

CHAPTER 379

THE ORGANIZATION, FORMATION, AND PARTITION OF TOWNS AND
ALTERATION OF THEIR BOUNDARIES**379.01 ORGANIZATION.**

HISTORY. 1858 c. 75 s. 1; P.S. 1858 c. 8 ss. 1, 3; 1860 c. 14 ss. 1, 3; 1862 c. 67 ss. 1, 3; G.S. 1866 c. 10 ss. 1, 3; G.S. 1878 c. 10 ss. 1, 3; G.S. 1894 ss. 914, 916; 1905 c. 143 s. 1; R.L. 1905 s. 451; G.S. 1913 ss. 776, 777; G.S. 1923 ss. 787, 788; M.S. 1927 ss. 787, 788; 1931 c. 19.

The board of county commissioners has no authority in the absence of legislative grounds to extend the boundaries of a town organized by it beyond the boundary line of the county; and such grant of power is not granted by Minnesota Constitution, Article 11, Section 3, or by section 379.01. *Town of Farley v Town of Boxville*, 113 M 203, 129 NW 381.

So long as conditions exist for which a township was dissolved under section 368.47, no new organization of such township would be possible under section 379.01. 1934 OAG 856, July 12, 1934 (441b).

A township dissolved by resolution pursuant to section 368.47, has the same status as territory which has never been organized into a town; and may, when proper conditions exist, be organized into a town pursuant to section 379.01. 1934 OAG 857, Sept. 6, 1934 (442a-18).

379.02 TOWNS PARTITIONED; BOUNDARIES ALTERED.

HISTORY. 1860 c. 14 s. 2; G.S. 1866 c. 10 s. 2; 1875 c. 36 s. 1; G.S. 1878 c. 10 s. 2; G.S. 1894 s. 915; 1895 c. 227; 1897 c. 121; 1899 cc. 46, 197; 1901 c. 152; R.L. 1905 s. 452; G.S. 1913 s. 778; G.S. 1923 s. 789; M.S. 1927 s. 789.

The legislature has the power, even after the division of a town, to apportion among its parts uncollected taxes levied before the division. *State ex rel v Browne*, 56 M 269, 57 NW 659.

Where one town is set off from another, pursuant to the revisions of section 379.02, the new town is not released or discharged from a payment of a debt evidenced by bonds prior to the separation. The debt is the joint debt of both towns. *Township of Kanosia v Township of Grand Lake*, 80 M 357, 83 NW 346; *Township of Kanosia v Township of Grand Lake*, 87 M 347, 92 NW 215.

Where two towns were organized from territory within the limits of an existing town, in an action by the parent town against one of the new towns to enforce the liability accorded by section 379.02 to contribute pro rata to the indebtedness of the old town, the other new town was not a necessary party defendant because the liability of each town in such case is separate, independent, and not contingent upon or measured by the liability of the other, and separate actions may be maintained against each new town. *Town of Kettle River v Town of Bruno*, 106 M 58, 118 NW 63.

379.03 NOTICE OF HEARING.

HISTORY. 1860 c. 14 s. 2; G.S. 1866 c. 10 s. 2; 1875 c. 36 s. 1; G.S. 1878 c. 10 s. 2; G.S. 1894 s. 915; 1895 c. 227; 1897 c. 121; 1899 cc. 46, 197; 1901 c. 152; R.L. 1905 s. 453; G.S. 1913 s. 779; G.S. 1923 s. 790; M.S. 1927 s. 790.

379.04 ACTION OF BOARD.

HISTORY. 1860 c. 14 s. 2; G.S. 1866 c. 10 s. 2; 1875 c. 36 s. 1; G.S. 1878 c. 10 s. 2; G.S. 1894 s. 915; 1895 c. 227; 1897 c. 121; 1899 cc. 46, 197; 1901 c. 152; R.L. 1905 s. 454; G.S. 1913 s. 780; G.S. 1923 s. 791; M.S. 1927 s. 791.

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POWERS AND DUTIES 379.09

379.05 RECORD OF DESCRIPTION OF TOWN, WHERE KEPT; ABSTRACT SENT TO STATE AUDITOR.

HISTORY. 1860 c. 14 s. 5; G.S. 1866 c. 10 s. 5; G.S. 1878 c. 10 s. 5; G.S. 1894 s. 918; R.L. 1905 s. 455; G.S. 1913 s. 781; G.S. 1923 s. 792; M.S. 1927 s. 792.

379.06 APPORTIONMENT OF FUNDS; TAXES.

HISTORY. 1860 c. 14 s. 2; 1860 c. 15 s. 23; G.S. 1866 c. 8 s. 104; G.S. 1866 c. 10 s. 2; 1869 c. 32 s. 1; G.S. 1878 c. 8 s. 114; G.S. 1878 c. 10 s. 2; 1893 c. 180 s. 1; G.S. 1894 ss. 681, 915; R.L. 1905 s. 456; 1909 c. 123 s. 1; G.S. 1913 s. 782; G.S. 1923 s. 793; M.S. 1927 s. 793.

There is no method by which towns can apportion outstanding bonded indebtedness between them. OAG July 19, 1934 (442a-26).

379.07 TOWNS WITH SAME NAME.

HISTORY. 1860 c. 14 s. 6; G.S. 1866 c. 10 s. 6; G.S. 1878 c. 10 s. 6; G.S. 1894 s. 919; R.L. 1905 s. 457; G.S. 1913 s. 783; G.S. 1923 s. 794; M.S. 1927 s. 794.

379.08 CHANGE OF NAME OF TOWN.

HISTORY. 1907 c. 88 s. 1; G.S. 1913 s. 784; G.S. 1923 s. 795; M.S. 1927 s. 795.

379.09 ORDER OF BOARD.

HISTORY. 1907 c. 88 s. 2; G.S. 1913 s. 785; G.S. 1923 s. 796; M.S. 1927 s. 796.