

## TOWNSHIPS.

### CHAPTER 51.

#### AN ACT TO ESTABLISH A SYSTEM OF TOWNSHIP GOVERNMENT FOR THE TERRITORY OF DAKOTA.

*Be it enacted by the Legislative Assembly of the Territory of  
Dakota:*

Manner of  
proceeding to  
organization.

SECTION 1. Whenever the majority of legal voters of any congressional township in this Territory, containing ten legal voters, petition the board of county commissioners to be organized as a town, under this chapter, said board shall forthwith proceed to fix and determine the boundaries of such new town and to name the same; and said board shall make a full report of all their proceedings in relation to laying off said town, and file the same with the register of deeds.

When town-  
ships may be  
divided, attach-  
ed, &c.

SEC. 2. A township may be attached by said commissioners to an adjoining town, or divided between two or more towns, or organized separately, according to the wishes of a majority of the legal voters to be affected thereby; and when rivers and creeks so divide a township as to make it inconvenient to do town business, the fraction so formed may be attached to other townships; and any township having two or more villages or cities, each containing two hundred or more inhabitants, may petition the county commissioners for a division; and whenever the county commissioners are so petitioned, they may, if they think the interests of such town will be subserved thereby, proceed to divide such township in such manner as will best suit the convenience of the people.

SEC. 3. Towns thus formed shall be named in accordance with the expressed wish of a majority of the legal voters resident therein, but if they fail to so designate the name, the county commissioners may select a name. Towns, how named.

SEC. 4. The county commissioners shall thereupon make out notices designating a suitable place for holding the first town meeting in each town, which shall be holden within twenty days after said town is organized; and the register of deeds shall deliver such notice to the sheriff of the county, who shall cause the same to be posted in each township, not less than ten days before the day set for such town meeting. Notices to be made out and posted.

SEC. 5. Each register shall, within thirty days after such town is organized, transmit by mail to the auditor of [the] Territory, an abstract of such report, giving the bounds of each town and the name designated; and said county register shall record, in a book for that purpose, a full description of each town. Register of deeds to make report to auditor.

SEC. 6. If the auditor of the Territory, on comparing the abstract of reports from several counties, finds that any two or more townships have the same name, he shall transmit to the register of the proper county, the name of the town to be altered; and the board of commissioners shall, at the next meeting thereafter, adopt for such town, some name different from those heretofore named, so that no two towns organized under this chapter shall have the same name; and when such name is adopted, the register of the county shall inform the Territorial auditor as before directed. Where auditor finds two towns of same name.

SEC. 7. The limits and boundary lines of every organized township shall remain as now established until otherwise provided by the board of county commissioners under the authority of law. Boundary lines of towns.

SEC. 8. Each town is a body corporate, and has capacity: Powers of town.

First. To sue and be sued. To sue.

Second. To purchase and hold lands within its own limits, and for the use of its inhabitants, subject to the powers of the Legislature. To purchase lands.

Third. To make such contracts, purchase and hold such personal property as may be necessary for the exercise of its corporate or administrative powers. To make contracts, &c.

To make orders, for use of its property.

Fourth. To make such orders for the disposition, regulation or use of its corporate property as may be deemed conducive to the interests of its own inhabitants.

Certain powers prohibited.

SEC. 9. No town shall possess or exercise any corporate powers except such as are enumerated in this chapter, or are especially given by law, or necessary to the exercise of the powers so enumerated or granted.

Proceedings in name of town.

SEC. 10. All acts or proceedings by or against a town in its corporate capacity, shall be in the name of such town; but every conveyance of lands within the limits of such town, made in any manner for the use or benefit of its inhabitants, has the same effect as if made to the town by name.

Manner of holding town meeting.

SEC. 11. The citizens of the several towns of this Territory, qualified to vote at general elections, shall annually assemble and hold town meetings 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, 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 in said town, at least ten days prior to said meeting.

Town clerk to give notice of election.

Officers to be elected.

SEC. 12. There shall be elected at the annual town meeting in each town, three supervisors, one of whom shall be designated on the ballots as chairman, one town clerk, one treasurer, one assessor, two justices of the peace, two constables, and one overseer of highways for each road district in said town; but justices of the peace and constables shall be elected only once in two years, except to fill vacancies.

Fence-viewers.

SEC. 13. The assessor and supervisors elected in every town are by virtue of their office, fence-viewers of such town.

Powers of electors.

SEC. 14. The electors of each town [shall] have power at their annual town meeting:

Pounds and pound masters.

First. To determine the number of pound masters, and the location of pounds.

Town officers.

Second. To select such town officers as are required to be chosen.

Legal actions.

Third. To direct the institution or defence of actions, in all controversies where such town is interested.

Fourth. To direct such sums to be raised in such town for <sup>Raising money.</sup> prosecuting or defending such actions as they may deem necessary.

Fifth. To make all rules and regulations for ascertaining <sup>Fences.</sup> the sufficiency of fences in such towns, and for impounding animals.

Sixth. To impose such penalties on persons offending <sup>Penalties for offenders.</sup> against any rule or regulation established by said towns, except such as relate to the keeping and maintaining of fences, as they think proper, not exceeding ten dollars for each offense, unless herein otherwise provided.

Seventh. To apply such penalties, when collected, in such <sup>Application of penalties.</sup> manner as they deem most conducive to the interests of the town.

Eighth. To vote to raise such sums of money for the repair <sup>To raise money.</sup> and construction of roads and bridges, for the support of the poor, and for other necessary town charges, as they deem expedient: *Provided*, That they may, at their annual town meeting, direct such an amount of the poll and road tax of the town to be expended on the highways in an adjoining township as they deem conducive to the interests of the town: which labor and tax shall be expended under the direction of the supervisors of the town furnishing the same.

SEC. 15. Special town meetings may be held for the purpose <sup>Special meetings may be held.</sup> of electing town officers to fill any vacancies that occur, also for the purpose of 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 a special meeting is necessary to the interests of the town.

SEC. 16. Every town clerk with whom such statement is filed, <sup>Town clerk to have notices posted of special meetings.</sup> as required in the preceding section, shall record the same, and immediately cause notice to be posted up in five of the most public places in the town, giving at least ten days' notice of such special meeting; and if there is a newspaper printed in said town, he shall cause a copy of said notice to be published therein at least three days before the time appointed for such meeting.



Notice to specify purpose of special meeting.

SEC. 17. Every notice given for a special town meeting shall specify the purpose for which it is to be held, and no other business shall be transacted at such meeting than such as is specified in such notice. If vacancies in office are to be filled at such meeting, the notices shall specify in what offices vacancies exist, how they occurred, who was the last incumbent, and when the legal term of each office expires.

Hour of meeting and proceedings how conducted.

SEC. 18. The electors present at any time between nine and ten o'clock in the forenoon of the day of the annual town meeting, or special town meeting, shall be called to order by the town clerk, if there is one present; in case there is none present, then the voters may elect, by acclamation, one of their number chairman. They shall then proceed to choose one of their number to preside as moderator of such meeting. The town clerk last before elected shall be clerk of the meeting, and 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. If the town clerk is absent, then such person as shall be elected for that purpose, shall act as clerk of the meeting.

Proceedings of town meeting, how conducted.

SEC. 19. At the opening of every town meeting, the moderator shall state the business to be transacted, and the order in which it shall be entertained, and no proposition to vote a tax shall be acted on out of the order of business as stated by the moderator, and no proposition to reconsider any vote shall be entertained at any town meeting, unless such proposition to reconsider is 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 of the votes on each question.

Where voter is challenged.

SEC. 20. If any person offering to vote at any election, or upon any question arising at such town meeting, is challenged as unqualified, the judges of the town meeting shall proceed thereupon in like manner as the judges at the general election are required to proceed, adapting the oath to the circumstances of the town meeting.

SEC. 21. No person is a voter at any town meeting unless <sup>Who are not voters.</sup> he is qualified to vote at general elections, and has been for the last ten days an actual resident of the town wherein he offers to vote.

SEC. 22. The minutes of the proceedings of every town meeting, subscribed by the clerk of said meeting, and by the <sup>Minutes of meeting to be filed.</sup> judges, shall be filed in the office of the town clerk within two days after such town meeting.

SEC. 23. Before the electors proceed to elect any town officer, proclamation shall be made of the opening of the polls, <sup>Proclamation for opening and closing the polls.</sup> by the moderator, and proclamation shall, in like manner, be made of the adjournment, and of the opening and closing of the polls until the election is ended.

SEC. 24. The supervisors, treasurer, town clerk, assessor, <sup>What officers elected by ballot.</sup> justices of the peace, constables and overseer of the poor, in each township, shall be elected by ballot. All other officers, if not otherwise provided by law, shall be chosen either by yeas and nays, or by a division, as the electors determine.

SEC. 25. When the electors vote by ballot, all the officers <sup>Form of ballot.</sup> voted for shall be named in one ballot, which shall contain, written or printed, or partly written and partly printed, the names of the persons voted for, and the offices to which such persons are intended to be chosen, and shall be delivered to one of the judges, so folded as to conceal the contents.

SEC. 26. When the election is by ballot, a poll list shall be <sup>Poll list to be kept.</sup> kept by the clerk of the meeting, on which shall be entered the name of each person whose vote is received.

SEC. 27. When the election is by ballot, one of the judges shall deposit the ballots in a box <sup>Ballot to be deposited in a box.</sup> provided for that purpose.

SEC. 28. At the close of every election by ballot, the judges shall proceed publicly to canvass the votes, which canvass, <sup>Canvass of votes to be public.</sup> when commenced, shall be continued without adjournment or interruption, until the same is completed.

SEC. 29. The canvass shall be conducted by taking a ballot <sup>Canvass, how conducted.</sup> 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, and the person having the greatest number of votes, shall be declared elected. If, on opening the ballots, two or more ballots are found to be so folded that it is appa-

rent that the same person voted them, the board shall destroy such votes immediately.

Result of election to be entered in proceedings.

SEC. 30. The canvass being completed, 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, and such reading shall be deemed notice of the result of the election of every person whose name is entered on the poll list as a voter.

Clerk to notify persons elected.

SEC. 31. The clerk of every town meeting, within ten days thereafter, shall transmit to each person elected to any town office, whose name is not entered on the poll list as a voter, a notice of his election.

Persons eligible to office.

SEC. 32. Every person qualified to vote at town meetings is eligible to any town office.

Certain officers to take oath.

SEC. 33. Every person elected or appointed to the office of supervisor, town clerk, assessor, treasurer, or constable, within ten days after he is notified of his election or appointment, shall take and subscribe before the town clerk or justice of the peace, an oath to support the constitution of the United States, and the act organizing the Territory of Dakota, and faithfully to discharge the duties of his office, (naming the same,) to the best of his ability. Such oath shall be administered without fee, and certified by the officer before whom it was taken, with the date of taking the same.

Certificate of oath to be filed.

SEC. 34. The person taking such oath, shall immediately, and before entering upon the duties of his office, file the certificate of such oath in the office of the town clerk.

When person deemed to have refused office.

SEC. 35. If any person elected or appointed to any town office, of whom an oath or bond is required, neglects to file the same within the time prescribed by law, such neglect shall be deemed a refusal to serve in such office.

Certain officers to file notice of acceptance.

SEC. 36. Every person elected or appointed to the office of overseer of highways, or pound master, before he enters on the duties of his office, and within ten days after he is notified of his election or appointment, shall file in the office of the town clerk, a notice signifying his acceptance of such office. A neglect to file such notice shall be deemed a refusal to serve.

Treasurer to give bond.

SEC. 37. Every person elected or appointed to the office of treasurer, before he enters upon the duties of his office, shall

execute and deliver to the supervisors of the town and their successors in office, a bond, with one or more sureties to be approved by the chairman of the board, in double the probable amount of money to be received by him, which amount shall be determined by said board, conditioned for the faithful execution of his duties as such treasurer.

SEC. 38. The said chairman shall, within six days thereafter, file such bond, with said approval indorsed thereon, in the office of the register of deeds, who shall record the same in a book provided for that purpose. Bond to be filed, where.

SEC. 39. Every person chosen to the office of constable, before he enters upon the duties of his office, and within eight days after he is notified of his election or appointment, shall take and subscribe the oath of office prescribed by law, and execute a bond to the board of supervisors in such penal sum as the supervisors direct, with one or more sufficient sureties, to be approved by the chairman of said board, or the town clerk, conditioned for the faithful discharge of his duties. The chairman of said board, or the town clerk, shall, if such bond is approved, indorse his approval thereon, and cause such bond to be filed with the town clerk, for the benefit of any person aggrieved by acts or omissions of said constable; and any person so aggrieved, or the town, may maintain an action on said bond against said constable and sureties. Constable to take oath and give bond.

SEC. 40. Every person elected or appointed to the office of justice of the peace, shall, within ten days after receiving notice thereof, take and subscribe before any other officer duly authorized to administer oaths, an oath to support the constitution of the United States, and the act organizing the Territory of Dakota, and faithfully and impartially to discharge the duties of his office, according to the best of his ability. He shall also execute a bond to the board of supervisors, with two or more sufficient sureties, to be approved by the chairman, in the penal sum of not less than five hundred dollars, nor more than one thousand dollars, conditioned for the faithful discharge of his official duties. Said chairman shall indorse thereon his approval of the sureties named in such bond, and such justice shall immediately file the same, together with his oath of office, duly certified, with the clerk of the district court of the proper county, for the benefit of any person aggrieved by the acts of said justice, and any person Justice to take oath and give bond. Amount of bond.

aggrieved may maintain an action on said bond in his own name against said justice and his sureties.

When person  
deemed to re-  
fuse office.

SEC. 41. If any person elected or appointed to the office of treasurer or constable, does not give such security and take such oath as is required above, within the time limited for that purpose, such neglect shall be deemed a refusal to serve.

When officer  
forfeits.

SEC. 42. If any town officer who is required by law to take the oath of office, enters upon the duties of his office before taking such oath, he forfeits to such town the sum of fifty dollars.

Term of office

SEC. 43. Town officers, except justices of the peace and constables, hold their offices for one year, and until others are elected or appointed in their places, and are qualified. The justices of the peace and constables shall hold their offices for two years, and until others are chosen and qualified.

When super-  
visors may ap-  
point officers.

SEC. 44. Whenever any town fails to elect the proper number of town officers, or when any person elected to a town office fails to qualify, or whenever any vacancy happens in any town office, from death, resignation, removal from the town, or other cause, the justices of the peace of the town, together with the board of supervisors, or a majority of them, shall fill the vacancy by appointment, by warrant under their hand, and the persons so appointed shall hold their offices until the next annual town meeting, and until others are elected and qualified in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly elected.

Certain va-  
cancies, how  
filled.

SEC. 45. Whenever a vacancy occurs from any cause cause in any of the offices enumerated in the foregoing section, composing the board of appointment for the appointment of officers in case of vacancy, the remaining officers of such appointing board shall fill any vacancy thus occurring.

Proceedings  
where town ne-  
glects to hold  
meetings at  
time fixed by  
law,

SEC. 46. In case any town refuses or neglects to organize and elect town officers at the time fixed by law for holding annual town meeting, twelve freeholders of the town may call a town meeting for the purpose aforesaid, by posting up notices in three public places in such town, giving at least ten days' notice of such meeting; which notice shall set forth the time and place and object of such meeting; and the electors, when assembled, by virtue of such notice, shall possess all the pow-

ers conferred upon them at the annual town meeting. In case no such notice is given, as aforesaid, within thirty days after the time for holding the annual town meeting, the board of county commissioners of the county, shall, on the affidavit of any freeholder of said town, filed in the office of the clerk of the board, setting forth the facts, proceed, at any regular or special meeting of the board, and appoint the necessary town officers of such town; and the persons so appointed shall hold their respective offices until others are elected and qualified in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly elected.

SEC. 47. The board of supervisors of any town, may, for Resignations, when accepted. sufficient cause shown to them, accept the resignation of any town officer in their town, and whenever they accept any such resignation, they shall forthwith give notice thereof to the town clerk.

SEC. 48. The supervisors shall have charge of such affairs Powers of supervisors. of the town as are not by law committed to other town officers; and they shall have power to draw orders on the town treasurer for the disbursement of such sums as may be necessary for the purpose of defraying the incidental expenses of the town, and for all other moneys raised by the town to be disbursed for any other purpose.

SEC. 49. Whenever any incorporate village or town which Authority of supervisors in incorporated villages. is laid out into streets is included in the limits of an organized township, the town supervisors are authorized to cause improvements to be made in any street that may be needed as a highway, if the corporate authorities of said village or town neglect to make such improvements.

SEC. 50. The town supervisors shall constitute a board of Board of health. health, and within their respective towns shall have and exercise all the powers necessary for the preservation of the public health.

SEC. 51. The board of health may examine into all nuisances, sources of filth and causes of sickness, and make Powers and duties of board of health. such regulations respecting the same as they may judge necessary for the public health and safety of the inhabitants; and every person who shall violate any order or regulation made by any board of health, and duly published, shall be deemed

guilty of misdemeanor, and punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding twenty days.

Board of health to give certain notices.

SEC. 52. Notice shall be given by the board of health of all orders and regulations made by them, by publishing the same in some newspaper, if there is one published in such town; if there is none, then by posting up such notice in five public places therein; and such publication of said orders and regulations shall be deemed a legal notice to all persons.

Nuisances to be removed by whom.

SEC. 53. Whenever any nuisance, source of filth, or cause of sickness, is found on private property, the board of health shall order the owner or occupant thereof, at his own expense, to remove the same within twenty-four hours; and if the owner or occupant neglects so to do, he shall forfeit a sum not exceeding fifty dollars, to be recovered in the name of and for the use of the town.

Owner liable for expenses if he neglects.

SEC. 54. Whenever such owner or occupant shall not comply with such order of the board of health, said board may cause the said nuisance, source of filth, or cause of sickness, to be removed, and all expenses incurred thereby shall be paid by the said owner or occupant, or by such other person as has caused or permitted the same.

Board of health may enter building or vessel.

SEC. 55. Whenever the board of health thinks it necessary for the preservation of the health of the inhabitants, to enter any building or vessel in their town, for the purpose of examining into and destroying, removing or preventing any nuisance, source of filth, or cause of sickness, and shall be refused such entry, any member of the board may make complaint under oath to a justice of the peace of his town, stating the facts in the case so far as he has knowledge thereof.

Who may issue warrant to remove nuisance.

SEC. 56. Such justice shall thereupon issue a warrant, directed to the sheriff or any constable of the county, commanding him to take sufficient aid, and being accompanied by two or more of the board of health, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth, or cause of sickness complained of may be, and the same destroy, remove, or prevent, under the direction of the members of such board of health.

Disposition of persons with small pox, etc.

SEC. 57. When any person coming from abroad, or residing in any town within this Territory, is infected, or lately has

been infected, with the small pox or other contagious disease, dangerous to the public health, the board of health of the town where such sick or infected person is, may immediately cause him to be removed to a separate house, if it can be done without danger to his health, and shall provide for him nurses and necessaries, which shall be at the charge of the person, his parents, guardian or master, if able, otherwise at the charge of the town to which he belongs; and if he is not an inhabitant of any town, at the charge of the county.

SEC. 58. If such infected person cannot be removed without danger to his health, the board of health shall make provision, as directed in the preceding section, for such person, in the house where he may be; and in such case, they may cause the persons in the neighborhood to be removed, and may take such other measures as they may deem necessary for the safety of the inhabitants.

SEC. 59. When a disease dangerous to the public health breaks out in any town, the board shall immediately provide such hospital or place of reception for the sick and infected as is judged best for their accommodation and the safety of the inhabitants, which shall be subject to the regulations of the board; and the board may cause any sick and infected person to be removed thereto unless his condition will not admit of such removal without danger to his health, in which case the house or place where he remains shall be considered as a hospital, and, with all its inmates, subject to the regulations of the board.

SEC. 60. The supervisors shall, by their name of office, prosecute, for the benefit of the town, all actions upon bond given to them, their predecessors in office; and shall also 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 have power, in like manner, to prosecute for any trespass committed on any public inclosure, or property belonging to the town, and shall pay all moneys collected under this section to the town treasurer.

SEC. 61. Any two of the supervisors constitute a quorum for the performance of any duties required by law, of the town supervisors, except when otherwise provided.

SEC. 62. The town clerk shall have the custody of records, books and papers of the town when no other provision is

Sec. 58.

When board may establish hospital.

The Supervisors to prosecute for any town.

Quorum of board of supervisors.

Town clerk to be custodian of records.



made by law; and he shall duly file, and safely keep all certificates of oaths and other papers required by law to be filed in his office.

Duty of town clerk.

SEC. 63. He shall record in the book of records of his town minutes of the proceedings of every town meeting, and he shall enter therein every order or direction, and all rules and regulations of any such town meeting; and shall also file and preserve all accounts audited by the town board or allowed at a town meeting, and enter a statement thereof in such book of records.

Town clerk to give bonds.

SEC. 64. Every person elected or appointed to the office of town clerk in any of the towns of this Territory, shall, before he enters upon the duties of his office, and within the time prescribed by law for filing his oath of office, execute a bond, with two or more sufficient sureties, to be approved by the town treasurer, in such penal sum as the supervisors direct, conditioned for the faithful discharge of his duties. Said bond so approved shall be filed in the office of the clerk of the district court for the benefit of any person aggrieved by the acts or omissions of said town clerk, and any person so aggrieved, or the town, may maintain an action on said bond against said town clerk and sureties.

Town clerk to notify district clerk when.

SEC. 65. Every town clerk, immediately after the qualification of any constable, elected or appointed in his town, shall transmit to the clerk of the district court of the county, the name of such constable.

Same.

SEC. 66. Each town clerk shall, immediately after the election of any justice of the peace in his town, transmit a written notice thereof to the clerk of the district court of said county, stating therein the name of the person elected, and the term for which he is elected; and if elected to fill a vacancy, he shall state in said notice who was the last incumbent of the office.

Penalty for neglect.

SEC. 67. If any town clerk wilfully neglects to make such return, such omission is hereby declared a misdemeanor, and on conviction thereof, the person so offending shall be adjudged to pay a fine not exceeding ten dollars.

Who constitute auditing board.

SEC. 68. The supervisors constitute a town board for the purpose of auditing all accounts payable by said town; and if from any cause there are not three supervisors present, to

constitute said board, the chairman, and in his absence, either of the other supervisors, may notify any one, or so many of the justices of the peace of the town as will, together with the supervisors present, make a board of three; and the board so constituted shall have authority to act as the town board.

SEC. 69. The town board shall meet annually, on the Tuesday next preceding the annual town meeting to be held in said town, and at such other times as they deem necessary and expedient, for the purpose of auditing and settling all charges against said town; and they shall state on each account the amount allowed by them; but no allowance shall be made for any amount which does not specifically state each item of the same, and the nature thereof. Annual and other meetings of town board.

SEC. 70. The said board shall, also, at their annual meeting in each year, examine and audit the accounts of the town treasurer for all moneys received and disbursed by him as such officer; and they shall audit the accounts of all other town officers who are authorized by law to receive or disburse any money of the town by virtue of their office. Board to audit accounts

SEC. 71. Such board shall draw up a report, stating in detail the items of account audited and allowed, the nature of each account, and the name of the person to whom such account was allowed, including a statement of the fiscal concerns of the town, and an estimate of the sum necessary for the current expenses thereof, the support of the poor, and other incidental expenses for the ensuing year. Board to make report

SEC. 72. Such report shall be produced and publicly read by the town clerk at the next ensuing town meeting, and the whole or any portion of such report may be referred, by the order of the meeting, to a committee, whose duty it shall be to examine the same and report thereon to such meeting. Report to be read, when.

SEC. 73. The amount of any account audited and allowed by the town board, 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 said board, signed by the chairman and countersigned by the clerk; and all orders issued to any person by the town board for any sums due from such town, shall be receivable in payment of town taxes of said town. Town treasurer to pay accounts.

SEC. 74. The town clerk shall be the clerk of the town board, and shall keep a true record of all their proceedings in his office. Town clerk to be clerk of board.

Duty of town  
treasurer.

SEC. 75. The town treasurer shall receive and take charge of all moneys belonging to the town, or which are by law required to be paid into the town treasury, and shall pay over and account for the same upon the order of such town, or the officers thereof, duly authorized in that behalf, made pursuant to law, and shall perform all such duties as may be required of him by law.

Same.

SEC. 76. Every town treasurer shall 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 at the expense of the town for that purpose, and exhibit such account, together with his vouchers, to the town board at its annual meeting, for adjustment; and he shall deliver all books and property belonging to his office, the balance of all moneys in his hands as such treasurer, to his successor in office, on demand, after such successor has qualified according to law.

Same.

SEC. 77. The town treasurer shall from time to time draw from the county treasurer such moneys as have been received by the county treasurer for the use of his town, and on receipt of such moneys shall deliver proper vouchers therefor. Each town treasurer shall be allowed and entitled to retain two per centum of all moneys paid into the town treasury, for receiving, safe keeping, and paying over the same according to law.

Town treasurer to make a statement.

SEC. 78. Each town treasurer, shall make out and present to the town board on the Tuesday next preceding the annual town meeting, a statement in writing of the moneys by him received into the town treasury from the county treasurer, and from all other officers and persons, and also of all moneys paid out by him as such treasurer, in which statement he shall set forth particularly from whom and on what account such moneys were received by him, with the amount received from each officer or person, 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. He shall also state therein the amount of moneys remaining in his hands as treasurer. Such statement shall be filed by him in the office of the town clerk, and shall be by such clerk carefully preserved and recorded in the town book of records.

SEC. 79. Every town treasurer who refuses or neglects to comply with the provisions of the four preceding sections, shall forfeit not more than two thousand dollars, to be recovered in any court of competent jurisdiction, the amount to be fixed by the jury trying the cause, or by the court, if there is no jury empanelled, and may be recovered by civil action, in the name of the person who prosecutes the same, with costs of suit: one half shall go to the person so prosecuting, and the remainder to the town of which such delinquent is or has been treasurer.

Where town treasurer neglects. penalty.

SEC. 80. The following town officers are 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. The town assessors shall receive for their services two dollars per day, while engaged in their respective duties as such assessors. The town clerk and supervisors shall receive for their services one dollar and fifty cents per day, when attending to business in their town, and two dollars when attending to business out of town; no town supervisor shall receive more than twenty dollars, for compensation, in any one year: *Provided*, That the town clerk shall be paid fees for the following, and not a per diem; for serving notices of election upon town officers, as required by law, twenty-five cents each; for filing any paper required by law to be filed in his office, ten cents each; for posting up notice required by law, twenty-five cents each; for recording any order or any instrument of writing authorized by law, six cents for each one hundred words; for copying any record or instrument on file in his office, and certifying the same, six cents for each one hundred words, to be paid for by the person applying for the same; *Provided further*, That at any town meeting, before the electors commence balloting for officers, they may by resolution reduce or increase the compensation of officers, but no such increase shall exceed one hundred per cent.

What officers are entitled to compensation and amount of fees.

Electors may increase compensation.

SEC. 81. The pound master is allowed the following fees, to-wit: For taking into pound, and discharging therefrom, any horse, ass or mule, and all neat cattle, ten cents each. For every sheep or lamb, three cents each; and for every hog, large or small, five cents; and twenty cents for keeping each head twenty-four hours in pound. And the pound master has

Fees of pound master and duties.

Disposition of  
animals im-  
pounded.

a lien on all such animals, for the full amount of his legal charges and expenses, and shall be entitled to the possession of such animals until the same are paid; and if the same are not paid and said animals removed within four days after they are so impounded, the said pound master shall give notice, by posting the same in three of the most public places in said town, that said animals (describing them,) are impounded, and that unless the same are taken away and fees paid, within fifteen days after the date of such notice, he will sell the same at public vendue, at the place where the town meetings of said town are usually held, and on the day designated in such notice, the said pound master shall expose the said animals for sale, and sell the same to the highest bidder in cash, for which services he shall receive two per cent. of the purchase money for each animal. Out of the moneys realized from said sale, the said pound master shall deduct all his legal fees and charges, and pay the balance, if any, to the chairman of the town supervisors, at the same time giving to said supervisors, an accurate description of the animals sold, and the amount received by him for each animal, and shall take a receipt and duplicate therefor, and file one of them with the town clerk; *Provided*, That the said supervisors shall at any time within six months, upon sufficient proof from the owner of any animal so sold, pay to said owner the balance due as received from the said pound master; but if said money is not claimed within that time, then the sum so received shall be retained for the use of said town.

How proceed-  
ings at law  
shall be con-  
ducted.

SEC. 82. Whenever any controversy or cause of action exists between towns, or between a town and an individual or corporation, such proceedings shall be had either at law or equity; for the purpose of trying and settling such controversy, and the same shall be conducted in the same manner, and the judgment or decree therein shall have the like effect as in other actions or proceedings of a similar kind between individuals and corporations.

Town, how to  
sue, etc.

SEC. 83. In all such actions and proceedings the town shall sue and be sued by its name, except where town officers are authorized by law to sue in their name of office for the benefit of the town.

When town  
officer not re-  
quired to ap-  
pear.

SEC. 84. But no town or town officer shall be required to appear, answer, or plead to any such action at the first term

of the court after the commencement thereof, when the same is commenced in the district court, unless the process aforesaid is served as herein directed, at least thirty days before the commencement of the term.

SEC. 85. In legal proceedings against a town by name, all papers shall be served on the chairman of the board of supervisors, and in case of his absence, on the town clerk; and whenever any action or proceeding is commenced, said chairman shall attend to the defense thereof, and lay before the electors of the town, at the first town meeting, a full statement of such proceedings, for their direction in regard to the defense thereof.

SEC. 86. No action in favor of any town shall be brought before any justice of the peace residing in such town.

SEC. 87. Whenever any action is brought to recover a penalty imposed for any trespass committed on the lands belonging to the town, if it appears on the trial thereof that the actual amount of injury to such town lands, in consequence of such trespass, exceeds the sum of twelve dollars and fifty cents, then the amount of actual damage, with cost of suit, shall be recovered in said action instead of any penalty for said trespass imposed by the town meeting, and such recovery shall be used as a bar to every other action for the same trespass.

SEC. 88. Whenever, by decree or decision in any action or proceeding brought to settle any controversy in relation to town commons or other lands, the common property of a town, or for the partition thereof, the rights of any town are settled and confirmed, the court in which such proceedings are had may partition such lands according to the right of parties.

SEC. 89. When a judgment is recovered against any town, or against any town officers, in an action prosecuted by or against them in their name of office, no execution shall be awarded or issued upon such judgment, but the same, unless reversed or stayed on appeal, shall be paid by the town treasurer upon demand, and the delivery to him of the certified copy of the docket of the judgment, if there is sufficient money of such town in his hands 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 such town, levied for the purpose of paying such judgment, next after the rendition of such judgment, execution may be issued on such judgment, but only town property shall be liable thereon.

When amount  
of judgment  
shall be added  
to tax of town.

SEC. 90. If judgment for the recovery of money is rendered against any town, and the judgment is not satisfied, or proceedings thereon stayed by appeal or otherwise, before the next annual meeting of said town, a certified copy of the docket of the judgment may be presented to said town at said annual meeting. The supervisors of the town shall thereupon cause the amount due on the judgment, with interest from the date of its recovery, to be added to the tax of said town, and the same certified to the county auditor and collected as other town taxes are collected.

Guide posts.

SEC. 91. Every township shall, in the manner provided herein, erect and maintain guide posts on the highways and other ways within the township, at such places as are necessary or convenient for the direction of travelers.

Supervisors  
to report on  
guide posts.

SEC. 92. The supervisors shall submit to the electors, at every annual meeting, a report of all the places at which guide posts are erected and maintained within the town, and of all places at which, in their opinion, they ought to be erected and maintained. For each neglect or refusal to make such report, they shall severally forfeit the sum of ten dollars.

Town to de-  
termine where  
guide posts  
shall be main-  
tained.

SEC. 93. Upon the report of the supervisors, the town shall determine the several places at which guide posts shall be erected and maintained, which shall be recorded in the town records. A town which neglects or refuses to determine such places and to cause a record thereof to be made, shall forfeit the sum of five dollars for every month during which it neglects or refuses so to do; and in such case, upon any trial for not erecting or maintaining guide posts reported to be necessary or convenient, by the supervisors, the town shall be estopped from alleging that such guide posts were not necessary or convenient.

Style of guide  
post to be erect-  
ed.

SEC. 94. At each of the places determined by the town, there shall be erected a substantial post of not less than eight feet

in height, near the upper end of which shall be placed a board, and upon such board shall be plainly and legibly painted, or otherwise marked, the name of the next town or place, and such other town or place of note as the supervisors think proper, to which each of such roads lead, together with the distance or number of miles to the same; and also the figure of a hand, with the forefinger thereof pointed towards the towns or places to which said road leads; *Provided*, That the inhabitants of any town may, at their annual meeting, agree upon some suitable substitute for such guide post. Provide.

SEC. 95. Whenever the electors of any town determine at their annual meeting to erect one or more pounds therein, the same shall be under the care and direction of such pound masters as are chosen or appointed for that purpose. Pounds, in whose charge.

SEC. 96. The electors of any town may at any annual town meeting, discontinue any pounds therein. May discontinue pounds.

SEC. 97. The following shall be deemed town charges: Town charges

First. The compensation of town officers for services rendered their respective towns.

Second. Contingent expenses necessarily incurred for the use and benefit of the town.

Third. The moneys authorized to be raised by the vote of the town meeting for any town purpose.

Fourth. Every sum directed by law to be raised for any town purpose; *Provided*, That no tax for town purposes shall exceed the amount voted to be raised at the annual town meeting as provided in subdivision eight, section fifteen, aforesaid. Tax shall not exceed certain amount.

SEC. 98. The moneys necessary to defray the town charges of each town shall be levied on the taxable property in such town, in the manner prescribed in the chapter for raising revenue, and other money for Territorial and county purposes and expenses. How taxes shall be levied.

SEC. 99. Whenever the term of any supervisor, town clerk, or assessor, expires, and another person is appointed or elected to such office, such successor, immediately after he enters on the duties of his office, shall demand of his predecessor, all books and papers under his control belonging to such office. Concerning books and papers of officers.

SEC. 100. Whenever either of the officers above named resigns, or the office becomes vacant in any way, and another Same.



person is elected or appointed in his stead, the person so selected shall make such demand of his predecessor or of any person having charge of such books and papers.

Office property to be delivered upon oath.

SEC. 101. Every person so going out of office, whenever thereto required, pursuant to the foregoing provisions, shall deliver, upon oath, all records, books and papers in his possession, or in his control, belonging to the office held by him, which oath may be administered by the officer to whom such delivery is made.

Same.

SEC. 102. Upon the death of any of the officers enumerated, the successor of such officer shall make such demand as above provided, of the executors or administrators of such deceased officer, and such executors or administrators shall deliver upon like oath, all records, books, papers, or moneys in their possession or under their control, belonging to the office held by their testator or intestate.

Election precinct.

SEC. 103. Each town organized under this chapter, constitutes an election precinct.

Town shall not contract debts in excess of taxes.

SEC. 104. No town has power to contract debts, or make expenditures for any one year in a larger sum than the amount of taxes assessed for such year, without having been authorized by a majority of the voters of such township, and no town shall assess for township purposes more than three mills on the dollar of taxable property for any one year.

This act not to apply to incorporated cities.

SEC. 105. Nothing in this chapter contained shall in any way apply to any portion of the Territory which is embraced within the limits of any incorporated city: but each incorporated city shall have and exercise within its limits, in addition to its other powers, the same powers conferred by this chapter upon towns, in the same manner prescribed by law.

Conflicting acts repealed.

SEC. 106. All acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

## FORMS.

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### FORM OF PETITION FOR ORGANIZATION OF TOWN:

Territory of Dakota, )  
County of ..... )

To the board of county commissioners of said county:

The undersigned legal voters of and in township number ..... , range ..... , in said county of ..... , which said township contains twenty-five legal voters, do hereby petition your honorable board to be organized as a town, and respectfully request that you forthwith proceed to fix and determine the boundaries of such town, and to name the same, as provided by law.

Dated this ..... day of ..... , A. D. 18...

(Signed by at least 13 legal voters.)

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### FORM OF REPORT OF COUNTY COMMISSIONERS.

Territory of Dakota, )  
County of ..... )

Pursuant to the petition of a majority of the legal voters of township number ..... , range ..... , in said county, we, the county commissioners of said county, did on the ..... day of ..... , A. D. 18.... , at ..... , in said county, proceed to fix and determine the boundaries of such new town, and to name the same, and did then and there lay off said town and designate the boundaries thereof as follows, to-wit: .....

and did name such town . . . . ., in accordance with the expressed wish of a majority of the legal voters, residents therein.

In testimony whereof we have hereunto set our hands and caused the seal of said board to be affixed, this . . . . day of . . . . ., A. D., 18. . . .

Attest: . . . . . }  
 . . . . ., Clerk. . . . . } Commissioners.

#### FORM OF NOTICE FOR FIRST TOWN MEETING.

Form of no-  
 tice of first  
 town meeting.

The legal voters of the town of . . . . ., in the county of . . . . ., and Territory of Dakota are hereby notified that the first town meeting for said town will be held at . . . . . in said town, on . . . . ., the . . . . day of . . . . ., A. D., 18. . . ., for the purpose of electing the following town officers: (State town officers to be elected.)

Attest: . . . . . }  
 . . . . ., Clerk. . . . . } Commissioners.

#### FORM OF NOTICE OF ANNUAL TOWN MEETING.

Form of no-  
 tice of annual  
 town meeting.

The citizens of the town of . . . . ., in the county of . . . . ., and Territory of Dakota, who are qualified to vote at general elections, are hereby notified that the annual town meeting for said town will be held at . . . . ., in said town, on Tuesday, the . . . . day of April next, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of the same day, for the following purposes:

1. To elect three supervisors, one of whom shall be designated on the ballots as chairman, one town clerk, one treasurer, one assessor, two justices of the peace, two constables, and overseer of highways for each road district in said town.

2. To (state the business to be transacted,) and to do any other business proper to be done at said meeting when convened.

Given under my hand, this .... day of ....., A. D., 18....  
 ..... Town Clerk.

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FORM OF STATEMENT TO BE FILED IN THE OFFICE OF TOWN  
 CLERK FOR SPECIAL TOWN MEETING.

The undersigned, town officers and other freeholders of the town of ....., in the county of ....., hereby declare and state that a special town meeting is necessary to the interests of said town, for the purpose of (here set forth the object of the meeting.)

Form of statement to be filed in the office of town clerk for special town meeting.

Witness our hands this .... day of ....., A. D., 18....  
 ..... Supervisor.  
 ..... Town Clerk.  
 ..... } Justices of  
 ..... } the Peace.

(Names of twelve other freeholders.)

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FORM OF NOTICE FOR SPECIAL TOWN MEETING.

WHEREAS. The supervisors, town clerk, and justices of the peace (or as the case may be,) together with twelve others, freeholders of the town of ..... have, in writing filed in my office a statement that a special town meeting is necessary to the interests of said town.

Form of notice for special town meeting.

The inhabitants, legal voters of the said town of ....., are therefore hereby notified, that a special town meeting will be held at ....., on the .... of ....., A. D. 18...., at nine o'clock in the forenoon, for the purposes following, to-wit: To (here enumerate specifically in proper order, the

subjects to be acted upon as contained in the statement filed.)  
Being the objects contained in the statement filed in my office.

Given under my hand at ...., this .... day of .....,  
A. D., 18....

..... Town Clerk.

#### FORM OF PRELIMINARY OATH TO PERSON CHALLENGED.

Form of pre-  
liminary oath  
to person chal-  
lenged.

You do swear (or affirm) that you will fully and truly an-  
swer all such questions as shall be put to you touching your  
place of residence and qualifications as a voter at this town  
meeting.

#### FORM OF OATH TO BE TAKEN BY THE PERSON OFFERING TO VOTE.

Form of oath  
to be taken by  
the person of-  
fering to vote.

You do swear (or affirm) that you are twenty-one years of  
age, that you are a citizen of the United States, (or that you  
have declared your intention to become such citizen conforma-  
bly to the laws of the United States on the subject of natural-  
ization,) and that you have been an inhabitant of this Terri-  
tory for four months immediately preceding this election; that  
you have been an actual resident of this election district, (or  
of this town, as the case may be,) for the ten days immedi-  
ately preceding this election.

#### NOTICE OF ELECTION TO TOWN OFFICE.

To.....:

Notice of  
election to  
town office.

You are hereby notified that at the annual town meeting,  
(or special town meeting,) held in the town of ....., county  
of ....., and Territory of Dakota, on the .... day of ....

....., A. D., 18...., you were duly elected to the office of ....

Given under my hand, this .... [day] of ....., A. D.,  
18....

....., Town Clerk.

#### FORM OF OATH.

Territory of Dakota, /  
..... County. } ss.

I....., do solemnly swear, (or affirm,) that I will sup- Form of oath.  
port the constitution of the United States, and of the Territo-  
ry of Dakota, and faithfully discharge the duties of the office  
of ..... of the town of ....., in the county of .....  
to the best of my ability. ...., A. D., 18....

Sworn to and subscribed before me, /  
this .... day of ..... A. D., 18... /

....., Justice of the Peace.

#### NOTICE OF ACCEPTANCE OF OVERSEER OR POUND MASTER.

To....., Town Clerk of the town of .....

SIR.—Having been elected (or appointed) overseer of high- Notice of ac-  
ceptance of  
overseer or  
pound master.  
ways (or pound master) for district number ...., in said town,  
on the .... day of ....., A. D., 18...., I hereby notify  
you that I accept said office.

Witness my hand, this .... day of ....., A. D., 18....

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## FORM OF TREASURER'S BOND.

Form of treasurer's bond.

Know all men by these presents, that we, A. B., of the town of . . . . ., in the county of . . . . ., in the Territory of Dakota, as principal, and C. D. and E. F., of said county and state, as sureties, are held and firmly bound unto (names of supervisors,) supervisors of said town of . . . . ., and their successors in office, in the penal sum of (double the amount of money to be received) for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, firmly by these presents.

Sealed with our seals, and dated this . . . . day of . . . . . A. D., 18. . . .

The condition of the above obligation is such, that, whereas, the above bounden, A. B., has been elected (or appointed) treasurer for the said town of . . . . ., for the current year, and has accepted the office, and is about taking upon himself the discharge of its duties,

Now, therefore, if the said A. B. shall faithfully execute and discharge all his duties as such treasurer, then the above obligation to be void, otherwise to remain in full force and effect.

A. . . . . B. . . . ., [SEAL.]

C. . . . . D. . . . ., [SEAL.]

E. . . . . F. . . . ., [SEAL.]

*Indorsement of Approval.*

Indorsement of approval.

I hereby approve the within bond and the sureties thereon.

. . . . .  
Chairman of Board of Supervisors  
of the town of . . . . .

Dated . . . . ., A. D., 18. . . .

## FORM OF WARRANT OF APPOINTMENT BY JUSTICES OF THE PEACE AND BOARD OF SUPERVISORS TO FILL VACANCY.

Form of warrant of appointment by justices of the peace and board of supervisors to fill vacancy.

To. . . . . Esq., of the town of . . . . ., in the county of . . . . ., Territory of Dakota, greeting:

WHEREAS, said town has failed to elect (state the officer, or

if the vacancy occurs from any other cause named in the section, so state) for the year 18...., and the office of ..... is now vacant: Therefore we do hereby appoint you (insert title of office) for said term (or county,) to hold said office until the next annual town meeting, and until a successor is elected and qualified in your place; and you shall have the same powers and be subject to the duties and penalties as if you had been duly elected to said office.

Given under our hands this .... day of ..... A. D., 18..

....., { Supervisors.  
 ..... , {  
 ..... , { Justices of  
 ..... ) the Peace.

#### FORM OF NOTICE BY TOWN CLERK TO ONE APPOINTED TO FILL VACANCY.

To..... Esq., of the town of ..... in the county of ..... and Territory of Dakota:

Form of notice by town clerk to one appointed to fill vacancy.

You are hereby notified that on the .... day of ..... A. D., 18...., the justices of the peace and supervisors of said town, by their warrant of that date, under their hands, appointed you to the office of (here insert the title of the office) for said town, which warrant has been duly filed in my office.

Given under my hand this .... day of ..... A. D., 18...

..... Town Clerk.

#### FORM OF NOTICE FOR TOWN MEETING WHERE TOWN HAS FAILED TO ELECT TOWN OFFICERS.

The town of ....., county of ....., and Territory of Dakota, having neglected at the time fixed by law to organize and elect town officers, we, the undersigned petitioners of said town, do hereby call a town meeting to elect (state the

Form of notice for town meeting where town has failed to elect town officers.



officers,) to be held at . . . . ., in said town, on the . . . . day  
of . . . . . A. D. 18. . . .

Dated . . . . ., A. D., 18. . .

(Names of at least twelve freeholders.)

**AFFIDAVIT OF FREE HOLDER IN CASE NOTICE OF TOWN MEETING IS NOT GIVEN WITHIN THIRTY DAYS AFTER TIME FOR HOLDING ANNUAL TOWN MEETING.**

Territory of Dakota, )  
County of . . . . . ) ss.

Affidavit of  
free holder in  
case notice of  
town meeting  
is not given  
within thirty  
days after time  
for holding an-  
nual town  
meeting.

A. B., being duly sworn, says he is a freeholder of and in the town of . . . . ., in said county, that said town did, at the time fixed by law for holding its last annual town meeting, neglect (or refuse) to organize and elect town officers: that no notice for a special town meeting to elect said officers has been given within thirty days after the time for holding the annual town meeting as aforesaid, and that this affidavit is made under section 47, for the purpose of enabling the board of county commissioners of said county to appoint the necessary town officers for the town aforesaid.

Subscribed and sworn to before me, this . . . . day of . . . .  
A. D., 18. . . .

. . . . .

**WARRANT OF APPOINTMENT BY BOARD OF COUNTY COMMISSIONERS.**

Warrant of  
appointment  
by board of  
county com-  
missioners.

WHEREAS, it has been made to appear by the affidavit of . . . . ., filed in the office of the county register of the county of . . . . ., and Territory of Dakota, on the . . . . day of . . . . ., A. D., 18. . . ., that the town of . . . . ., in said county, did neglect (or refuse) to organize and elect town officers at the time fixed by law for holding its last annual town meeting, and that no notice for a special town meeting to elect

said officers has been given within the time allowed by law for that purpose. Therefore we, the county commissioners of said county do hereby appoint (state each officer separately,) for said town, until others are elected and qualified in their places.

Given under our hand, this .... day of ....., A.D., 18...

.....,

Attest: Chairman of Board of Co. Commissioners.

..... Clerk.

#### FORM OF RESIGNATION OF TOWN OFFICER.

To the board of supervisors of the town of ....., county Form of resignation of town officer. of ..... and Territory of Dakota:

I hereby resign the office of ....., for said town, and respectfully request that my resignation be accepted, for the following reasons: (state cause of resignation.)

Dated this .... day of ..... A. D., 18....

A..... B.....

#### FORM OF ACCEPTANCE.

The board of supervisors of said town of ....., being Form of acceptance. satisfied that the causes above set forth are sufficient, do accept the resignation of the said A. B.

Witness our hands this .... day of ....., A. D., ....

..... }  
 ..... } Supervisors.  
 ..... }

## FORM OF NOTICE TO TOWN CLERK.

To ....., town clerk of said town of .....

Form of notice to town clerk.

You are hereby notified that the board of supervisors of said town have accepted the resignation of A. B., of the office of ....., for said town, and that said office is now vacant.

Given under our hands this .... day of ....., A. D., 18...

....., }  
 ..... } Supervisors.  
 ..... }

## FORM OF COMPLAINT.

Territory of Dakota, {  
 ..... County. } ss

Form of complaint.

A. B., on oath, complains and says that he is a member of the board of health of and for the town of ....., in said county, that said board on the .... day of ....., A. D. 18... thinking it necessary for the preservation of the health of the inhabitants of said town, did attempt to enter (describing the building or vessel, and give name of owner, if known, situate or being in said town, for the purpose of (state object) which then and there existed, and that said board of health and each member thereof then present, was by ..... refused such entry and prevented from entering such (building or vessel,) contrary to the statute in such case provided. And further deponent saith not, except that a warrant issue as prescribed by law.

A.....B.....

Subscribed and sworn to before me,

this ..... day of ....., A. D. 18...

.....

## FORM OF WARRANT.

Territory of Dakota, )  
 County of ..... ) ss

The Territory of Dakota, to the sheriff or any constable of said county: Form of war-  
rant

WHEREAS, A. B. has this day made complaint under oath to me, that (here insert the substance of the complaint,) and prayed that a warrant issue as prescribed by law; Now, therefore, you are commanded to take sufficient aid, and being accompanied by two or more of the board of health of said town of ....., repair to (state place and matter complained of,) and the said (nuisance or other matter) destroy (remove or prevent,) under the direction of the members of the board of health aforesaid.

Given under my hand, this ..... of ....., A. D. 18..

.....,  
 Justice of the Peace.

## FORMS UNDER SECTIONS 66 AND 67.

Town of ....., ..... A. D. 18..

....., clerk of the district court of the county of .....

Sir:—A. B. was elected (or appointed) constable of the town of ....., in said county, on the .... day of ....., A. D. 18.., and has qualified according to law. Forms under  
sections sixty-  
six and sixty-  
seven

....., Town Clerk.

Town of ....., ..... A. D. 18..

....., clerk of district court of the county of .....

Sir:—A. B. was, on the .... day ....., A. D. 18.., elected justice of the peace for said town for the term of .... (If elected to fill a vacancy, add:) Said A. B. was elected to fill a vacancy in said office, of which the last incumbent was ....

....., Town Clerk.

## FORM OF REPORT OF SUPERVISORS.

Form of re-  
port super-  
visors

Report of the supervisors of the town of ....., county of ....., and Territory of Dakota, for the year .....

Items of Acc't Allowed.	Nature of Acc't.	Name of Person.
	\$	
.....	.....	.....
.....	.....	.....
	\$	

The supervisors estimate that the following sums are necessary for the ensuing year to meet the expenses of the town:

Current expenses,..... \$....  
 Support of poor,..... \$....  
 Other incidental expenses,..... \$....

Total,..... \$....

(Add general statement of fiscal concerns.)

.....  
 .....  
 .....

Supervisors.

## FORM OF STATEMENT OF TOWN TREASURER.

Form of state-  
ment of town  
treasurer

Annual statement of ....., treasurer of the town of ....., county of ....., and Territory of Dakota, for the year 18..

Money received.	Date.	From whom.	On what Acc't.	Am't.
				\$
				Total, \$
Money paid out.	Date.	To whom.	For what Purpose.	Am't.
				\$
				Total \$
				Bal., \$

## FORM OF NOTICE BY POUND MASTER.

NOTICE OF IMPOUNDING AND SALE.—Take notice that the following animals (describing them) are impounded in the town of ....., county of ....., and Territory of Dakota, and that unless said animals are taken away and fees paid within fifteen days after the date of this notice, I will sell the same at public vendue, to the highest bidder in cash, at (state place, which must be where town meetings are usually held,) at .... o'clock in the .... noon of that day.

Dated at ..... this .... day of ....., A. D. 18..

.....  
Pound Master.

## FORM OF REPORT OF SUPERVISORS.

The supervisors of the town of ....., county of ....., and Territory of Dakota, respectfully report that guide posts are erected and maintained in the places following, and none other in said town, viz: (Give particular description of each place.) The supervisors are of opinion that guide posts ought to be erected and maintained in the following places in said town, and that there are no other places where such guide posts will be necessary or convenient:.....

Dated ..... A. D., 18..

.....  
.....  
.....  
Supervisors.

## OATH OF PERSON DELIVERING PAPERS, &amp;c.

You do solemnly swear (or affirm) that you have delivered to me as (state office,) all records, books and papers in your possession, or under your control, belonging to said office of ....., heretofore held by you. So help you God.

Approved, January 10th, 1873.