; posting up notices required by law, twenty-five cents each; for recording any order or instrument of writing authorized by law, five cents for each one hundred words; for copying any record in his office and certifying the same, ten cents for each one hundred words, to be paid by the person applying for the same; and for copying bylaws for posting or publication, five cents for each one hundred words.

SEC. 2. The officers composing the board of appointment, in case of vacancy, when they shall meet for that purpose, and the officers composing the board of health, and the officers composing the board of town auditors, shall be entitled to one dollar per day each for their services while actually engaged in their duties as members of said board.

SEC. 3. No justice of the peace, or town officer, shall be entitled to any fee or compensation from any individual elected or chosen to a town office for administering to him the oath of office.

ARTICLE X.

LEGAL PROCEEDINGS.

SEC. 1. Whenever any controversy or cause of action shall exist between any towns of this State, or between any town and individual or corporation, proceedings may be had and suits brought, either at law or in equity, for the purpose of trying and finally settling such controversies. In all such suits and proceedings, the town shall sue and be sued by its corporate name, except where town officers shall be authorized by law to sue in their name of office for the benefit of the town.

SEC. 2. In all legal proceedings against the town by name, the first process and all other suits or proceedings required to be served shall be served on the supervisor of the town. And whenever any suit or proceeding shall be commenced against a town, it shall be the duty of the supervisor to attend to the defense thereof, and lay before the electors of the town at the first town meeting, a full statement of such suits or proceeding for their consideration and direction.

SEC. 3. All judgments recovered against a town, or against town officers, in actions prosecuted by or against them in their name of office, shall not be collected by execution, but shall be a town charge, and when levied and collected, shall be paid to the person or persons to whom the same shall have been adjudged.

CONTINUED NEXT WEEK.

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"Send me two boxes; I want one for a poor family."

"I enclose a dollar; your price is 25 cents, but the medicine to me is worth a dollar."

"Send me five boxes of your pills."

"Let me have three boxes of your pills by return mail, for Chills and Fever."

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For Cutaneous Disorders,

And all eruptions of the skin, this Ointment is most invaluable. It does not heal externally alone, but penetrates with the most searching effects to the very root of the evil.

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For Stomachs Out of Order.

No medicine will so effectually improve the tone of the stomach as these Pills; they remove all acidity occasioned either by intemperance or improper diet. They reach the liver and reduce it to a healthy action; they are wonderfully efficacious in cases of spasm—in fact they never fail in curing all disorders of the liver and stomach.

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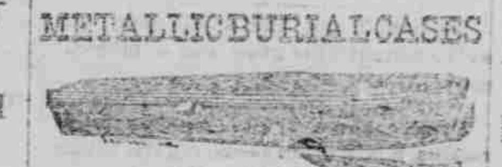

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