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1927

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AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES 1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

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CHAPTER 7

COUNTIES AND COUNTY OFFICERS

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CHANGE OF BOUNDARIES

33 — 273 See 625

602. Change—New counties—The boundaries of counties may be changed by taking territory from a county and attaching the same to an adjoining county, and new counties may be established out of territory out of one or more existing counties, as hereinafter provided; that no such new county shall contain less than four hundred (400) square miles, nor less than two thousand (2000) inhabitants, nor shall it have an assessed valuation of less than four million dollars ($4,000,000.00) and no existing county shall be reduced in area below four hundred (400) square miles, nor so as to contain less than two thousand (2,000) inhabitants, nor so as to have an assessed valuation of less than four million dollars ($4,000,000.00);

Provided, however, that in existing counties having an area of more than thirty-five hundred (3,500) and less than six thousand (6,000) square miles, boundaries may be changed and new counties established having an assessed valuation of not less than two million five hundred thousand dollars ($2,500,000.00);

Provided, further, no change in the boundaries of any county having an area of more than twenty-five hundred square miles, whether by the creation of a new county or otherwise, shall detach from such existing county any territory within twelve miles of the county seat thereof. (R. L. '05 § 380; amended '13 c. 337 § 1; '17 c. 359; '19 c. 458) [632]

Control of legislature over subject absolute (43-500, 46+73; 66-536 68+769). Title of 1893 c. 143 sufficient (67-352, 69+1083). Territory taken and left must be contiguous (69-202, 71+933). Cited (77-63, 79+655; 83-331, 86+352; 89-123 94+226; 89-269, 94+879).

This and the following sections relating to the creation and organization of new counties, are a continuation of the statutes, and not new enactments (101-349, 112+278).

See '17 c. 135 as to Crow Wing and Aitkin counties.

603. Petition—A separate petition for each county to be affected thereby, signed by voters therein equal in number to at least one-fourth of those voting in such county at the last preceding election, giving the residence of each signer, may be filed with the secretary of state, and a copy thereof with the auditor of each such county, not less than ninety days before any general election, praying for a change of county boundaries, or that a new county be established out of territory to be taken from one or more existing counties. If the petition is for a change of boundaries, it shall contain a description of the territory to be taken, the name of the county from which the same is to be detached, and the county to which such territory is to be attached. If for the establishment of a new county, the petition shall state the name of the proposed new county, a description of the territory to be included therein, giving boundaries, the name and location of the proposed county seat, and the names and places of residence of the persons who shall constitute the first county board. (381) [633]

66-519, 68+767, 69+925, 73+631, 67-352, 69+1083; 89-123, 94+226.

604. Proclamation by governor—But one proposition submitted—If it appears that each petition is signed by the requisite number of persons who are voters in each of the counties affected, of which latter fact the affidavits of the persons procuring the signatures thereto shall be prima facie evidence, the secretary of state shall notify the governor of the filing thereof, who, not less than sixty days before such election, shall issue his proclamation, reciting that such petitions have been so filed, the substance thereof, and directing that the question of such change of boundaries, or the establishment of such new county, as the case may be, be submitted to the voters of the counties to be affected thereby at such election; but in no case shall more than one proposition be submitted at the same election, except for mutual exchange of territory between counties. (382) [634]

Prior to revision more than one proposition might be submitted (66-536, 68+769; 67-352, 69+1083; 69-202, 71+933; 89-123, 94+226; 89-269, 94+879).

Cited (101-349, 112+278).

Governor's proclamation for division not reviewable on certiorari. (146-461, 179+371).

605. Recording petition, etc.—Published notice—Upon issuance of such proclamation, the secretary of state shall record the petitions, affidavits, and proclamation, and shall cause three weeks' published notice of such proclamation to be given at the county seat of each county whose territory will be affected by the proposed change, and shall also transmit a certified copy of such proclamation, by mail, to the auditor of each such county. (383) [635]

606. Notice of election—Ballots—The notice of the next general election of county officers shall specify that the question of forming such new county, or changing the boundaries of such existing counties as the case may be, will be voted upon at such election, and shall state substantially the facts set forth in said petition. If the proposition be for a change of boundaries, the ballots shall have printed thereon the words: "For changing county boundaries. Yes. No." If for the establishment of a new county, the words: "For a new county. Yes. No." Each of said last two words, "Yes" and "No," shall be followed by a square in which the voter may make a cross to indicate his choice. (384) [636]

66-536, 68+769.

607. Duty of judges of election and county canvassing board—The judges of election, in addition to the

returns required in other cases, shall within twenty-four (24) hours after the canvass is completed, transmit to the secretary of state, by registered mail, their certificate of the number of votes cast for and against any proposition submitted; and the county canvassing board shall make return of said vote as in the case of votes for state officers, and such return shall also show the result of such vote for and against any proposition submitted, in such proposed new county, as well as in the entire county affected by such election. (R. L. § 385, amended '13 c. 422 § 1) [637]

608. Duties of state canvassing board and governor, etc.—The state canvassing board shall canvass such returns at the time of canvassing the votes cast for state officers, and in the same manner; and they may resort to the returns received from the election judges for the correction of errors in the returns of the county canvassing board, and for supplying omissions therein. When the canvass is completed, such board shall make and file with the secretary of state its certificate, declaring the result of the vote; and, if such certificate shows that such proposition has received a majority of the votes cast thereon in each county to be effected thereby, and also has received a majority of the votes cast thereon in the territory forming the proposed new county, if the proposition was for the establishment of a new county, the governor, within ten days thereafter, shall issue his proclamation declaring the same adopted. The secretary of state shall record such certificate and proclamation in his office, and transmit a certified copy of the proclamation to the auditor of each county whose territory is affected thereby. Such auditor shall cause three weeks published notice thereof to be given, and, if the proposition was for the establishment of a new county, shall serve a certified copy thereof on each of the persons elected as county commissioners of such new county. Such proclamation shall also be published with the general laws enacted at the next session of the legislature thereafter. (R. L. § 386, amended '13 c. 422 § 2) [638]

107–420, 120+753.

609. Effect of proclamation—Upon the issuance of such proclamation, the proposed change of boundaries shall become effective, and, if the proposition was for the establishment of a new county, the same shall thereupon become duly organized; but the territory included therein shall remain attached for judicial purposes to the county from which it was taken, until the officers of such new county have been appointed and qualified as hereinafter provided. (387) [639]

77–63, 79+655; 90–118, 95+591; 126–219, 148+273.

Suit in nature of quo warranto to determine validity of proceedings (101–350, 112+278).

610. County commissioners—Immediately after the service upon them of such copies, the persons chosen as commissioners shall meet at the place named as the county seat and qualify. Said board shall elect one of its members to act as clerk until the auditor shall have qualified. They shall then appoint the county officers, beginning with the auditor, and the persons so appointed shall qualify as required by law. (388) [640]

89–269, 274, 94+879.

The term of office of a county officer appointed when a new county is created continues until the first Monday in January following the next general election at which county officers are elected in all the counties of the state. 158–512, 197+373.

611. Abolishment of commissioner district by change of boundaries—Vacancy, how filled—That in all cases when a change in the boundaries of any county shall have heretofore resulted or shall hereafter result in the abolishment of any commissioner's district or districts in said county, by the removal of all the territory of such district or districts from the original county or otherwise, or in a vacancy or vacancies in the board of county commissioners of said original county, for the filling of which provision is not otherwise made by law, and when in such case said board of county commissioners shall be left with less than five members or with an even number of members, the governor may, and shall forthwith, upon the passage and approval of this act, in existing cases, and upon the issuance of his proclamation declaring such change in future cases, appoint a member or members of sufficient number to complete a board of five commissioners for said county, or, if said board after the change of boundaries shall have been left with more than five members, to complete a board consisting of an odd number of members, and shall designate in his appointment the name of the retiring commissioner succeeded by each commissioner appointed by him. ('07 c. 5 § 1) [641]

612. Commissioner at large—Qualification—Each commissioner so appointed by the governor shall be chosen from the county for which he is appointed, shall not be a resident of any township which already has a member on the board, and shall be known as a "commissioner at large." The appointment shall at once be communicated to the county auditor of said county, who shall immediately notify the appointee; and the latter may and shall qualify as such commissioner, in the manner required as to other commissioners in the same county, at any time within five days after notice of his appointment. His failure so to do shall be deemed a refusal of the office, and the governor may and shall thereupon appoint another commissioner at large in his stead, and similar proceedings shall be had as before until the vacancy shall be filled. ('07 c. 5 § 2) [642]

613. Same—Duties of auditor—Meeting of board—Immediately upon the appointment and qualification of such commissioner or commissioners at large the county auditor shall give notice in writing, delivered personally or by mail, to each of the commissioners in said county, including such commissioner or commissioners at large, of a meeting of the board, which shall be held not less than five nor more than ten days thereafter, and, together with such other business as may then come up for attention, any business which may have been required by law, or by previous proceedings, to be transacted by the board of said county at a meeting held after such change of boundaries became effective and before the vacancies thereby caused were filled, and which shall not have been then transacted, may and shall be disposed of at the meeting so held after the qualification of such commissioner or commissioners at large, and shall have like effect and validity as if accomplished at the prior meeting referred to; and further proceedings required to follow the commissioners' action on such matters shall be taken within the times or on the dates provided by law, or within such reasonable time thereafter as will permit of the notice required by law and of the earliest possible adjustment of affairs to the usual routine. ('07 c. 5 § 3) [643]

614. Redistricting of county—Subsequent election—That at least six months before the general election in said county held next after the appointment and qualification of the said commissioner or commissioners at large, unless less time shall intervene between such appointment and qualification and said election, in which event the action herein provided for shall be

taken at the first meeting after such commissioners shall have qualified, the board shall proceed to redivide their county into commissioners' districts, five in number, and to be numbered from "1" to "5", unless otherwise provided by law; and at the next general election held in said county after such redistricting, commissioners shall be elected from each of said districts, the member from each odd numbered district to hold for the term of two years, and the member from each even numbered district to hold for the term of four years, and thereafter all commissioners, except those elected or appointed to fill vacancies for unexpired terms, shall be elected for the term of four years. Provided, that if, upon such redistricting, any new district shall cover the same territory as any one of the old districts, the commissioner elected from such old district shall continue to act as commissioner from the new district for the remainder of the term for which he was elected; provided further that, in case a contest or other litigation shall be pending involving the legality of the change of boundaries of said county, the redistricting herein provided for shall not be made until after such contest or other litigation has been finally determined in favor of such change of boundaries. And in such event, if the term of any commissioner at large shall expire before the county is redistricted, his successor shall be elected by the voters of the entire county, whose term shall be four years, unless sooner ended, as in this act provided for or otherwise. ('07 c. 5 § 4) [644]

615. Boundaries restored after contest—That if, as the result of a contest or other litigation involving the change of boundaries of any such county, it shall follow, after the appointment or election of any commissioner or commissioners at large, that the territory detached from said county by the change of boundaries shall, by final determination of the courts, be restored to it, the term of office of all such commissioners at large shall at once terminate upon the election or appointment and qualification of a commissioner for the district of the former commissioner whose place on the board is occupied by him; and, if the term for which such former commissioner was elected shall not have expired, he may and shall, within thirty days after the final determination restoring his district to the county, qualify as required by law and hold his office for the remainder of his term, otherwise the vacancy shall be filled by appointment as in other cases. ('07 c. 5 § 5) [645]

616. Towns—School and road districts—The several towns, school districts, and road districts whose boundaries are unaffected by the change of county lines shall continue to be such in the new county, or county to which transferred, under the same officers as before. Fractions of such towns or districts as are divided by the changed county lines shall be reorganized by the county board of the county in which they are placed, or be attached to adjoining towns or districts, as the board shall deem best. (389) [646]

617. Records transcribed—All records in the office of the register of deeds affecting real estate transferred under this chapter from one county to another shall be transcribed by the register of deeds of the county to which such transfer is made, and the said register of deeds shall receive such compensation therefor as the board of commissioners of the county to which said records are transmitted shall fix. In like manner and with like effect the county auditor shall transcribe from the auditor's office such records and documents as the county board shall direct, for which he shall receive 6 cents per folio. Such transcribed records shall have the same effect, for all purposes, as the originals. (R. L. § 390, amended '07 c. 136 § 1) [647]

40–132, 41+156.

618. Levy and collection of taxes—No transfer of territory under the provisions of this act shall affect the collection of taxes levied at the date of the filing of the petition therefor, but all such taxes shall be collected by the officers of the original county, and all moneys then remaining in or afterwards coming into the treasury of such original county, or into the possession of any officer of such county, and belonging to any town, school, or road district in the territory transferred, shall be apportioned and paid over to such town or district in the same manner as if such town or district had remained a part of such original county. After the filing of the petition no county tax shall be extended, by or on behalf of the original county, upon any property within the territory proposed to be transferred, unless and until the proposed change shall have been rejected. (391) [648]

126–220, 148+273.

619. New counties—Tax levy—That whenever a new county shall have been or may hereafter be created and organized out of territory embraced within the boundaries of one or more organized counties in the state, the county board of said newly created county, may, immediately upon the organization thereof, or at any time within ninety days thereafter, levy a tax for county purposes for the current year, subject to the limitations now provided by law, and the county auditor of the county shall forthwith extend the same upon the tax books of his office, and the same shall be due and payable from and after thirty days from the date of the levy thereof and shall be paid and collected, as other taxes for county purposes are now paid and collected, and any and all tax levies made for county purposes by the county board of the county or counties out of which said new county is created and organized, during the year immediately preceding the organization of said new county, so far as the same shall affect the territory embraced within the boundary of said new county, are vacated and any extension thereof is hereby declared void. ('11 c. 11 § 1) [649]

620. Transfer of plats—Original plats of lands embraced in territory transferred to another county under the provisions of this chapter, on file or of record in the office of the register of deeds of the county from which such transfer is made, or certified copies thereof, shall be delivered by such register to the register of the county to which such territory is transferred, and by him filed and recorded. (392) [650]

621. County indebtedness—County buildings—All territory so transferred shall continue liable for its proportion of the excess, if any, of the indebtedness of the original county above the value of its county buildings and of the balance of funds in its treasury. Such share shall be based upon the last assessment, and the value of the buildings, unless agreed upon by the respective county boards, shall be fixed by the sworn appraisal of three disinterested citizens, none of whom shall be a resident or taxpayer in either county, and who shall be appointed by the governor, upon the written application of the board of either county. The appraisal shall be in writing, subscribed and verified by at least two of such appraisers, and filed in the office of the secretary of state, and shall be final and conclusive. Within five days after the filing of such appraisal, the secretary of state shall transmit to the auditor of each of such counties a certified copy of such appraisal, application, appointment, and oath. (393) [651]

83–331, 86+352; 109–479, 124+372.

Where attempt to create new county results in de facto corporation, which is dissolved, original county not liable for debts of de facto corporation (98–289, 108+294).

622. County bonds—Payment and issue—The county board of the county to which such territory is transferred shall make provision for payment of such indebtedness by levying a tax therefor at the time fixed by law for so doing; and, for the purpose of meeting any portion of such indebtedness which may become due before the same can be raised by taxation, and providing for the necessary county expenses, such board in any such new county may issue bonds of its county, with coupons attached, not exceeding in amount the sum of ten thousand dollars, to run for a period of not more than ten years, bearing interest at a rate not exceeding six per cent. per annum. (394) [652]

83–331, 86+352; 109–479, 124+372.

623. Penalty if officer refuses to act—The validity of the establishment of any such new county shall not be affected by the failure or refusal of any county officer to do any of the acts or things required by this act, but any officer who shall refuse or wilfully neglect to perform any duty herein required shall be guilty of malfeasance in office. (395) [653]

89–269, 276, 94+879.

624. Counties and acts of officials legalized—That all counties in this state heretofore organized or attempted to be organized under chapter seven (7), Revised Laws of 1905, and now exercising the powers of bodies corporate, are hereby legalized as counties with all the rights, powers and privileges conferred upon counties within the state of Minnesota, with their boundaries and now actually organized, and all acts performed by any officer or officers of such counties within the scope of the laws of this state are hereby legalized. Provided, that nothing herein contained shall in any way affect any action or proceeding now pending. ('11 c. 269 § 1) [654]

CHANGING COUNTY SEATS

625–628
174m 397
219nw 458
221nw 870

33 625 — 273
See 602

625. Petition for change—Whenever there shall be presented to the auditor of any county a petition substantially in the following form, to wit: "To the county board of the county of ....., Minnesota: The undersigned legal voters of said county pray that the county seat thereof be changed to (here designate the place)"—signed by legal voters of said county to a number equal to not less than sixty per cent of the whole number voting therein at the last preceding general election, accompanied by affidavits of not less than two of the signers thereof stating that, to the knowledge of affiants, the signatures to such petition are genuine, were subscribed thereto within sixty days preceding the date of such affidavits, and that affiants are informed and believe that at the time of signing such petition the petitioners were legal voters of said county, and it appearing that the notice of intention to circulate the petition provided for in § 656 has been given, the auditor shall forthwith file such petition and affidavits, and make, seal, and file in his office an order for a special meeting of the county board to consider such petition, specifying therein the time of such meeting, which shall be between 9 o'clock a. m. and 5 o'clock p. m., and not less than fifteen nor more than twenty days after such filing. The auditor shall also cause a duplicate of such order to be served upon each member of said board, personally or by mail, not less than five days before the time specified therein for such meeting. (396) [655]

§ 656, referred to is § 626, herein.

1889 c. 174 constitutional (43–500, 46+73). Petitioner may withdraw his name. Effect of withdrawal on duty of auditor (59–351, 61+322; 66–266, 68+1081). Number voting at last election to be ascertained from poll lists (59–351, 61+322; 64–16, 65+956). Women electors to be excluded in computation (59–351, 61+322). But one petition allowable (67–360, 69+1097). Affidavit need not state that affiants are signers of petition (93–238, 101+71). Duty of auditor (59–351, 61+322; 92–429, 100+101).

No valid certificate that a proper petition has been filed can be issued by the board until after hearing duly had, pursuant to notice (100–49, 110+364).

626. Form of notice—When such order is filed, the auditor shall forthwith make, seal, subscribe, and file in his office a notice substantially in the following form, to wit: "To the legal voters of the county of (here name the county), Minnesota: Notice is hereby given that a petition is on file in my office, signed by legal voters of said county to the number of (here state number as shown by the said petition and affidavits), praying that the county seat of said county be changed to (here designate the place), and that a special meeting of the county board will be held at (name the place of meeting), on the (state time), to consider said petition, at which time and place any legal voter of said county may appear, in person or by counsel, and be heard." The auditor shall cause two weeks' published notice of such meeting to be given in all the newspapers of the county, and also ten days' posted notice thereof in each organized town therein. Proof of publication and posting may be by the affidavit of any person having personal knowledge thereof, which affidavit shall be filed in the office of the auditor, and thereafter be prima facie evidence of the truth of the facts therein set forth. Two weeks' published notice of the intention to circulate such petition shall be given in one or more newspapers of such county, and two weeks' posted notice of such intention shall be given at the county seat. Proof of such publication and posting shall be made in like manner as in the case of notice of the special meeting of said board. (397) [656]

106–125, 118+364.

Publication and posting jurisdictional (42–284, 44+64; 43–322, 45+614; 81–103, 83+483). Filing of affidavit of posting jurisdictional. Posting in village held necessary (90–406, 97+103). Publication in one newspaper of notice of intention to circulate petition sufficient (93–238, 101+71).

627. Duties of county board—At the time and place specified in the notice, proof of its service having been filed, the board shall meet to act on said petition, and shall inquire and determine which, if any, of the signatures to said petition are not genuine; and which, if any, of the signers thereof were not, at the time of signing the same, legal voters of said county; and which, if any, of the signatures thereto were not attached within sixty days preceding the filing thereof; and which, if any, of such signatures have been withdrawn. All such signatures shall be stricken from the petition and deducted from the count, and a list thereof certified by the board shall be filed forthwith with the auditor. Any competent evidence offered, bearing upon the matters committed to the determination of the board, shall be received; and, to that end, any voter of said county may appear in person or by counsel and be heard in respect to said matters, under such reasonable rules and regulations as the board may prescribe. (398) [657]

43–322, 45+614; 64–16, 19, 65+956; 66–266, 269, 68+1081; 67–360, 69+1097; 90–406, 411, 97+103; 92–429, 100+101; 93–238, 101+71.

Jurisdiction of board to determine whether petition lost or proceedings abandoned. Second petition (106–125, 118+364).

628. Order fixing time of election—If the names of the legal voters of said county remaining affixed to the petition shall equal or exceed sixty per cent. of those voting therein at the last preceding general elec-

tion, the auditor, upon the filing of such certificate, shall make, under his official seal, and file in his office, an order fixing the time of holding a special election upon the question of changing the county seat to the place designated in said petition, which shall not be less than twenty nor more than thirty days after filing said certificate. (399) [658]

90-406, 412, 97+103; 92-429, 433, 100+101.

629. Notice—How served—Upon the filing of such order, the auditor shall cause two weeks' published notice of said election to be given in all the newspapers in said county, and ten days' posted notice in each town therein. Such notice shall be substantially in the following form: "To the legal voters of the county of (here name the county), Minnesota: Notice is hereby given that a special election will be held in the several election districts in said county on the (here insert the time), for the purpose of voting upon the question of changing the county seat of said county to (here designate the place)." The auditor shall also serve upon the clerk of each town, village, and city in such county, personally or by mail, a duplicate of such notice, not less than fifteen days previous to the time so fixed for holding such election. (400) [659]

630. Place of election—Notice—Upon receipt of such notice, every such clerk shall cause ten days' posted notice of such election to be given in each election district in his town, substantially in the following form: "To the legal voters of the (here insert specifically the election district), in the county of (here name county), Minnesota: Notice is hereby given that a special election will be held at (here specify the place), in said election district, on the (here insert the time), for the purpose of voting upon the question of changing the county seat of said county to (here designate the place)." One copy of such notice, with proof of the posting, shall be filed by said clerk in his office. (401) [660]

631. Conduct of election—As far as practicable, such election shall be conducted, and the votes cast, counted, returned, and canvassed, by the same officials and under the same provisions of law as in the case of general elections. The polls shall be opened at 8 o'clock a. m., and closed at 5 o'clock p. m. The ballots shall have printed thereon the words: "For changing the county seat to (here name the place). Yes. No."—with a square opposite each of the words "Yes" and "No," in one of which each voter shall make a cross to express his choice. (402) [661]

632. Canvass—Certificate—When the canvass is completed, the canvassing board shall forthwith make, subscribe, and file with the auditor a certificate setting forth the total number of votes cast at such election, the number cast in each election district in favor of and against such change, and the majority in each for or against the same, the number cast in favor of and against such change in the county, and the majority therein for or against the same. If fifty-five per cent. of all the votes cast at such election shall be in favor of such change, such board shall give two weeks' published notice of the result in all the newspapers of the county. Such notice shall state that from and after a date specified therein, which shall be not less than sixty nor more than ninety days after the election, the place so chosen shall be the county seat. (403) [662]

64-16, 65+956.

633. Elections only once in five years—Whenever an election for a change of county seat shall have been held in any county, no subsequent election for the removal of the county seat shall be held therein, nor shall any notice of intention to circulate a petition for such change be published or posted, nor any such petition circulated, until after the expiration of five years; and no such subsequent election shall be ordered unless the petition for such change is signed by legal voters to the number of sixty per cent. of those voting in said county at the last preceding general election. (404) [663]

64-16, 19, 65+956; 67-360, 69+1097; 92-429, 100+101.

634. Duplicate petitions consolidated—Whenever two or more such petitions shall be presented to the county auditor substantially at the same time, they shall be attached together, and thereafter constitute one petition. (405) [664]

67-360, 69+1097.

635. One place only voted for—No election shall be called or held under the provisions of this chapter for voting upon the question of changing any county seat to more than one place at the same time, and all such elections shall be held, as far as practicable, at the place of holding the last preceding general election. (406) [665]

636. Failure to give notice—Wilful failure or refusal by any owner or manager of any newspaper to publish any notice required by this chapter shall not affect the sufficiency of such notice, nor invalidate any of the proceedings thereunder. And failure to post any notice shall be disregarded unless its affirmatively appears that a sufficient number of voters were thereby prevented from voting to change the result. (407) [666]

42-284, 44+64; 81-103, 83+483.

637. Neglect of duty a misdemeanor—Any county auditor or other official who shall wilfully neglect or refuse to perform the duties required of him by this chapter shall be guilty of a misdemeanor. (408) [667]

POWERS AND DUTIES

29 — 638 — 47

638 230nw 891 662

638. Powers—Each organized county is a body politic and corporate, and as such empowered to act for the following purposes:

1. To sue and be sued.

2. To acquire and hold real and personal property for the use of the county, and lands sold for taxes as provided by law; and to purchase and hold for the benefit of the county real estate sold by virtue of judicial proceedings, to which the county is a party.

3. To sell, lease and convey any real or personal estate owned by the county, and to give contracts or options to sell, lease or convey any such real or personal estate, and make such order respecting the same as may be deemed conducive to the interests of its inhabitants; provided, no sale, lease or conveyance of any such real estate, nor any contract or option therefor shall be valid, unless a resolution fixing a time for considering same and setting out the terms and conditions thereof, shall be published in the official proceedings of the county commissioners at least thirty days and not more than sixty days prior to the time it shall have been voted upon; provided further, before causing the publication of any such resolution, the commissioners may require a satisfactory bond to be furnished by the person or persons desiring such sale, a lease, conveyance, contract or option, conditioned to abide by the terms thereof, if granted to him or them; provided further, if at the time so fixed any more favorable proposition or propositions shall have been filed with the auditor affecting the same property and accompanied with like satisfactory bond, all propositions may be at that time considered, and the one most favorable to the county accepted; provided further, that in no case shall any such lands be disposed of, without there being reserved to the county any and all iron ore

and other valuable minerals in and upon the same, with right to explore for, mine and remove same, nor shall such minerals and mineral rights be disposed of, either before or after disposition of the surface rights, otherwise than by mining lease, in similar general form to that provided by section 2491 of the Revised Laws of Minnesota for 1905 for mining leases affecting state lands, such lease to be for a term not exceeding fifty years, and to be issued on a royalty basis, royalty to be not less than 25 cents per ton of 2,240 pounds, and to fix a minimum amount of royalty payable during each year, whether mineral is removed or not, provided further, prospecting options for such mining leases may be granted for periods not exceeding one year, such options to require among other things, periodical showings to the county board of the results of exploration work done.

4. To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers. (R. L. § 409, amended '07 c. 310 § 1) [668]

Explanatory note—R. L. '05, § 2491, referred to in this section was repealed by Laws 1921 c. 412, § 16. See infra, §§ 6403, 6409.

Nature of county defined (22-366; 23-40; 25-215; 30-96, 14+458, 44 Am. St. Rep. 185; 90-530, 97+422). Described as political corporation (36-430, 31+517); as public corporation (4-184, 130); as quasi municipal corporation (11-31, 12; 36-430, 31+517; 81-55, 83+495; 84-295, 87+775). Corporate powers limited to those expressly granted and such as are fairly implied as necessary to the exercise of those expressly granted (28-515, 11+91; 81-55, 83+495; 84-295, 87+775). Ultra vires contracts (37-141, 33+333, 5 Am. St. Rep. 830; 81-55, 83+496; 28-515, 11+91; 45-352, 47+1067; 84-295, 87+775). Cannot appropriate its property to private purposes (28-503, 11+73; 30-350, 15+375). Not liable for torts (30-96, 14+458, 44 Am. St. Rep. 185; 90-530, 97+422). May acquire and hold realty in satisfaction of claim (33-519, 24+291). Power to sell its realty unrestricted (16-151, 135; 28-503, 508, 11+73). May sue and be sued (14-67, 51; 22-97, 108). 136-27, 161+211.

639. Certain counties authorized to construct branch railroad tracks—In all cases where county buildings, or buildings in which a county is interested with other counties, are situated upon land adjacent to or near a railway track, such county, to-wit: The county in which such buildings are located, may pay from the general revenue fund thereof, or from any money raised by such county in excess of its proportionate share for any such institution, the costs of procuring a right of way for and the building of a branch track suitable for the transportation thereon from said railway track to such buildings of any or all articles and commodities needed by said institution and of persons going to and from the same. ('15 c. 55)

640. Conveyances to county—Effect—All real and personal estate conveyed by any form of conveyance to any county or the inhabitants thereof, or to any person for the use and benefit of such county or its inhabitants, shall be deemed to be the property thereof; and all such conveyances shall have the same force and effect as if made to such county by its corporate name. (410) [669]

641. Powers, how exercised—The powers of the county as a body politic and corporate shall only be exercised by the county board, or in pursuance of a resolution by it adopted; and deeds and other written instruments made by the county shall be executed in its name by the chairman of such board and by the auditor as clerk thereof. (411) [670]

57-434, 438, 59+488; 89-68, 93+1056; 136-27, 161+24.

642. Refundment of money paid for clerical assistance—Wherever any county officer has heretofore paid any amount for clerical asistance in his office, and the county board has heretofore approved such payment by such officer and its repayment to such officer, then such amount may be paid by such county to such officer in the same manner that ordinary claims allowed by county boards are paid. ('15 c. 39)

643. County buildings—Each county shall provide at the county seat, and keep in good repair, a suitable courthouse, supplied with fireproof vaults, a suitable and sufficient jail, and other necessary buildings. (412) [671]

643 29 — 397 Adding Sec. 21 33 — 127 33 — 400 243nw 395 See 668 See 668N

28-515, 11+91; 56-540, 547, 58+150; 57-434, 438, 59+488.

Cited (105-403, 117+611; 109-328, 123+930).

Expense of making repairs on courthouse (101-97, 111+956).

County has power to appropriate county building to other than present use (136-27, 161+211).

644. Suits against counties—Service—Jurors—Service of summons or other original process in actions against a county shall be made upon the chairman or clerk of the board, either during a session of the board, or within ten days before the day appointed for one. The person served shall forthwith notify the county attorney of such service, and shall lay before the board at its next regular meeting all the information he may have regarding such action. In actions where the county is a party, its inhabitants, if otherwise qualified, may be jurors. (413) [672]

14-67, 51.

County as party to warrant order directing treasurer to pay money turned over to him (116-101, 133+469).

Service of a summons on a county as provided in section 9229, Gen. St. 1923, is sufficient to confer jurisdiction, although such service, was not made during or within ten days before a session of the county board. 156-327, 194+775.

645. County, how named in suits—In all actions and proceedings by or against a county, the name in which it shall sue or be sued shall be, "The county of....." (insert name of the county); but this provision shall not prevent county officers, when authorized by law, from suing in their official names for the benefit of the county. (414) [673]

New as to title of action. See 22-61; 22-97, 108; 89-68, 93+1056.

Appeal from a judgment against board (98-17, 107+404).

646 220nw 946

646. Claims against county—Appeal—When any claim against a county is disallowed by the board in whole or in part, a claimant may appeal from its decisions to the district court by causing a written notice of such appeal to be filed in the office of the auditor within fifteen days after the decision appealed from was made, and giving security for costs, to be approved by the auditor, who shall forthwith notify the county attorney thereof. When any claim against a county shall be allowed in whole or in part by such board, no order shall be issued in payment of the same or any part thereof until after fifteen days from date of the decision; and the county attorney may, on behalf and in the name of such county, appeal from such decision to the district court, by causing a written notice of such appeal to be filed in the office of the auditor within fifteen days after date of the decision appealed from; or any seven taxpayers of the county may in their own names appeal from such decision, to the district court by causing a written notice of appeal stating the grounds thereof to be filed in the office of the auditor within fifteen days after the date of the decision appealed from, and giving to the claimant security for his costs and disbursements to be approved by a judge of the district court; and thereafter no order shall be issued in payment of any part of such claim until a certified copy of the judgment of the court shall be filed in the office of the auditor. Upon the filing of such notice of appeal, the court shall acquire jurisdiction of the parties and of the subject matter, and may compel a return to be made as in

646 175m 236 236nw 463 See 766 See 994

646 33 — 191

the case of an appeal from a judgment of a justice of the peace. (415) [674] (Amended '25, c. 317, § 1)

The court rightly computed interest from the date upon which the county board accepted the work as completed under the contract. 158–320, 197+763.

Right to appeal unaffected by character of claim (32–138, 19+653). Claimant may waive appeal and sue (14–67, 51; 44–383, 46+678; 90–457, 463, 97+132). Practice on appeal by county attorney (15–324, 254). Constitutional (90–457, 97+132).

Cited (107–460, 120+896). 139–148, 165+966; 146–104, 177+1014; 147–140, 179+725.

647. Proceedings on appeal—Within ten days after an appeal has been taken, the auditor shall, without charge, file in the office of the clerk of such court a certified copy of the claim, and a transcript of the record of the action of the board thereon, together with a copy of the notice of appeal, and the date of the filing thereof in his office. The proceeding shall be put upon the calendar for trial as an issue of fact at the next general term of the district court, beginning not less than ten days after the date of the appeal; and on or before the second day of such term the court shall direct pleadings to be made up as in civil actions, upon which the proceeding shall be tried, and all questions of law summarily heard and determined. Issues of fact shall be tried and judgment rendered and perfected as in civil actions, but no execution shall issue thereon, except for the collection of a counterclaim or costs and disbursements in case of a judgment therefor against a claimant. (416) [675]

15–324, 254; 46–162, 48+770.

648. Appeal to supreme court—Counterclaim—An appeal from the judgment of the district court may be taken to the supreme court, as in civil actions, within thirty days after the actual entry of the judgment. If no appeal is taken, a certified copy of the judgment shall be filed in the office of the auditor; and, if an appeal is taken, the determination of the supreme court shall be certified to the district court, and judgment entered in accordance therewith, and that judgment certified to and filed in the office of the county auditor. In either case, after such certified copy is filed, orders shall be drawn on the county treasury in payment of any judgment in favor of a claimant; and execution may issue out of the district court for the collection of any costs against a claimant; Provided, that in any case where costs are awarded against a claimant, and there is any allowance on the claim in his favor, the amount of such costs shall be deducted from such allowance, and in any case of an appeal the county may, in the district court, interpose, as a counterclaim, any demand which it has against such claimant, and have execution for the collection of any judgment in its favor. (417) [676]

Limitation of time to appeal absolute (82–542, 85+550). Cited (12–388, 269).

G. S. 1894 § 645, cited (98–467, 108+932). 122–384, 142+723, 147–140, 179+724.

649. Enforcement of judgments—When any judgment is recovered against a county, or against any county officer, in an action prosecuted by or against him officially, where the same is to be paid by the county, no execution shall issue except as herein provided; but, unless reversed, the same shall be paid from funds in the treasury, if there be any available; if not, the amount thereof shall be levied and collected as other county charges, and, when so collected, shall be paid to the person in whose favor the judgment was rendered, upon the delivery of a proper voucher therefor. If payment is not made within thirty days after the time the treasurer is required by law to make settlement with the auditor next after the rendition of such judgment, execution may issue, but the property of the county only shall be liable thereon. (418) [677]

14–67, 51; 98–467, 108+932; 236 Fed. 183.
166–403, 208+17, note under § 9361.

COUNTY BOARD

29 650 — 381

650. Composition—Every county shall have a board of five commissioners who shall be known as the county board and whose terms of office shall be four years and until their successors qualify; but in counties having an area of over five thousand square miles and a population exceeding seventy-five thousand, the board shall consist of seven members. (419) [678]

25–215, 220; 33–25, 27, 21+841; 65–243, 68+8; 75–547, 78+83; 77–43, 79+591.

Counties under special acts (101–462, 112+866).

The office of treasurer of a school district and the office of county commissioner, in view of the duties of each relative to schools are incompatible. 157–263, 196+467.

31 651 — 105

651. Re-districting of commissioners' districts—Each county shall be divided into as many districts, numbered consecutively as it has members of the board. In all counties such districts shall be bounded by town, village or ward lines, shall be composed of contiguous territory and contain as nearly as practicable an equal population. Counties may be redistricted by the county board after each state or federal census; and when it appears that after a state or federal census thirty per cent or more of the population of any county is contained in one district, such county shall be re-districted by its county board.

33 651 — 77
33 — 363

Provided that the county board shall not have authority or jurisdiction to re-district a county unless said board shall cause at least three weeks published notice of its purpose to do so, stating the time and place of the meeting where the matter will be considered, to be published in the newspaper having the contract for publishing the commissioners' proceedings for said county for the current year. One commissioner shall be elected in each such district who at the time of the election shall be a resident thereof, and the person so elected shall be entitled to hold said office only while he remains a resident of said commissioner district. When a county is re-districted there shall be a new election of commissioners in all the districts of the county at the next general election. The board shall determine that not less than two nor more than three members of the board shall be elected for a term of two years and the remainder for a term of four years at the next general election. Thereafter all commissioners shall be elected for four years; provided, that where no change is made in the boundaries of a district, the commissioner in office at the time of re-districting shall serve for the full period for which he was elected. (R. L. '05 § 420, amended '13 c. 537 § 1, '17 c. 370; '23 c.366 § 1) [679]

45–313, 47+971; 65–243, 68+8.

651-1. Redistricting commissioners' districts in counties with area of over 5,000 square miles and containing city of first class—That the county board of any county in this state, now or hereafter having an area of over five thousand square miles, and now or hereafter containing a city of the first class, is hereby authorized to re-district any county commissioners' district or districts in such county, now or hereafter wholly included within any such city of the first class, so that any such commissioner's district shall include such number of election districts within such city, and such contiguous congressional townships or part of any township, not less than one-half thereof, as such county board shall determine; provided, however, that

all such territory within such city and such township or townships included in any such commissioner's district shall be contiguous territory.

That the re-districting of any commissioner's district under the provisions of this act shall be governed by the statutes now applicable to the redistricting of such commissioners' districts, except as herein otherwise provided. ('17, c. 177, § 1)

652. Term of office—In each new county, and in each county which shall be entitled to an increase of the number of commissioners, there shall be elected at the next general election a commissioner from each odd-numbered district for the term of two years, and one from each even-numbered district for the term of four years; and thereafter all commissioners shall be elected for the term of four years, except that elections or appointments to fill vacancies shall be for the unexpired term only. And, in counties having a population of more than one hundred and fifty thousand, every such commissioner, before he enters upon his duties, shall give bond to the state in the sum of ten thousand dollars, with a legally authorized surety company as surety, conditioned for the faithful performance of his official duties. Such bond shall be approved by a judge of the district court, and, together with his oath of office and certificate of election, be filed with the state examiner. The premium on such bond shall not exceed that prescribed by law for county treasurers, and shall be paid by the county. (421) [680]

65–243, 68+3; 75–547, 78+83; 129–360, 152+758.

See '15 c. 104 providing that in counties having more than 200,000 and less than 300,000 inhabitants, county commissioners beginning in the year 1918 and thereafter shall be elected for four-year terms.

653. Tie determined by lot—If two or more persons have an equal and the highest number of votes for the office of county commissioner in any district, the auditor shall give notice, in writing, to such persons to attend at his office at a time specified, and he shall then and there, in their presence, publicly decide by lot which of them shall be declared elected. The person so selected shall be the commissioner from such district. (422) [681]

Cited (107–453, 120+1082).

654. Counties under special law—Board of five—In any county in the state of Minnesota wherein by special law the county board consists of but four members, such board, at any regular session, and not later than the regular session thereof appointed, to be held in July, 1908, shall divide said county into five commissioner districts, numbered consecutively, each of which said districts shall be bounded by town or ward lines, be composed of contiguous territory, and contain, as nearly as practicable, an equal population. ('07 c. 38 § 1) [682]

655. Election of commissioners—There shall be elected at the next general election in each such county a commissioner from each even numbered district for the term of two years, and one from each odd numbered district for the term of four years, and thereafter said commissioners shall be elected for the term of four years, except that elections or appointments to fill vacancies shall be for the unexpired term only, and thereafter the election and appointment of county commissioners in such counties shall be governed by the general laws of the state of Minnesota. ('07 c. 38 § 2) [683]

656 / 33 — 68 **656. Salaries of county commissioners in certain counties**—Each commissioner shall receive from the county in full for all his services an annual salary as follows:

In counties whose assessed valuation does not exceed two million five hundred thousand dollars ($2,500,000), the sum of one hundred and twenty-five dollars ($125.00).

In counties whose assessed valuation is more than two million five hundred thousand dollars ($2,500,000) and does not exceed six million ($6,000,000), the sum of two hundred twenty-five dollars ($225.00).

In counties whose assessed valuation is more than six million dollars ($6,000,000) and does not exceed twelve million dollars ($12,000,000), the sum of three hundred twenty-five dollars ($325.00).

In counties whose assessed valuation is more than twelve million dollars ($12,000,000) and does not exceed twenty million dollars ($20,000,000) the sum of four hundred dollars ($400.00).

In counties whose assessed valuation is more than twenty million dollars ($20,000,000) and does not exceed forty million ($40,000,000) the sum of six hundred dollars ($600), which amount shall be paid in lieu of all other charges or allowances, except that such commissioners may be allowed and paid in addition thereto their actual and necessary traveling expenses incurred and paid by them in the discharge of their official duties, provided, however, that the total aggregate amount of the traveling expenses of all the county commissioners of any such county which may be so allowed and paid shall not exceed the sum of twelve hundred dollars ($1,200) in any one year; and provided, further, if a county commissioner uses his own team or automobile in the necessary performance of the official duties of his office, he shall be allowed for the use thereof such reasonable amount as the use of a team or an automobile could be hired for, under the same circumstances, from a person engaged in the livery business in the same locality. Such allowance, however, shall not exceed ten cents (10c) per mile for each mile actually traveled, and no charge shall be made or paid for the time consumed by such county commissioner's conveyance while in waiting.

In counties whose assessed valuation is more than forty million dollars ($40,000,000) and does not exceed one hundred million dollars ($100,000,000), the sum of eight hundred dollars ($800), which amount shall be paid in lieu of all other charges or allowances, except that such commissioners may be allowed and paid in addition thereto their actual and necessary traveling expenses incurred and paid by them in the discharge of their official duties, provided, however, that the total aggregate amount of the traveling expenses of all the county commissioners of any such county which may be so allowed and paid shall not exceed the sum of twelve hundred dollars ($1,200) in any one year.

Provided, that the provisions of this act shall not apply to any county in this state now or hereafter having a population of not less than forty-five thousand nor more than sixty thousand, according to the last federal census, and consisting of not less than thirty-five nor more than forty-five congressional townships.

In counties whose assessed valuation is more than one hundred million dollars ($100,000,000) the sum of twelve hundred dollars ($1,200). And said twelve hundred dollars ($1,200) shall be in full for all services upon the county and other boards and committees and all traveling and other expenses within the county.

Provided, however, that this act shall not be construed as repealing or amending any of the provisions of chapters 85, 88, 95 or 298, all of the General Laws of Minnesota for the year 1915, or any acts amendatory thereof; nor as repealing or amending any of the pro-

visions of chapters 94, 114, 152, 175, 275, 301 or 489, *all of the General Laws of Minnesota for the year 1917*, or chapter 23, Laws of 1919, or any acts amendatory thereof. Provided, that this act shall not reduce the amount of salaries paid to the county commissioners of any county in this state at the time of the passage of this act, but that such salaries shall remain the same as they may be at said time.

This act shall not apply to any county in this state, now or hereafter having a population of not less than forty-five thousand (45,000) nor more than sixty thousand (60,000) according to the last federal census, and consisting of not less than thirty-five (35) nor more than forty-five (45) congressional townships. (R. L. § 423, amended '07 c. 204; '09 c. 388; '11 c. 374; '13 c. 308 § 1; '19 c. 242; '19 c. 487) [684]

Explanatory note—The laws referred to in this section are noted in the note following this section.

656N
29 — 20
29 — 80
29 — 161
29 — 376

131–479, 155+752.

The proviso that the act "shall not reduce the amount of salaries paid to the county commissioners of any county in this state at the time of the passage of this act, but that such salaries shall remain the same as they may be at said time" construed to apply not to the salary level in the specified counties as such, but only to continue the old salaries for the commissioners then in office until the expiration of the terms they were then serving. 212+445.

656N
31 — 14
31 — 26
31 — 27
31 — 45
31 — 135
31 — 185
31 — 274
31 — 359

COMPENSATION OF COMMISSIONERS

656 Note
19 — 101R
33 — 16
33 — 21
33 — 26
33 — 46

The salary in all counties shall be with reference to the number of congressional townships therein, the extent of area, the population thereof, and as to taxable *and assessed valuation, either or both, having as follows:*

1. An area of not less than 60 congressional townships and a population of more than 45,000 inhabitants and not exceeding 75 000 inhabitants, $250 annually. ('15 c. 85)

2. Not less than 55 nor more than 57 congressional townships and an assessed valuation of not less than $5,000,000 and not more than $10,000,000, $480 annually. ('15 c. 88, amended '19 c. 246, amended '23 c. 60)

3. An assessed valuation of more than $250,000,000 and area of more than 5,000 square miles $1,800 annually. ('15 c. 95)

4. Not less than 35 nor more than 40 congressional townships and an assessed valuation of not less than $14,000,000 nor more than $20,000,000, shall be $500 annually. ('15 c. 298, amended '17 c. 301)

5. Now or hereafter having a population of 300,000 or more inhabitants for each member of the Board of County Commissioners, $2,000 annually. ('17 c. 94)

6. More than 75 and less than 80 full or fractional *congressional townships and an assessed valuation of* more than $5,500,000 and less than $12 000 000 $700 annually. ('17 c. 114, amended '19 c. 44, legalized by '19 c. 45)

7. A population of not less than 45,000 nor more than *60,000 and consisting of not less than 35 nor more than* 45 congressional townships, $800 annually. ('17 c. 152)

8. An assessed valuation of more than $20,000,000 and less than $100,000,000 and an area of more than 2,500 square miles, $1,500 annually. ('17 c. 175)

9. Not less than 50 nor more than 70 congressional townships and an assessed valuation of not more than $3,000,000. $300 annually. ('17 c. 275)

10. Not less than 80 and not more than 100 congressional townships and an assessed valuation of not less than $6 000,000, $800 annually. ('17 c. 489)

11. Not less than 70 and not more than 80 full or fractional townships and at any time an assessed valuation of not less than $3 000,000 and not more than $5,000,000, $420 annually. ('19 c. 23)

12. An assessed valuation of more than $250,000,000 and an area of 5,000 square miles, for each member of the Board of County Commissioners, $2,500 annually, and where the chairman of said County Board acts as chairman of the County Board of Education for unorganized territory and as chairman of the county building, an additional amount of $25 monthly. ('19 c. 156)

(See '21 c. 492 increasing salary to $3,000.00)

Not less than 100 nor more than 137 congressional townshins and an assessed valuation of not less than $7,000,000 and not more than $10,000,000, $800 annually. ('19 c. 53)

A population of not less than 45,000 and not more than 60,000 inhabitants, and not less than 35 and not more than 45 congressional townships, $1,200 annually, and a *sum not to exceed $500 annually for extra work.* ('19 c. 101)

13. An assessed valuation of more than $24,000,000 and less than $100,000,000 and an area of more than 2,500 square miles, $150 monthly. ('19 c. 210)

14. Not less than 100 nor more than 137 congressional townships and an assessed valuation of not less than $9,000 000 nor more than $15,000,000, $800 annually. ('21 c. 33)

Not less than 41 nor more than 45 congressional townships and an assessed valuation of $14,000,000 to $18,000,000, $720 per annum; $3.00 per day for each day occupied and 10 cents per mile for travel. ('19 c. 224 superseded '21 c. 437)

15. Neither more nor less than 40 full congressional townships and an assessed valuation of not less than $12,000,000 nor more than $20,000,000, $600 annually. ('21 c. 74)

Where there is a population of over 20,000 and less *than 25,000 inhabitants, and assessed valuation of over* $30,000,000 and less than $35,000,000 and an area of over 25 and less than 32 full or fractional congressional townships each member of the county board shall receive as salary the sum of $800 per annum. ('21 c. 129)

17. *Not less than 17 nor more than 25 congressional* townships and a population of not less than 28 000 nor more than 35 000 inhabitants, and an assessed valuation of not less than $32,000,000 nor more than $40,000,000, $800 annually. ('21 c. 194)

18. A population of 400,000 or more inhabitants, for each member of the Board of County Commissioners, $3,000 annually. ('21 c. 202)

19. Not less than 38 nor more than 42 congressional townships and a taxable valuation of not less than $10,000 000, $400 annually. ('21 c. 240)

20. Not less than 14 nor more than 25 congressional townships and not less than 28,000 nor more than 35,000 inhabitants and an assessed valuation of not less than $24,000,000 nor more than $40,000,000, $800 annually. ('21 c. 275)

22. Not less than 35 nor more than 55 full or fractional congressional townships and an assessed valuation of not less than $2,000,000 nor more than $6 000,000, $300 annually. ('23 c. 68)

Counties with not less than 81 nor more than 84 congressional townships and assessed valuation of not less than $6,000,000 nor more than $12,000,000 salaries of commissioners fixed at $600 per annum, by Laws 1925, c. 7, § 1, amending Laws 1923, c. 52. Additional from March 9, 1923, to Jan. 9, 1925, of $20 per month by Laws 1925, c. 79.

In counties with not less than 55 nor more than 65 congressional townships and population of not less than 30,000 nor more than 45,000 and assessed valuation of not less than $20,000,000 *nor more than* $40,000,000, salaries of commissioners fixed at $800 per annum, with traveling expenses not to exceed $1,200 per annum, by Laws 1925, c. 81, § 1, amending Laws 1921, c. 192, § 1. Law not applicable to counties where salaries are fixed by special law.

In counties with not less than 41 nor more than 43 congressional townships and population of not less than 25,000 nor more than 30,000, salaries of commissioners are fixed at $400 per annum, with additional per diem *of $3 and traveling expenses of 9 cents per mile by* Laws 1925, c. 91, § 8, such compensation to be in full for all services rendered by § 14. Clerk hire allowed, not to exceed $80 per month by § 15. Subject to Gen. St. 1923, §§ 976, 977, by § 17. Clerk hire to be paid for work per*formed only, by § 18.*

Salaries paid commissioners in counties with not less than 55 nor more than 65 congressional townships and population of not less than 30,000 nor more than 45,000 and assessed valuation of not less than $20,000,000 nor *more than $40,000,000 legalized by Laws 1925, c. 96.*

In counties with more than 14 congressional townships and assessed valuation of not less than $18,000,000 nor more than $20,000,000 salaries of commissioners are fixed at $600 per annum, with necessary and actual *traveling expenses additional, by Laws 1925, c. 143,* §§ 1, 2.

In counties with more than 95 congressional townships and assessed valuation of not more than $5,000,000 nor more than $12,000,000 salaries of commissioners *are fixed at $600 per annum, with necessary and actual* traveling expenses additional, by Laws 1925, c. 269, §§ 1, 2. Section 2 further provides that "All expenses incurred in connection with the construction of ditches shall be paid from the ditch fund. Each member shall *keep an accurate account of the days and dates which* ditch services are rendered, and for each such day the county revenue fund shall be reimbursed from the ditch fund in the sum of three dollars, the transfer to be made by resolution of the board."

In counties with not less than 15 nor more than 16 congressional townships and population of not less than 10,000 and not more than 12,500 and assessed valuaton of not less than $5,000,000 and not over $6,000,000 salaries of commissioners are fixed at $325 per annum, by Laws 1927, c. 7.

In counties with more than 60 and less than 80 con-

gressional townships and population of more than 45,000 and less than 75,000 salaries for commissioners are fixed at $800 per annum, with actual and necessary traveling expenses additional, the total of such expenses limited to $2,400 per year for all commissioners, by Laws 1927, c. 8, § 1.

Laws 1927, c. 9 reads as follows: "That in all counties having a population of not less than 45,000 nor more than 60,000 and consisting of not less than 60 nor more than 75 congressional townships, wherein the annual salary of county commissioners as fixed by Section 684, General Statutes 1913, on and prior to April 15, 1919, was $800, and wherein, during any part of the years 1925, 1926 and or 1927 the county commissioners shall have received salaries in lesser amounts than at the rate of $800 per annum, the county boards thereof hereby are authorized to allow and cause to be paid out of the general revenue funds of their counties, to the persons who shall have received such lesser salaries, additional salaries in amounts equal to the difference between salaries at the rate of $800 per annum and the salaries so received during such period."

In counties with assessed valuation of more than $250,000,000 and area of more than 5,000 square miles salaries of commissioners are fixed at $4,000 per annum, with expenses additional, not to exceed $600 per annum, by Laws 1927, c. 392, §§ 1, 2. Section 1 further provides that "where the chairman of said county board acts as chairman of the county board of education for unorganized territory and as chairman of the county building commission of said county, he shall receive an additional salary of fifty ($50) dollars per month."

657 29 — 167

657. Compensation and mileage in counties having less than 75,000 inhabitants—The several members of the county boards of this state in counties containing less than seventy-five thousand inhabitants shall receive three dollars per day for each and every day necessarily occupied in the discharge of their official duties while acting on any committee under the direction of the board, and ten cents per mile each way for every mile necessarily traveled in attending such committee work, and shall also be entitled to mileage of ten cents per mile each way for every mile necessarily traveled for attending meetings of the board, not to exceed twelve meetings in any one year; and in addition, the chairman of the county board shall receive ten cents per mile each way for going to the county seat to sign warrants during recess of the county board. ('07 c. 296, amended '11 c. 283; '13 c. 456 § 1) [685]

31 657 — 27

See 131–479, 155+752.

Commissioner entitled to mileage for attendance on board meetings. (134–346, 159+791)

658. Meetings—Quorum—The board shall meet at the county seat for the transaction of business on the first Tuesday after the first Monday in January, and on the second Monday in July in each year, and shall hold such extra sessions as it deems necessary for the interests of the county. A majority shall constitute a quorum, and no business shall be done unless voted for by a majority of the whole board, but less than a majority may adjourn. Extra sessions shall be called by a majority of the board and the clerk shall give at least ten days' notice thereof to each of the commissioners. No session shall continue longer than six days. (424) [686]

Session need not be continuous from day to day. Board may adjourn session to a date more than six days from its commencement (51–289, 53+635; 93–16, 21, 100+384, 1125). Majority vote essential (21–33, 38). Cited (63–53, 58, 65+128, 348; 47–237, 240, 49+865)

The power of filling a vacancy not being vested in the board, four members may act (107–420, 120+753).

659. Vacancies filled by board—Whenever a vacancy occurs in the office of county auditor, county treasurer, register of deeds, sheriff, county attorney, county surveyor, coroner, or county superintendent, the county board shall fill the same by appointment. For that purpose it shall meet at the usual place of meeting, upon one day's notice from the chairman or clerk, which shall be served personally upon each member in the same manner as a district court summons is authorized to be served. The person so appointed shall give the bond and take the oath required by law, and shall hold for the remainder of the unexpired term, and until his successor qualifies. (425) [687]

659 248nw 744 249nw 183 Art 7 §9 See 820 -822

15–198, 153; 29–398, 402, 13+181; 57–261, 59+190.

The board cannot remove county superintendent (105–399, 117+615; 131–3, 154+443).

The term of office of a county officer appointed when a new county is created continues until the first Monday in January following the next general election at which county officers are elected in all the counties of the state. 158–512, 197+973.

660. Vacancy in board—Any vacancy in the office of the county commissioner occurring more than thirty days before election shall be filled by a board of appointment, consisting of the chairman of the town board of each town, and the mayor or president of each city and village, in the commissioner district in which such vacancy occurs, which shall meet at the auditor's office for that purpose, upon three days' written notice given by such auditor and served personally; provided that, if such commissioner district is wholly within the limits of an incorporated city or village, such vacancy shall be filled by the council of such municipality; provided further that if such board of appointment as so constituted consists of an even number of members and shall fail to fill such vacancy within ten days after the date of the first meeting thereof, upon notice given to him by the county auditor the county attorney shall also become and be a member. Absence from the county for six successive months shall be deemed to create a vacancy. (R. L. '05 § 426, G. S. '13 § 688, amended '23 c. 315)

65–243, 68+8. Cited (107–420, 120+753).

661. Seal—Evidence of proceedings—The seal of the auditor shall be the seal of the board, and copies of its proceedings, authenticated as required by law, shall be prima facie evidence thereof in all cases. (427) [689]

87–298, 92+3.

662 180m 423

662. Publication—The board shall cause the official proceedings of its sessions to be published in some newspaper printed and published in its county, which publication shall be let annually by contract to the lowest bidder, at the first regular session of the board in January of each year. The board may reject any offer if, in its judgment, the public interests so require, and may thereupon designate a paper without regard to any rejected offer. Provided, that in counties whose population exceeds 50,000, the proceedings may be published in one daily and one weekly newspaper at their respective county seats. If the official newspaper of the county shall cease to exist for any reason, except by consolidation with another newspaper, the county board shall have authority to designate another newspaper for the remainder of the year. (R. L. § 428, amended '07 c. 447) [690]

662 230nw 891 638

87–298, 92+3; 152–349, 188+64.

The letting of the contract for the publication of the proceedings of a county board to the highest bidder, who agreed to have the publication made in seven other newspapers in the county, is not a violation of that portion of the statute requiring them then to designate "a paper" without regard to any rejected offer. 164–142, 204+916.

663. Chairman—Such board, at its first session in each year, shall elect from its members a chairman and a vice-chairman. The chairman shall preside at its meetings and sign all documents requiring signature on its behalf, and his signature as chairman, attested by the auditor, shall be binding as the signature of such board. In case of the absence or incapacity of the chairman, the vice-chairman shall perform his du-

ties. If both are absent from any meeting, all documents requiring the signature of the board shall be signed by a majority thereof and likewise attested. (429) [691]

Chairman cannot contract independently of board (21–33, 38).

664. Offices, supplies, etc., furnished for county officers—The board shall provide offices at the county seat for the auditor, treasurer, register of deeds, sheriff, judge of probate, clerk of the district court, county superintendent of schools, and county highway engineer, with suitable furniture therefor, also safes and vaults for the security and preservation of the books and papers belonging thereto, and shall provide for the heating, lighting and maintenance of such offices. The board shall furnish all county officers with all books, stationery, letterheads, envelopes, postage, telephone service, office equipment, and supplies necessary to the discharge of their respective duties, and shall make like provision for the judges of the district court so far as may be necessary to the discharge of their duties within the county or concerning matters arising therein; provided, that the board shall not be required to furnish any county officer with professional or technical books or instruments except in so far as the board may deem the same to be directly necessary to the discharge of his official duties as part of the permanent equipment of his office. (430) [692] (Amended '27, c. 346)

57–434, 438, 59+488.
Cited (105–403, 117+611).
Sheriff has no authority to exclude county officials from use of jail fitted for county office. (136–27, 161+211)

665. Appropriation for expenses—At its regular meetings in January and July the board may appropriate from the county revenue fund a sum not exceeding one thousand dollars ($1,000.00) to pay incidental expenses of county officers incurred for postage, and for necessary express, freight, telephone, telegraph, water and light charges, the mileage and per diem of town officers making election returns, to be paid on the warrant of the county auditor upon the presentation of a properly itemized and verified bill, except in cases where the county auditor considers the sum charged excessive, in which case he shall file the bill if requested by the person presenting same, for action to the board at its next meeting. Provided, that no county officer presenting a claim on the incidental fund shall receive more than twenty dollars therefrom at any one time for postage. (R. L. § 431, amended '07 c. 390 § 1; '19 c. 305) [693]

666. Damaged records transcribed—In case the records of any such offices shall be damaged so as to render any portion of them liable to become illegible, destroyed, or lost, such board shall provide suitable books, and cause such records to be transcribed, so that the new volumes will correspond, in designation, letter or number, and page, to the original records. The fees for such work shall be fixed by such board, and shall not exceed seven cents per folio for the whole work done. Printed record books shall be used whenever practicable for both original and transcribed records. (432) [694]

667 173m 350 217nw 371 667 227nw 499 662 667 178m 484

667. Annual statement—Annually on the first Tuesday after the first Monday in January such board shall make a full and accurate statement of the receipts and expenditures of the preceding year, which shall contain a full and correct description of each item, from whom and on what account received, to whom paid, and on what account expended, together with an accurate statement of the finances of the county at the end of the fiscal year, including all debts and liabilities, and the assets to discharge the same, and within thirty days thereafter shall cause the same to be posted at the courthouse door, and at two other public places in the county and published for three successive weeks in some newspaper therein, which in counties having over seventy-five thousand population shall be a daily. At its meetings in July and January of each year it shall examine and count all the funds in the treasury, examine the accounts and vouchers of the auditor and treasurer, and make a written certificate of the condition of the treasury, showing the amount, kind and character of the funds therein, and all other matters in connection therewith, and file the same with the auditor. (R. L. § 433, amended '07 c. 205 § 1) [695]

22–97, 112; 24–459; 152–128, 188+64. 164–142, 204+916. 33 668 — 424

668. General powers of board—The county board of each county shall have power: 668 29 — 47 29 — 345 29 — 371 29 — 399

1. To examine and settle all accounts of the receipts and expenses of the county, and to examine, settle, and allow all accounts, demands, and causes of action against the same, and, when so settled, to issue county orders therefor, as provided by law.

2. To have the care of the county property, and management of the county funds and business, except in cases otherwise provided for, and to make such orders concerning the same as they deem expedient.

166–109, 207+138.

3. To erect, furnish, and maintain a suitable courthouse and jail, but no indebtedness shall be created for such purpose in excess of five mills on each dollar of assessed valuation.

4. To set off, organize, vacate, and change the boundaries of towns subject to the limitations hereinafter prescribed, designate the time and place of holding the first town meeting therein, and make all necessary orders for the disposition and preservation of the records of any town vacated.

5. To apportion, pro rata, according to the assessed valuation, among the several parts of a town divided by them, any funds of such town not raised or theretofore appropriated for a purpose inconsistent with such apportionment.

6. To apportion all uncollected taxes then levied or assessed for the benefit of any town divided by said board, and provide for the payment thereof when collected, pursuant to said apportionment, having due regard to the purpose for which such taxes were levied.

7. To transfer by unanimous vote any surplus beyond the needs of the current year in any county fund to any other such fund to supply a deficiency therein, except in counties having over seventy-five thousand inhabitants.

8. To appropriate to any county agricultural society of its county, which is a member of the state agricultural society, or to any farm improvement association organized by the citizens of two or more counties jointly for the purpose of advancing the agricultural interest of each of such counties, a sum of money not exceeding one thousand dollars each, annually, provided, that in any county in which two county agricultural societies are members of the state agricultural society any appropriation so made shall be divided equally between them. Provided, in addition to the appropriation above referred to, in all cases where a county owns grounds and buildings used for agricultural fairs and other purposes, the county board by a four fifths vote may appropriate annually a sum of money equal 668' 29 — 373

667 33 — 410

to five per centum of the total value of such property to the association or society having the management, control and direction of agricultural fairs held therein, for the purpose of repairs, upkeep, improvements, extensions and alterations of such grounds and buildings. (Amended '15 c. 219; '17 c. 347; '19 c. 139; '21 c. 337)

668* 28 — 178

9. To purchase or condemn land with such improvements, if any, as may be thereon, for the purpose of holding thereon agricultural fairs and exhibitions and appropriate money in payment therefor, not exceeding the sum of five thousand dollars, and such county board may purchase or condemn land for holding such fairs and exhibitions thereon and appropriate money in payment therefor in excess of said sum of five thousand dollars when authorized so to do by a vote of the people; to accept and receive a donation or donations to be used to obtain lands for the purpose of holding thereon agricultural fairs and exhibitions and in such case and for such purpose, without being authorized by a vote of the people, to purchase or condemn lands not exceeding in value the amount of such donation or donations; to improve and erect structures thereon, for which purpose they may receive donations of money, materials or labor; and to lease such land from time to time to agricultural and other societies of similar nature and to establish reasonable rules and regulations under which such land may be used by all such societies in the county; provided, that all structures and improvements made on such land by societies using the same shall belong to the county.

All proceedings for the condemnation of such lands shall be had under the provisions of chapter 41, Revised Laws, 1905, and the several acts amendatory thereof and supplementary thereto.

10. To appropriate in counties having a population of not more than twenty thousand a sum not exceeding ten thousand dollars, and in counties having a population of more than twenty thousand and less than one hundred thousand a sum not exceeding twenty thousand dollars, to erect or aid in erecting a monument or other memorial to the soldiers and sailors of the nation, such monument or other memorial to be constructed on the court house square, or in a public park at the county seat, if there be one, or elsewhere in the county seat. (Amended '19 c. 125)

11. To authorize by resolution any person, company, or corporation to construct and maintain railway lines to be operated by other than steam power upon any public road outside of cities and villages not boulevarded or parked, for a period not exceeding twenty-five years, upon the terms as to use and occupation prescribed in such resolution; the use so granted not to interfere with the reasonable use of such road as a highway, and to cease in case of the vacation thereof, unless proceedings to condemn are taken within six months thereafter and diligently prosecuted: Provided, that such railway and its property shall be subject to taxation by such methods and at such rate as the proper authorities may from time to time prescribe in accordance with law.

668 12 34 — 1552 6

12. To acquire by gift or purchase and improve not exceeding one acre of land within the county, for use as a park, site for a building, or other public purpose, and, when required by the public interest, to sell and convey the same. Such land may be paid for out of moneys in the county treasury not otherwise appropriated, or by issuing bonds of the county.

13. See note § 751.

14. To exercise such other powers as are or may be conferred upon them by law. (R. L. § 434, amended '11 cc. 89, 255; '13 cc. 94, 347, 478) [696]

Powers of board purely statutory. It has the powers expressly granted and such as are fairly implied as necessary to the exercise of those expressly granted. Acts in excess of authority void. (24–459, 28–515, 11+91; 71–198, 73+845; 81–55, 83+495; 84–295, 87+775). No implied authority to issue bonds (57–434, 59+488). May act through agents (19–295, 252). County not liable for neglect of duty by (90–530, 97+422). County may ratify unauthorized acts of (67–412, 70+6). Presumption as to validity of acts (56–432, 57+1070; 69–297, 72+123; 136–27, 161+211).

Subd. 1—Cited (107–460, 120+896).

Subd. 11—Cited (119–77, 137+395).

Subd. 13—Cited (101–197, 112+395).

POWERS OF COUNTY BOARDS OF INDIVIDUAL COUNTIES

668N 29 — 125 29 — 131 29 — 184 29 — 189 29 — 217 29 — 225 29 — 228 29 — 256 29 — 279 29 — 284 29 — 298 29 — 312 29 — 313 29 — 324 29 — 341 29 — 362 29 — 374 29 — 397 6588

Board may appropriate $200.00 annually for maintenance of cemetery established before 1857. ('15 c. 150)

Board in county having taxible property exceeding $300,000,000 and having therein a city of the first class, may appropriate $20,000 for public monument to soldiers and sailors. ('17 c. 27)

In counties having within them no city of the first class but abstracts of land title of record in the office of the Register of Deeds, the Board may have such abstract records transcribed and compared with the original records and checked back whenever there is an immediate necessity therefor. ('17 c. 97)

Board of county having assessed valuation exceeding $3 000,000 and an area over 5,000 miles, may erect garage on court house grounds. ('19 c. 217)

Board of county having assessed valuation of not less than $16,000,000 and a bonded indebtedness of not more than $275,000 and having not less than 35 nor more than 40 congressional townships, may borrow not to exceed 1 per cent of the assessed valuation to erect a suitable court house. ('19 c. 51)

668N 29 — 371 31 — 8 31 — 42 31 — 59 31 — 60 31 — 62 31 — 72 31 — 164 31 — 166 31 — 264 31 — 270 31 — 272 31 — 295 31 — 314 31 — 324 31 — 330 230nw 891 668 4588 10366

Board of county having not less than 150,000 nor more than 220,000 inhabitants and an area of 5,000 square miles, may establish an industrial home for girls. ('19 c. 153 amended '21 c. 70)

Board of county having population of 330,000, or more, may provide transportation facilities for county surveyor. ('19 c. 158)

Board of county having not less than 48 townships and an area of not less than 1,000 000 acres and not more than 1,500,000 acres, and whose population is not less than 15,000 nor more than 30 000 inhabitants, and whose valuation is not less than $10,000,000 and not more than $25,000,000 may fix the salary of the probate judge at not less than $2,000 nor more than $2,500 per annum. ('19 c. 293)

Where county board has heretofore in good faith contracted for the erection of court house and same has been commenced, and county has ordered issuance of interest bearing certificates, same are valid. (Ex. Sess. '19 c. 2)

668 Note Salaries 33 — 67 33 — 96 33 — 140 33 — 147 33 — 154 33 — 157 33 — 166 33 — 183 33 — 212 33 — 219 33 — 229 33 — 265 33 — 276 33 — 282 33 — 284 33 — 370 33 — 387 33 — 400 33 — 432 243nw 395 See 2554

Board of county having not more than 225,000 inhabitants, the assessed valuation of more than $300,000,000, may cause to be printed and bound for use of county officers, copies of the official proceedings of said county board. ('21 c. 16)

Board in any county having assessed valuation of more than $250,000,000 and an area of over 5 000 square miles, may build addition to court house and jail at City of Virginia. ('19 c. 300, amended '21 c. 123)

Board in county having assessed valuation of over $250,000,000 and an area of over 5,000 square miles, may appoint purchasing agent. ('21 c. 127)

Board of county having population of less than 100,000 inhabitants in which municipal court organized under laws of 1895 exists, may appropriate not to exceed $900 to assist in support of same. ('21 c. 276)

668 Note 33 — 34 33 — 239 33 — 266 33 — 279 34 — 54

Board of county having over 150,000 inhabitants and an area of over 5,000 square miles, may provide automotive transportation facilities for members of board and sheriff. ('21 c. 371)

Board in county having not less than 70 nor more than 80 congressional townships and an assessed valuation of not less than $3,000,000 nor more than $5,000,000, may employ road clerks. ('23 c. 23)

Board of county liable to be overrun by fire, may equip sites for use as aviation fields. ('23 c. 34)

Board of county having assessed valuation of more than $15,000,000, and less than $16,000,000, and an area of more than 16 and less than 18 full congressional townships and having more than 17,000 and less than 18 000 inhabitants, authorized to detach townships from commissioner districts. ('23 c. 55)

Board of county having population of not less than 29 000 nor more than 32,000 inhabitants and an assessed valuation of not less than $29,000,000 nor more than $32,000 000, may authorize clerical help for register of deeds. ('23 c. 93)

Board of county having area exceeding 5,000 square miles and an assessed valuation of more than $300,000,-

000, may employ accountants for road and bridge work. ('23 c. 99)

Board of county having assessed valuation of over $300,000 and an area of over 5,000 square miles, may purchase land for cemetery for interment of soldiers and sailors. ('23 c. 137)

Board of county having population in excess of 200,000 and less than 225 000 inhabitants, and an area of more than 5,000 square miles, may appropriate public funds for apprehension of historical work. ('23 c. 202)

Board of county having not less than 25,000 nor more than 29,000 inhabitants and an assessed valuation of not less than $20,000,000, nor more than $24,000,000, may appropriate funds for completion of county war records. ('23 c. 245)

Board of county having 350,000 inhabitants or more may appropriate not to exceed $30,000 for aiding in purchase of county fair grounds. ('17 c. 458 § 1)

Where agricultural society or officer thereof has contributed funds for acquisition of lands used for county fair purposes, board may appropriate funds for reimbursement. ('15 c. 140 § 1; '17 c. 74 § 1)

County boards in counties having not less than 80 nor more than 84 townships and assessed valuation of not less than *$6,000,000* nor more than *$12,000,000* to pay the unpaid balance on buildings for county fair purposes and to levy a tax therefor, by Laws 1925, c. 21, §§ 1, 2, amending Laws 1923, c. 49, §§ 1, 2.

669. Powers of county boards—In addition to all other powers nor or hereafter by law conferred upon county boards, authority hereby is given to receive and accept for their counties, real or personal property by gift, bequest, devise, conveyance or otherwise from any person whose care, support, treatment or maintenance in whole or in part is or may be chargeable to or furnished or provided by such counties, and to hold or dispose of the same for the benefit of their counties as by law provided in the case of other county property. ('23 c. 241)

669-1. Purchase by county board of county bonds out of funds in treasury—Whenever any fund in the treasury of any county of this state having not more than 50,000 population is of such size that in the opinion of the board of county commissioners of said county the same would not be necessary to be expended for the purpose for which it was paid in within two or more years from the time of such determination, the board of county commissioners of such county may thereupon authorize the auditor and treasurer of said county to purchase out of such fund any outstanding bonds of said county, at not exceeding the face value thereof and accrued interest thereon to date of purchase, and the bonds so purchased shall be kept by the county treasurer as an asset of such fund. ('07, c. 214, § 1)

669-2. Same—Resale of bonds purchased—Any bonds so purchased may again be sold by such board of county commissioners, at not less than the face value thereof, whenever in their judgment it is deemed necessary to replenish the fund out of which such bonds were purchased. ('07, c. 214, § 2)

669-3. Aviation fields and aeroplanes in certain counties for protection against fire—Bond issue—Authority of county board—The Board of County Commissioners of any county of the State of Minnesota, containing timber lands, cut over lands, or lands liable to be over run by fire and having an area of more than 5,000 square miles and a population of more than 200,000, is hereby authorized, whenever it shall be so determined by a majority vote of those present at any lawful meeting of said Board and without any further authority, to issue and sell the bonds of such county from time to time in such amounts as in its judgment may be necessary, but not exceeding in the aggregate the sum of $100,000 for the purpose of acquiring, purchasing, constructing and equipping sites and buildings for use as aviation fields for the housing, supply, repair, care, landing and departure of aeroplanes and the necessary drivers and mechanics therefor engaged in fire patrol work. ('23, c. 34, § 1)

669-4. Same—Issue and sale of bonds—Tax levy—Such county Board may issue and sell the bonds of the county for the purposes hereinbefore specified, not exceeding said sum of $100,000.00 in the aggregate *par value of such bonds, and may issue and sell the* same in such amounts and at such time or times and from time to time, as it shall deem necessary. Such bonds shall comply with the requirements of Section 1852, General Statutes for 1913, and each installment of the same shall be issued and sold in the manner provided for in Section 1856, General Statutes for 1913, and the rate of interest shall in no case exceed 5% per annum, payable annually or semi-annually, and such bonds shall not be sold at less than par. The Board of County Commissioners of any such county shall have power to levy, under the authority of this act, a tax on all the taxable property of the county sufficient to pay the interest thereon falling due from year to year and to create a sinking fund for the retirement of said bonds at maturity. The credit of the county shall be pledged to the payment of the principal and interest of such bonds. ('23, c. 34, § 2)

Explanatory note—For sections 1852, 1856, G. S. '13, see §§ 1939, 1943, herein.

669-5. Same—Condemnation of lands—Any county affected by this act is hereby authorized to acquire lands for the purposes herein specified by the exercise of the power of eminent domain in the manner provided by Chapter 41, General Statutes for 1913. ('23, c. 34, § 3)

Explanatory note—For chapter 41, G. S. '13, see chapter 41, herein.

669-6. Same—Depository for proceeds of sale of bonds—*The proceeds of the sale of such bonds shall be* placed with the County Treasurer of such county and shall be used in accordance with and for the purposes described in this act and for no other purposes whatsoever. ('23, c. 34, § 4)

669-7. Same—Use of county lands—The County Board of any county affected by this act is hereby authorized to set apart for the purposes herein specified any tract of land now owned or hereafter acquired by said county, that shall not be needed for the purposes for which acquired, or which may be used for the purposes herein specified without substantially interfering with the purposes for which said land was or may be acquired. That the setting apart of any such tract of land for such purposes may be done by the County Board of said County by resolution duly adopted, determining the need of the land for the purposes herein specified and that said land may be used for such purposes without interfering with the purposes for which said land may have been so acquired by said county. ('23, c. 34, § 5)

669-8. Parks, bathing beaches, picnic or recreational grounds in certain counties—Acquisition of sites and equipment—Authority of county board—Limitation on amount of expenditure—The County Board of any county, now or hereafter having property of an assessed valuation of not less than One Hundred and Twenty-five Million Dollars, ($125,000,000), and not more than Two Hundred and Fifty Million Dollars ($250,000,000), is hereby authorized to acquire by gift, purchase or otherwise, and improve, and equip one, or more, tracts of land within the county, for use as a park, bathing beach, picnic or recreational grounds. The acquiring of such land, its improvement as afore-

said and equiping same, may be paid for out of any moneys in the county treasury of any such county not otherwise appropriated, or by issuing bonds of the county in a sum not to exceed Fifty Thousand Dollars ($50,000). ('23, c. 258, § 1)

Unconstitutional. 161-494, 201+945.

669-9. **Same—Bond issue**—Whenever the board of County Commissioners of any such county shall deem it advisable to acquire, improve, and equip one, or more, tracts of land within any such county but outside the limits of any city or village therein for use as a park, bathing beach, picnic or recreational grounds, it may sell and issue the certificates of indebtedness, or bonds of such county to defray the cost thereof, in an amount not to exceed Fifty Thousand Dollars ($50,000), without submission to a vote of the people of said county and the full faith and credit of such county shall be pledged to the payment of the principal and interest of such certificate of indebtedness or bonds. Such bonds shall be in the form of serial bonds, a portion of which shall be payable each year after issue, but none of said bonds shall run for a longer term than twenty years, and the board of county commissioners shall fix the denominations of said bonds, and shall fix the dates of maturity thereof so that the amounts necessary each year and the interest on the bonds issued shall be approximately the same in each of the years during which such bonds shall run. Such certificate of indebtedness or bonds shall be sold in the manner provided by Section 1856 of the General Statutes of 1913 and the county board shall determine whether such bonds shall be sold to the purchaser who will pay the par value thereof at the lowest rate of interest, or to the purchaser who will pay the highest price for such bonds at an interest rate to be fixed by the board of county commissioners; provided, however, that the rate of interest shall in no case exceed six percent per annum. ('23, c. 258, § 2)

Explanatory note—For G. S. 1913, § 1856, see § 1943. herein.

669[10] 33 — 34 669-10. **Same—Tax levy**—The Board of county commissioners, annually after the issuance of said bonds, shall levy a tax upon the taxable property of such county, in addition to all other taxes levied, in an amount corresponding to the amounts of interest and principal of such certificates of indebtedness or bonds falling due from year to year. ('23, c. 258, § 3)

669-11. **Same—Indebtedness authorized to be additional to limits fixed by law**—The amount of indebtedness herein authorized to be incurred by any such county shall be in addition to and over and above any limits now fixed by law. ('23, c. 258, § 4)

669[12] 33 — 59 669-12. **Gifts, etc., of real property to counties for certain purposes**—Any county in this state may receive by grant, gift, devise or bequest, and take charge of, own, hold, control, invest, and administer free from taxation, in accordance with the terms of the trust or the conditions of the gift, any real property not to exceed 40 acres in any one county for the use and benefit of the inhabitants of said county or as park or recreation grounds, and in the encouragement, aid, and maintenance of county co-operative work and education in agriculture and home economics, and in aid and furtherance of the object and purpose of the Farm Bureau Association in said county. ('25, c. 13, § 1)

669-13. **Same—Liabilities, limitations and conditions**—No county by receiving any grant, gift, devise, or bequest of any property pursuant to this act, and holding and managing the same, shall incur or be subject to any liability of any kind or nature growing out of the ownership or management thereof; except that limitations and conditions may be imposed by the deed of gift as to the use of the property donated, and if the gift is accepted by the county it shall be the duty of the county to comply with the limitations and conditions so imposed. ('25, c. 13, § 2)

669-14. **Lands along public highways for park and recreational purposes—Acquisition by certain counties—Appropriation for**—The board of county commissioners of any county now or hereafter having a population of not less than 200,000 nor more than 300,000 inhabitants and having an assessed valuation of not less than $310,000,000 is hereby authorized and empowered to acquire, by purchase, gift or eminent domain, any timber land suitable for park and recreational purposes lying adjacent to any public highway within the county for park purposes and to improve the same for such use; and it is hereby authorized to appropriate and expend for such purpose annually a sum not exceeding $5,000.00. Any such lands so acquired shall not extend beyond 200 feet from outer edge of the regular established highway right of way. ('27, c. 348)

669-15. **Rewards for apprehension, etc., of persons accused of crime or escaping from jail**—The county boards of the several counties in this state shall have the power to offer and pay rewards in such amounts not exceeding $500 in any one case as by them may be deemed advisable for the apprehension, arrest, or conviction, or for information leading to the apprehension, arrest or conviction of any person or persons accused of crime in any of the courts of said county or for the apprehension, or for information leading to the apprehension of any prisoner escaped from any jail in said county. ('25, c. 23)

669-16. **Lease of quarters by county and city for city and county offices**—Any county in this state which now has or hereafter may have a population of more than 225,000 inhabitants and which together with any city within such county has a joint court house and city hall, the expense of which is shared proportionately by such county and city, shall have the power and authority to rent or lease together with such city, quarters for city and county offices outside of said Court House and City Hall, and the rental charged for said quarters shall be paid by said county and city in the same proportion as the expenses of maintenance of the Court House and City Hall are paid by said city and county. Provided that no rate more than $1.50 per square foot per annum shall be paid or incurred, and for only such space actually used for office purposes, and no obligation for alterations, remodeling, or repairs shall, under any circumstances, be incurred. ('25, c. 240, § 1)

Explanatory note—Section 3 of Laws 1925, c. 240 repeals all inconsistent acts or parts of acts.

669-17. **Same—Reimbursement of city by county**—Any such county is hereby authorized and empowered to reimburse any such city which has since January 1, 1925, rented or leased quarters for city and county offices outside of the Court House and City Hall, to an amount equal to the county's proportionate share of such rent computed upon the same basis as the expense of maintenance of the joint court house and city hall as apportioned between said county and city. ('25, c. 240, § 2)

669-18. **Bond issue in certain counties to meet deficiency in annual operating expenses**—The county board of any county now or hereafter having an assessed valuation of not less than $2,500,000 nor more

than $3,500,000, and an area of not less than 15 nor more than 18 full or fractional congressional townships and which has levied the maximum tax authorized by law to be levied for county purposes and the revenue raised thereby is insufficient in any particular year to meet the necessary operating expenses of such county, may by unanimous vote authorize by resolution the issuance and sale, in such manner as it shall determine, of bonds to raise such additional amount as will provide sufficient funds to meet the necessary operating expenses of such county in such year, such bonds to be of such denominations, bear such rate of interest and mature at such time or times, not exceeding, however, ten years from date of issuance, as the county board shall by unanimous vote determine. Provided, however, that the amount of bonds so issued by any such county in any year shall not exceed the sum of $20,000.00. ('27, c. 53)

670. Refundment of money paid for clerical assistance—Wherever any county officer has heretofore paid any amount for clerical assistance in his office, and the county board has heretofore approved such payment by such officer and its repayment to such officer, then such amount may be paid by such county to such officer in the same manner that ordinary claims allowed by county boards are paid. ('15 c. 39)

670-1. Moneys collected from defaulting public officials or their sureties placed in revenue fund—That any county now having, in its possession, any moneys collected from a defaulting public official or from the surety or sureties upon any bond of such public official because of the misappropriation of public moneys, the board of county commissioners of such county may, if in its opinion it would be impracticable to distribute said moneys to the various municipal subdivisions which were entitled to the moneys so misappropriated, place said moneys in the revenue fund of said county. ('25, c. 153, § 1)

671. County board may appropriate money to fight rust—In addition to the powers now conferred on it by law, the county board of each county shall have power to appropriate annually a sum of money, not exceeding $500.00, for the purpose of eradicating and removing rust producing bushes, including barberry and mahonia and excluding Japanese barberry. The money so appropriated to be expended in such manner as the county board may by resolution provide. ('21 c. 142)

672. County boards authorized to refund fees to registers of deeds in certain cases—That in all cases where registers of deeds subsequent to February 1, 1920, have erroneously paid into the treasury of their counties fees theretofore received by them for registering automobiles, county boards are hereby authorized to refund the amounts so paid upon duly verified claims filed therefor. ('23 c. 329)

673. Free county libraries. 1. The board of county commissioners of any county in this state is hereby authorized to establish and maintain, at the county seat of any such county, or any other city to be determined by said board of county commissioners, a public library for the free use of all residents of the county, and may levy a tax not to exceed one mill on the dollar of all the taxable property outside of any city or village wherein a free public library is located, or which is already taxed for the support of any such library, the proceeds of which tax shall be known as the county library fund.

2. If such county library be not otherwise established, the board of county commissioners, upon the petition of 100 freeholders of the county, shall submit the question of such establishment to the voters at the next county election. If a majority of the votes cast on such question be in the affirmative, the board of county commissioners shall establish the library, and levy a yearly tax for its support, within the limits fixed by section 1.

3. If there is a free public library in the county, the board of county commissioners shall contract with the board of directors of such library, upon such terms and conditions as may be agreed upon between such boards, for the use of such library by all residents of the county, and may place under the supervision of the said library board the county library fund, hereinbefore provided for, to be spent by said board for the extension of the free use of said library to all residents of the county. Provided, also, that if there is more than one such free public library in the county the board of county commissioners may contract with one or all of such library boards for such free service if in its judgment advisable.

4. If there is no free library in such county available for use as a central library of the county system, the board of county commissioners shall appoint a board of five directors; of said directors first appointed, two shall hold office for three years, two for two years, and one for one year from the third Saturday of July following their appointment, the term of office being specified by the appointing power; and annually thereafter the board of county commissioners shall appoint one or two directors for the term of three years and until their successors qualify. The powers and duties of such board of directors shall be the same as those of a board of directors of any free public library in a city or village, and be governed by the provisions of sections 4918-4924 of chapter 33 of the General Statutes of Minnesota 1913. ('19 c. 445)

Explanatory note—For G. S. 1913, §§ 4918 to 4924, see §§ 5663 to 5669, herein.

674. Change of name of county—The board of county commissioners of any county in this state may change the name of such county upon a petition signed by a number of the legal voters of said county equal to fifty-five per cent of the votes cast at the last preceding general election, and shall adopt the new name suggested in such petition as the official name of such county. Such petition shall be filed with the county auditor and it shall be the duty of the auditor thereupon to give public notice of the filing of such petition by publishing the same in the official newspaper of the county, and said petition shall be taken up and considered at the next meeting of said board of county commissioners, held not less than thirty days after the date of such notice. ('05 c. 238 § 1) [697]

675. Order of board—The prayer of said petition being granted, the board shall make a formal order to that effect, which shall be filed with the auditor, and thereupon the official name of said county shall be the one so adopted. ('05 c. 238 § 2) [698]

676. State conference of charities, etc.—Every board of county commissioners shall have the power to designate annually one of its members to attend the state conference of charities and correction, and shall have the power to appropriate from the county funds to pay the reasonable expense incurred by such commissioner in attending such conference. ('05 c. 262 § 1) [699]

677. Hospital—Acquisition of land—It shall be lawful for county boards of any county in this state to acquire by gift, purchase or condemnation proceedings instituted in the name of the county, lands in their county for hospital purposes for patients other than insane and to erect suitable buildings thereon and to improve and equip the same for such hospital purposes. ('13 c. 392 § 1) [700]

678. **Buildings**—The county board of any such county is hereby authorized to erect and construct on lands so acquired, suitable buildings and to improve, equip and maintain the same for such hospital purpose and to pay for the same out of any moneys in the county treasury not otherwise appropriated or to issue therefor the warrants or bonds of said county in payment therefor, and may fix the time and terms of payment of such warrants or bonds and the amount of interest they shall bear. ('13 c. 392 § 2) [701]

679. **Submission to voters**—If a majority of the electors of any county voting upon the proposition at any election at which the question of erecting hospital buildings as provided for in this act has been submitted, shall vote in favor of such proposition, the county board shall thereupon proceed to erect said buildings and make such improvements as shall be necessary to fit the same for such hospital purposes. ('13 c. 392 § 3) [702]

680. **Question, how submitted**—The question of erecting hospital buildings, as herein provided, shall be submitted upon a separate ballot to the qualified voters of any county at any general election. The election provided for in this act shall be called by resolution in writing of the board of county commissioners, passed by a majority vote, which resolution shall distinctly state the time of the election, that a county hospital is proposed to be established, the proposed location thereof, the same to cost, including equipment, not to exceed the sum set forth in such resolution. Upon the passage of such resolutions the county auditor shall seasonably notify each town, city and village clerk in his county that the question of erecting hospital buildings shall be voted upon at the time stated in the resolution, such election to be controlled by the existing election laws.

The ballot to be used at such election shall be in the form following:

"For the erection of hospital buildings, including equipment, to be located ..... (state location), at a cost not to exceed $..... (state amount), pursuant to the resolution of the board of county commissioners passed..... (state date).
Yes .....
No ....."

Electors desiring to vote in favor thereof shall make their cross mark thus (X), opposite the words "yes," and electors desiring to vote against the proposition shall make their cross mark thus, (X), opposite the word "No," and such votes shall be cast in the same manner as votes cast at such general election and shall be counted by the same officers, and returns made to the county auditor, and canvassed in like manner as the returns on county officers. ('13 c. 392 § 4) [703]

681. **Duty of board, when hospital authorized**—If upon such election in any county a majority of the electors voting upon such proposition shall vote in favor of erecting such hospital buildings, the county board shall forthwith proceed to erect such buildings as may be deemed proper, suitable and convenient, and equip the same to effectuate such purpose. ('13 c. 392 § 5) [704]

682. **Operation of hospital**—The county board of any county having erected buildings for hospital purposes as herein provided may operate the same as such hospital and may appoint a superintendent thereof for a term to be fixed by the board of county commissioners, fix his salary, and may at pleasure remove such superintendent and may prescribe his powers and duties and may provide for the management and operation of such hospital, and shall have and are hereby vested with full power and authority to operate, control and manage the same, and in addition thereto, if the board of county commissioners shall determine that it is in the interest of the public so to do, may appoint a hospital board of not exceeding three members who shall serve without compensation, and who shall be resident freeholders of the county wherein such hospital is located, and may subject to the supervision of said board of county commissioners commit the care, management and operation of such hospital to such hospital board so created and may provide for the organization of such board, its duties and the duties of the members thereof, and such further regulation in reference thereto and to the management, operation and control of such hospital as may be proper, necessary or desirable or may lease and let unto responsible hospital association such hospital grounds and buildings upon such terms as they may deem advisable. Provided that this act shall not be construed as authorizing or permitting any county board to erect any such hospital buildings or to pay for the same without first submitting the question to the vote of the people as herein provided, and no such erection of buildings or payment therefor shall be made unless a majority of the electors voting upon such proposition at any election vote in favor thereof. ('13 c. 392 § 6) [705]

See '21 c. 411 § 12, allowing counties to co-operate with Minnesota General Hospital.

682-1. **Hospitals — Additional expenditures — Election or petition**—When, pursuant to the provisions of Chapter 392, Laws 1913 (Sections 677-682, inclusive, General Statutes 1923), the county board of any county has been heretofore, or shall have been hereafter, authorized by the voters to construct an addition to the county hospital of such county, whether or not also authorized to equip such addition, and said board shall have ascertained and determined that such addition, whether with or without equipment, cannot be completed within the cost authorized, or shall have determined that, to complete the improvement, certain alterations should be made, or fixtures or equipment added, either in the original building, or in the addition, or both, the board may be authorized to expend a specified additional amount for each, any or all of the purposes herein mentioned, either by vote of the people of the county at a general or special election, at which the proposition so to do shall be submitted and disposed of substantially in the manner provided by said Chapter 392, or, in lieu of a vote at such an election, by petition of a number of voters of the county equal to a majority of the votes cast therein at the last preceding general election. Such petition may be in the form of one document or of several of substantially like tenor and effect, and shall be filed with the county auditor. Any special election hereunder may be called in any manner by law provided for the calling of special county elections. Upon authority being granted by the voters in either manner herein provided, the board may thereupon proceed accordingly and, if they shall have theretofore made or attempted to make a contract or contracts in excess of the authority first granted, may ratify and carry out such contract or contracts or any thereof. ('27, c. 106, § 1)

682-2. **City and county hospitals and alms houses in counties having board of control—Funds—Deposit in county treasury—Disposition of**—In every county of this state in which there exists or shall hereafter exist a board of control which is maintained by funds sup-

plied in proportionate parts by a city within said county and by the county, all receipts received by the board of control from the city and county hospital and county alms house, shall be deposited in the county treasury and the county treasurer shall be accountable to the city for one-third thereof, the same to be credited to the board of control fund and the balance of such receipts shall be credited to the poor fund of the county. ('19, Ex. Sess., c. 36, § 1)

682-3. Same—Supplies—Purchase and payment for—In such counties all commodities, animals and products delivered by the alms house to the city and county hospital or by the city and county hospital to the alms house, shall be purchased and paid for by the institution receiving the same in the same manner as commodities, animals and products obtained from other sources are purchased and paid for and the receipts from such products and commodities shall be paid into the county treasury and distributed as is provided in section 1 hereof. ('19, Ex. Sess., c. 36, § 2)

682[1-7] 33 — 306 See 1973[1-4]

682-4. Same—Bonds or certificates of indebtedness for improvement of—Maximum amount—Any county and any city within such county which maintains a Board of Control by funds supplied in proportionate parts by any such county and any such city within such county may issue and sell in proportionate parts certificates of indebtedness or bonds of such county and such city within such county in an amount not to exceed $210,000 for the purpose of defraying the cost of remodeling, altering and equipping the buildings at the hospital and alms house in any such city and in any such county for the purpose of increasing the efficiency of said hospital and alms house to provide for the treatment and care of poor persons in such cities and counties and to provide additional facilities for the purpose of treating persons afflicted with tuberculosis, that is to say, that any such county may issue not to exceed $140,000 of such bonds or certificates of indebtedness and that any such city within such county may issue not to exceed $70,000 worth of such bonds and certificates of indebtedness. ('27, c. 70, § 1)

682-5. Same—Bonds or certificates of indebtedness for improvement of—Interest, maturity, etc.—Whenever the Board of County Commissioners of any such county and the governing body of any city within such county shall deem it advisable to provide funds for the purpose of remodeling, altering and equipping the buildings at the hospital and almshouse in any such city and in any such county for the purpose of increasing the efficiency of said hospital and almshouse to provide for the treatment and care of poor persons in such cities and counties and to provide additional facilities for the purpose of treating persons afflicted with tuberculosis, in connection with a hospital and almshouse maintained by such Board of Control of such county and city may each for itself issue and sell certificates of indebtedness or bonds of any such county and any such city in an amount not to exceed $210,000 without submission to the vote of the people, and the full faith and credit of the county and the full faith and credit of the city shall be pledged separately to the payment of the principal and interest of such certificates of indebtedness and bonds. Such bonds shall be in the form of serial bonds, a portion of which shall be payable each year after issue, but none of said bonds shall run for a longer term than ten years, and the Board of County Commissioners of such county and the governing body of such city shall fix the denominations of said bonds and the dates of maturity thereof, so that the amounts necessary each year for the payment of principal and interest on said bonds shall be approximately the same in each of the years during which such bonds shall run. Such certificates of indebtedness or bonds shall be sold in the manner provided by Section 1943, General Statutes 1923, and the Board of County Commissioners of such county and the governing board of such city shall determine whether such bonds shall be sold to the purchaser who will pay a par value there at the lowest rate of interest, or to the purchaser who will pay the highest price for such bonds at an interest rate to be fixed by the said Board of County Commissioners and the governing body of such city provided, however, that the rate of annual interest shall in no case exceed 6% per annum. ('27, c. 70, § 2)

682[6] 33 — 125 33 — 129

682-6. Same—Bonds or certificates of indebtedness for improvement of—Tax levy—Of the total amount of bonds authorized by this section the county shall issue, bear and pay two-thirds and the city shall issue, bear and pay one-third of said bonds so issued by the Board of County Commissioners and the governing body of such city respectively. And the Board of County Commissioners of such county and the governing body of any such city shall provide annually for the payment of such bonds and interest and shall raise sufficient taxes therefor and if any such Board of County Commissioners or the governing body of any such city shall fail to make provision in their annual tax levies for the payment and redemption of said bonds with the interest thereon as the same become due and payable the County Auditor of any such county shall add to the amount of taxes to be raised by any such county and city an amount sufficient to provide for the payment and redemption of such bonds with interest due thereon. ('27, c. 70, § 3)

682-7. Same—Bonds or certificates of indebtedness for improvement of—Undisposed proceeds of prior bond sales—Any funds remaining unexpended and realized from the sale of bonds issued under Chapter 398, General Laws 1923, shall also be used for the purpose of aiding in the remodeling, altering and equipping the buildings at said hospital and almshouse. ('27, c. 70, § 4)

Explanatory note—Section 5 of Laws 1927, c. 70 repeals all inconsistent acts or parts of acts.

For Laws 1923, c. 398, see §§ 682-2 to 682-5, herein.

29 682[1] — 304

682-8. Bond issue in counties and cities maintaining board of control for hospital building for contagious and communicable diseases—Any county, and any city within such county, which maintain a Board of Control by funds supplied in proportionate parts by any such county, and city within such county, may issue and sell certificates of indebtedness or bonds of such county and city within such county, in an amount not to exceed Four Hundred Thousand ($400,000) Dollars for the purpose of defraying the cost of erecting one building for the purpose of treating contagious and communicable diseases, "and one building to be used as a chapel and auditorium," in connection with any hospital maintained by such Board of Control. ('23, c. 398, § 1)

This act does not violate the constitutional provision prohibiting special legislation, nor the provision permitting cities to be classified on the basis of population. 160-69, 199+442.

682-9. Same—Issue and sale of bonds—Whenever the Board of County Commissioners of any such county and the governing body of any city, within such county, shall deem it advisable to provide funds for the erection of a building to be used for the purpose of treating contagious and communicable diseases, and a build-

ing to be used as a chapel and auditorium, in connection with a hospital maintained by any such Board of Control, such county and city may issue and sell certificates of indebtedness or bonds of such county in an amount not to exceed Four Hundred Thousand ($400,000) Dollars, without submissiin to the vote of the people, and the full faith and credit of the county and the city shall be pledged to the payment of the principal and interest of such certificates of indebtedness or bonds. Such bonds shall be in the form of serial bonds, a portion of which shall be payable each year after issue, but none of said bonds shall run for a longer term than twenty years, and the Board of County Commissioners and the governing body of such city shall fix the denominations of said bonds and the dates of maturity thereof, so that the amounts necessary each year for the payment of principal and the interest on said bonds shall be approximately the same in each of the years during which such bonds shall run. Such certificates of indebtedness or bonds shall be sold in the manner provided by Section 1856, General Statutes 1913, and the Board of County Commissioners and the governing body of such city shall determine whether such bonds shall be sold to the purchaser who will pay par value thereof, at the lowest rate of interest, or to the purchaser who will pay the highest price for such bonds at an interest rate to be fixed by the said Board of County Commissioners and the governing body of such city; provided, however, that the rate of annual interest shall in no case exceed six per cent per annum. ('23, c. 398, § 2)

682-10. Same—City and county to share expenses—The county shall bear and pay two-thirds (2/3) and the city shall bear and pay one-third (1/3) of said bonds, so issued by the Board of County Commissioners and governing body thereof respectively, and the Board of County Commissioners of such county, and the governing body of any such city, shall provide annually for the payment of such bonds and interest, and shall raise sufficient taxes therefor, and if any such Board of County Commissioners or the governing body of any such city shall fail to make provision in their annual tax levies for the payment and redemption of said bonds, with the interest thereon, as the same become due and payable, the County Auditor of any such county shall add to the amount of taxes to be raised by any such county or city an amount sufficient to provide for the payment and redemption of any such bonds with interest due thereon. ('23, c. 398, § 3)

682-11. Same—Limitations on indebtedness not to apply—The amount of indebtedness herein authorized to be incurred by any such county and any such city shall be in addition to, and over and above any limits now fixed by law, charter or otherwise. ('23, c. 398, § 4)

33 682½ — 345

682-12. City and county hospitals in cities of first class—Claims for personal injuries—Payment—That the city and county board of control, now having the charge, control and management of any city and county hospital in any city of the first class, operating under a home rule charter, is hereby authorized and empowered to compensate any person or persons for personal injuries heretofore sustained by reason of the negligence of any officer, nurse or employee of such hospital; and such board of control shall have the right to pay and compensate such injured person or persons upon the passing of a resolution by such City and County Board of Control authorizing such payment. Provided that this act shall not authorize compensation to be made for any injury sustained prior to March 1st, 1924, not subsequent to April 1st, 1924. ('25, c. 310)

683. Aid to hospitals in counties having no county hospital—In any county in this state in which there is no county hospital, the county board of such county is hereby authorized and empowered to appropriate and pay from the general fund of said county as aid in the erection, construction and maintenance in such county of a hospital for the treatment of sick, diseased and injured persons, a sum not exceeding five thousand dollars ($5,000), and preference shall always be given in the admission to such hospital of such patients as are in whole or in part public charges, and are sent thereto by the county board. ('13 c. 123 § 1) [706]

See '21 c. 411 § 12.

684. Aid for erection or maintenance of hospitals in counties containing 25,000 inhabitants or less—Appropriation for—Amount—The board of county commissioners in any county in this state containing twenty-five thousand inhabitants, or less, is hereby authorized to appropriate from the general revenue fund of such county a sum not exceeding Forty Thousand Dollars in any one year to aid in the maintenance or erection of a hospital within such county. ('09, c. 210, § 1; superseded '15, c. 326, § 1) [707]

Explanatory note—This section and the following section were inserted in the 1923 General Statutes in the language of Laws 1909, c. 210, §§ 1, 2. They are now set forth in the language of the superseding act of 1915 (Laws 1915, c. 326, §§ 1, 2).

685. Same—Bond from hospital—Before any such appropriation shall be made in any county under the provisions of this act, the board of county commissioners of such county may, in their discretion, require a bond on the part of the authorities of such hospital in a sum of at least the amount of the appropriation with sureties to be approved by such board, conditioned that such hospital shall be operated in a first class manner for the year for which said appropriation is made, or for such further time as such board may require, and that the authorities of such hospital shall receive at such price or compensation as may be fixed and agreed upon by and between such board and the authorities of such hospital at or before the time of the giving of such bond, all patients who may be a charge or dependent upon such county. ('09, c. 210, § 2; superseded '15, c. 326, § 2) [708]

Explanatory note—See note to § 684.

686 — 29 — 228

686. Tuberculosis sanatorium—That the board of county commissioners in any county of this state shall have the power to establish and maintain a public sanatorium for the treatment and care of persons afflicted with tuberculosis. ('09 c. 347 § 1) [709]

687. County sanatorium commission—Upon the decision to establish and maintain a public tuberculosis sanatorium under this act, the county commissioners shall appoint a commission consisting of three members, at least one of whom shall be a licensed physician. These members shall be chosen with reference to their special fitness for such office, and their appointments before becoming effective shall be approved by the state board of health. Under the first appointment one member shall be chosen for one year, one for two years, and one for three years; and thereafter one member shall be chosen each year to serve for a period of three years. This commission shall be known as the "county sanatorium commission." Its members shall serve without compensation or financial benefit, but shall be entitled to reimbursement for all actual expenses in connection with their official duties. Said

sanatorium commission shall have full charge and control of all moneys received for the credit of the sanatorium fund and for the construction of any sanatorium building, its location, erection and maintenance, and shall make such regulations concerning the same as may seem to it advisable. It shall appoint and employ a competent superintendent and other necessary help. The superintendent shall be the secretary of the commission, and one member of the commission shall be designated by it as its president. The members of said commission shall qualify by subscribing to and taking the usual oath of office, and shall hold office as indicated above or until their successors are appointed and approved and have qualified. ('09 c. 347 § 2) [710]

688. Counties may unite—Two or more counties may unite in acquiring, establishing, equipping and maintaining such sanatorium, and in such case such commission shall be composed of three members chosen from the county in which said sanatorium is to be located, as provided for in section 2, and two members shall be chosen in like manner from each of the other counties interested. ('09 c. 347 § 3) [711]

689. Appropriation—Tax levy—Fund—A county or counties wishing to provide a sanatorium as indicated in section 1 may, through its county commissioners, appropriate not to exceed twenty thousand dollars for the establishment and equipment of same. Such commission shall determine by resolution each year prior to July 1st, the amount of money necessary for the equipment and maintenance of the sanatorium the following year, and a certified copy of such resolution shall be forthwith forwarded to the county board, and such board shall at its regular meeting in July, include such amount in its annual levy of county taxes (unless after due hearing such amount be determined to be unreasonable and unnecessary in which event such amount may be reduced accordingly by said board). But in no case shall the amount of such levy in any one year exceed four-tenths of one mill on the dollar of assessed valuation. Such amount when collected shall be credited to the sanatorium fund. In case two or more counties unite in establishing such sanatorium then such commission shall in its annual resolution or budget apportion the same between or among such counties and designate the amount to be so raised by each county and shall in like manner forward to the county board of each county a certified copy of such resolution and such county board shall then proceed to levy such proportion in the same manner as previously designated in this section. All moneys received for such sanatorium shall be deposited in the treasury of said county or counties to the credit of the "Tuberculosis Sanatorium Fund," and shall not be used for any other purpose, and shall be drawn upon by the proper officials of said county or counties upon the properly authenticated vouchers of the sanatorium commission. ('09 c. 347 § 4) [712]

690. Moneys, how paid—Annual statement—No money shall be paid from such fund except on orders signed by the president and secretary of such commission, which orders shall be drawn upon the county treasurer or treasurers of such county or counties. The sanatorium commission shall annually file with the auditor or auditors of such county or counties a full itemized statement of all receipts and disbursements. ('09 c. 347 § 5) [713]

691. Charges, how fixed—The commission shall fix the amount to be charged for the care, treatment and maintenance of each patient. When a patient is unable to pay such charges and has no kindred legally liable therefor, such patient may be admitted without charge, or the commission may fix a charge according to the patient's ability to pay. Any individual outside of a county or counties maintaining a tuberculosis sanatorium may apply for treatment; or any city, village or county may apply on behalf of its charges, and the same may be provided for under a stipulated agreement by the party or municipality to pay a weekly sum designated by the sanatorium commission. ('09 c. 347 § 6) [714]

692. Patients, how admitted—Any inhabitant of such county or counties maintaining a tuberculosis sanatorium, who is afflicted with tuberculosis, whether in the incipient or advanced stage, is eligible for care in the sanatorium and may apply for admission thereto; or any licensed physician, visiting nurse, charity worker, humane officer or health officer may apply on behalf of such individual; and the superintendent, after examining the facts of the case, may admit such person to the sanatorium for care, treatment and maintenance. ('09 c. 347 § 7) [715]

693. Gifts, donations, etc.—The sanatorium commission is empowered to accept as a trust any gift, donation or funds from any other source, whether subject to the special provisions of the donors or not, and such gifts, donations or funds shall be placed to the credit of the "Tuberculosis Sanatorium Fund" in the treasury of the county in which the sanatorium is located, and shall be disbursed as provided for under section 5. ('09 c. 347 § 8) [716]

694. One mill tax levy authorized for tuberculosis sanatorium—The county board of any county in this state which has heretofore established or shall hereafter either by itself or in conjunction with another county or counties establish a tuberculosis sanatorium may annually levy a tax on all taxable property in the county of not to exceed one mill on the dollar, for the construction, improvement, equipment and enlargement of such sanatorium and the improving and enlarging of the site thereof, but in no case shall an annual levy in excess of such one mill be made therefor without authority conferred by a vote of the voters of said county. ('19 c. 78 § 1)

695. Sanatorium commission to fix amount necessary for maintenance—Not to exceed 2 mills on assessed valuation—The county sanatorium commission shall determine by resolution each year prior to July 1st, the amount of money necessary for the maintenance of such sanatorium during the following year and a certified copy of such resolution shall be forthwith forwarded to the board or boards of county commissioners, and such board or boards shall at the regular meeting in July include the properly approved and apportioned amount in the annual levy of county taxes. In no case shall the amount of such levy in any one year exceed two mills on the dollar of assessed valuation.

In no case shall the total levy made for all purposes as expressed in sections 1 and 2, in any one year exceed two mills on the assessed valuation without authority conferred by a vote of the voters of said county or group of counties. ('19 c. 78 § 2)

696. Manner of payments to be made by state—The amount due from the state to the sanatorium commission for the care and treatment of free patients shall be certified to the state auditor at the end of each month by the sanatorium commission. The state auditor shall draw his warrants in favor of the sanatorium commission in charge of the sanatorium in question in payment of such amounts and forward same to such commission, provided that the president and executive secretary of the advisory commission of the Minnesota Sanatorium for Consumptives certify that

the institution has been properly conducted. All other payments for the care and treatment of patients in such sanatorium and all other moneys due such sanatorium commission shall be paid to such commission at the sanatorium, the commission shall designate the superintendent or some other person as treasurer, who shall furnish satisfactory surety bond and to whom shall be paid all sums due the commission and such treasurer shall collect all arrearities. Funds thus received shall be deposited by such treasurer in some bank, to be designated by the commission, to the credit of the sanatorium commission in an account to be known as the "..... sanatorium maintenance fund." ('19 c. 78 § 3)

697. Statment of expenses and certifying and payment of same—The sanatorium commission shall on or before the tenth day of each month ascertain the amount of expenses incurred for the preceding calendar month for the operation and maintenance of such sanatorium, as shown by claims allowed by it and shall deduct from the same the amount of cash receipts of the sanatorium commission for that month and shall certify to the county auditor or county auditors, as the case may be, the amount due from each county for its share of the net expenses for the month in question.

In case the sanatorium is maintained by two or more counties the proportionate share to be thus certified shall be based upon the population of the respective counties.

Upon receipt of the certificates above referred to, the county auditor or the county auditors, as the case may be, shall forthwith draw warrants upon the county sanatorium fund of his county for the amount due such sanatorium commission and forward the same to it and the funds so received shall be deposited to the credit of the sanatorium commission as provided for in section 3 hereof.

Payments for duly allowed claims against the sanatorium commission shall be paid by checks issued therefor and signed by the president and secretary of such commission, except as in section 5 herewith provided. ('19 c. 78 § 4)

698. Revolving fund—A revolving fund for the payment of expenses requiring immediate cash payment such as postage, express and other necessary cash transactions that may be specified by the commission, shall be placed in the hands of the superintendent of the sanatorium who may deposit such part thereof as he deems advisable in some bank to the credit of such commission in an account to be known as the "..... sanatorium revolving fund." The portion of the fund so deposited may be checked upon by the superintendent.

Such revolving fund shall be created by the commission and reimbursed from time to time as necessity may require by county auditor or county auditors warrants pursuant to certificates issued therefor by the sanatorium commission.

Receipts shall be taken by such superintendent for all moneys, disbursed either in cash or by check, from such revolving fund. ('19 c. 78 § 5)

699. Surety bond to be furnished by depository and by secretary and treasurer—The bank or banks so designated as depositories by the sanatorium commission shall furnish surety bonds in amount as required by the commission and at least in a sum equal to the amount of funds that are likely to be deposited in such banks at any one time. The secretary and treasurer of such commission shall each furnish a surety bond in an amount to be determined by the commission. This act shall not apply to or affect any county now or hereafter having more than 150,000 inhabitants. ('19 c. 78 § 6)

Board of every county having not less than 400,000 inhabitants may issue bonds not to exceed $1,000,000 for sanatorium. ('21 c. 132)

Board of county having a population of not less than 45,000 nor more than 65,000 inhabitants, may cease operation of tuberculosis sanatorium. ('21 c. 410)

Board of every county having not less than 400,000 inhabitants may levy tax not to exceed one mill on the dollar for tuberculosis sanatorium. ('23 c. 101)

700. Certain persons to receive medical attention—When a patient in a county tuberculosis sanitarium becomes afflicted with sickness other than tuberculosis, and is in need of immediate medical attention and is without means, the superintendent of such sanitarium may provide the necessary medical attention, and the expense thereof shall be paid by the sanitarium district, in the same way as maintenance expenses are paid. Such expense, when paid, shall be a charge against the relatives of the person responsible therefor, and if there are no such relatives, then against the place of settlement of such patient, as defined by Chapter 128, Laws 1919. Expense chargeable against the place of settlement shall be presented to the governing body thereof, in the form of an itemized, verified claim. Such body, if satisfied that the claim accurately sets forth the expense incurred and paid by the sanitarium district, shall allow the same and direct an order or warrant to issue, as in the case of the allowance of other claims. ('23 c. 17)

Explanatory note—For Laws 1919, c. 128, see infra, § 3161.

701. County attorneys legal advisors of sanitarium commissions—The county attorney of every county, maintaining alone or with other counties, a county tuberculosis sanitarium, shall act as the legal advisor of the commission in charge of the sanitarium with reference to all matters arising in his county, and with reference to such matters arising outside of his county as the commission may direct. ('23 c. 18)

702. *Village council to issue license for tuberculosis* sanatorium—No city or county shall hereafter establish a Tuberculosis Sanatorium, Pest House, Hospital, or Detention Home in any village, without first making application for a license to the Village Council of such village giving the proposed location of said institution, the plans and specifications of the contemplated buildings, and such other information in reference to the erection of said buildings, as may be required by the village council, nor until the village council of such village has granted a license for the erection or maintenance of such institution. ('23 c. 237 § 1)

703. Council to regulate location—Whenever an application for a license for the erection, maintenance or establishment of any of the institutions herein mentioned shall have been made to a village council, the council shall consider said application within ten days thereafter, and if, in the opinion of said Council or a majority thereof, it shall be deemed proper and advisable to license such an institution, the council shall authorize the village Recorder to issue to said applicant a license for the erection or maintenance of such institution as per the petition presented or as changed as hereinafter stated; if the said Council shall require any changes in the plans or specifications, or in the location of said institution, to protect the health and safety of the inhabitants of the village, the Council shall suggest changes to be made in the aforesaid application before granting such license. ('23 c. 237 § 2)

704 Violation and penalties—Any officer, agent or employe of any city or county who shall violate any

provision of this act shall be deemed guilty of a gross misdemeanor. ('23 c. 237 § 3)

705. Tuberculosis Sanatoriums — Establishment— The board of county commissioners of any county in this state or the boards of county commissioners in any group of counties in this state shall have and are hereby granted and given power with the advice and approval of the advisory commission of the Minnesota Sanatorium for Consumptives to establish and maintain as hereinafter provided, a sanatorium for the treatment and care of persons affected with tuberculosis, provided that said power so granted shall be exercised as follows:

a. Such sanatorium may be established by a majority vote of the commissioners of such county or a majority vote of the commissioners of each such group of counties whenever and in cases where the amount of the cost of construction to be paid by such county or group of counties shall not exceed such sum as may be raised by a tax levy of not to exceed one mill on the dollar of the taxable property of any such county or group of counties.

b. When the cost of constructing said sanatorium shall exceed the amount specified in sub-division "a" thereof, or whenever it is necessary to issue the bonds of such county or any county in any such group of counties to defray the cost which such county or any of such counties are required to pay under the terms of this act, then and in all such cases the question of (1) whether such sanatorium shall be established (and when necessary). (2) Whether such bonds shall be issued to defray any county's portion of the cost thereof, shall be submitted to the voters of such county or, if more than one, to the voters of each of such counties requiring a bond issue, and the sanatorium shall not be established or bonds issued therefor unless a majority of the voters of such county, or, if more than one, of each such county voting thereon shall vote in favor of each proposition submitted to it or to them.

c. The board of county commissioners of any such county, or, if more than one, the board of county commissioners of any such counties shall have the power and authority in any case to submit the question to the voters of any such county or counties in the way and manner provided in this act and in the event that the cost which the county, or if more than one, the counties will be required to pay for the erection of such sanatorium under this act shall be less than an amount equal to the amount which can be raised in any such county or counties by a tax levy of one mill on the dollar of the taxable property of each such county or group of counties and the commissioners of any such county or counties shall decide not to construct the same under the power herein contained, on a petition of not less than five per cent of the freeholders of such county or counties, such question shall be submitted to the voters of such county or group of counties and if a majority of the voters of such county or a majority of the voters of each county of such group of counties voting thereon in favor thereof then such sanatorium shall be erected hereunder and a tax levied if necessary to pay the cost which such county or counties are required to pay under this act, which tax shall be extended and collected as herein provided.

Provided, that any county or group of counties which has heretofore commenced proceedings to erect a sanatorium or taken any steps preliminary thereto may by a resolution of the board of county commissioners thereof, adopted by a majority vote of said board of county commissioners or each board of county commissioners, as the case may be, determine to proceed under the provisions of this act and may continue hereunder and complete such sanatorium and be entitled to all the provisions and benefits provided for in this act.

Provided, however, that the said sanatorium when so constructed shall in all respects conform to the requirements of this act.

The board of county commissioners of any such county, or the board of county commissioners of each of such group of counties, if more than one, erecting such sanatorium under the provisions of this act, may, by resolution, create a fund to be known as the "Sanatorium Fund," and such funds may be raised by taxation at the time of deciding to erect such sanatorium under this act or at any time subsequent thereto, or if submitted to the people at the first meeting of the board of county commissioners, after the people of said county or counties shall have voted to erect the same, and the amount so determined by said board to be raised by taxation shall be levied by the county auditor in addition to all other taxes authorized by law, and shall be extended on the tax lists and collected as other county taxes, and this provision shall be construed to vest in the county commissioners of such county or counties, as the case may be, power to levy a tax to pay interest and principal of any bonds authorized hereunder as the same shall come due and become payable, and the said tax shall be levied, extended and collected in the same way and manner as other county taxes are levied, extended and collected, and shall be used for no other purpose, provided that no institution established under this act shall have less than twenty beds.

The question as to the establishment and maintenance of the sanatorium, or issuance of bonds therefor, may be submitted at a general or special election; if at the general election the notices of such election shall state that the questions will be voted upon and the provisions for taking such votes shall be made upon the blue ballots furnished herefor, as in the case of other questions, and the result shall be canvassed and returned in like manner; if at a special election, such election shall be ordered by resolution of the county board and the procedure for, at and after such election shall be substantially and as far as applicable the same as provided for in Section 399 to 403 inclusive, of the Revised Laws of 1905, and the county auditor upon the passage of the necessary resolution, shall proceed as in said sections provided. If the proposition is to affect more than one county, then the necessary action shall be taken by the county board and county auditor of each county affected. If funds are to be borrowed from the state, the procedure outlined herein shall be sufficient for that purpose, instead of those provided for in Chapter 122, General Laws of 1907).

If the bonding proposition should carry at any such election at which both propositions are voted upon, and the other propositions should fail to carry, no bonds shall be issued to provide money for the establishment or maintaining of a sanatorium until at some future election at which the question is properly submitted, and a majority of the votes cast upon the question shall have been in favor of the establishing and maintaining of such sanatorium. Where more than one county is involved in the result of the vote on the question or questions submitted in each of said counties shall be certified by the county auditor thereof to the county auditors of the other counties interested.

The amount of taxes to be raised in any one year in any one county for the construction of any such

sanatorium hereunder, shall never exceed an amount equal to the amount which may be raised by a tax levy of one mill on the dollar of taxable property in such county. ('13 c. 500 § 1, amended '15 c. 270 § 1) [717]

See infra, §§ 720 to 724.
For R. L. '05, §§ 399 to 403, see supra, §§ 628 to 632. For Laws 1907, c. 122, see infra, §§ 1958 to 1968.

705-1. Tuberculosis Sanitoriums—Transfer of funds from construction and maintenance fund to county revenue fund in certain cases—In all cases where heretofore, under and pursuant to the provisions of Chapter 500, General Laws of 1913, and the various acts amendatory thereof, the county boards of other counties in this state, have by joint resolution of such county boards agreed and determined to construct and maintain a joint sanatorium for the treatment of tuberculosis and thereafter any such county has levied and collected taxes for the construction and maintenance of such joint sanatorium, and thereafter and before the site or location of such sanatorium has been fixed and determined, and such county has by a resolution of its county board duly passed, rescinded, so far as such county is concerned, the aforesaid resolution for the construction and maintenance of such sanatorium and has withdrawn from said agreement and from the group of counties formed thereby, the taxes so levied and collected, and which may hereafter be collected from any such levy, are hereby transferred from such construction and maintenance funds to the county revenue fund of such county and may be used for any and all county purposes, which are chargeable to such county revenue fund. ('25, c. 338)

Explanatory note—For chapter 500, Laws 1913, see §§ 705 to 719, herein.

706. Employment of nurses to visit consumptives in their homes — Upon the decision to establish and maintain a tuberculosis sanatorium under this act, the county commissioners of any county shall appoint a commission consisting of three members, residents of the county, at least one of whom shall be a licensed physician. These members shall be chosen with reference to their special fitness for such office and the appointment of said licensed physician before becoming effective shall be approved by the state board of health. Under the first appointment one member shall be chosen to hold office for one year, one for two years and one for three years, all from the first Monday of the next July following such appointment, and thereafter one member shall be chosen each year to serve for a period of three years commencing with the first Monday in July in each year respectively, and each appointee shall hold office until his successor is appointed and has qualified. This commission shall be known as the county sanatorium commission. Its members shall serve without compensation but shall be entitled to reimbursement for all necessary expenses incurred by them in connection with their official duties.

Said county sanatorium commission shall have full charge and control, except as hereinafter provided, of all moneys received for the credit of the tuberculosis sanatorium fund hereinafter described and full charge and control of the location, establishing, and maintenance of any sanatorium building constructed under this act and shall make such regulations concerning the same as may seem to it advisable, but no site shall be secured and no buildings erected or equipped without the approval and consent of the advisory commission of the Minnesota Sanatorium for Consumptives, and before final action is taken and plans and specifications shall be submitted to the state board of health for approval as provided by Section 2131, Revised Laws of 1905. The state board of control shall have full power and control over the construction and equipment of any such sanatorium whose establishment has been determined upon by said county sanatorium commission as hereinafter provided.

Said county sanatorium commission may when deemed necessary appoint and employ with the approval and consent of the advisory commission of the Minnesota Sanatorium for Consumptives a competent superintendent who shall employ other necessary help at a compensation to be determined by the county sanatorium commission. Said superintendent shall be the executive officer of the sanatorium and he shall act as secretary of the county sanatorium commission. One member of said commission shall be elected annually by the commission as its president.

The county sanatorium commission of a county or group of counties may authorize the superintendent of a sanatorium to employ a nurse or nurses to visit in their homes consumptives who have been discharged from such institution and who reside within such county or group of counties. Such nurse shall render monthly reports in duplicate to the superintendent of the sanatorium and to tne state board of health. Said sanatorium commission may establish an open air school or preventorium for child patients in connection with the sanatorium with the consent and approval of the advisory commission of the Minnesota Sanatorium for Consumptives.

Said county sanatorium commission of a county or group of counties is hereby authorized, with the approval of the advisory commission of the Minnesota Sanatorium for Consumptives, to use any surplus of the tax levy made for the maintenance of a sanatorium, for building, purchasing equipments, building additions, building cottages, making improvements and repairs. ('13 c. 500 § 2, amended '15 c. 270 § 2) [718]

Explanatory note—For R. L. '05, § 2131, see infra, § 5345.

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707. Membership of commission for sanatorium controlled by two or more counties—Two or more counties may unite in acquiring, establishing, equipping or maintaining such sanatorium and in such case said commission shall be composed in the first instance of two members chosen from each county in such group of the county commissioners of each such county, and after the site for the sanatorium has been selected and has received the approval of the advisory commission of the Minnesota Sanatorium for Consumptives such commission shall be increased by the addition of a third member chosen from the county in which said sanatorium is to be located, by the county commissioners thereof; under the first appointment one member from each county shall be chosen to hold office for two years and one for three years from the first Monday of the next July following such appointment, and the additional member thereafter chosen from the county in which said sanatorium is to be located shall be chosen to hold office for one year from the said first Monday of the next July, and thereafter the members chosen to succeed said first appointees at the expiration of their terms shall each hold office for the term of three years, and each appointee provided for in this section shall hold office until his successor is appointed and qualified.

In any case where a group of two or more counties have jointly acquired, established, equipped or maintained a sanatorium, and one or more counties in such group desires to separate from such group for the purpose of alone, or with another county or group of counties, establish or maintain separate sanatorium

under this act, such county or counties desiring to withdraw from said group shall in writing, request permission of the remaining counties in such group to do so and to fix and determine the financial obligation of the petitioner and of the other remaining counties of the group. In the event that the majority of such remaining counties shall fail to consent to such withdrawal within 90 days of such request, or consenting fail to agree on said financial obligation, the county or counties desiring such separation shall through the county attorney make a petition setting forth facts showing that it would better serve the interests of all concerned that such county, either alone or with another group, carry on its work, which petition shall be presented to the district court of any county affected by said proceeding. Upon the presentation of such petition the court shall fix a time and place of hearing, and by order direct the other interested counties to appear not less than twenty days after the service of notice thereof on the several county auditors of the interested counties. At the time so fixed, or at any other time designated, the court, without a jury, shall hear said petition and such evidence as may be adduced by the parties, and, if the petition be granted, by its order detach the petitioner from the group to which it belonged, and may annex the same to another group, and may fix and determine the financial obligation of the petitioner with respect to the group of counties to which it was formerly joined, and also to the group of counties to which it may be annexed. ('13 c. 500 § 3, amended '15 c. 270 § 3) [719]

708. Appropriation of funds—Bonds—Contribution of state—Duties of State Board of Control—Tax levies—Disposition of funds—A county or group of counties wishing to establish a sanatorium as indicated in *section one shall through the board or boards of county* commissioners appropriate one-half the necessary funds in apportioned amounts as hereafter provided for the establishment, construction and equipment of the same and may issue bonds therefor in the manner provided by law for the issuance by counties of bonds for other purposes. The state treasurer shall pay out of the funds hereafter provided under this act one-*half the cost of the erection and equipment of* each such sanatorium including cost of site, which payment shall be made in the manner provided by law for the payment of expense incurred by the state board of control in the erection and equipment of public buildings; provided, that the amount contributed by the state towards the cost of the erection and equipment of each of such sanatorium including cost of site shall not exceed fifty thousand dollars ($50,000). Whenever any such sanatorium has been erected and equipped said county sanatorium commission shall have full charge and control of the maintenance of the same, but may confer with the state board of control with reference thereto or respecting the purchase of supplies therefor whenever it desires so to do, and said state board of control shall aid in the securing of favorable contracts for the purchase of supplies when so called upon. Said county sanatorium commission shall determine by resolution each year prior to July 1st, the amount of money necessary for the maintenance of such sanatorium during the following year and a certified copy of such resolution shall be forthwith forwarded to the board or boards of county commissioners, and such board or boards may in their discretion at the regular meeting in July include the property approved and apportioned amount in the annual levy of county taxes. In no case shall the amount of such levy in any one year exceed one mill on the dollar of assessed valuation. For the maintenance of each free patient treated in the sanatorium the sum of five dollars ($5.00) per week shall be paid to said county or group of counties by the state treasurer out of funds appropriated under this act, which payments shall be made monthly upon warrants of the state auditor, drawn upon the state treasurer provided that the president and executive secretary of the advisory commission of the Minnesota Sanatorium for Consumptives certify that the institution has been properly conducted. In case two or more counties unite in a decision to establish a sanatorium, the county sanatorium commission, shall apportion by resolution one-half the estimated total cost of site, erection and equipment and the estimated total cost of maintenance for the ensuing year between or among said counties, and designate the amount to be raised by each county, which said apportionment shall be based approximately upon the respective population of said counties as determined by the last previous federal or state census, except that when the county boards of such counties shall agree upon a different apportionment of such cost of maintenance such agreed apportionment shall govern. When so apportioned said commission shall forward to the board of county commissioners of each county a certified copy of such resolution, and each county board shall then proceed to pay if it has funds available for that purpose or to make a tax levy for the amount apportioned to its county. All moneys collected or received for such sanatorium purposes except cost of site, erection and equipment shall be deposited in the treasury of said county or counties to the credit of the tuberculosis sanatorium funds, and shall not be used for any other purpose and shall be paid out in a manner provided by law for other county expenses by the proper officers of said county or counties upon the properly authenticated vouchers of the county sanatorium commission signed by the president and secretary thereof and all moneys collected or received to be used toward the payment of the cost of site, erection and equipment of such sanatorium shall be sent by each county treasurer to the state treasurer to be placed to the credit of said *sanatorium and shall be paid out in the manner as in* this section provided for other payments toward cost of site, erection and equipment of said sanatorium. ('13 c. 500 § 4, amended '15 c. 270, § 4; 21 c. 218) [720]

708-1. Tuberculosis Sanatoriums—Bonds for enlarging and improving in certain counties—Authority to issue—The board of county commissioners of each *and every county in this state now or hereafter having* four hundred thousand (400,000) inhabitants or over, wherein a county sanatorium is or shall be established under the provisions of Chapter 500, General Laws of 1913, and all acts amendatory thereof, for the care and treatment of persons affected with tuberculosis, is hereby authorized by resolution duly passed by a majority vote to issue and sell the negotiable bonds of such county in such amounts as it shall from time to time deem necessary not exceeding, however, in the aggregate Seventy-five Thousand Dollars ($75,000) par value for the purpose of enlarging and improving and providing additional grounds and buildings for such sanatorium. ('25, c. 243, § 1)

Explanatory note—For chapter 500, General Laws 1913, see sections 705 to 719, herein.

708-2. Same—Issue and sale of bonds—Such county board may issue and sell the bonds of the county for the purposes hereinbefore specified not exceeding Seventy-five Thousand Dollars ($75,000) par value of

such bonds, the principal of which bonds shall mature and be payable in not more than five annual installments as nearly equal as practical, the first annual installment whereof shall mature not more than two years from the issuance of such bonds. Such bonds shall be sold in the manner provided for in Section 1856, General Statutes 1913, but the rate of interest shall in no case exceed four and one-half per cent per annum, payable annually or semi-annually, and said bonds shall not be sold at less than par. The board of county commissioners of any such county shall annually levy under the authority of this act a tax on all the taxable property of the county sufficient to pay such bonds in annual installments corresponding to the amounts of interest and principal thereof as herein provided falling due from year to year.

The county auditor shall extend the tax so levied by the county board in sufficient amounts from year to year to cover the principal and interest as they mature.

The credit of the county shall be pledged to the payment of the principal and interest of such bonds. Such bonds shall be signed by the chairman of the board of county commissioners and attested by the auditor of such county and sealed with his official seal and shall have proper interest coupons attached.

The auditor shall keep a record of all bonds issued under the provisions of this act, which record shall show the date, number and amount of each bond, rate of interest, time when due and the name of the person to whom issued. ('25, c. 243, § 2)

Explanatory note—For section 1856 General Statutes 1913, see section 1943, herein.

708-3. Same—Proceeds of sale of bonds credited to sanatorium fund—The proceeds of the sale of such bonds shall be deposited with the county treasurer of such county to the credit of the sanatorium fund and shall be used in accordance with and for the purposes described in this act and for no other purpose whatsoever. ('25, c. 243, § 3)

709. Monthly reports from county sanatorium commission to state auditor—Such county sanatorium commission shall file monthly on or before the fifteenth (15th) of each month with the state auditor reports of all its financial transactions for the preceding month and the public examiner shall examine all the books and accounts of said county sanatorium commission pertaining to its financial transactions at least once a year and make report thereof to the governor. ('13 c. 500 § 5, amended '19 c. 321 § 5) [721]

710. Charges—Free patients—The county sanatorium commission shall fix the amount to be charged for the care, treatment and maintenance of each patient.

When a patient is unable to pay said charges and has no kindred legally liable therefor from whom payment can be secured, said patient may be admitted without charge or a patient by whom or for whom continued payments cannot be made may become a free patient. Any individual, resident of the state, residing outside of a county or counties maintaining a tuberculosis sanatorium, may apply for treatment in any sanatorium established under this act, or any city, village, town or county may so apply on behalf of any of its charges, and such patient may be cared for therein upon payment of a weekly sum to be fixed by the county sanatorium commission, provided that the advisory commission of the Minnesota Sanatorium for Consumptives shall approve of the admission of such patient and the sum so fixed. ('13 c. 500 § 6) [722]

711 29 — 255 **711. Tuberculosis sanatoriums. Residence, how admitted**—Any resident of a county or counties maintaining a tuberculosis sanatorium, who is afflicted with tuberculosis, whether in the incipient or advanced stage, is eligible for care in such sanatorium and may apply for admission thereto, or anyone may apply on behalf of any such individual, and the superintendent shall when conditions so warrant admit said person to such sanatorium for care and treatment. Preference shall be given to patients in the most advanced stages of the disease except that applications of residents of a county or counties where a sanatorium is located shall always have precedence over applications of non-residents, regardless of the stage of the disease of such non-resident applicants. The superintendent of each county sanatorium shall keep lists of applications (resident and non-resident) numbered respectively in the order in which they are received. When the conditions warrant the admission of another patient, the superintendent shall give to the applicant who is first upon the resident list, or if there be no resident list then to the applicant who is first upon the non-resident list, an order for examination directed to one of the county examiners of the state sanatorium to determine that said applicant is afflicted with tuberculosis. The fee for each examination by examining physician shall be three dollars ($3.00) payable out of the funds of the sanatorium for which the examination is made. ('13 c. 500 § 7, amended '23 c. 19) [723]

712. Gifts, donations, etc.—The county sanatorium commission is empowered to accept as a trust any gift, donation or funds from any source, whether subject to the special provisions of the donors or not, and such gifts, donations or funds, shall be placed to the credit of the tuberculosis sanatorium fund in the treasury of the county in which the sanatorium is located, and shall be disbursed as provided for under section 4. [720]. ('13 c. 500 § 8) [724]

Section 4, referred to, is § 708, herein.

713. Authority of advisory commission of Minnesota Sanatorium for Consumptives—The advisory commission of the Minnesota Sanatorium for Consumptives is authorized to employ in connection with the carrying out of the purposes of this act, an executive secretary, and such other assistants and office help as may be necessary. It shall fix their compensation, which together with the necessary office and traveling expenses, not to exceed ten thousand dollars ($10,000.00) per annum, shall be paid by the state treasurer out of funds appropriated under this act by the warrant of the state auditor. ('13 c. 500 § 9) [725]

714. Sanatorium established under Laws 1909, c. 347—Coming under act—Any county which has hitherto established, built and equipped or let the contract for building a sanatorium under the provisions of chapter 347, Laws of 1909 may by resolution of its county commissioners make application to come under the provisions of this act and when the institution and the manner in which it is conducted meet with the approval of the advisory commission of the Minnesota Sanatorium for Consumptives the state auditor shall draw his warrants upon the state treasurer in favor of such county in the sum equal to five hundred dollars ($500.00) for each bed provided for a patient in such sanatorium at the time such application is made and the state treasurer shall pay such warrant out of the funds in the state treasury provided for in this act. ('13 c. 500 § 10) [726]

Explanatory note—For Laws 1909, c. 347, see supra, §§ 686 to 693.

715. Where sanatorium under Laws 1909, c. 347, has not been built—Coming under act—Any county

or group of counties that has heretofore under chapter 347, General Laws of 1909, levied a tax or otherwise provided for the establishment of a sanatorium which has not been built and equipped may by resolution of the proper board or boards of county commissioners come under the provisions of this act and receive the state aid herein provided for a county or counties that may hereafter comply with the provisions hereof by depositing in the state treasury for the credit of its county sanatorium one-half of the estimated cost of the site, erection and equipment thereof and the county treasurer or treasurers upon the adoption of such resolution shall forthwith forward such amounts to the state treasurer. ('13 c. 500 § 11) [727]

Explanatory note—For Laws 1907, c. 347, see supra, §§ 686 to 693.

716. Counties having board of control of hospital and charitable funds—In all counties of this state now or hereafter having a board of control of hospital and charitable funds, the members of such board of control shall constitute such commission, and shall perform the duties prescribed by this act, as part of their duties as members of such board of control and without additional compensation. In such counties, the superintendent shall not be secretary of said board or commission, but the secretary of such board of control shall perform the duties imposed by this act upon the secretary of the county sanatorium commission without additional compensation. ('13 c. 500 § 12) [728]

717–237 33 **717. "Sanatorium," etc., defined—Oath and bond of commissioner**—Wherever in this act the words "sanatorium," "county sanatorium" or "county sanatorium commission" are used, the same shall apply to a sanatorium or commission whether the sanatorium in question is one for a county or a group of counties. Each member of a county sanatorium commission shall before entering upon his duties take the oath provided by law and give a bond to be approved by the board of county commissioners of the county wherein such member resides in the sum of five thousand dollars ($5,000.00) to the state of Minnesota, conditioned as provided for in chapter 107, General Laws of 1909, which said bond shall be filed with the board of county commissioners of such county. ('13 c. 500 § 13) [729]

Explanatory note—For Laws 1909, c. 107, see infra, § 9687.

718. Money erroneously paid to State to be refunded to County—When any sum shall have been in whole or in part erroneously transmitted under the provisions of said chapter by any county to the State Treasurer, the county paying or transmitting the same shall be entitled to a refundment of the amount so erroneously paid and transmitted, and the Auditor of the State shall, upon proper certificate furnished him by the advisory commission of the Minnesota Sanatorium for Consumptives, draw his warrant upon the State Treasurer for the amount so certified as having been overpaid and in favor of the county entitled thereto. ('13, c. 500, 13A, added by '17, c. 45, § 1)

719. Acts repealed—All acts and parts of acts inconsistent with this act are hereby repealed, provided, however, that any county or counties that have heretofore established, built and equipped or contracted for building a sanatorium under the provisions of chapter 347, General Laws of 1909 shall continue under said law until the provisions of section ten (10) hereof have been complied with. ('13 c. 500 § 14) [730]

Explanatory note—For Laws 1909, c. 347, see §§ 686 to 693, herein.

720. Counties may join with others in maintaining tuberculosis sanatorium—Any county, not maintaining and operating a county tuberculosis sanatorium either alone or in connection with another or other counties, accessible to a county or group of counties maintaining and operating such a sanatorium, may become associated with such county or group of counties in the maintenance and operation of such sanatorium in the manner and under the conditions hereinafter specified. ('21 c. 116 § 1)

721. Proceedings—If the board of county commissioners of such county shall by resolution decide to join such group of counties maintaining and operating such sanatorium, such board shall direct its county auditor to notify in writing the advisory commission of the Minnesota Sanatorium for consumptives and the auditors of the counties forming such group of the action taken by it. The county auditors so notified shall, at the next meeting of their respective boards, lay the matter before such boards. Such boards shall determine by resolution whether to admit such county into the group. ('21 c. 116 § 2)

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722. Advisory commission to approve—If the boards of the counties forming the group unanimously decide to admit such county, the auditors of such counties shall notify in writing the advisory commission of the Minnesota sanatorium for Consumptives of the action taken. If the enlargement of the group by the admission of the applying county meets with the approval of such commission, it shall notify in writing the county auditor of each county affected, and the boards of those counties shall then proceed to perfect the enlargement of the group. ('21 c. 116 § 3)

723. Board to apportion costs—Upon being notified of the approval by the state commission, the boards of the counties involved, or representatives designated by them, such representatives to be either members of the boards or the county auditors, shall meet and consider the conditions upon which the applying county shall be admitted with reference to the amount of money such applying county shall pay to the other counties, if any, on account of the funds expended by them in erecting and equipping the sanatorium being maintained and operated by them. The conditions agreed upon shall be set forth in writing and submitted to the county board of each county involved and if approved by all of such county boards, resolutions to that effect shall be adopted and upon the adoption thereof, the conditions agreed upon shall be binding on all such counties and the applying county shall become attached to such group. After such resolutions are adopted certified copies thereof shall be filed in the office of the advisory commission of the Minnesota Sanatorium for Consumptives. ('21 c. 116 § 4)

724. Counties attached to have same rights as original group—Upon becoming attached to the group as aforesaid, the county attached shall become entitled to all the benefits and privileges conferred, and charged with all the duties and obligations imposed by chapter 500, Laws 1913, as amended, and shall thereafter in all things be treated as though one of the original counties forming the group. ('21 c. 116 § 5)

Explanatory note—For Laws 1913, c. 500, see §§ 705 to 719, herein.

725. *Tuberculosis—Preventing spread of*—In case any town, district or county anti-tuberculosis society or association or county sanatorium commission or other society or association organized and existing for the purpose of controlling the spread of tuberculosis in this state considers it necessary to secure the services of visiting nurse or nurses or to disinfect any building, room, residence, hotel or other place in such county infected with tuberculosis or to care for, support, or maintain poor persons afflicted with tuberculosis, such society shall report such fact to the

county sanatorium commission, if there be one in the county, otherwise to the county board, and shall in such report recommend the course of action advisable to be adopted by the county sanatorium commission or county board in relation thereto and in accordance with the provisions of this Act, and such commission or county board shall at the next meeting of such commission or board consider such report and recommendation and act on the same, and such commission or county board is authorized and empowered to audit and allow bills for services rendered in carrying into effect the action of such board in relation thereto. ('11, c. 116, § 1; amended '23, c. 216, § 1; '27, c. 408, § 1) [731]

726. Same—Appropriation—The county boards of the several counties of this state may appropriate money out of the general revenue fund of the county or the county sanatorium commissions may appropriate money out of their funds for the purpose of paying for the services of visiting nurses or other medical attention or advice in preventing the spread of tuberculosis in such county, or for the care, support, and maintenance of poor persons afflicted with tuberculosis, whether the county has the town, county or commission system of caring for the poor, or for the purpose of disinfecting any building, room, residence, hotel or other place in such county infected with tuberculosis. ('11, c. 116, § 2; amended '23, c. 216, § 2; '27, c. 408, § 2) [732]

726-1. Sanitariums for tubercular children in certain counties—Appropriation and expenditure for construction of—Any county board in this state, now or hereafter having a population of not less than 220,000 nor more than 330,000 inhabitants, may appropriate and expend not to exceed Fifty Thousand ($50,000) dollars for the purpose of constructing or aiding any society, association or corporation organized and existing for the purpose of giving medical attention to children afflicted with tuberculosis, or whom such society has reason to believe may become afflicted with tuberculosis, to construct a proper sanitarium. ('27, c. 223, § 1)

726-2. Same—Appropriation for maintenance of—Such county boards may also at their annual meeting in July of each year include an amount not to exceed Ten Thousand ($10,000) Dollars to assist such society in the maintenance of such sanitarium. ('27, c. 223, § 2)

726-3. Same—Use of unexpended county funds—Such county boards may for the purpose of carrying out the purpose of this act, appropriate or expend any unexpended funds now in the county treasury of any such county. ('27, c. 223, § 3)

Explanatory note—Section 4 of Laws 1927, repeals all inconsistent acts or parts of acts.

726-4. Farms for county charges afflicted with communicable diseases—In addition to the other powers now granted by law, the county commissioners of any county wherein there is any person afflicted with a communicable disease who is a public charge are hereby authorized by unanimous affirmative vote of all the members of the board and, with the approval of the State Board of Health to purchase not to exceed forty acres of farm land in said county, to erect thereon necessary buildings, to purchase and place thereon farm machinery and livestock necessary for the operation of said farm, and to place thereon for the purpose of operating the same the person or persons so afflicted, together with the members of their respective families who are also public charges. ('25, c. 125)

727. Public morgue in counties having 100,000 inhabitants—In every county having a population of one hundred thousand or over, not provided therewith, the board shall provide and equip a public morgue at the county seat, for the receipt and proper disposition, without charge to any one, of all dead bodies which are by law subject to a post mortem or coroner's inquest: Provided, that the cost of building and equipping such morgue shall not exceed the sum of twenty-five hundred dollars, nor its maintenance the sum of three thousand dollars in any year. (435) [733]

Cited (108–142, 121+628).

728. Morgue—Such morgue shall be under the control of the board, be maintained in a suitable building separate from any other business, and equipped with the best modern approved appliances for the handling and disposition of dead bodies. It shall not be connected in any manner with any undertaking establishment, and no person shall be employed in or about the same who is in any manner connected with or interested in the undertaking business. (436) [734]

Employment of a morgue keeper (108–142, 121+628).

729. Morgue—Every inquest, post mortem examination, or autopsy held by the coroner upon any corpse subject thereto within the county shall be held at such morgue; and every coroner and deputy coroner of any county having such a morgue is prohibited from holding any such inquest, examination, or autopsy at any other place within such county, except the residence of the deceased person, when the death occurred thereat, or from influencing, interfering with, or in any manner attempting to direct or designate the undertaker who shall take charge of or inter any corpse from such morgue. (437) [735]

730. Demonstration farm—Assistance—The board of county commissioners of any county in the state is hereby authorized and empowered to appropriate out of the general revenue fund of said county, such a sum of money, not exceeding two hundred dollars ($200.00) annually, as they may deem advisable for the purpose of assisting to maintain a demonstration farm of said county under the supervision of the department of agriculture of the University of Minnesota. The expenses incurred by the department of agriculture in supervising said farm, and such other expenses as determined upon by the board of county commissioners in operating said farm, are to be paid out of said appropriation. ('11 c. 69 § 1) [736]

731. Experiment farm—Upon application from the board of county commissioners of any county in this state which owns and operates a farm of eighty acres or more, whether as a poor farm or otherwise, such farm may be designated by the board of regents of the state university as a county experiment farm under supervision of the department of agriculture of the University of Minnesota and the county board of such county is hereby authorized to appropriate out of the county revenue fund an amount not exceeding one thousand dollars annually for use in conducting experimental work on such farm. ('11 c. 69 § 2) [737]

732. Superintendent—Any county experiment farm designated under this act shall be operated and managed by a superintendent appointed by the county board under the direction and supervision of the Minnesota college of agriculture. ('11 c. 69 § 3) [738]

733. Exhibits at state fair—1. The board of county commissioners of any county in the state, for the purpose of assisting to maintain an exhibit of the products of said county at the Minnesota State Fair, is hereby authorized and empowered to appropriate out of the

general revenue fund of said county such a sum of money as they may deem advisable not exceeding five hundred dollars ($500.00) annually, exclusive of and in addition to such sums of money as may be received by said county as premiums or prizes at the state fair for that year.

2. All moneys derived from premiums or prizes for such county exhibit at said state fair shall be paid into the treasury of said county. ('07 c. 99 § 1, amended '09 c. 26 § 1; '17 c. 139 § 1) [739]

734. Appointment of person to supervise—Compensation—The county commissioners of any county appropriating money as provided in section 1 shall, at the same meeting, or some subsequent meeting, appoint a suitable person who shall be a resident of said county to supervise and have full charge of said exhibit and of the disbursement of said appropriation. The compensation of said person shall be fixed by the county commissioners at the same meeting at which said person is appointed, such compensation to be paid out of the appropriation made for said exhibit. ('07 c. 99 § 2) [740]

735. Appropriation, how paid—Bond—Said appropriation shall be paid in auditor's warrant to the person in charge of said exhibit upon said person filing a good and sufficient bond with said auditor in double the amount of said appropriation, conditioned that he shall properly disburse such appropriation for the purpose intended, and make true account thereof to the board of county commissioners of said county, as provided in section 4. Said bond shall have two free-hold sureties and be approved by said auditor. ('07 c. 99 § 3) [741]

736. Statement to board—Said person shall render a detailed statement to the board of county commissioners of all expenditures made by him in maintaining such exhibit, which statement shall be rendered not later than November 1st of the year in which said exhibit is made. If said statement shall show that any part of said appropriation is unexpended, such balance shall be paid into the treasury of said county. Upon the approval of said report by the board of county commissioners, said person shall be relieved and discharged from all liability under the bond hereinbefore provided for. ('07 c. 99 § 4) [742]

737. County fairs in certain counties—That in all counties in this state now or hereafter having a population of one hundred fifty thousand, the county board may annually appropriate not to exceed two thousand ($2,000.00) dollars to assist in the maintaining of a county fair, which fair shall be under the management and control of a county agricultural society. Such appropriation shall be made either to the treasurer of such society or to some other suitable person, but before such money is paid to such treasurer or other person, he shall file with the county auditor a satisfactory bond in double the sum of said appropriation, conditioned upon a faithful disbursing and accounting for all of said funds so appropriated. Said funds so appropriated shall be used solely for the purpose of obtaining, preparing and arranging exhibits and paying premiums to exhibitors. The treasurer or other person to whom said appropriation is paid shall within four months after the holding of any such aided annual fair, file with the county auditor his verified and detailed report showing the name and address of every person to whom any of said money was paid, together with the date of payment and a full description of the purposes for which the money was so paid and he shall attach thereto receipts and sub-vouchers for each payment so made and shall return to the county treasurer all of the unexpended portion thereof. After said report and receipts and sub-vouchers have been audited by the county board and found to be correct, they may by resolution release said treasurer or other person and his sureties from all further liabilities under such bond. ('13 c. 271 § 1, amended '17 c. 311 § 1; '23 c. 205) [743]

738. Sites and buildings—The county board in any such county may also annually appropriate such further sum as it may desire not exceeding $7,500, for the purpose of procuring a suitable site and the erection of a suitable county building thereon, for the building or repairing of a race track and for grading and improving the grounds, to be used in connection with such county fair, but said site and said building and improvements shall be and remain the property of such county, and such annual appropriation shall be used only for the purpose of so acquiring such site and building and grading and for the necessary care, repair, maintenance and up-keep thereof. ('13 c. 271 § 2, amended '17 c. 311 § 2) [744]

738-1. Lands owned and used by counties for agricultural fair purposes in cities of first class, exempt from city zoning, etc., ordinances—Whenever lands lying within the corporate limits of a city of the first class of the state are owned by a county and used for agricultural fair purposes, such lands and the buildings now or hereafter erected thereon shall be exempt from the zoning, building, and other ordinances of such city. Provided further, that no license or permit need be obtained from nor fee paid to such city in connection with the use of such lands. ('27, c. 212) 738¹ 31 — 166

Explanatory note—Lease of county lands to county agricultural societies, see section 7887, herein.

738-2. Tax levy in certain counties for improvement, etc., of county owned grounds and buildings used for agricultural fairs—In any county in this state having an assessed valuation exceeding twenty-five million ($25,000,000) dollars, and less than two hundred fifty million dollars exclusive of moneys and credits, and an area exceeding twenty-five hundred (2,500) square miles, when such county owns grounds and buildings used for agricultural fairs, the county board may, in any year, or years, make a tax levy, the rate for which shall not exceed one-fourth of one mill on the total assessed valuation of the county, exclusive of moneys and credits, the proceeds of which may be appropriated to the association or society having the management, control and direction of agricultural fairs held therein, for the purpose of repairs, maintenance, improvements, extensions and alterations of such grounds and buildings; provided, in years when the proceeds of such tax levy are available, all appropriations for such purposes shall be made therefrom; provided further, no such tax levy shall be made or extended unless the total county rate for all purposes, including that hereby authorized, shall not exceed twenty mills. ('25, c. 94, § 1)

738-3. Aiding improvement of county fair grounds by certain townships, villages or school districts—Appropriation—Amount—That any township, village or school district in this state, now or hereafter having an assessed valuation of all its taxable property, exclusive of money and credits of more than $25,000,000, and having a county fair located within its corporate limits, is hereby authorized to aid in defraying part of the expense of improving any such fair ground, by appropriating and paying over to the county treasurer of the county owning such fair ground such sum of money not exceeding $10,000, for each of said political subdivisions, as the governing body of such township,

village or school district may by resolution determine to be for the best interest of such political subdivision, such sums so appropriated to be used solely for the purpose of aiding in the improvement of such fair ground in such manner as the county board of said county shall determine to be for the best interest of said county. ('25, c. 321, § 1)

738-4. **Same—Expenditure of funds appropriated by county board**—That the county board owning any such fair ground, may expend such funds so appropriated and paid over by any such township, village or school district for the use of such county, in the same manner as the funds of such county set apart for such purposes, may be expended and may by resolution set apart for the use of such township, village or school district any building or any portion of said fair ground, that may be constructed or otherwise improved with the funds so appropriated and paid over to said county by any such township, village or school district but the title of such building or other improvement shall be and remain the property of such county as part of said fair ground property. ('25, c. 321, § 2)

738-5. **Same—Law supplemental to other laws**—That this act shall be supplemental to any existing laws authorizing any township, village or school district to appropriate funds to aid in the carrying on of any such county fair located within the limits of such township, village or school district, and any such township, village or school district which now has such power, shall continue to have such power to make the appropriations to any such county agricultural society as may be authorized by existing laws. ('25, c. 321, § 3)

Explanatory note—For this act see §§ 738-3 to 738-5.

738-6. **Reimbursement by certain counties to county agricultural societies for cost of lands, etc., used for county agricultural purposes**—Whenever a county agricultural society in any county having more than six thousand and less than seven thousand inhabitants and having an assessed valuation of more than three million and less than four million dollars, exclusive of moneys and credits, and having not less than fifteen and not more than seventeen full or fractional congressional townships, has heretofore purchased and acquired title to not less than twenty and not more than fifty acres of real property and erected or constructed or contributed funds for the erection or construction of a building, buildings, fence, fences, roads, streets, race track, waterworks, well, or for the filling in of lands, situate upon said real property, which real property and the building, buildings, fence, fences, roads, streets, race track, waterworks, well or filled lands are used for county fair purposes and title to such real property and the improvements thereon has been or may hereafter be conveyed to the county or was at the time of the construction of such improvements vested in the county, the county board of such county is hereby authorized and empowered to acquire and accept title to said real property and improvements and to assume and agree to pay the encumbrances thereon, if any, and to pay to such society an amount equal to the purchase price of said real property and the cost of erecting, constructing, repairing, installing or making such improvements, provided, however, that the amount which shall be paid out under the provisions of this act by any one county shall not exceed the sum of ten thousand dollars. ('25, c. 160, § 1)

Explanatory note—For this act see §§ 738-6, 738-7.

738-7. **Same—Tax levy**—That such county board may, for the purpose aforesaid and for the further purpose of making repairs or improvements to the same annually levy, in addition to all other taxes, taxes in an amount not exceeding three mills on each dollar of the taxable valuation of such county. ('25, c. 160, § 2)

738-8. **Reimbursement by certain counties to county agricultural societies of cost of erection of buildings on conveyance to county**—Whenever any county agricultural society or officer thereof, or any corporations holding county fairs, in any county having more than 150,000 and less than 240,000 inhabitants and an area of over 5,000 square miles, has heretofore contributed funds for the erecting of buildings used for County Fair purposes, and title to such buildings has been conveyed to the County, the County Board of any such County is hereby authorized and empowered to appropriate to such Society or officers thereof, making such contribution an amount equal to the value of said buildings so conveyed to any such County, such appropriation not to exceed in any event the sum of seven thousand dollars. ('27, c. 27, § 1)

738-9. **Purchase by certain counties of land for county fair purposes**—The Board of County Commissioners of any county in this state having not less than 20 nor more than 25 full or fractional townships and having an assessed valuation of not less than $20,000,000 nor more than $30,000,000, and which owns in fee simple the title to any part of any tract of land the whole of which has been used exclusively for County Fair purposes for more than five years previous to the passage of this act, is authorized to purchase the balance of such tract, and to pay the purchase price thereof out of any moneys in the Treasury of such County not otherwise appropriated, and to continue to use the whole of said tract for County Fair purposes. ('27, c. 132, § 1) 738[10] 29 — 178 33 — 292

738-10. **Same—Tax levy**—Such Board may for the purpose aforesaid annually levy in addition to all other taxes, taxes in an amount not exceeding one mill on each dollar of the taxable valuation of such county. ('27, c. 132, § 2)

738-11. **Expenditure by certain counties for fair grounds of funds received as damages for extension of mining operations, etc., making existing grounds unsuitable**—The county board of any county in this state now or hereafter having an assessed valuation of all its taxable property of more than $300,000,000, and an area of over 5,000 square miles, and owning a fair ground with buildings and other improvements thereon, is hereby authorized to expend in the erection of buildings and other improvements of a county fair ground, all or any part of any sums heretofore or hereafter paid to said county as damages caused by the extension of mining operations that result in the vacation of platted portions of any village near said fair ground, the destruction of roads and bridges leading thereto, and rendering the location and use of said fair ground no longer suitable for county fair purposes, as determined by the county board of said county. ('25, c. 97, § 1)

738-12. **Same—County fair ground fund**—On the collection of any such damages said funds shall be credited to a fund to be designated as "county fair ground fund" in the records of the county auditor of such county, and together with another fund that may be credited to such county fair ground fund, from whatever source received, may be expended in the manner provided by law for the improving of a county fair ground owned by any such county, for the improvement of which fair ground such funds were received. ('25, c. 97, § 2)

738-13. Erection of buildings by certain counties on county lands or lands owned by County Agricultural Societies—Any county having or which may hereafter have a population of not less than 225,000 inhabitants nor more than 330,000 inhabitants in which is situated and located a County Agricultural Society may erect and equip two buildings to be known as the main exhibition building and grand stand on the property owned or hereafter acquired by such county or Agricultural Society in an amount not to exceed $25,000.00. ('25, c. 248, § 1)

738-14. Same—Tax levy—And the Board of County Commissioners of any such county may make provision in their annual tax levies for the payment of the cost of erecting and equipping such buildings. ('25, c. 248, § 2)

Explanatory note—Laws 1925, c. 248, § 3 repeals all inconsistent acts or parts of acts.

738[14] 29 — 240 **738-15. County tax levies for aid of County Agricultural Societies**—In addition to all other powers now 738[15] 31 — 169 or hereafter by law conferred upon county boards, authority hereby is given annually to levy a tax of not 738[15] 31 — 164 to exceed one-half of a mill upon all property subject to taxation, and from time to time to appropriate and pay over the proceeds of said tax, when collected, to any county agricultural society of its county which is a member of the state agricultural society, to assist such society in paying its financial obligations now or hereafter incurred. ('27, c. 111)

738[14] 29 — 48 **738-16. Same**—In addition to all other powers now or hereafter by law conferred upon county boards, authority hereby is given annually to levy by the unanimous vote of the board a tax of not to exceed one-quarter of a mill upon all property subject to taxation, and from time to time to appropriate and pay over the proceeds of said tax, when collected, to any county agricultural society of its county which is a member of the state agricultural society to assist such society in paying its financial obligations heretofore incurred. Provided, however, this act shall not apply to counties having authority to levy a greater tax under existing laws. ('27, c. 128, § 1)

738-17. Same—Counties with city of first class excepted—This act shall not apply to counties in which there is a city of the first class. ('27, c. 128, § 2)

Explanatory note—See § 738-16.

738-18. Appropriations by certain counties for community fair associations—In counties having a population of more than 200,000 and an area of 5,000 square miles or more, the board of county commissioners, in addition to the power it now possesses to appropriate money to county agricultural societies, is hereby authorized to appropriate, to not more than eight duly organized community fair associations of its county, not to exceed $500.00 each. In no event shall more than twice the sum paid out in premiums by any community fair association be appropriated to it by the county board. Where there is more than one community fair association in a county, the county board in determining which associations shall receive county funds shall consider the geographical location of the fair maintained by each and shall so make its appropriations to such associations that each different community and part of the county will share therein and be equally benefited thereby. ('23, c. 171, § 1; amended '25, c. 267, § 1)

738-19. Same—Bond of treasurer of association—That before the county auditor of any such county shall deliver his warrant to any community fair association for any funds allowed under this act, the treasurer of such community fair association shall file a bond in the amount of $500.00 running to the said county, to be approved by the county board as to form and sufficiency of assureties thereon, conditioned that said treasurer will disburse said funds according to law. ('25, c. 267, § 2) 739 29 — 295

739. Appropriation for agricultural development—The board of county commissioners of any county in 739 33 — 174 this state having less than 225,000 inhabitants, may appropriate annually out of the general revenue fund of such county, a sum of money not exceeding a sum 739 33 — 301 equal to five cents per capita of the population of such county according to the last census, either federal or state, of such county. Such sum so appropriated shall be paid to any incorporated development society or organization of this state which in the opinion of the board of county commissioners will use such money for the best interests of such county in advertising, improving or developing the agricultural resources of such county, and such other matter as may tend to a development of the county; provided that in any such county having an assessed valuation of over three hundred million (300,000,000) dollars, the county board of said county may appropriate a sum not exceeding a sum equal to ten cents per capita of the population of such county for the carrying on of said work in said county. ('13 c. 77 § 1 amended '19 c. 205; '21 c. 128) [745]

740. County boards authorized to loan money for purchase of seed, grain, feed, etc.—Authority is hereby granted to any county in the state of Minnesota to lend money to residents of such county, who are citizens of the United States, or, who have declared their intention of becoming citizens of the United States, for the purpose of purchasing seed and feed for teams whenever there has been a total or partial failure of crops in such county, by reason of hail, flood, drought, fire or other cause, where such residents own or hold under contract for deed land previously under cultivation and cropped and in condition capable of being cropped during the ensuing year, but are unable to procure seed for planting such land and feed for their teams while doing such work and who are in imminent danger of losing their property. In such case, if not less than twenty-five (25) resident freeholders of said county before March first next following such crop failure, shall present to the county auditor of such county a petition signed by them asking that such county lend money to residents thereof suffering by reason of such crop failure, for the purpose of purchasing seed and feed, said auditor shall receive and file said petition and at once call a meeting of the county board to consider such petition and said county board shall on or before the second Monday in March next following, meet and consider said petition and may grant the prayer thereof and enter an order that said county lend from its general fund such sums as it deems necessary for said purpose, provided, that said amount shall not, with the existing indebtedness of said county, exceed the amount of indebtedness fixed by the laws of this state. ('17 c. 21 § 1 amended '19 c. 49 § 1)

741. Applications to be made to county auditor, and form—Any resident freeholder of such county may apply for seed and feed or either of them, for himself as follows: He shall file with the county auditor on or before the second Monday in March, a written application therefor verified by him showing the following facts:

1. His name, residence and the places where he has resided during the past five (5) years.

2. All lands owned or occupied by him and his interest therein and the encumbrances, if any, thereon.

3. All personal property owned by him and the encumbrances, if any, thereon.

4. The number of acres he seeded and harvested last year and the number of bushels of grain threshed by him therefrom.

5. The description of land he desires to prepare for crop and seed, its condition and number of acres plowed and unplowed.

6. The number of horses and oxen owned by him and the encumbrances, if any, thereon.

7. The number of bushels and kind of seed desired and the number of bushels of feed required.

8. That he is poor and unable to procure seed or feed from any other source.

Sec. 3. This act shall take effect and be in force from and after its passage and approval. ('17 c. 21 § 2 amended '19 c. 49 § 2)

742. County board may receive applications for seed grain after the second Monday in March—The county auditor shall file and number said applications in the order received by him and call the county board to meet on the second Tuesday in March next following, and said board shall meet and consider said applications separately and in the order of their filing, and may grant such applications in whole or in part as appear to them just and proper. Provided that not more than two hundred (200) bushels of wheat or its equivalent in other seed shall be furnished to any one person.

The county board is hereby granted authority in its discretion to direct the filing by the auditor of the petition provided for in section 1 hereof after March 1st, and to receive applications for grain after the second Monday in March and to act upon such petition and application the same as if received prior to the respective dates in said act provided.

The county board shall make an order specifying the names of persons and amounts allowed with the kind and quantities of seed and feed granted, and the county auditor shall issue and deliver to the applicant a warrant showing such allowance. Such wararnt shall be for the purchase of such seed and feed and for no other purpose whatever, and shall be paid by the county treasurer only when there is endorsed on the back thereof a receipt signed by the applicant, acknowledging receipt by him from some reputable person, of the seed and feed therein specified. ('17 c. 21 § 3, amended '17 c. 154)

743. County auditor and county attorney to counsel with board—The County Auditor and County Attorney are hereby required to attend all meetings of the county board herein provided for and to carefully examine all applications filed under the provisions of this act and shall give the board the benefit of all information they may have relative to the applicants, and shall counsel, advise and assist the county board in the discharge of their duties hereunder. ('17 c. 21 § 4)

744. Condition of the contract—The warrant above provided for shall not be delivered until said applicant shall have signed a contract in duplicate, attested by the county auditor, to the effect that said applicant, for and in consideration of the seed and feed specified received from said county, promises to pay to said county the amount allowed for the same, on or before the first day of October following, with interest at the rate of six per cent per annum, that said amount shall be a first lien upon the crop raised from said seed and in addition thereto, shall be taxable against the real property of said applicant for which seed and feed was furnished. Said contract shall also contain a true description of the land upon which the applicant intends to and will sow and plant said seed, in due season next following, and shall specify that his written application shall be a part of this contract. The auditor shall forthwith file one of such duplicate contracts with the register of deeds of his county, for which the applicant shall pay the required filing fee and file the other duplicate in his own office. ('17 c. 21 § 5)

745. County to have lien upon the crops—Upon the filing of the contracts provided for in Section 5, the county shall acquire a just and valid lien upon the crops of grain raised each year by the person receiving the seed or feed, for the amount owing to the county upon said contract, as against all creditors, purchasers or mortgagees, whether in good faith or otherwise, and the filing of said contract shall be held and considered to be full and suffiicient notice to all parties of the existence and extent of said lien, which shall continue in force until the amount covered by said contract is fully paid ('17 c. 21 § 6)

746. Indebtedness to become due on October 1, and rate of interest—The amount of such indebtedness upon such contracts shall become due and payable on the first day of October in the year in which said seed or feed or both is furnished, together with interest on such amount from the date of the warrant or warrants issued therefor, at the rate of six per cent per annum, and if said indebtedness be not paid on or before the first day of November of that year it shall then be the duty of the county auditor of said county to cause the amount of said indebtedness to be entered upon the tax lists of said county, as a tax against the land owned by the applicant for whom said aid was furnished, to be collected as other taxes are collected under the laws of this state. ('17 c. 21 § 7)

747. Marketing of grain—Each and every person who has received seed or feed, or both, under the provisions of this act, shall, as soon as his crops for the year wherein payment is to be made are harvested and threshed, market a sufficient amount of grain to pay the amount then due on his contract and pay the same over to the auditor of his county. ('17 c. 21 § 8)

748. Penalty for violation—Any person, or persons, who shall, contrary to the provisions of this act, sell, transfer, take or carry away, or in any manner dispose of the seed or feed, or any part thereof, furnished by the county under this act or shall use or dispose of said seed or feed, or any part thereof, for any other purpose than that of planting or sowing with same as stated in this application and contract, or shall sell, transfer, take or carry away, or in any manner dispose of the crop or any part thereof produced from the sowing or planting of said seed, before the same is paid for, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty dollars, nor more than one hundred dollars, or may be imprisoned in the county jail for a term of not less than thirty days nor more than ninety days, and shall pay all the costs of prosecution, and whoever under any of the provisions herein shall be found guilty of false swearing shall be deemed to have committed perjury and shall upon conviction suffer the pains and penalties of that crime. Upon the filing of said contract in the office of the register of deeds, and the sowing of the seed obtained therefor, the title and right of possession to the growing crop and to the grain produced from said seed shall be in the county which shall have furnished the seed until the debt incurred for said seed or feed, shall have been paid, and any seizure thereof or interference therewith except by the

applicant and those in his employ, for the purpose of harvesting, threshing and marketing the same to pay the debt aforesaid, shall be deemed a conversion thereof and treble damages may be recovered against the person so converting the same by the county furnishing said seed and feed. ('17 c. 21 § 9)

749. Duties of police officers—It shall be the duty of the constable and town clerks of the towns and the members of the county board, sheriffs and county attorneys of the counties furnishing seed or feed, having any knowledge of the violation of the provisions of this act, to make complaint thereof to a justice of the peace, and said justice shall thereupon issue a warrant for the arrest of the offender, and proceed to hear and determine the matter or to bind the offender over to appear before the grand jury, as the case may be. ('17 c. 21 § 10)

750. Pro rata distribution authorized—If more seed grain is applied for than can be supplied by the board, a pro rata distribution shall be made by them among those who shall have been found entitled to the benefits of this act. The board shall have the right to refuse any application which they may deem improper to grant, and they may revise their adjustment of applications at any time before final distribution. ('17 c. 21 § 11)

33 750¹—153 **750-1. Appropriation from revenue fund of certain counties to County Club and Farm Bureau Associations for purchase of explosives**—The County Board in any County in this state now or hereafter having an area of over 5,000 square miles and an assessed valuation of over $300,000,000, exclusive of Money and Credits, and having not less than thirty-five per cent of its area consisting of vacant and uncultivated lands, may appropriate from the Revenue Fund of said County the sum of not more than Twenty-five thousand ($25,000.00) Dollars and advance said sum to any County Club and Farm Bureau Association of said county for the purpose of enabling said County Club and Farm Bureau Association to purchase excess war explosives from the United States government, at the best prices obtainable, for re-sale for cash to land owners in said County for use in clearing and improving cutover, uncleared lands therein, upon such terms and condition as shall be prescribed by said County Board, said funds so advanced to be repaid to said county on the completion of the purposes and objects for which said funds shall be so advanced. ('27, c. 153, § 1)

750-2. Same—Bond from County Club and Farm Bureau Association—The County Board of any such County before advancing any of said funds to said County Club and Farm Bureau Association shall require a good and sufficient bond from said County Club and Farm Bureau Association in the penal sum of not less than one-half of the total amount that may be so advanced by said County to said County Club and Farm Bureau Association, conditioned for the faithful use of said funds and the repayment thereof to said County in accordance with the terms and conditions specified by said County Board for the use and repayment of said funds. ('27, c. 153, § 2)

750-3. Same—Use and disposition of explosives—Any such County Club and Farm Bureau association shall have authority, in addition to the powers now granted to such an organization by law, to use said funds so advanced by any such County only in accordance with the terms and conditions specified by such County Board and may sell and dispose of such explosives only for cash for the purpose of land clearing and agricultural development purposes within said County and when and as said explosives so purchased are sold and paid for, to repay said funds so advanced, to the Treasurer of said County. That the use of said funds herein authorized to be expended by said County Club and Farm Bureau Association, shall be in addition to all funds now authorized by law to be expended for carrying on agricultural development work in any such County by any such County Club and Farm Bureau Association. ('27, c. 153, § 3)

751. Maintaining water in certain lakes—When the whole of any navigable lake is situated in a single county, the county board, in order to improve navigation thereon or to promote the public health or welfare, may appropriate not exceeding in any one year, the sum of three hundred dollars for erecting and maintaining sufficient dams or embankments upon and along the shores of such lake to keep and maintain the water in such lake at its natural and usual height and level. The money so appropriated shall be expended under the direction of such county board. ('07 c. 104 § 1) [746]

112–117, 127+496; 146–152, 178+595.

In drainage proceedings, bulkheads and spillways, designed to keep waters outside the drainage basin in statu quo, may be constructed. 162–296, 202+496.

In an action for damages to riparian owners by the construction and maintenance of a dam and for a mandatory injunction for its removal, held, the evidence supported the findings that the dam did not do more than the law authorized, and that plaintiffs had not been damaged. 212+590.

Damages do not, upon the facts stated in the opinion, necessarily follow a direction of the court for a removal of a portion of the dam. 212+590.

IMPROVING NAVIGABLE LAKES

Whenever there exists in any county having 275,000 inhabitants or more, a navigable lake or lakes not wholly or in part within the corporate limits of any city, the board may appropriate necessary sums for the improvement of same. ('09 c. 356 § 1)

Whenever there exists in any county, having not less than 150,000 nor more than 225,000 inhabitants, any navigable lake or lakes, the board may appropriate not to exceed $10,000 for improvements of same. ('13 c. 134 § 1)

The board of any county having not less than 200,000 nor more than 275,000 inhabitants may expend not to exceed $50,000 in each year for improvement of navigable lakes within the county. ('17 c. 198) [This chapter expressly repealed '13 c. 94, which amended R. L. '05 § 434 so as to read as found in G. S. '13 § 696]

The board of any county authorized to sell county bonds for the purpose of improving navigable lakes within the county. ('17 c. 199)

The board of any county having not less than 150,000 nor more than 200,000 inhabitants, is authorized to expend not to exceed $25,000 per year on improvement of navigable lakes. ('17 c. 117 superseded by '19 c. 32)

The board in any county having more than 150,000 and not more than 225,000 inhabitants and an assessed valuation of more than $250,000,000 may expend not to exceed $20,000 for improvements of navigable lakes. ('21 c. 41)

The board of any county having more than 150,000 and less than 225,000 inhabitants and an assessed valuation of more than $250,000,000, may expend annually for two years not to exceed $10,000 for improvement of navigable lakes. ('23 c. 276)

The chairman of the board in any county having not less than 200,000 nor more than 275,000 inhabitants, subject to approval of the board may employ two persons to police and patrol the lakes and waters therein, who shall preserve the peace and enforce the laws and shall be paid not to exceed $60 per month. ('13 c. 195; amended '17 c. 160)

County boards in counties with area of not less than 5,000 square miles and assessed valuation of more than $250,000,000, exclusive of money and credits are authorized to expend not exceeding $20,000 annually for two years for the improvement of navigable lakes and portages by Laws 1925, c. 20, § 1.

Counties with population of not less than 220,000 nor more than 330,000 are authorized to expend for years 1927, 1928 and 1929, not to exceed $50,000 each year for improvement of navigable lakes wholly or partly within such counties by Laws 1927, c 209, § 1.

Counties with population of more than 150,000 and not more than 225,000 and assessed valuation of more than $250,000,000, exclusive of money and credits are authorized to expend for improvement of navigable lakes not to exceed $10,000 annually, by Laws 1927, c. 183, § 1.

751-1. Acquisition of land contiguous to meander line of navigable lakes or streams wholly or partly within county and not entirely within city or village for public access to such waters—The county board of any county may acquire by purchase, gift or devise, land contiguous to the meander line of any navigable lake or stream wholly or partly within such county but not entirely within the corporate limits of any city or village, and not exceeding ten acres in area, for public access to such lake or stream, and may improve, equip and maintain the same as a park and playground. ('25, c. 254)

751-2. Naming or changing names of lakes, rivers, etc.—Petition to county board—That whenever it is desired to change the name of, or give a name to any unnamed lake, river, stream or body of water located within the boundaries of this state, any 15 or more legal voters, residing within the county where all or any part of such body of water is located, may petition the County Board of the County wherein said petitioners reside, to change the name of, or to give a name to any previously unnamed lake, river, stream or other body of water, however designated. Said petitioners shall describe in their petition with reasonable correctness, the location of any such lake, river, stream or other body of water; the name, if any, by which it may then be known, or if without any name, such fact shall be stated; also the name which said petitioners desire given to said body of water; and the reason for such change of name or for giving the designated name to any previously unnamed body of water. Said petitioners shall also set out after each of their names, as signed to said petition, their place of residence. Provided no name of any lake, river, stream or other body of water, which name has existed for forty (40) years shall be changed under the provisions of this act. ('25, c. 157, § 1)

751-3. Same—Hearings by County Board—That on the filing of such petition with the County Auditor of the County wherein said petitioners reside, and presenting therewith the necessary copies thereof hereafter required, such auditor shall present said petition to the County Board of his county, which board shall by order fix the day and place of hearing on said petition to be held more than 30 days thereafter, of which hearing on said petition at least three weeks published notice shall be given in the newspaper designated by the County Board of said county as the official newspaper for said county, provided that said hearing may be held at any convenient place within the county, as shall be determined by the Board. On the day fixed for said hearing any legal voters in said county, or any municipality may appear by attorney or in person, and file an answer to said petition, setting out in plain concise language why the prayer of said petitioners should not be granted in whole or in part, and, may in said answer pray the County Board to give another or different name to said lake, river, stream or other body of water than the one prayed for in said original petition. Said petitioners may include in said petition any number of lakes, rivers, streams or other bodies of water, the names of which they may petition to have changed, or any number of previously unnamed lakes, river, streams, or other bodies of water which they may desire to have given a name by said Board in said proceedings, and the same procedure shall be had on said petition in such event as though only one lake, river, stream or other body of water be described in said petition. ('25, c. 157, § 2)

751-4. Same—Notices of hearings—That notice of the time and place of hearing on any such petition shall also be served personally on the Chairman of the Town Board of any township, on the President of any Village Board of Trustees, and on the Mayor of any city within or adjoining limits of which political sub-division any such lake, river, stream or other body of water involved in said hearing may be located and it shall be the duty of such official on whom said notice of hearing shall be served, to present such notice to said Board or Council who shall take such action thereon as they shall deem to be for the public interest. ('25, c. 157, § 3)

751-5. Same — Hearings — Procedure — Waters in more than one county—That at the time fixed by said notice of hearing on said petition, or at any time to which said hearing may be adjourned by the County Board, said Board shall hear all parties desiring to be heard thereon and shall make an order by resolution fixing and determining the name which any lake, river, stream or other body of water described in said petition shall have and bear, and the name so fixed by said Board shall be the name of such lake, river, stream or other body of water and such designation shall thereafter be used and followed as its legal name. If any petition so filed shall describe a lake, river, stream or other body of water located within the boundaries of more than one county, then the County Boards of the several counties affected shall act jointly and as one body, a majority of such joint body being sufficient to determine upon a name; the County Auditor with whom such a petition shall be filed shall forward by mail a certified copy of the same to each of the County Auditors of the counties so affected, who shall present same to their respective County Boards, and the notice of hearing thereon determined upon by said joint body shall be published in each such county as provided in Section two thereof. The Auditor of the County in which said petition was filed shall make and file certified copies of the resolution so adopted in the office of the Register of Deeds of each county affected at the expense of the petitioners. ('25, c. 157, § 4)

751-6. Same—Names not to be duplicated—That in choosing and fixing the name of any river, lake, stream or other body of water, the County Board or Boards shall, as far as possible not duplicate names of existing lakes, rivers, streams or other bodies of water, and shall select and approve such names therefor, as shall in their judgment be for the permanent good and best interests of the county or counties affected. To that end, the auditor of the county wherein a petition shall be filed as herein provided shall cause a copy thereof, together with a copy of the notice of hearing thereon, to be forwarded by mail to the State Commissioner of Drainage and Waters, who shall compare the names suggested in said petition with the names of other lakes, rivers, streams or bodies of water within the state and report back to said auditor before the date of said hearing, his findings and recommendations. ('25, c. 157, § 5)

751-7. Same—Bonds of petitioners—Before any petition filed under this act shall be acted upon or the notice of hearing given, the petitioners shall give a bond to be approved by the County Attorney of such county wherein said petition has been filed, conditioned upon the full payment of all reasonable expenses which the county or counties shall incur in such proceeding. ('25, c. 157, § 6)

752. Fish screens in certain lakes—When the whole or major part of any navigable lake which has been

stocked with fish by the United States government is situated in a single county, the county board thereof, in order to maintain such fish therein and prevent their escape therefrom, may erect and maintain, at the inlets and outlets thereof, screens necessary for such purpose, and such county board shall have power to appropriate from the county treasury all necessary moneys for the erection and maintenance of such screens; when such lake is situated in two or more counties, the county boards thereof may jointly provide for the erection and maintenance of such screens, the expense thereof to be borne equally between said counties, and such county boards shall have power to appropriate from the county treasury of their respective counties all necessary moneys for said purpose. ('13 c. 87 § 1) [753]

753. Fish hatcheries in counties having 275,000 inhabitants—In all counties in this state now having or which shall hereafter have a population of two hundred seventy-five thousand or more inhabitants, the boards of county commissioners are hereby authorized and empowered to locate, equip, develop and maintain within their county a fish hatchery for the propagation and cultivation of fish, and the same shall be known as the county fish hatchery of such county. ('09 c. 219 § 1) [754]

754. Land, how acquired—That any board of county commissioners of any of the counties aforesaid is hereby authorized and empowered, as soon as practicable after the passage of this act, to acquire by gift, lease, purchase or condemnation in the name and on behalf of said county, any real property, lands, premises, right-of-way or easement, public or private, that may be necessary, convenient or proper for the establishment and equipment and development of a fish hatchery and grounds and for the purpose of receiving and conducting to and from said hatchery waters necessary or desirable for the use of said hatchery, in such manner as the said board of county commissioners may deem fit; and in case the owner of any real property, land or premises, and the said board of county commissioners cannot agree as to the value of the premises taken or so to be taken for any such use, the value thereof and the price so to be paid therefor shall be determined by the appraisal of three competent disinterested persons, residents of such county commissioned to ascertain the amount to be paid by said board of county commissioners to the owner or person interested, such appraisers to be appointed on application of the said board of county commissioners by the judges of the district court within and for such county, according to the provisions of chapter 41, of the Revised Laws of 1905, so far as reasonably applicable, which said law shall apply to and govern proceedings under this act. ('09 c. 219 § 2) [755]

755. Management and control—That the board of county commissioners of any such county shall have full management and control of said fish hatchery and for that purpose are hereby authorized and empowered to hire such help as may be necessary to establish and care for said fish hatchery. ('09 c. 219 § 3) [756]

756. Annual appropriation—For the purpose of carrying out the provisions of this act, the board of county commissioners of any such county is hereby authorized and empowered to make an annual appropriation of not more than five thousand dollars per year. ('09 c. 219 § 4) [757]

756-1. Fish hatcheries in certain counties—Authority to establish—In any county having an area of more than twenty-five hundred square miles, and having within its boundaries lakes or streams which are the natural habitat of game fish and no federal or state fish hatchery, and having an assessed valuation of more than five hundred dollars per capita of its population, the county board are hereby authorized and empowered to locate, equip, develop and maintain within their county a fish hatchery for the propagation and cultivation of fish, and the same shall be known as the county fish hatchery of such county. ('25, c. 54, § 1)

756-2. Same—Powers of county board—Said board are hereby authorized and empowered to acquire by gift, lease, purchase or condemnation, in the name and on behalf of said county any lands, rights of way, easements and other real and personal property that may be necessary, convenient or proper for the establishment, equipment and development of a fish hatchery and grounds, and for the purpose of receiving and conducting to and from said hatchery water necessary or desirable for the use of said hatchery, in such manner as said board may deem fit. For the purposes of condemnation, when deemed necessary or desirable, the provisions of Chapter 41, General Statutes 1913, and acts amendatory thereof and supplementary thereto may be resorted to. ('25, c. 54, § 2)

Explanatory note—For Chapter 41, General Statutes 1913, see sections 6537 to 6578, herein.

756-3. Same—Management and control—Said county board shall have full management and control of said fish hatchery, and for that purpose are hereby authorized and empowered to employ such help as may be necessary to establish and care for said hatchery. ('25, c. 54, § 3)

756-4. Same—Appropriation—For the purpose of carrying out the provisions of this act the county board are hereby authorized and empowered to make an annual appropriation of not more than five thousand dollars, provided the total county tax rate for the year in which any such appropriation is made shall not exceed twenty mills; Provided, further, in one year only, when the total county tax rate does not exceed twenty-one and one-half mills, an appropriation within the amount aforesaid may be made for said purpose upon there being transferred to the general fund, an equivalent amount from the road and bridge fund, which transfer is hereby authorized. ('25, c. 54, § 4)

756-5. Bathing beach in certain counties—Authority to establish—Any county in this state now or hereafter having an assessed valuation of not less than $150,000,000 exclusive of money and credits, and having a bonded indebtedness of not to exceed $7,000,000, exclusive of bonds issued to defray the cost of permanently improving State Trunk Highways which the State of Minnesota has agreed to pay under the provisions of Chapter 522, Laws of 1921, is hereby authorized to acquire by gift or condemnation and improve and equip one tract of land within the county for use as a bathing beach. The acquiring of such land, its improvement as aforesaid and equipping same, may be paid for out of any moneys in the county treasury not otherwise appropriated. ('25, c. 401, § 1)

Explanatory note—For Laws 1925, c. 522, see infra, §§ 2640, 2641.

756-6. Same—Eminent domain—The title to any such land may be acquired by condemnation in the manner and method prescribed by Chapter 41, General Statutes of Minnesota for 1923. ('25, c. 401, § 2)

Explanatory note—Section 4 of Laws 1925, c. 401, repeals all inconsistent acts or parts of acts.

757. Eighth state fish hatchery authorized—That the eighth state fish hatchery for the propagation and cultivation of fish under the laws of this state shall

be, and the same is hereby authorized and established. ('17 c. 504 § 1)

758. Under control of state game and fish commissioner—That the said state fish hatchery shall be subject to the management and control of the state game and fish commissioner of Minnesota. ('17 c. 504 § 2)

759. To be located south of Minnesota river by commissioner—The said state game and fish commissioner is hereby authorized, empowered and directed, as soon as practicable after the passage of this act, to select, locate and acquire by gift, purchase or condemnation, as provided by the laws of this state, a suitable and convenient site for said state fish hatchery, at some point in the state south of the Minnesota river in the name of and on behalf of the state of Minnesota, together with all real property, land, premises, water rights, right of way or easement, public or private, that may be necessary, convenient or proper for the establishment, equipment, maintenance and development of said hatchery and grounds, and for the purpose of receiving and conducting to and from said fish hatchery waters necessary or desirable for the use of said fish hatchery in such manner as the state game and fish commissioner may deem fit. ('17 c. 504 § 3)

760. Commissioner to examine sites offered and acquire most desirable—As soon as practicable after the passage of this act, said state game and fish commissioner shall, and is hereby directed, to examine all suitable sites for said state fish hatchery and to select the most suitable site, and acquire the same, and locate said fish hatchery thereon as hereinbefore provided; and to erect thereon all necessary buildings, equipment, machinery, plants, conduits, dams, and apparatus, and dwellings requisite for the cultivation and propagation of fish, and everything necessary to properly maintain and operate the same in the best and most efficient manner as said commissioner may determine. ('17 c. 504 § 4)

761. Reimbursement of peace officers—Whenever any sheriff, deputy sheriff, constable or other peace officer of this state shall hereafter receive physical injury, while in the discharge of his official duty as such peace officer, the county board, wherein such officer resides, may audit and allow bills for physicians' services, nurse and hospital expenses rendered necessary because of such injury and may appropriate money out of the revenue fund of the county for payment thereof. ('11 c. 268 § 1) [758]

762. Observance of Memorial Day—The county board of each county in the state of Minnesota, in addition to all other powers now possessed by it, is hereby empowered and authorized to set apart, appropriate and expend or cause to be expended, in such manner as it may deem best, from the county revenue fund of such county, an amount not to exceed the sum of three hundred dollars ($300.00) annually for the purpose of aiding in the appropriate observance of Memorial Day on the thirtieth day of May in each year and in the annual commemoration of the noble and valiant deeds of the nation's soldier dead. ('11 c. 109 § 1) [759]

762-1. Appropriation to Military Service Men's organizations for Memorial Day exercises—The several county boards in this state are hereby empowered, in addition to the power now conferred on them by law, to appropriate annually not to exceed twenty-five dollars ($25) to each post of a recognized Military Service Men's organization or society, holding charter from Congress or incorporated in this state, organized and existing in their respective counties, for defraying the expenses of Memorial Day exercises. ('21, c. 233, § 1; amended '27, c. 407—omitted from Gen. St. 1923)

763 31 — 324 See 4393

763. County board to establish a "Soldiers' Rest"—The Board of County Commissioners of any county in this state may purchase a plot of ground in any duly organized cemetery, lying in whole or in part in their respective counties, to be designated, set aside and used exclusively as a "Soldiers Rest," and appropriate for the payment, embellishment and upkeep thereof not to exceed the sum of $1,000.00 in any one year. Provided, however, that any county in this state now having or which may hereafter have a population of not less than 150,000 inhabitants may appropriate for said purposes not to exceed the sum of $3,500.00 in any one year.

"The County Board is authorized to use such portion of such appropriation as it may deem necessary for compensation and expenses of an agent, who shall be a veteran, to care for said burial ground and to issue permits for burial therein, and to reimburse any such agent heretofore appointed for his time and expenses in such work in such sum as the board may deem adequate for the services performed not to exceed $600.00 per year. ('17 c. 60 § 1, amended '23 c. 335 § 1)

764 33 — 336

764. To be used exclusively for soldiers, sailors and marines—Any plot of ground secured as herein provided and designated as a "Soldiers Rest" shall be used exclusively for the interment of deceased, indigent, active or discharged soldiers, sailors and marines of the United States of America, without charge for space therein. ('17 c. 60 § 2)

765. Violation a misdemeanor—Any person interring or causing to be interred a body not within the provisions of this act, or making a charge for a burial lot in such "Soldiers Rest," shall be guilty of a misdemeanor. ('17 c. 60 § 3)

766-768 175m 201 220nw 606 1222

766. Claims to be itemized and verified—No account, claim or demand against any municipality for any property or services shall be audited or allowed by the board or officer authorized by law to audit and allow the same until it is reduced to writing, in items, and verified by the person claiming the same, or his agent, to the effect that such account, claim, or demand is just and true; that the money therein charged was actually paid for the purposes therein stated; that the property therein charged was actually delivered or used for the purposes therein stated, and was of the value therein charged, and that the services therein charged were actually rendered, and either that the same were of the value therein charged, or, if official, for which fees are prescribed by law, then that the fees charged therefor are such as are allowed by law; and in all cases that no part of such account, claim, or demand has been paid. But the provisions of this section shall not apply to any claim or demand for an annual salary or fees of jurors or witnesses, fixed by law. (438) [760]

766 227nw 358 1106

766-768 178m 411 236nw 463 See 646 See 994

Not applicable when liability and amount due are fixed by law (88–346, 93+126). Not applicable to claim for damages for failure to perform statutory duty (142 Fed. 329, 73 C. C. A. 439). Compliance with this section condition precedent to action (67–1, 69+471; 83–512, 86+775; 90–457, 97+132). Statement held sufficient (90–1, 95+456). Verification by agent held sufficient (69–297, 72+123). Held not to prevent application of funds to satisfy attorney's lien (83–512, 86+775).

Cited (102–134, 112+899; 112–94, 127+452; 146–103, 177+1013; 152–345, 188+733).

767. Verification—The verification required by § 760 may be made before any officer authorized by law to administer oaths, or before any member of the board to which the account, claim, or demand shall be presented for audit, who may administer the proper oath in such cases. In case any such account, claim, or

demand shall be made or presented by an administrator or executor on behalf of the estate of a deceased person, he shall not be required to verify the same, but may prove it otherwise to the satisfaction of the board. (439) [761]

The citation in this section to § 760 should be to § 766.

Cited (102–134, 112+899; 112–94, 127+452).

768. Auditing of claims—Whenever any account, claim, or demand against any municipality shall have been verified in the manner prescribed in this subdivision, the board or officer to whom it shall be presented may receive and consider it, and allow or disallow the same, in whole or in part, as shall appear just or lawful, saving to the claimant the right of appeal. (440) [762]

Cited (107–460, 120+896; 112–94, 127+452).

769. Accounts not itemized—Every member of such board who shall audit and allow any claim required to be itemized, without the same having been first duly itemized and verified, shall be guilty of a gross misdemeanor. (441) [763]

67–1, 4, 69+471.

Cited (112–94, 127+452).

770. Assessors and overseers of roads—The board of each county, any part of which is not organized into towns, shall at its meeting in January in each year divide such unorganized territory into one or more assessment and road districts, and appoint a qualified person residing therein as assessor for each district, and another as overseer of roads therein, each of whom shall possess the powers and perform the duties of a town assessor and town overseer of roads respectively. Each shall hold his office for the term of one year. The compensation of any such assessor or overseer of roads shall be fixed by the county board, not exceeding four dollars per day. (R. L. § 442, amended '09 c. 250 § 1) [764]

A road overseer is not liable to one injured on a public highway because of his failure to keep it in repair and safe for travel. 161–345, 201+435.

771. Counties having assessor—That any county in the state of Minnesota now or hereafter having a county assessor, in addition to all powers now possessed by such county, is hereby authorized and empowered each year to appropriate sufficient money to defray the expense of making a proper assessment of all property in such county for the purpose of general taxation. ('09 c. 217 § 1) [765]

772. Advertising time when taxes become delinquent—That the board of county commissioners of any county in the state may, by resolution, direct the county treasurer to publish in one or more newspapers published in said county, a notice in the form of a display advertisement, informing taxpayers of the approaching time when real and personal taxes will become delinquent and when penalties will accordingly attach, which resolution shall also fix the maximum amount that shall be paid for such advertisements; provided, however, that not more than the sum of one hundred dollars shall be paid in any one year for such advertisements in any such county. ('09 c 307 § 1) [766]

773. Duty of treasurer—Upon the passage of any such resolution it shall be the duty of the county treasurer to prepare and have published such notice as may be appropriate and have the same published using such space in such newspapers as will comply with the terms of such resolutions, and the expense thereof shall be allowed by the board of county commissioners and paid out of the county treasury as other claims against the county. ('09 c. 307 § 2) [767]

774. Election districts—Whenever any part of a county is not organized into towns, the county board, at their meetings in either January or July, upon the petition of not less than ten legal voters residing more than ten miles from the polling place in any established election district, shall create and establish out of such unorganized territory an election district, and designate a polling place therein at such point as will be most convenient for the persons so petitioning; but no such polling place shall be located within ten miles of any other existing polling place. (443) [768]

67–119, 125, 69+699; 82–328, 333, 84+1002.

775. Judges of election—Such board, at its last session before an election, shall appoint judges of election for each district so established, and thereupon cause notice to be posted in at least three of the most public places in such county, containing a complete list of all such districts, with the names of the several judges of election therein. (444) [769]

82–328, 333, 84+1002.

776. Justices and constables—In each election district so established there shall be elected at the general election two justices of the peace and two constables, whose term of office shall be two years. Any vacancy that may occur in either of such offices shall be filled by appointment by such board. (445) [770]

777. Oaths and papers, where filed—In counties not divided into towns, the official oaths and other papers required by law to be filed in the office of the town clerk shall be filed with the register of deeds. (446) [771]

778. Members of board—Offices—Contracts—No commissioner shall be appointed or elected by the board of which he is a member to any office or position of trust or emolument, and no commissioner shall receive any money or other valuable thing as a condition of voting or inducement to vote for any contract of other thing under consideration by the board, or become a party to, or directly or indirectly interested in, any contract made by the board; and every appointment or election made and every contract or payment voted for or made contrary to the provisions of this section shall be void. Any violation of the provisions of this section shall be a malfeasance in office. (447) [772]

The office of treasurer of a school district and the office of county commissioner, in view of the duties of each relative to schools, are incompatible. 157–263, 196+467.

779. Commissioner of highways and county boards to mark corners—Whenever by reason of the construction of a public highway it may become necessary to destroy or obliterate a known section or quarter section corner it shall be the duty of the Commissioner of Highways, in case of trunk highways, and the county board in case of other roads, to provide for a permanent marking of such corners and the placing of reference or witness monuments by means of which such corners can readily be located.

The permanent marking of such corners and establishment of reference or witness monuments shall be in the manner following, to-wit: At the exact location of any such corner there shall be placed a stone, concrete or cast-iron marker not less than four inches in diameter at the top and not less than eighteen inches deep. In the case of a paved highway there shall also be placed over the marker and in the surface of the pavement a metallic plug not less than one inch in diameter and two inches in depth.

Reference or witness monuments evidencing the location of the corner shall be established, before the

obliteration of the corner, at at least two places most practicable and shall consist of stone, concrete or cast iron. ('21 c. 359 § 1)

780. **Records and reference to be filed with register of deeds**—Records of markers and reference or witness monuments, herein provided for, shall be preserved by the filing in the office of the Register of Deeds of the proper county or counties of certificates made by the engineer or surveyor placing and establishing such markers and monuments. Each certificate shall contain only the record of markers and monuments at one corner. The Register of Deeds for filing such certificates shall be entitled to charge and receive a fee of twenty-five cents for each certificate so filed. ('21 c. 359 § 2)

781. **Form of certificate**—Such certificates shall be on sheets of durable paper, which sheets shall be in size eleven by eleven inches with a margin at the left for binding of one and one-half inches. Such certificates shall be substantially in the following form, to-wit:

I hereby certify that on the ..... day of ....I found the ..... corner of ..... which was evidenced by ....and I further certify that to perpetuate the location of such corner I did at the exact location thereof place a permanent marker consisting of .....

I further certify that I established..... reference or witness monuments consisting of ..... which reference or witness monuments are located in the manner following:

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

Dated at ..... this ..... day of ..... 19....

.....
County Surveyor

In cases where such markers are placed and monuments established by a person other than an officer, the affidavit of the engineer or surveyor of substantially the foregoing form shall be filed with the same force and effect as certificates made by officers. ('21 c. 359 § 3)

782. **Expense**—The expense of placing such markers and monuments and the filing fee herein provided for shall in case of trunk highways be paid out of the State Trunk Highway Funds. In case of other roads such expense and fee shall be paid by the county or counties wherein the location of the corner perpetuated is situated, and such claims against counties shall be itemized, verified and audited as provided for by law and payment thereof made from the county general revenue fund. ('21 c. 359 § 4)

783. **Penalties**—Every person who shall wrongfully displace, remove, injure or destroy a marker, metallic plug or monument placed or established, as herein provided, shall be guilty of a misdemeanor. ('21 c. 359 § 5)

784. **Section corners**—Whenever it shall be made to appear to the satisfaction of the board that the monuments established by the United States in its surveys of the public lands to mark section, quarter section, and meander corners have been destroyed or are becoming obscure, it may employ a competent surveyor to relocate and re-establish the same. Such surveyor shall mark each corner re-established by a sufficient iron or stone landmark, and make full and accurate notes and data from which his entire survey can be relocated, and shall file a certified copy of the same, and a map of the survey, in the office of the register of deeds. Such landmarks shall be prima facie evidence that the points where they are located are the section, quarter section, or meander corners, as the case may be, established by the original United States survey. (448) [773]

123-234, 144+758; 147-238, 180+37.

785. **Township landmarks**—In every county containing a population exceeding five thousand, the board shall cause to be placed by a competent surveyor at the northeast corner of each congressional township a permanent landmark, which shall be either a stone not less than eight inches square and two feet long, or an iron post not less than two inches square and thirty inches long, having a head six inches square. Such landmark shall be embedded its full length in the ground, and have plainly cut or engraved on the top thereof letters and figures indicating the number of the section, township, and range. The expense of preparing and placing such landmarks shall be paid out of the county treasury, and the place where the same is located shall be prima facie the northeast corner of such township. Any person who shall remove, destroy, or deface any such landmark shall be guilty of a misdemeanor. (449) [774] 31 786 — 384

786. **Questions submitted to vote—Ballot**—Whenever the county board is authorized to do any act, incur any debt, appropriate money for any purpose, or exercise any other power or authority, only when authorized to do so by a vote of the people, the question to be voted upon may be submitted at a special or any general election, by a resolution specifying the matter or question to be voted upon, and, if it is to authorize the appropriation of money, creation of a debt, or levy of a tax, shall state the amount thereof. Notice of such election shall be given as in the case of special elections, and, if the question submitted be adopted, the board shall pass an appropriate resolution to carry the same into effect. In all such elections the form of the ballot shall be: "In favor of (here state the substance of the resolution to be submitted), Yes No."—with a square opposite each of the words "Yes" and "No," in one of which the voter shall make a cross to indicate his choice. (450) [775]

ORGANIZATION OF TOWNS

787. **Towns, how organized**—Whenever a majority of the legal voters of any congressional township containing not less than twenty-five legal voters petition the county board to be organized as a town, such board shall forthwith proceed to fix and determine the boundaries of such new town and name the same and shall make and file with the auditor a full report of its proceedings in relation to the establishment thereof. Towns thus formed shall be named in accordance with the expressed wish of a majority of its voters. If they fail to request a name, the board shall select one. (451) [776]

See following section.
113-203, 129+381. 31 788 — 19

788. **Same—Number of petitioners**—Whenever a majority of the male resident freeholders of any one, two, three, four or five congressional townships containing in the aggregate not less than twenty-five male freeholders who are legal voters, petition the county board to be organized as a town, such board shall

forthwith proceed to fix and determine the boundaries of such new town and name the same, and shall make and file with the auditor a full report of its proceedings in relation to the establishment thereof. For the purposes of the act the words "male freeholders" shall be construed to include any male person who is a legal voter in any such town occupying real estate therein under the homestead or pre-emption laws of the United States or under contract of purchase from any person or corporation or from the State of Minnesota. (G. S. 1894 § 914, amended '05 c. 143 § 1) [777]

789. **Formation and alteration of towns**—The county board may alter the boundaries of towns, or partition any town among other towns within their respective counties, by attaching a part of one town to another, or by dividing one town and attaching the parts to other towns, or by forming a new town from the territory of one or more towns, or from territory not before included in a town, whenever it is made to appear necessary or expedient, by a petition for that purpose signed by not less than twenty legal voters residing within the territory to be affected. But no town shall be so formed, having less than thirty-six square miles, nor have its boundaries so changed as to reduce its territory below that area, unless after such division it shall have at least twenty-five qualified voters therein, and real estate valued at the last preceding assessment at thirty thousand dollars or more; and no town shall be divided or have any part detached therefrom so as to make its area less than thirty-six square miles, except upon the petition of at least two-thirds of the legal voters residing in one or both subdivisions or parts. (452) [778]

Apportionment of indebtedness on division (80-357, 83+346; 87-347, 92+215; 106-58, 118+63). Apportionment of taxes (56-269, 57+659).

790. **Notice of hearing**—Before acting on any petition mentioned in § 789, the board shall cause thirty days' posted notice of the time of hearing the same to be given within the bounds of the territory proposed to be partitioned, altered, or formed into a new town. Such notice shall include a copy of the petition, and shall also be served on the clerk of each town whose territory may be affected. (453) [779]

791. **Action of board**—If such application is granted, the board shall forthwith fix and determine the boundaries of such town or towns, and make and file with the auditor a full report of its proceedings in the matter. (454) [780]

792. **Record and report to state auditor**—Each county auditor shall, within thirty days after any such town is organized, transmit by mail to the state auditor an abstract of such report, giving the name and boundaries of such town, and shall also record in a book kept for that purpose a full description of each such town. (455) [781]

793. **Apportionment of funds—Taxes**—In case of the division or partition of any town, the funds in its treasury, and undistributed township taxes, shall be apportioned to the town or towns to which the portions thereof shall be attached, or to the new town or towns established, to the extent the same are collected from the territory so attached or established into a new town. All taxes collected after the division or partition of such town shall, when collected, be paid to the town in which the property upon which the taxes are collected, is located; but, taxes levied for the payment of outstanding bonds shall be paid to the town issuing such bonds, until such time as the same are paid. And whenever any such board shall have heretofore or shall hereafter divide or partition any such town, such board shall also apportion to the several parts thereof that portion of the debts of the town represented by outstanding orders or otherwise, and also the property thereof as may seem to it right and proper, and said apportionment when so made shall be binding upon the parts affected, but shall be subject to review by the district court. (R. L. § 456, amended '09 c. 123 § 1) [782]

794. **Towns with same name**—If the state auditor, on comparing the abstracts of the reports from the several counties, finds that two or more towns have the same name, he shall transmit to the auditor of the proper county the name to be altered, and the county board shall at its next meeting thereafter adopt for such town a different name. When such name is adopted, the county auditor shall inform the state auditor, as before directed. (457) [783]

795. **Change of name of town**—The board of county commissioners of any county in this state may change the name of any town within such county upon a petition signed by a number of the legal voters of such town equal to fifty-five per cent of the votes cast in such town at the last preceding general election and the new name suggested in such petition shall be adopted as the official name of such town. Such petition shall be filed with the county auditor and it shall be the duty of the auditor thereupon to give three weeks' published notice of the filing of such petition by publishing the same in the official newspaper of the county, and said petition shall be taken up and considered at the next meeting of said board of county commissioners, held not less than thirty days after the date of publication of such notice. ('07 c. 88 § 1) [784]

796. **Order of board**—The prayer of said petition being granted, the board shall make a formal order to that effect, which shall be filed with the auditor, and thereupon the official name of such town shall be the one so adopted. The auditor shall within twenty days after any such change of name of town, transmit by mail to the state auditor an abstract of all the proceedings and orders of the county commissioners relative to such change of name. ('07 c. 88 § 2) [785]

ESTABLISHMENT OF SECTION LINES

797. **Petition**—Upon petition of any town board in the case of a township, or of at least two taxpayers in any section in the case of a section, filed with the county auditor, praying therefor, the county board may cause any such township or section to be surveyed or subdivided. (458) [786]

Cited: 164-334, 201+536.

798. **Meeting—Notice**—At its next regular meeting after such petition is filed, the board shall fix a time and place of meeting to consider the same, of which three weeks' published notice, containing the substance of the petition, a description of the lands to be affected, and the names of the owners thereof as they appear in the last tax duplicate, shall be given. Such notice shall also be personally served on each occupant of land to be affected by the survey. (459) [787]

164-334, 201+536.

799. **Hearing—Contract with surveyor**—Upon the hearing of such petition, all parties interested may appear and be heard, and the board may grant or reject the application. If granted, it shall appoint a competent surveyor to make the survey, with whom a written contract for the performance of the work shall be made, secured by a sufficient bond executed by such surveyor and approved by such board. Two weeks' published notice of the appointment of such surveyor, specifying the date when the survey will be

begun, shall be given. At the time so appointed, the work shall be begun, and shall continue without unnecessary delay until completed. (460) [788]
161-334, 201+536.

800. **Duties of surveyor**—Such surveyor shall keep complete and accurate field notes of all the work, giving dates, names of assistants, lengths and relative directions of all lines, a full description of the evidence by which corners are located, and full data by which the entire survey can be relocated. Distances shall be given in feet and decimals thereof. Substantial iron or stone monuments shall be planted at or near all government corners re-established, and the names of at least three resident witnesses must be given in such notes for each monument. He shall make a plat upon a strong linen paper, showing all the above-mentioned facts, so far as practicable, and also all tracts of land affected, with the name of the owner and acreage of each tract. Such plat shall have indorsed thereon the affidavit of the surveyor to the effect that such survey and plat are correct and accurate. (461) [789]
161-334, 201+536.

801. **Plat as evidence**—If the board approve the plat, its certificate of approval, signed by the chairman, shall be indorsed thereon, and thereupon the plat and field notes shall be filed in the office of the register of deeds, and shall be prima facie evidence that the survey is correct. The surveyor shall pay to the register one dollar for filing and recording said plat and field notes. (462) [790]
161-334, 201+536.

802. **Report of expenses—Assessment**—The surveyor shall thereupon make a certified report to the board, showing in detail the entire expense of such survey, which shall be equitably apportioned and assessed by the board to the several tracts affected. (463) [791]
161-334, 201+536.

803. **Notice of assessment—Confirmation**—Upon making such assessment, the board shall forthwith cause one week's published notice thereof to be given. Such notice shall contain a description of each tract of land affected, and specify the amount assessed against the same, the name of the supposed owner, and the time and place of meeting of the board to correct and confirm such assessment. At the time and place so fixed, the board, after making all proper corrections and adjustments, shall make an order confirming such assessment. (464) [792]
161-334, 201+536.

804. **Assessment entered on tax duplicate**—Upon the filing of such order of confirmation, the county auditor shall enter upon the tax duplicate for the current year, against each such tract of land, the amount so assessed against the same, which shall be collected as other taxes, and go into the county revenue fund. (465) [793]
161-334, 201+536.

805. **Expenses, how paid**—After the filing of the order of confirmation, the expenses of such survey, not exceeding the amount of the assessment, shall be paid out of the general revenue fund of the county in the same manner as other claims. (466) [794]
161-334, 201+536.

806. **Appeals**—Appeals from the order of confirmation may be taken to the district court by any person aggrieved, in like manner as from the determination of the board in laying out roads. On such appeal the court may inquire into and review all matters relating to the survey or assessment or expenses affecting the party appealing, which are specified in the notice of appeal. (467) [795]
161-334, 201+536.

807. **Not to affect lines fixed by agreement**—Nothing in §§ 786-795 shall be construed to authorize the change of any line fixed by agreement of land-owners or of any traveled road. (468) [796]
161-334, 201+536.

33 808 371

COUNTIES EXCEEDING 150,000

808. **Estimates of expense and revenue**—In counties having a population of more than one hundred and fifty thousand, the county board, in determining the amount of the expenses of the county for the next ensuing year, shall make an itemized statement covering all county expenditures for such year, divided into such a number of funds as the county board may deem advisable, with a proper title for each. Such statement shall specify as nearly as possible the amount needed for each fund, the estimate for which shall be kept at the lowest practical limit, and the total amount shall not exceed the maximum limit prescribed by law. The board shall at the same time make an estimate of all revenues the county will receive for such year, exclusive of those derived from taxation, and shall also estimate the amount of money, if any, that will be credited to the "suspense fund" at the end of the current fiscal year, as hereafter in this chapter provided. Such statement and estimates shall form a part of the official proceedings of the board, and the amount of the tax levied, together with the amount of such estimates, shall when they have not been apportioned by law, be apportioned by the auditor into the several funds in the proportions and for the specific purposes designated in such itemized statement as the basis for taxation for the ensuing year. For the items for sinking fund, bonds, interest on bonds, salaries, and all items where the charges are fixed by law, the full amount required to meet the same shall be apportioned. The money so raised by taxation, and the estimate of revenues to be received, and the estimated amount of the suspense fund, when so apportioned, shall be expended only for the purposes designated in said itemized statement, and to which it is apportioned, and for no purpose in excess of the amount apportioned thereto. (469) [797]
(Amended '25, c. 214)

809. **Emergency fund—Expended only by unanimous vote**—One of the funds provided for in § 808 may be designated "emergency fund," from which no money shall be expended except in cases of actual emergency, arising from the exhaustion of some other designated fund by unforeseen demands thereon, and then only by the unanimous vote of the board authorizing such expenditure. (470) [798]

810. **Warrant to show purpose and fund**—In each warrant drawn by him on the county treasurer, the auditor shall state the purpose for which it was issued and the fund from which it is to be paid, which in all cases shall be the fund upon which such warrant may be legally drawn. Whenever a contract is awarded, the board shall by resolution make an appropriation for its payment out of the proper fund. The auditor shall thereupon draw a warrant on such fund, and charge the same thereto, and deliver it to the treasurer, who shall forthwith pay it by check, which shall be immediately indorsed by the auditor and returned to the treasurer. The treasurer shall receipt for such warrant, specifying the appropriation under a suitable

name, and designating the purpose for which it has been made. The auditor shall open a special account with each appropriation by crediting the amount to such special account under the general head of "Appropriation." (471) [799]

811. Balances, how disposed of—When any part of the amount payable on a contract for which such appropriation was made becomes due, and is allowed by the board, a warrant shall issue therefor, and be charged by the auditor to its specific appropriation. Any balance in an appropriation account for work completed and paid for within the fiscal year shall be transferred by the auditor, by elimination, back to the fund from which it was appropriated. For any such balance left after the expiration of the fiscal year, the auditor shall draw his warrant on the treasurer, who shall receipt for the same, and credit the amount to the county revenue fund. (472) [800]

812. Statements by auditor—At each regular meeting of the board the auditor shall present a statement, which shall form a part of the minutes of the official proceedings, showing the apportionments made to each fund for the various county purposes for the current year, together with the actual balances remaining to the credit of each at the opening of business on the first day of such month, and the amount still unpaid on account of contracts or orders for supplies, materials, work, labor, or services already made or entered into by the board, so as to show the present balance, and also the balance when all appropriations for contracts made and orders given are deducted. (473) [801]

33 — 380 **813. Payment of warrants—Accounts, how kept**—The county treasurer shall pay warrants only from the fund from which they are legally payable. Payments under any special contract shall be kept separate under the name of such contract, and under the general title of the fund from which such payment may be legally made. The treasurer need not keep a specific appropriations account separately, but shall keep a general appropriations account. (474) [802]

814. Transfer to suspense fund—All moneys remaining unappropriated or unexpended at the end of the fiscal year shall be transferred to a special fund, designated the "suspense fund," the amount of which shall be apportioned on the first day of the succeeding fiscal year to the different funds in the same manner as the other revenues of the county. The total amount so transferred, and the amount previously estimated to be in such suspense fund, shall be included in the official minutes of the next regular meeting of the board: Provided, that the amount that may be expended for any specific purpose during any one fiscal year shall not in any case exceed the amount apportioned for such purpose, and shall be paid only from its appropriate fund. (475) [803]

815. Filing with board of tax levy—The board shall prepare and file with the board of tax levy, or corresponding body, if any, at its annual meeting, the itemized statement and estimates hereinbefore required, and any amendment required by such board of tax levy or corresponding body. (476) [804]

816. Maximum tax rate—If the maximum rate of taxation for the various purposes for which the county board are authorized to levy taxes mentioned in said itemized statement, together with the estimated amount of all revenues of the county for the ensuing year, exclusive of those derived from taxation, and the amount estimated to the credit of the suspense fund at the end of the fiscal year, does not, when all has been properly apportioned, equal the total amount mentioned in said itemized statement, or amendment thereof, the county auditor shall reduce proportionately the several funds mentioned in said itemized statement, except that the items for sinking fund, bonds, interest on bonds, salaries, and other items, the charges for which are fixed by law, shall remain at the full amount required by law. (477) [805]

160–510, 200+813.

817. Itemized statement—Expenditures, how limited—At the first regular meeting of the board in November of each year, the county auditor shall present to it, to be embodied in its official proceedings, a statement showing the several amounts included in the said itemized statement or amendment thereof, if any, and in a parallel column the amounts of the several funds as they will be when the total tax levied for county purposes, as finally fixed and determined upon, the amount estimated to be in the suspense fund, and the estimated amount of all revenues of the county for the ensuing year, exclusive of those derived from taxation, have all been properly apportioned to said funds as in this subdivision provided. The amounts so apportioned will show the sum permitted to be expended for each of the purposes specified in said itemized statement during the next fiscal year, but the amount so permitted to be expended for each specified purpose shall in no case exceed the amount mentioned in said itemized statement or amendment thereof. (478) [806]

818. Money expended only as specified—Any contract entered into by the county board which provides for expenditures for a specific purpose during any fiscal year in excess of the amount apportioned therefor, and the voting of any money for any specific purpose in excess of the amount specified therefor for any fiscal year, shall be void. The board shall indicate upon the minutes of its proceedings, and in the official publication thereof, the fund from which the claim allowed by it is to be paid, its amount, to whom payable, and the purpose and account for which it was incurred, and no such claim shall be charged to or paid from any fund but that to which it legally belongs. (479) [807]

819. Excessive expenditure—Penalty—Any county commissioner who shall contract, vote, or bargain for the expenditure of money from a fund, the payment of which, including the amount already contracted, voted, or appropriated, shall exceed in any fiscal year the amount specifically apportioned to such fund at the beginning of such year, shall be guilty of a gross misdemeanor. (480) [808]

TERMS OF CERTAIN COUNTY OFFICERS

820. Auditor, treasurer, sheriff, register of deeds, attorney, coroner, surveyor, superintendent of schools— In every county in this state there shall be elected at the general election in 1918 a county auditor, county treasurer, sheriff, register of deeds, county attorney, clerk of the district court, court commissioner, coroner, county surveyor and county superintendent of schools. ('13 c. 458 § 1, amended '15 c. 168 § 1) [809] 820 248nw 744 659 Art 7 §9

821. Terms four years—The terms of office of the said county officers shall be four (4) years and until their successors are elected and qualified, and shall begin on the first Monday in January next succeeding said election, and said offices shall be filled by election every four (4) years thereafter. ('13 c. 458 § 2, amended '15 c. 168 § 2) [885, 924, 1009]

822. County board to fill vacancies—Any person now holding any one of the said offices, whether by election or appointment, shall continue in such office until the first Monday in January A. D. 1919, and any appointment made to fill a vacancy in any of the said offices shall be for the balance of such entire term. 822 248 — 744 659 Art 7 §9

All appointments under the provisions of this act, shall be made by the county board. ('15 c. 168 § 3)

158-512, 197+973, note under § 610.

This section held unconstitutional only as to the office of district court. (132-428, 157+653, 133-66, 157+907, 151-167, 186+234.)

TRANSPORTATION FACILITIES FOR COUNTY OFFICERS.

822-1. **Certain counties authorized to provide transportation facilities for certain county officers—Limitation on amount**—That any county of this state now or hereafter having a population of 330,000 or over, the county board may provide and maintain at the expense of the county, transportation facilities for the use of the county surveyor and his deputies, the sheriff and his deputies, and the members of the county board in and about the performance of the duties of their respective offices; provided that the total amount which may be expended in any one year for transportation of the members of the county board shall not exceed $2,000.00; provided further, that the providing of transportation facilities to members of county boards within the provisions of this act shall include and permit reasonable allowances to members for the use of their own automobiles in the performance of their official duties.

The providing of such transportation by the county board shall be in addition to the compensation now allowed by law to any such officer or his deputies, and shall be in lieu of any other allowance for expenses of conveyance or livery hire. ('27, c. 220, § 1)

Explanatory note—Section 2 of Laws 1927, c. 220, repeals all inconsistent acts or parts of acts.

COUNTY AUDITOR

823. **Persons eligible**—A county auditor shall be elected in each county, who shall hold his office for the term of two years from the first Monday of January next succeeding his election, and until his successor qualifies; but no county commissioner, county surveyor, or county treasurer shall be eligible to such office. (481) [811]

See § 820.

60-325, 62+259; 73-352, 76+46; 131-421, 155+637; 145-465, 177+669.

824. **County auditors allowed expenses to attend meetings called by tax commission**—The county board of each county shall audit and if found correct, allow duly itemized and verified claims of the county auditor for actual and necessary expenses incurred and paid by him in attending any meeting called by the Minnesota tax commission to confer in regard to assessments and taxation. ('19 c. 428 § 1)

825. **Written request to accompany voucher**—No such claim shall be audited or allowed unless the written request of the tax commission for such conference is attached to and made a part thereof. ('19 c. 428 § 2)

826. **Bond**—Each county auditor, before entering upon the duties of his office, shall give a bond to the state, to be approved by the county board, in such penal sum, not less than two thousand dollars, nor more than twenty thousand dollars, as such board requires, conditioned for the faithful discharge of the duties of his office, upon which shall be indorsed his oath of office. The bond so indorsed shall be filed and recorded in the office of the register of deeds. (482) [812]

89-68, 93+1056; 94-201, 102+723; 102+1133; 133-276, 158+394.

827. **Malfeasance—Suspension**—If any such auditor shall fail to make settlement or pay over all moneys with which he stands charged, at the time and in the manner prescribed by law, or misapplies any money which comes into his possession in the discharge of his official duties, the board shall commence an action against him and his sureties. The board shall cause a copy of the complaint in such action to be forthwith furnished to the governor, and, if it alleges any of the acts hereinbefore recited, he shall suspend such auditor temporarily, and cite him to appear and show cause why the suspension should not continue during the pendency of the action. At the hearing either party may produce competent evidence by affidavits or otherwise, and, if there appear to be reasonable grounds to support the complaint, the suspension shall be continued during the pendency of the action. Otherwise such auditor shall be restored to office. If restored, he shall not be deprived of his salary during the period of suspension, and his reasonable expenses in defending himself on the hearing before the governor shall be paid by the county. If, upon the trial of such action, the auditor is adjudged guilty of any neglect of duty or offence charged in the complaint, the office shall be deemed vacant. (483) [813]

828. **Action on bond**—An action may be brought against such auditor and the sureties on his official bond in the name and for the use of the state, or for the use of any county or person injured by his official misconduct or omission. (484) [814]

89-68, 93+1056; 156 Fed. 21, 84 C. C. A. 187, 155; 198 Fed. 605, 117 C. C. A. 313.

829. **Failure to qualify**—If any person elected to the office of county auditor shall not give the bond and take the oath required by law on or before the first Monday in January next after his election, it shall be deemed a refusal to serve. (485) [815]

830. **Disability—Temporary appointment**—When any county auditor having no deputy is, or when both auditor and deputy are, unable to perform the duties of such office within the time prescribed by law, the county board shall appoint some suitable person to perform such duties during such disability, and may require of such person sufficient security for the faithful discharge of the duties of the appointment. (486) [816]

831. **Deputies**—County auditors may, by certificate in writing, appoint deputies, who, before entering upon their duties, shall file with the register of deeds such certificates, with their oaths of office indorsed thereon. Such deputies may sign all papers and do all other things which county auditors may themselves do. Auditors shall require bonds of their deputies in such amount and with such sureties as they deem proper, shall be responsible for their acts, and may revoke their appointment at pleasure. (487) [817]

10-369, 295; 94-201, 102+723; 94-526, 102+1133.

832 230nw 891 662

832. **Clerk of county board**—The county auditor, by virtue of his office, shall be clerk of the county board, keep an accurate record of its official proceedings, carefully preserve all documents, books, records, maps, and other papers required to be deposited in his office, and annually prepare a financial statement of the county, unless otherwise ordered by the board. He shall present at each regular meeting of the board a statement, in writing, showing the amounts levied for the various county purposes for the current year, together with the actual cash balance, if any, remaining to the credit of each fund at the date of such meeting, and the amounts, if any, still unpaid on account of contracts already entered into by the board. Each statement shall be embodied in, and form a part of, the minutes of the official proceedings of the board. (488) [818]

26-333, 3+984; 98-467, 108+932.

833. Certain records may be transcribed—Whenever it shall be made to appear to the satisfaction of the board of County Commissioners of any County in this State that any book or books of record in the office of the County Auditor or "county abstract clerk" of such County, through age, injury, use or other cause, have become unfit for record purposes, and because of such condition are liable to destruction, it shall be the duty of the auditor or "county abstract clerk" of said county to make a transcript of such records in suitable books to be provided by the county for that purpose.

When such transcripts have been completed the same shall be compared with the original record, and the said auditor or "county abstract clerk" shall duly certify, under his hand and seal at the end of each book that the records therein contained to date of signature are true and correct transcripts of the original records. Such transcripts shall then have the same force and effect as the original records.

For the transcribing of such records the county auditor or "county abstract clerk" shall be allowed such amounts for extra help as to the board of County Commissioners may seem just, proper and necessary, such extra help to be hired by him at his direction as to their appointment and the rates of their compensation, respectively and paid by his warrants on the county treasury. ('05 c. 295 § 1, amended '23 c. 278) [819]

834. Delivery to successor—On going out of office, he shall deliver to his successor all moneys, books, records, maps, documents, papers, vouchers, and other property in his hands belonging to the county; and, in case of his death, his personal representatives shall in like manner deliver to his successor all such property. (489) [820]

835. Account with treasurer—He shall keep an accurate account current with the treasurer of his county, and, when any person shall deposit with him any receipt given by the treasurer for money paid into the treasury, he shall file the same in his office, and charge the treasurer with the amount thereof. (490) [821]

Treasurer a debtor, not a bailee (18–199, 182; 98–467, 108+932).

836. Disbursements—Warrant—No claims against the county shall be paid otherwise than upon allowance of the county board, upon the warrant of the chairman thereof, attested by the auditor, except in those cases in which the precise amount is fixed by law, or is authorized to be fixed by some other person, officer, or tribunal, in which cases the same shall be paid upon the warrant of the auditor, upon the proper certificate of the person, officer, or tribunal allowing the same: Provided, that no money shall be disbursed by the county board, or any member thereof, but only by the county treasurer upon the warrant of the chairman of the county board, attested by the auditor, specifying the name of the party entitled to the same, on what account and for what purpose issued, upon whose allowance, if not fixed by law, and the fund from which it is payable. If in payment for services, the specific time for which the same were rendered shall be therein stated, and all orders and warrants shall be progressively numbered, and the number, date, and amount of each, the name of the person to whom payable, and the specific time for which any service was rendered, shall, at the time of issuing the same, be entered in a book to be kept by the auditor for that purpose. (491) [822]

98–467, 108–932.

See also '15 c. 182, amended '17 c. 67, providing for payments for public road work by day labor, in counties having less than 200 000 inhabitants, without such claims having first been audited and allowed.

836-1. Destruction of vouchers, records, etc., by auditors—The auditors of the several counties be and they hereby are authorized, with the consent and approval of their county boards, to destroy the following vouchers, files, records and papers of their offices at the time and under the conditions herein specified:

1. Claims and vouchers paid by the county more than 20 years prior to such destruction;
2. Receipts for taxes paid more than 20 years prior thereto;
3. Treasurers' checks paid more than 20 years prior thereto;
4. Receipts for mortgage registration taxes paid more than 20 years prior thereto;
5. Miscellaneous receipts, delinquent tax statements and miscellaneous papers and correspondence bearing dates more than 20 years prior thereto;
6. With the written approval of the comptroller, county warrants paid more than 20 years prior thereto; and
7. All ballots and election returns, except the abstract of the county canvassing board, six years after the date of the election.

Provided, however, that the said auditor, instead of personally destroying any miscellaneous papers and correspondence, or any other documents, instruments, or papers which may be of historical value, shall forward the same to the historical society, St. Paul, Minnesota, and such society is authorized to permanently preserve any matter found therein deemed by it to be of historical value and to destroy all other documents, papers and matters so received by it. ('27, c. 275)

837 — 31 — 103

837. Salaries and clerk hire in office of county auditors—County Auditors shall receive in full compensation for all services rendered by them in their official capacity annual salaries, regulated by the assessed valuation of real and personal property for purposes of taxation in their respective counties as fixed by state board of equalization for the preceding year as follows:

1. In counties where such valuation does not exceed four million dollars, twelve hundred dollars.
2. In counties where such valuation is more than four million dollars and does not exceed six million dollars, fifteen hundred dollars.
3. In counties where such valuation is more than six million dollars and does not exceed ten million dollars, two thousand dollars.
4. In counties where such valuation is more than ten million dollars and does not exceed twenty-six million dollars, twenty-five hundred dollars.
5. In counties where such valuation is more than twenty-six million dollars and does not exceed forty million dollars, three thousand dollars. The county auditor shall be allowed for clerk hire one-fifth of one mill on each dollar of assessed valuation, not exceeding five million dollars; and on all sums in excess of five million dollars one-tenth of one mill on each dollar; to be paid monthly out of the county treasury upon the order of the county auditor, accompanied by his certificate that the service has been rendered and no allowance for such clerk hire shall be made or received in any case except for services actually rendered: Provided, that this section shall not apply to counties having a population of more than forty thousand, nor to any county where such salary or clerk hire is now fixed by special law, or by any law classifying counties otherwise than according to their assessed valuation alone, and provided further that this section shall not reduce the salary or clerk hire in the office of County

Auditors during the term for which he is or was elected.

6. Provided however that in all cases where the salary of the County Auditor has been, or may hereafter be decreased, because of a reduction in the assessed valuation, the board of county commissioners are hereby authorized to fix said salary in an amount equal to that received prior to such reduction in the assessed valuation.

This act shall not be construed as expressly or impliedly repealing any act previously enacted at the 1927 session of the legislature of the state of Minnesota, which deals with the subject matter herein referred to. (R. L. '05, c. 492; G. S. '13, § 823; amended '19, c. 269; '21, c. 494; '25, c. 146; '27, c. 383)

837-1. Clerk hire in office of county auditor in certain counties; minimum clerk hire in all counties—The county auditor shall be allowed for clerk hire one-fifth of one mill on each dollar of assessed valuation, not exceeding five million dollars; on all sums in excess of five million dollars, one-tenth of one mill on each dollar; to be paid monthly out of the county treasury on the order of the county auditor, accompanied by his certificate, that the service has been rendered and that no allowance for such clerk hire shall be made or received in any case, except for services actually rendered; provided, that the above provisions of this section shall not apply to counties having a population of less than 30,000 or more than 40,000 nor to any county of the class herein referred to where such salary or clerk hire is now fixed by special law; provided, further, that in any county where the public service would appear to demand it, the county commissioners may grant an additional sum for clerk hire in the office of the county auditor, when such additional sum has been approved by the attorney general and the public examiner, providing that in every county of the state the auditor shall be allowed at least $600.00 for clerk hire. ('11, c. 325, § 1; amended '15, c. 108, § 1) [834]

SALARY, DEPUTIES, AND CLERK HIRE OF AUDITORS IN PARTICULAR COUNTIES.

837'N 29 — 161 In all counties having more than 220,000 and less than 330,000 inhabitants, the salary of the county auditor shall be $4,500.00 per annum; chief deputy, $2,800.00 per annum; deputy and commissioner's clerk, $2,100.00 per annum; deputy and bookkeeper, $2,100.00 per annum; chief clerk, $1,800.00 per annum; draughtsman, $2,000.00 per annum; deputy, $1,900.00 per annum; settlement clerk and assistant bookkeeper, $1,700.00 per annum; three counter clerks, $1,500.00 per annum; four general clerks, $1,500.00 per annum; one stenographer and comptometer operator, $1,200.00 per annum.

837N 29 — 37 29 — 305

('05 c. 206 § 1, amended '07 c. 295; '13 c. 204; '13 c. 321 § 1; '15 c. 133; '17 c. 474; '19 c. 304 § 1; '21 c. 336 § 1; '23 c. 307 § 1.)

837N 31 — 15 31 — 101 31 — 191 31 — 192 31 — 254 31 — 271 31 — 284 In such counties the board of county commissioners may authorize the auditor to employ necessary additional help. ('05 c. 206 § 2)

In each county having not less than 32,000 nor more than 40,000 inhabitants and an assessed valuation of not less than $11,500,000 nor more than $15,000,000, and where the auditor's salary is governed by special law, the county commissioners may grant an additional sum not to exceed $600.00 per annum for clerk hire. ('05 c. 259 § 1)

In counties having not less than 30,000 and not more than 40,000 and an assessed valuation of not less than $12,000,000 nor more than $15,000,000, and where the auditor's salary is fixed by special law, the county commissioners may grant an additional sum for clerk hire not exceeding $1,200 per annum; with further provision for counties having a population of less than 7,000 inhabitants. ('09 c. 393 § 1)

In counties having not less than 27,000 inhabitants, where the salary of the auditor is fixed by special law at $1,200.00, or less, per annum, the county commissioners may allow an additional amount not to exceed $600 per annum. ('09 c. 72 § 1)

In each county having more than 76 and less than 80 congressional townships and an assessed valuation of $4,000,000 and less than $6,000,000, the auditor shall receive $2,000 per annum. ('11 c. 136 § 1)

In any county having more than 29,000 and less than 37,000 inhabitants and an assessed valuation exceeding $12,000,000 and less than $18,000,000, where clerk hire for auditor is governed by special law, the board may allow $1,200 per annum for clerk hire. ('11 c. 62 § 1)

In all counties having over 150,000 and less than 200,000 inhabitants, the auditor shall receive $4,500 per annum and may employ such deputy clerks and other employes as are necessary at a reasonable compensation not to exceed $22,000 per annum. ('11 c. 145 §§ 14 and 15)

That in all counties having a population of not less than 24,000 nor more than 28,000 inhabitants, the auditor shall be allowed the sum of $1,200 per annum for clerk hire. ('07 c. 118 § 1; amended '17 c. 79)

In counties having more than 60 and less than 80 congressional townships, a population of more than 45,000 and less than 75,000 inhabitants, the auditor shall receive $2,200 per annum. ('19 c. 57)

In counties having more than 70 and less than 80 congressional townships and not less than 1,000,000 acres of taxable real estate and an assessed valuation of not less than $6,000,000 nor more than $10,000,000, the auditor shall receive $3,000 per annum. ('19 c. 150)

In counties having 24,000 or more inhabitants, where the auditor's salary is fixed by special law at the sum of $1,200 per annum, or less, he shall receive in addition the sum of $1,200 per annum. ('11 c. 63 § 1; amended '17 c. 82; '19 c. 154)

In each county having more than 38 and less than 42 congressional townships and an assessed valuation of $8,000,000, the auditor shall receive for clerk hire not to exceed $2,000 per annum. ('19 c. 167)

In counties having not less than 41 nor more than 45 congressional townships and an assessed valuation of more than $14,000,000 and less than $18,000,000, the auditor shall receive $2,820 per annum, fees as prescribed, and $3,600 for clerk hire. ('19 c. 224, superseded '21 c. 437)

In each county having more than 70 and less than 80 congressional townships and an assessed valuation of more than $3,000,000 and less than $5,000,000, the auditor shall receive $2,000 per annum and not to exceed $2,100 per annum for clerk hire. ('19 c. 286)

In counties having 330,000 inhabitants or more, the auditor shall receive $5,000 per annum; chief deputy, $2,700 per annum; deputy who shall act as commissioner's clerk, $2,600 per annum; one draughtsman, $1,700 per annum; one deputy who shall act as bookkeeper, $1,700 per annum; one assistant bookkeeper, $1,600 per annum; one assistant draughtsman, $1,500 per annum; one settlement clerk, $2,100 per annum; two assistant settlement clerks, $1,500 per annum; one warrant deputy, $1,700 per annum; one stenographer, $1,260 per annum; one head counter deputy, $1,800 per annum; three counter deputies, $1,700 per annum; ten general clerks, $1,500 per annum; two clerks, $1,400 per annum. ('13 c. 440 §§ 4 and 5, amended '19 c. 302, §§ 6 and 7)

In each county having not less than 50 nor more than 70 congressional townships and an assessed valuation of not more than $3,000,000, the auditor shall receive $1,800 per annum. ('19 c. 340)

In each county having an area of more than 2,500 square miles and an assessed valuation of more than $20,000,000 and less than $40,000,000, the auditor shall receive $3,000 per annum. ('11 c. 128; amended '15 c. 338; '19 c. 422; '21 c. 198)

In each county having 50 and not more than 80 congressional townships with an assessed valuation of more than $4,000,000, the auditor shall be allowed for clerk hire one-quarter of one mill on each dollar of assessed valuation not exceeding $6,000,000, one sixth of one mill on all sums in excess of $6,000,000 and not exceeding $12,000,000, and one-eighth of one mill on all sums exceeding $12,000,000; provided such act shall not apply to any county having a population exceeding 45,000 inhabitants nor to any county where salaries are fixed by special law. ('09 c. 310 § 1; amended '21 c. 204)

In each county containing 75 or more full congressional townships and having an assessed valuation of more than $6,000,000, the auditor shall be allowed for clerk hire for the year 1923, and thereafter, two thirds of one mill on each dollar of assessed valuation not exceeding $10,000,000, one-fourth of one mill on all sums exceeding $10,000,000 and not exceeding $15,000,000 and one-twentieth of one mill on all sums in excess of $15,000,000.

('07 c. 207 § 1; amended '11 c. 295 § 1; '15 c. 91; '21 c. 149; '23 c. 75)

Where a county has a population of 24,000 or more inhabitants, the county auditor shall receive, in addition to a salary of $1,200 or less per annum, as under special law provision, $800 per annum. ('11 c. 63 § 1)

Where there are not less than 76 nor more than 80 congressional townships and with an assessed valuation of not less than $4,000,000, nor more than $6,000,000, the county auditor shall receive a salary of $2,000 per annum. ('11 c. 63 § 2)

Where there are not less than 70 and not more than 80 congressional townships and with an assessed valuation of not less than $3,000,000 and not more than $5,000,000, the county auditor shall receive a salary of $1,800 per annum and shall be allowed the sum of $1,500 per annum for clerk hire. ('15 c. 24)

Where there are not less than 50 and not more than 70 congressional townships and with an assessed valua-

tion of not more than $3,000,000, the county auditor shall receive a salary of $1,500 per annum and he shall be allowed $900 per annum for clerk hire. ('15 c. 139)

Where there are 75 or more full and fractional townships and having an assessed valuation of not less than $6,000,000 and not more than $10,000,000, the county auditor shall receive a salary of $2,500 per annum. ('19 c. 437)

Where there are not less than 38 nor more than 42 congressional townships and with taxable valuation of not less than $8,000,000, the county auditor shall be allowed for clerk hire three-tenths of a mill on every dollar of the first $5,000,000 and one-tenth of a mill on every dollar of assessed valuation exceeding $5,000,000. ('21 c. 176)

Where the area is more than 2,500 square miles and an assessed valuation of more than $25,000,000 and less than $40,000,000, the county auditor shall receive a salary of $3,000 per annum and for clerk hire shall be allowed one-fourth of a mill upon each dollar of assessed valuation not exceeding $25,000,000 and one-tenth of a mill upon each dollar of assessed valuation exceeding $25,000,000. ('11 c. 128; amended '15 c. 338; '19 c. 422; '21 c. 198)

Where there are not less than 70 full or fractional townships and not more than 80 and with an assessed valuation of not less than $3,000,000 and not more than $5,000,000, the county auditor shall receive a salary of $2,400 per annum and shall be allowed not to exceed $3,000 per annum for clerk hire. ('21 c. 351)

Where there are not less than 55 and not more than 57 congressional or fractional townships and having an assessed valuation of more than $8,000,000 and less than $12,000,000, the county auditor shall be allowed for clerk hire a sum not exceeding one-third of one mill for each dollar of such assessed valuation. ('21 c. 446)

Where there are more than 35 and less than 55 full or fractional townships and an assessed valuation of not more than $6,000,000.00, the county auditor shall receive a salary of $1200.00 per annum; however, with the provision that same may be increased in certain circumstances to not exceeding $1800.00. The clerk in such county shall receive a salary of $1200.00 per annum. ('23 c. 67 § 1)

Where there are 75 or more platted subdivisions and an assessed valuation of $5,000,000.00 and not to exceed $6,000,000.00, the county auditor shall receive a salary of $2000.00 per annum. ('23 c. 119)

Where the population is not less than 28,000 and not more than 28,500 inhabitants, the county auditor shall receive a salary of $3,000.00 per annum. ('23 c. 150 § 1)

In each county having a population of over 150,000 inhabitants and an area of 5,000 square miles, the county auditor shall receive a salary of $4500.00 per annum, and he shall employ such help as is necessary to properly perform the duties of his office; compensation to be under control of county board. ('21 c. 492 § 17)

In each county having over 380,000 inhabitants, the auditor's salary shall be $5,000.00 per annum and he shall appoint one chief deputy at $2,835.00, one deputy at $2730.00, one draftsman at $2200.00 per annum, one assistant draftsman at $1925.00 per annum, one deputy who shall act as bookkeeper at $1980.00 per annum, one assistant bookkeeper at $1870.00 per annum, one settlement clerk at $2205.00 per annum, two assistant settlement clerks at $1760.00 per annum, one warrant deputy at $1980.00 per annum, one warrant deputy at $1925.00 per annum, one stenographer at $1386.00 per annum, one head counter deputy at $2090.00 per annum, three counter deputies at $1980.00 per annum, one counter deputy on tax abatements at $1800.00 per annum, four general clerks at $1815.00 per annum, six general clerks at $1760.00 per annum, two general clerks at $1650.00 per annum. ('21 c. 133; amended '23 c. 419 §§ 7, 8)

In counties having assessed valuation of not less than $4,000,000 minimum salary of county auditor is fixed at $2,000 by Laws 1925, c. 78

In counties with not less than 41 nor more than 43 congressional townships and population of not less than 25,000 nor more than 30,000, salary of auditor is fixed at $2,700 per annum, with allowance for clerk hire not to exceed $2,000 per annum, by Laws 1925, c. 91, §§ 1, 2. Such compensation to be in full for all services by § 14. Allowance for additional clerk hire by § 15. Subject to Gen St. 1923, §§ 926, 927 by § 17. Clerk hire to be paid only for work performed by § 18.

In counties with not less than 15 nor more than 16 congressional townships and population of not less than 10,000 and not more than 12,500 and assessed valuation of not less than $5,000,000 and not over $6,000,000 salary of auditor is fixed at $2,000 per annum, with allowance for clerk hire of $1,500 per annum by Laws 1925, c. 108, §§ 1, 2.

In counties with area of more than 380 and less than 400 square miles and population of more than 20,000 and more than 37,000 platted lots therein salary of auditor is fixed at $3,000 per annum, with allowance for clerk hire in amounts to be fixed by county board, by Laws 1925, c. 181, §§ 1, 2.

Laws 1925, c 398 amends Laws 1923, c. 419, § 8, relating to salary of county auditor, deputies and clerks in counties with population of 380,000 or over, as follows: "The County Auditor shall appoint and employ one chief deputy who shall be paid the sum of thirty-six hundred ($3,600.00) dollars per annum; one deputy who shall act as clerk to the County Board who shall be paid the sum of twenty-seven hundred and thirty ($2,730.00) dollars per annum; one draftsman who shall be paid the sum of twenty-two hundred ($2,200.00) dollars per annum; one assistant draftsman who shall be paid the sum of nineteen hundred and twenty-five ($1,925.00) dollars per annum; one deputy who shall act as bookkeeper who shall be paid the sum of nineteen hundred and eighty ($1,980.00) dollars per annum; one assistant bookkeeper who shall be paid the sum of eighteen hundred and seventy ($1,870.00) dollars per annum; one settlement clerk who shall be paid the sum of twenty-two hundred and five $2,205.00) dollars per annum; two assistant settlement clerks who shall each be paid the sum of seventeen hundred and sixty ($1,760.00) dollars per annum; one warrant deputy who shall be paid the sum of nineteen hundred and eighty ($1,980.00) dollars per annum; one warrant deputy who shall be paid the sum of nineteen hundred and twenty five ($1,925.00) dollars per annum; one stenographer who shall be paid the sum of thirteen hundred and eighty-six ($1,386.00) dollars per annum; one head counter deputy who shall be paid the sum of two thousand and ninety ($2,090.00) dollars per annum; three counter deputies who shall each be paid the sum of nineteen hundred and eighty ($1,980.00) dollars per annum; one counter deputy on tax abatements who shall be paid the sum of eighteen hundred ($1,800.00) dollars per annum; four general clerks who shall each be paid the sum of eighteen hundred and fifteen ($1,815.00) dollars per annum; six general clerks who shall each be paid the sum of seventeen hundred and sixty ($1,760.00) dollars per annum; two general clerks who shall each be paid the sum of sixteen hundred and fifty ($1,650.00) dollars per annum." Increases provided are to be effective when approved by county board, by § 5.

In counties with less than 12 and not more than 13 townships and assessed valuation of not less than $6,000,000 nor more than $10,000,000 salary of auditor is fixed at $2,500 per annum, with clerk hire allowance of one mill on each dollar of assessed valuation not exceeding $5,000,000 and 1/10 of a mill on sums in excess of $5,000,000 by Laws 1927, c. 46, §§ 1, 2.

In counties with 24 congressional townships and total area of not more than 555,000 acres and not less than 550,000 acres salary of auditor is fixed at $2,500 per annum, with clerk hire allowance of one mill on each dollar of assessed valuation not exceeding $5,000,000 and 1/10 of a mill on each dollar in excess of $5,000,000, by Laws 1927, c. 50, §§ 1, 2. Section 3 reads as follows: "This act shall not be construed as expressly or impliedly repealing any act previously enacted at the 1927 session of the legislature of the State of Minnesota, which deals with the subject matter herein referred to."

In counties with more than 16 and less than 18 townships and assessed valuation of not less than $8,000,000 and not more than $9,500,000 salary of auditor may be increased by not exceeding 25 per cent of salary as fixed by law, and where salary has been reduced because of decrease in assessed valuation for 1925 and 1926 additional compensation may be allowed, by Laws 1927, c. 71.

Traveling expenses of auditor and deputies in counties with population of over 200,000 and area of over 5,000 square miles, see Laws 1927, c. 74, §§ 1 to 3.

In counties with less than 20 congressional townships and with assessed valuation of less than $4,000,000 salary of auditor is fixed at $1,800 per annum, with clerk hire allowance of 1/5 of one mill on assessed valuation by Laws 1925, c. 203, §§ 1, 2.

The title of Laws 1925, c. 420 reads as follows: "An act entitled an act to amend Section 824, General Statutes of Minnesota for 1913 as amended by Chapter 133, Session Laws of Minnesota for 1915, as amended by Chapter 474, Session Laws of Minnesota for 1917, as amended by Section 1, Chapter 304, Session Laws of Minnesota for 1919, as amended by Section 1, Chapter 336, Session Laws of Minnesota for 1921, as amended by Section 1 of Chapter 307, Session Laws of Minnesota for 1923; to amend Sections 874 and 875, General Statutes of Minnesota for 1913, as amended by Chapter 135, Session Laws of Minnesota of 1915, as amended by Chapter 472, Session Laws of Minnesota for 1917, as amended by Section 2, Chapter 304, Session Laws of Minnesota for 1919, as amended by Section 2, of Chapter 336, Session Laws of Minnesota for 1921, as amended by Section 2 of Chapter 307, Session Laws of Minnesota for 1923, as amended by Chapter 372, Session Laws of Minnesota for 1925; to amend Section 12, Chapter 289, Session Laws of Minnesota for 1923; to amend Section 6, of Chapter 492 of Session Laws of Minnesota for 1921; to amend Section 1, Chapter 80, Session Laws of Minnesota for 1911 as amended by Chapter 190, Session Laws of Minnesota for 1913, as amended by Section 1, Chapter 83, Session Laws of Minnesota for 1915, as amended by Section 8, Chapter 304, Session Laws of Minnesota for 1919, as amended by Section 9, Chapter 336, Session Laws of Minnesota for 1921, as amended

by Section 6, Chapter 307, Session Laws of Minnesota for 1923, and to amend Section 5 of Chapter 397, Session Laws of Minnesota for 1917, relating to the salaries of certain county officers and employees in all counties in this state having or which may hereafter have a population of not less than 220,000 nor more than 330,000 inhabitants" Section 1 reads af follows: "That Section 824 General Statutes of Minnesota for 1913 as amended *by Chapter 133, Session Laws of Minnesota for 1915, as* amended by Chapter 474 Session Laws of Minnesota for 1917, as amended by Section 1. Chapter 304, Session Laws of Minnesota for 1919, as amended by Section 1, of Chapter 336, Session Laws of Minnesota for 1921, as amended by Section 1 of Chapter 307, Session Laws of Minnesota for 1923; be amended to read as follows: 'That in all counties in this state that now have or may hereafter have a population, according to the last computed state or national census, of not less than two hundred and twenty thousand (220,000) inhabitants and not more than three hundred and thirty thousand (330,000) inhabitants, the salary of the county auditor shall be and is hereby fixed at the rate of four thousand five hundred dollars ($4,500.00) per annum; and in each of such counties the county auditor shall appoint and employ one chief deputy who shall be paid at the rate of two thousand eight hundred dollars ($2,800.00) per annum; one deputy and commissioners clerk who shall be paid at the rate of two thousand one hundred dollars ($2,100.00) per annum; one deputy and bookkeeper who shall be paid two thousand one hundred dollars ($2,100.00) per annnum; one chief clerk who shall be paid at the rate of one thousand nine hundred dollars ($1,900.00) per annum; one draftsman who shall be paid at the rate of two thousand dollars ($2,000 00) per annum; one deputy who shall be paid at the rate of one thousand nine hundred dollars ($1,900.00) per annum; one settlement clerk and assistant bookkeeper who shall be paid at the rate of one thousand eight hundred dollars ($1,800.00) per annum; three counter deputies who shall be paid at the rate of one thousand six hundred dollars ($1,600) per annum; four general clerks who shall be paid at the rate of one thousand five hundred seventy-five dollars ($1,575.00) per annum; one stenographer and comptometer operator who shall be paid at the rate of one thousand two hundred dollars ($1,200.00) *per annum; which above named salaries shall be paid* out of the county treasury in equal monthly installments, except as hereinafter provided.

Provided that any such county auditor shall have authority to command and employ, without additional compensation to that of such deputy or other employee's usual compensation and when and as often and to such extent as said county auditor may deem proper, the services of any deputy or other employee in said county auditor's office for any work in said office, whether or not such work be the usual work of such deputy or other employee, or be partly or wholly the usual or proper function of some other deputy or employee.

And provided further, that any such county auditor may during any year, at his discretion and as often and for as long as he sees fit, reduce the number of said four general clerks, and that the salary amounts which may be saved, together with whatever has been saved during such year through necessary vacancies, among other deputies, clerks and assistant of said county auditor's office, and to any extent needful in said county auditor's judgment, be used in same year by him in hiring extra clerks at the same rate of pay, respectively, as each of said general clerks, for any of the regular work of his office when the same is greater or more hurried than is common throughout the year.'"

Laws 1927, c. 426 reads as follows: "That Section 8, Chapter 133, General Laws 1921, as amended by Section 1, Chapter 419, General Laws 1923, as amended by Section 1, Chapter 398, General Laws 1925, be and the same is hereby amended to read as follows:

'Sec. 8. The county auditor shall appoint and employ one chief deputy, who shall be paid the sum of Thirty-six Hundred ($3,600.00) Dollars per annum; one chief accountant, who shall be paid the sum of $3,600.00 per annum, one-half of which salary shall be paid from the road and bridge fund; one deputy, who shall act as *clerk to the County Board, who shall be paid the sum* of $3,000.00 per annum; one deputy, who shall be paid the sum of $2,500.00 per annum; one draftsman, who shall be paid the sum of $2,400.00 per annum; two assistant draftsmen, who shall each be paid the sum of $2,300.00 per annum; two bookkeepers who shall each be paid the sum of $2,000.00 per annum; two settlement clerks, who shall each be paid the sum of $2,200.00 per annum; six deputies, who shall each be paid the sum of $2,200.00 per annum; three clerks, who shall each be paid the sum of $2,100.00 per annum; four clerks, who shall each be paid the sum of $1,900.00 per annum; seven clerks, who shall each be paid the sum of $1,800.00 per annum; three clerks, who shall each be paid the sum of $1,500.00 per annum.'"

838. Verified statement in certain counties — In counties having a population of more than seventy-five thousand, the county auditor shall file in his office on the first Monday of each month a verified statement, giving the name of every employee in his office, the general nature of the service rendered by him, and the amount paid therefor; also showing all business done in his office during the preceding month for which fees have been charged, the amount of fees received, and the amount of such fees remaining unpaid. All such fees shall, on the first Monday in each month, be turned into the county treasury. (493) [840]

COUNTY TREASURER

839. Persons eligible—A county treasurer shall be elected in each county, whose term of office shall commence on the first Monday of January next succeeding his election, and continue for two years, and until his successor qualifies. No person holding the office of county attorney, sheriff, register of deeds, county auditor, or county commissioner at the time of any election shall be eligible to the office of county treasurer at said election. (494)

See § 821 for term.
29–398, 13+181. 131–416, 155+637.

840
173m 283
174m 281
217nw 354
219nw 96

840. Bonds of county treasurer, deputies, and employees—Before he enters upon the duties of his office the County Treasurer, every Deputy County Treasurer and every employe in the office of the County Treasurer shall give bond, to be approved by the County Board, and in such sum as said board directs: Provided, that in counties of over one hundred and fifty thousand inhabitants the bond of the County Treasurer shall not be less than five hundred thousand dollars, *unless the* surety is a corporation duly authorized by law to be surety, in which case it shall be not less than two hundred and fifty thousand dollars. Such bond shall be payable to the state, conditioned that he shall faithfully execute the duties of his office, and for the safekeeping and paying over according to law of all moneys which come into his hands for state, county, town, school, road, bridge, poor, and all other purposes.

The County Board shall pay the premiums upon such bonds out of the treasury of the county in cases where the surety is a corporation duly authorized by law to be surety. (R. L. '05, § 495; G. S. '13, § 842; amended '23, c. 293; '27, c. 406)

18–199, 182; 22–97; 23–551; 28–45, 8+907; 29–398, 13+181; 71–461, 74+158; 42–57, 43+690; 82–151, 84+657; 82–431, 85+214; 86–188, 90+371; 89–56, 93+1054; 94–196, 102+719. See 19–214, 176; 51–79, 52+991; 44–427, 46+914.

841. Failure to qualify—If any person elected to the office of county treasurer shall not take the oath and give the bond required by law on or before the first Monday of January next succeeding his election, it shall be deemed a refusal to serve. (496) [843]

29–398, 13+181; 131–401, 155+629.

842
29 — 117
29 — 415
2107

842. Books, accounts, etc.—The county treasurer shall keep a full and accurate account of all moneys by him received, showing the amount thereof, the time when, by whom, and on what account paid. He shall keep his books so as to show the amount received and paid on account of separate and distinct funds or appropriations, which he shall exhibit in separate accounts, and every warrant shall be paid only from the cash on hand in the fund from which it may be properly payable. In case of payments of money under any special contract entered into by the county board, such payments shall be kept separate under the name of the particular contract on account of which it was made, and under the general title of the fund from which such warrant is payable: Provided, that no money received for taxes charged in the duplicate of the current year

shall be entered by the treasurer on his account with the county until he makes his annual settlement with the county auditor and county board in each year. The treasurer's books shall be provided at the expense of the county. (497) [844]

843. Receipt and payment of money—The county treasurer shall receive all moneys directed by law to be paid to him as such treasurer, and pay them out only on the order of the proper authority. All moneys belonging to the county shall be paid out upon the order of the county board, signed by the chairman thereof, and attested by the county auditor, or upon the warrant of the county auditor upon the presentation to him of the proper certificate of the person or tribunal allowing the same, and not otherwise. All moneys due the state, arising from the collection of taxes or from other sources, shall be paid upon the draft of the state auditor, drawn in favor of the state treasurer, and a duplicate copy of the receipt for payment of such draft shall be forwarded by the state treasurer to the county auditor, who shall preserve the same, and credit the county treasurer with the amount thereof. The county auditor shall issue his warrant in favor of the state for the amount of such draft and the county treasurer shall pay said warrant forthwith without endorsement thereof by the state treasurer or other state official, and without expense to the state for collection charges. (R. L. '05 § 498; G. S. '13 § 845, amended '19 c. 417)

26–183, 188, 2+494, 683; 98–467, 108+932.

844 234nw 1 846 856 990

844. Board of auditors—The chairman of the county board, the county auditor and clerk of the district court in each county shall constitute a board of auditors; the chairman of the county board shall be chairman, and the clerk of the district court shall be clerk of said board of auditors, and the board shall meet on the call of the chairman or of any two members of said board; and it shall be the duty of such board to carefully examine and audit the accounts, books, and vouchers of the county treasurer, and count and ascertain the kind, description, and amount of funds in the treasury of such county, or belonging thereto, at least three times in each year, without previous notice to the treasurer. They shall make report thereof, and of their acts and doings in the premises, to the county board, at its next meeting thereafter, and publish the result in at least one newspaper in the county. Such board of auditors shall also witness and attest the transfer and delivery of accounts, books, vouchers, and funds by each outgoing treasurer to his successor in office, and report the same to the county board at its next meeting, thereafter. (R. L. § 499, amended '09 c. 22 § 1) [846]

94–196, 102+719.

845. Board of audit to examine fund—File statement—The first time in each year that the board of county auditors of any such county shall examine and audit the accounts, books, and vouchers of the county treasurer of said county, it shall make an examination of the county cemetery fund of said county. A statement of the condition of this fund shall be published as provided by section 846, General Statutes, 1913, at the expense of the cemetery fund, which shall show the total of all moneys received under the provisions of this act during the preceding calendar year and a statement of the total amount then in such county cemetery fund on the first day of said calendar year, and the amount and kind of securities in which such fund is invested and a statement of the amount of interest collected on said fund during said year; provided, however, that this act shall not apply to any County in this State having a population of 50,000 or more according to the last United States census. ('21 c. 247 § 15)

For G. S. '13, § 846, see supra, § 844.

846 224nw 159 848

846–849 176m 594 230nw 891 668

846. Funds, where deposited—All county funds, as soon as received, shall be deposited by the county treasurer in the name of the county in one or more banks designated by the board of auditors, who, before designating such depository, shall advertise in one or more newspapers published in its county, or if, in its opinion, the public interests require, in other counties, for at least two weeks for proposals. Such proposals shall state what security will be given to said county for the funds so deposited, and what interest allowed on monthly balances, on condition that such funds, with accrued interest, shall be held subject to draft and payment at all times on demand. Any such proposal shall also state what interest will be allowed on moneys deposited for any certain or definite period of time, naming such period, on the condition that such funds with accrued interest shall be held subject to draft and payment at the expiration of said period of deposit. If, after making such designation, such board deems the surety given insufficient, it may require a new bond, or if, in its opinion, the public interests require, may vacate, revoke or modify any such designation, and again advertise and designate a depository. The amount deposited in any bank shall not exceed the capital stock and permanent surplus thereof. (R. L. § 500, amended '07 c. 352 § 1) [847]

See '15 c. 148; 17 c. 101 [Cur.]

For R. L. '05, § 500, see supra, § 846.

22–196; 64–180, 66+143; 83–479, 484. 86+461; 94–196. 102+719. 123–59, 142+945.

166–109, 207+138.

847. Capital stock defined—Capital stock, for the purposes of [R. L.] § 500, shall include shares of capital stock of national or state banks, whether assessed in the name of the bank or of the stockholders thereof, and the personal and real property of private banks or bankers, or of the individual members of said banking firms liable for the debts of such banks or bankers, and assessed in any county in this state. In case such property is assessed in counties other than those in which the depositary is situated, the assessment shall be certified by the auditor of the county in which the same is assessed, on application of the board of auditors of any county, and such application shall be renewed annually on January 1, and oftener if deemed necessary, and such certificate shall be attached to the bond of such depositary. The treasurer is required from time to time to take notice of any changes in the assessment, and to limit the amount of the deposit accordingly: Provided, that when a bank has been organized after the annual assessment in any year, and before the assessment for the following year, its paid-up capital and assets, less its liabilities, as the same appear from the sworn statement of the president or cashier thereof, may be treated as assessed capital. (501) [848]

848 224nw 159 846

848. Bonds of depositaries—Every bank or banker, before being designated as a depositary, shall deposit with the county treasurer a bond, to be approved by the county board, in at least double the amount to be deposited, payable to such county, and signed by not less than five resident freeholders as sureties; who shall in the aggregate qualify for the full penalty named in such bond. Provided, that any county in which there is no such bank or banker may be exempt from the foregoing provisions which relate to depositing its funds, if, in the judgment of the board of audi-

tors and the county board, such deposit would be detrimental to its interests. Provided that in cases where the bond furnished by said depositary is that of a surety company authorized to do business in the state of Minnesota, the amount of such bond need not be more than the amount to be deposited in such depositary. (R. L. § 502, amended '09 c. 124 § 1) [849]

25-363; 54-555, 56+251; 61-242, 63+635; 64-180, 66+143; 65-426, 68+76; 67-112, 69+704; 67-236, 69+912; 69-421, 72+701; 75-174, 77+815; 75-489, 78+113; 80-242, 83+157; 83-479, 484, 86+461.

166-109, 207+138.

Misrepresentation made by the principal in a bond to induce the sureties to execute it, not imputable to the obligee, are not available as a defense against liability on the bond.

A surety who has paid more than his proportion of the liability is entitled to contribution from cosureties, who are bound for the performance by the same principal of the same obligation although on different instruments. 210+882.

Bonds given to secure the deposit of public funds are governed by the rules governing official bonds, and the fact that county officers knew that a depositary was in default or insolvent and accepted its bond without communicating that information to the sureties does not absolve the sureties from liability thereon. 212+183.

A county having two bonds covering the same deposit may maintain an action on each, but can collect only once. 212+183.

The evidence establishes that the bank was legally designated as a depository of county funds. 212+183.

Action on three bonds. 212+185.

Directing judgment. 212+948.

849. Proposals by banks—All bonds of depositaries shall be given for the term of two years from the date of their approval by the county board, and renewed every two years thereafter; but in counties having no depositary, boards of auditors may advertise for proposals and designate depositaries at any time when required by the public interests. (R. L. § 503, amended '09 c. 104 § 1) [850]

67-112, 69+704; 67-236, 69+912; 75-174, 77+815.

850. Sureties—The board of auditors shall not accept, and the county board shall not approve, as sureties upon the bonds of depositaries, stockholders or owners of such depositaries, unless they are satisfied upon full investigation that their responsibility would in no wise be affected by the failure of the bank or banker in behalf of which said stockholders or owners sign as sureties. (504) [851]

851. Deposit in official capacity only—No county treasurer shall deposit any public funds in his individual name, or in any other capacity than as treasurer, under the penalty of five hundred dollars for each deposit so made. (505) [852]

94-196, 102+719.

852. Public funds kept separate—The public funds shall at all times be kept separate from any private funds of the treasurer or any private person, and all amounts found at any time in any of the county treasuries of the state, or officially deposited by the county treasurers, shall be deemed public funds, and, if in excess of the amount properly called for by the auditor's and treasurer's books and accounts, shall be turned over by the board of auditors or by the public examiner to the county revenue fund. (506) [853]

852-1. Insurance of county funds against loss by robbery or burglary—The county treasurer of each county of the state may procure insurance against loss by robbery or burglary or both of public moneys in the treasury of the county or in course of transportation for the purpose of deposit, in such amount as may be approved by the board of county commissioners. The cost of such insurance shall be a charge upon the county and shall be paid in the same manner as other claims against the county are allowed and paid. ('27, c. 137, § 1)

853. Payment—All payments by treasurers of counties having designated depositaries at their county seat, and by all others as far as practicable, shall be made by checks upon the depositaries. Each depositary shall furnish the auditor of the county to which the funds belong a true and itemized statement of the treasurer's account on the first day of each month, which statement shall be filed and preserved in the auditor's office. All sums of interest accruing upon the funds deposited in any bank or with any banker under the provisions of this chapter shall be credited to such deposit account on the first day of each month, for the month preceding; and a monthly statement of such interest, as computed from the daily balances by the bank or banker, shall be rendered by such depositary to the county auditor on the first day of each month, and the auditor shall charge the county treasurer with the amount thereof, and credit the same to the revenue fund of the county. (507) [854]

68-409, 71+621; 71-461, 466, 74+158; 80-242, 83+157.

166-109, 207+138.

854. Compensation and mileage of board of auditors—Each member of the board of auditors shall receive three dollars for every day actually employed in the discharge of his duties as such, and ten cents for each mile necessarily traveled in attending the meetings of such board while going and returning, same to be paid upon allowance of the county board in the same manner as other claims are paid. (R. L. § 508, amended '13 c. 357 § 1) [855]

855. Neglect of duty—Every member of the board of auditors or of the county board who shall neglect or omit to discharge any of the duties imposed by law shall be deemed guilty of a gross misdemeanor, and shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars. (509) [856]

856. Exemption from liability—Whenever any portion of the funds of a county shall be deposited by any county treasurer hereunder, such treasurer and the sureties on his bond shall be exempt from liability for the loss of any such deposited funds from the failure, bankruptcy, or other acts of the depositary, to the extent and amount of such funds so lost then in the hands of such depositary. (510) [857]

83-479, 488, 86+461; 94-196, 102+719; 101-294, 112+276.

857. Treasurer to exhibit accounts—On the last days of February and October in each year, the treasurer shall exhibit his accounts since the last settlement, balanced to said day, to the county board and county auditor, or, if the board is not in session, to the county auditor alone, showing all the moneys received and disbursed by him since his last settlement, and the balance remaining in his hands. The books, accounts, and vouchers of the treasurer, and all moneys remaining in the treasury, shall at all times be subject to the inspection and examination of the county board, or any committee thereof. (511) [858]

22-97, 111.

858. Failure to settle—If any county treasurer fails to make settlement with the state treasurer within fifteen days of the time prescribed by law, he shall forfeit and pay the sum of one hundred dollars, in addition to the penalties provided in § 860, to be recovered in a civil action, which forfeiture shall be paid into the state treasury to the credit of the common school fund: Provided, that the state auditor, for good cause

shown, may remit said penalty at any time before an action is commenced. (512) [859]

859. **Action against treasurer**—If any county treasurer fails to make return or settlement, or to pay over all money with which he stands charged, at the time and in the manner prescribed by law, the county auditor, on receiving instructions for that purpose from the state auditor or from the county board of his county, shall cause an action to be commenced against such treasurer and his sureties in the district court of his county; and judgment may be rendered therein against them for the amount due from such treasurer, with interest and a penalty of ten per cent thereon. (513) [860]

18–199, 182; 19–214, 176; 22–97; 42–57, 43+690; 51–79, 52+991; 82–151, 84+657; 82–431, 85+214; 89–56, 93+1054; 94–196, 102+719.

860. **Removal of treasurer**—Whenever an action is commenced against any delinquent county treasurer as aforesaid, the county board may remove such treasurer from office, and fill by appointment the vacancy thereby created. (514) [861]

22–97, 112.

861. **Money collected**—The sheriff or other officer who collects any money from a delinquent county treasurer or his sureties shall within ten days thereafter pay the same into the treasury of the county to which it is due. (515) [862]

862. **Refusal to execute process**—If any sheriff or other officer to whom an execution against a delinquent treasurer and his sureties is delivered neglects or refuses to execute the same, or neglects or refuses to pay over any money collected thereon, as required in § 861, he and his sureties shall be liable to the same penalties, and shall be proceeded against in the same manner, as provided by law in the case of delinquent treasurers. (516) [863]

863. **Proceedings against deputy**—If the deputy treasurer fails to pay over to his principal, on demand, any taxes or other money by him collected as such deputy, the same proceedings may be had against him and his sureties, at the instance of the treasurer, as are authorized against treasurers for failing to make payment according to law. (517) [864]

34 — 864 4

864. **New bond**—The county board may require the county treasurer to give a new bond, with sureties to be approved by them, whenever, in the opinion of a majority of said board, the sureties, or any of them, on the original bond, are insufficient, and may also require a new bond, with sureties to be approved by them, whenever the penalty of such original bond is deemed insufficient; but the taking of any new bond shall not affect or impair the original bond, or the rights and liabilities of the parties thereto, incurred or existing at or prior to the time of the approval and acceptance of such new bond. (518) [865]

22–97, 112; 26–333, 3+984.

865. **Failure to give**—If any county treasurer fails or refuses to give such additional bond for ten days after the day on which the same is required by said board, his office shall become vacant, and be filled as provided by law. (519) [866]

22–97, 112; 26–333, 3+984.

866. **Not to speculate in orders or warrants**—No county treasurer or deputy shall either directly or indirectly contract for or purchase any orders or warrants issued by the county of which he is treasurer, or any state warrants, or the orders or warrants of any city, town, or other body politic for which he is the collector of taxes, at any discount whatever; and if any treasurer or deputy shall directly or indirectly contract for, purchase, or procure any such orders or warrants at any discount whatever, he shall not be allowed, on settlement, the amount of said orders or warrants, or any part thereof, and shall forfeit the whole amount due thereon, and shall also forfeit one hundred dollars for every breach of the provisions of this section, to be recovered in a civil action at the suit of the state for the use of the county. And the person to whom the county treasurer is required to return the state, county, city, town, village, school, or road tax is prohibited from receiving from any county treasurer any orders, warrants, or bonds in payment of taxes collected by him or his deputies, unless, with said orders, warrants, or bonds, such treasurer shall file his affidavit with the person entitled to receive said tax, stating therein that all such orders, warrants, and bonds were received at their par value. (520) [867]

18–199, 182.

867. **Not to lend funds**—If any county treasurer lends any money belonging to his county, with or without interest, or uses the same for his own individual purposes, he shall forfeit and pay for every such offense not more than one thousand dollars nor less than five hundred dollars, to be recovered in a civil action at the suit of the state for the use of the county, city, town, or body politic injured. (521) [868]

R. L. § 522, was repealed by 1913 c. 358.
18–199, 182.

868. **To prosecute bonds**—The treasurers of the several counties, in their official capacity, may prosecute to final judgment and execution all actions on bonds, notes, or other securities given to them or their predecessors in office, and all pending actions commenced by their predecessors in office. (523) [869]

869. **Payment of orders or warrants**—When any order or warrant drawn on him as treasurer is presented for payment, if there is money in the treasury for that purpose, the county treasurer shall redeem the same, and write across the entire face thereof the word 'Redeemed,' the date of the redemption, and his official signature. If there is not sufficient funds in the proper accounts to pay such orders they shall be numbered and registered in their order of presentation, and proper endorsement thereof shall be made on such orders and they shall be entitled to payment in like order. Such orders shall bear interest at the legal rate from such date of presentment. The treasurer, as soon as there is sufficient money in the treasury, shall appropriate and set apart a sum sufficient for the payment of the orders so presented and registered, and, if entitled to interest, he shall issue to the original holder a notice that interest will cease in thirty days from the date of such notice; and, if orders thus entitled to priority of payment are not then presented, the next in order of registry may be paid until such orders are presented. No interest shall be paid on any order, except upon a warrant drawn by the county auditor for that purpose, giving the number and date of the order on account of which the interest warrant is drawn, provided, that in any county in this state now or hereafter having an assessed valuation of all taxable property, exclusive of money and credits, of not less than two hundred fifty million ($250,000,000) dollars, the county treasurer, in order to save payment of interest on county warrants drawn upon a fund in which there shall be temporarily insufficient money in the treasury to redeem the same, may borrow temporarily from any other fund in the county treasury in which there is a sufficient balance to care for the needs of such fund and allow a temporary loan or transfer to any other fund, and said treasurer may

pay such warrants out of such funds. That any such money so transferred and used in redeeming such county warrants, shall be returned to the fund from which drawn as soon as money shall come in to the credit of such fund on which any such warrant was drawn and paid as aforesaid. (R. L. '05, § 524, G. S. '13, § 870; amended '19, c. 31; '25, c. 176)
16–106, 96; 89–56, 93+1054; 94–196, 102+719.

869-1. Transfer of funds to avoid interest on warrants drawn on insufficient fund—With the approval of the county board and of the county auditor, the county treasurer of any county, in order to save payment of interest on county warrants drawn upon a fund in which there shall be temporarily insufficient money in the treasury to redeem the same, may borrow temporarily from any other fund in the county treasury in which there is a sufficient balance to care for the needs of such fund and allow a temporary loan or transfer to any other fund, and said treasurer may pay such warrants out of such funds; provided it shall first be determined that the amount of such transfer may be returned to the fund from which borrowed before there is need for same in such fund, and in any event within six months; and provided, further, any such money so transferred shall be returned to the fund from which drawn as soon as money shall come in to the credit of such fund to which it has been loaned. ('25, c. 318, § 1)

869-2. Same—Section 869 not repealed—Nothing herein contained shall be construed to repeal or modify any of the provisions of Chapter 31, Laws 1919. ('25, c. 318, § 2)

Explanatory note—For laws 1919, c. 31 see § 869.

870. To deposit orders—Auditor's duty—The treasurer shall deposit with the auditor on the day of redemption all orders and warrants by him redeemed, and take the auditor's receipt therefor. He shall enter the same, with date of payment, in his register of orders paid, and credit himself daily upon his journal and ledger with the amount thereof. The auditor shall cancel the same immediately upon his register of orders issued, and at the close of the day credit the treasurer with the same upon his journal and ledger. (525) [871]

871. Allowances—Every county treasurer shall be allowed express charges for forwarding state moneys, and ten cents for each mile necessarily traveled in going to and returning from the nearest express office for that purpose; and also for all sums necessarily paid for blank books and stationery, and for printing such advertisements as he is required to make. (526) [872]

872. Salary and clerk hire in office of county treasurers—County treasurers shall receive, in full compensation for all services rendered by them in their official capacity, annual salaries regulated by the assessed valuation of real and personal property for purposes of taxation in their respective counties as fixed by the state board of equalization or the Minnesota tax commission for the previous year as follows:

1. In counties where such valuation does not exceed four million dollars, twelve hundred dollars.
2. In counties where such valuation is more than four million dollars and does not exceed six million dollars, fifteen hundred dollars.
3. In counties where such valuation is more than six million dollars and does not exceed ten million dollars, two thousand dollars.
4. In counties where such valuation is more than ten million dollars, twenty-five hundred dollars.

In addition to such salaries, county treasurers shall be allowed for clerk hire as follows:

In counties where the annual salary of the treasurer is twelve hundred dollars, two hundred dollars; where such salary is fifteen hundred dollars, three hundred dollars; where such salary is two thousand dollars, four hundred dollars; where such salary is twenty-five hundred dollars, six hundred dollars; to be paid monthly to the persons actually rendering the service as such clerk, out of the county treasury, upon the order of the county auditor accompanied by a certificate of the treasurer that the service has been rendered, and no allowance for such clerk hire shall be made or received in any case except for service actually rendered.

Provided, that this section shall not apply to counties having a population of more than forty thousand inhabitants, nor to any county where such salary or clerk hire is now fixed by special law:

Provided, that in counties having a population of more than seventy-five thousand, where the salary of the treasurer is not fixed by special law, allowance for clerk hire shall be such sum as the county board deems necessary, not exceeding nine thousand dollars.

Provided, that in all counties of this state having a population of less than 20,000 and a valuation of less than $20,000,000 in which there are seventy-five or more platted subdivisions, the county treasurer shall be authorized to appoint a deputy at a salary of $85 per month, such salary to be paid monthly as now provided by law. In each of such counties the county board, may, by resolution, authorize the county treasurer to appoint and employ such additional help as may by said board be deemed just, proper and necessary in carrying on the work in the county treasurer's office, and the board shall in such resolution authorizing the employment fix the rate of compensation and limit the amount to be paid under such resolution. (R. L. § 527, amended '11 c. 333 § 1; '19 c. 247, '21 c. 387) [873]

872N
29 — 37
29 — 107
29 — 108
29 — 119
29 — 172
29 — 238
29 — 243
29 — 301
29 — 338
29 — 384

Compensation of treasurers, deputies, assistants and employes in particular cases.

Where there are 85 or more congressional townships and with an assessed valuation of not less than $6,000,000.00 nor more than $12,000,000.00, the county treasurer shall receive a salary of $2500.00 annually. ('23 c. 424. Rep. '25, c. 106).

Where there are 85 or more congressional townships with an assessed valuation of not less than $6,000,000 and not more than $12,000,000.00, the county treasurer shall be allowed $2,800.00 per annum for clerk hire. ('23 c. 425. Rep. '25, c. 106).

872N
29 — 307
31 — 28

Where there are 75 or more platted subdivisions and an assessed valuation of $5,000,000 and not to exceed $6,000,000, the county treasurer shall receive $2000.00 per annum as salary. ('23 c. 109)

872N
31 — 191
31 — 192

Where there are not less than 55 and not more than 57 congressional townships and with an assessed valuation of more than $8,000,000.00 and less than $12,000,000.00, the county treasurer shall be allowed for clerk hire a sum not exceeding one-fourth of one mill for each dollar of assessed valuation. ('21 c. 446)

872 Note
33 — 12

Where there are not less than 48 townships and an area of not less than 1,000,000 acres nor more than 1,500,000 acres and where the population is not less than 15,000 and not more than 30,000 inhabitants, and with an assessed valuation of not less than $10,000,000.00 and not more than $25,000,000.00, the county treasurer shall receive one-eighth of a mill on every dollar of assessed valuation for clerk hire. ('21 c. 261)

Where a county has an area of more than 2500 square miles and with an assessed valuation of more than $20,000,000.00 and less than $40,000,000.00, the county treasurer shall receive a salary of $3,000.00, and shall be allowed for clerk hire one-tenth of one mill of each dollar of assessed valuation in excess of $25,000,000.00 and one-seventh of one mill on each dollar not exceeding $25,000,000.00; provision being made for an increase if deemed necessary. ('21 c. 198)

Where there are not less than 50 and not more than 70 congressional townships with an assessed valuation of not more than $3,000,000.00, the county treasurer shall receive a salary of $1500.00 per annum; and for clerk hire shall be allowed not to exceed $600.00 per annum. ('19 c. 340)

Where there are not less than 41 and not more than 45 congressional townships and with an assessed valuation of not less than $14,000,000.00 and not more than

$18,000,000.00, the county treasurer shall receive a salary of $2820.00 per annum, fees as prescribed by law, and $2500.00 per annum for clerk hire. ('19 c. 224; superseded '21 c. 437 § 3)

Where there are not less than 38 and not more than 42 congressional townships and with an assessed valuation of not less than $8,000,000.00 and not more than $10,000,000.00, the county treasurer shall be allowed for clerk hire the sum of $900.00 per annum. ('19 c. 168)

Where there are more than 60 and less than 80 congressional townships and with a population of more than 45,000 and less than 75,000 inhabitants, the county treasurer shall receive a salary of $2200.00 per annum. ('19 c. 57)

Where there are 75 or more congressional townships and with an assessed valuation of not less than $6,000,000.00 and not more than $10,000,000.00, the county treasurer shall be allowed for clerk hire the sum of $2500.00 per annum. ('19 c. 52)

Where there are not less than 55 and not more than 57 congressional townships and with an assessed valuation of not less than $5,000,000.00 and not more than $10,000,000.00, the county treasurer shall be allowed for clerk hire, not less than $480.00 and not more than $1200.00 per annum. ('15 c. 89, amended '19 c. 186)

Where there are 75 or more congressional townships and with an assessed valuation of not less than $6,000,000.00 nor more than $10,000,000.00, the county treasurer shall be allowed for clerk hire the sum of $800.00 per annum. ('15 c. 9)

Where there is a population of 220,000 and not more than 330,000 inhabitants, the county treasurer shall receive a salary of $4500.00 per annum and shall be allowed one chief deputy at $2800.00 per annum; one deputy in charge statement department at $1600.00 per annum, one deputy who shall have charge of settlement and collection work at $1600.00 per annum; eight clerks at $1500.00 per annum; one cashier or teller at $2300.00 per annum; one assistant cashier or teller at $1500.00 per annum; one deputy at $1600.00 per annum to have charge of inheritance and mortgage collections; one accountant or bookkeeper at $2000.00 per annum; and he may employ additional help at not more than $100.00 per month, and for a sum for entire help not to exceed $6000.00 per year. ('15 c. 135; '17 c. 472; '19 c. 304; '21 c. 336 § 2; '23 c. 307 § 2. Amended. See infra, this note.)

Where there are not less than 70 and not more than 80 full congressional townships and with an assessed valuation of not less than $3,000,000.00, and not more than $5,000,000.00, the county treasurer shall be allowed not to exceed $1800.00 per annum for clerk hire and shall receive $2400.00 per annum as salary. ('21 c. 351 § 3)

Where there is an area of less than 2500 square miles and an assessed valuation of more than $25,000,000.00 and less than $40,000,000.00, the county treasurer shall be allowed one-twelfth of one mill for each dollar of assessed valuation; provided further, where there are more than 45,000 and less than 75,000 inhabitants, the treasurer may be allowed $1000.00 per annum additional for clerk hire; provided that this does not apply where the population is more than 50,000 and less than 75,000. ('13 c. 157 amended '17 c. 206 § 1; '19 c. 123; '21 c. 154).

Where there is a population of 24,000 or more inhabitants, where the salary of the county treasurer is by special law fixed at the sum of $1000.00 per annum, or less, the county treasurer shall receive in addition the sum of $1400.00 per annum. ('11 c. 106 § 1; amended '17 c. 80 § 1; '19 c. 163 § 1)

Where the salary of county treasurers is fixed by special law at $2500.00 per annum, and the clerk hire fixed at not to exceed $500.00 per annum the county commissioners are hereby authorized to allow $1500.00 or as much thereof as may be necessary, as clerk hire to such county treasurers, making a total of not to exceed $2000.00 per annum for such clerk hire. ('09 c. 139 § 1, amended '19 c. 494 § 1).

Where there are not less than 38 and not more than 42 congressional townships and a taxable valuation of not less than $10,000,000.00, the county treasurer shall be allowed for clerk hire one-tenth of a mill on every dollar of assessed valuation. ('21 c. 189)

In all counties having over 150,000 and less than 200,000 inhabitants, the salary of the treasurer shall be $4000.00 per annum, and such treasurer shall appoint and employ deputies as may be necessary for the proper performance of his office but such salaries shall not exceed $15,000.00 annually and shall be paid monthly. ('11 c. 145 §§ 16 and 17, amended '13 c. 118)

In any county having not less than 50 and not more than 70 congressional townships and an assessed valuation of not more than $3,000,000.00, the salary of the county treasurer shall be $2100.00 per annum and he shall be allowed not to exceed the sum of $900.00 per annum for clerk hire. ('21 c. 383 § 2; amended '23 c. 158)

Salary of county treasurer in counties with population of 330,000 or over fixed at $5,000 per annum; one chief deputy, $2,700; one mortgage registry and inheritance tax deputy, $1,700; one cashier deputy, $2,100; three cashiers or tellers, at $1,500; one payment listing clerk, $1,400; one chief settlement clerk $1,700; one assistant settlement clerk $1,400; two assistant settlement clerks, at $1,300; two assistant settlement clerks, at $1,200; one chief accounting or payment credit clerk, $1,700; one assistant accounting or payment credit clerk, $1,500; two assistant accounting or payment credit clerks, at $1,200; one bookkeeper, $1,500; one remittance registry clerk, $1,200; one chief receipt deputy, $1,300; one assistant receipt deputy, $1,200; two assistant receipt clerks, at $1,000; one correspondence clerk, $1,200; one chief counter deputy, $1,700; one assistant county or transfer deputy, $1,500; one assistant counter or transfer deputy, $1,300; one assistant counter deputy, $1,300; one chief statement deputy, $1,300; three assistant statement clerks, at $1,000. ('13, c. 440, §§ 14, 15; amended '19, c. 302, §§ 12, 13).

In any county having a population of 380,000 inhabitants or over, the salary of the county treasurer shall be $5,000.00 per annum and he shall appoint one chief deputy at $2835.00 per annum, one mortgage registry and inheritance tax deputy at $1980.00 per annum, one cashier deputy at $2205.00 per annum, three cashiers or tellers at $1760.00, one payment listing clerk at $1650.00 per annum, one chief settlement clerk at $1980.00 per annum, one assistant settlement clerk at $1650.00 per annum, two assistant settlement clerks at $1540.00 per annum, two assistant settlement clerks at $1430.00 per annum, one chief accounting or payment credit clerk at $1980.00 per annum, one assistant accounting or payment credit clerk at $1760.00 per annum, two assistant accounting or payment credit clerks at $1430.00 per annum, one bookkeeper at $1760.00 per annum, one remittance registry clerk at $1430.00, one chief receipt deputy at $1540.00, one assistant receipt deputy at $1430.00 per annum, two assistant receipt clerks at $1210.00 per annum one correspondence clerk at $1430.00 per annum, one chief counter deputy at $1980.00 per annum, one assistant counter or transfer deputy at $1760.00 per annum, one assistant counter or transfer deputy at $1540.00, one assistant counter deputy at $1540.00 per annum, one chief statement deputy at $1540.00 per annum, three assistant statement clerks at $1210.00 per annum. ('21 c. 133; amended '23 c. 419 §§ 15, 16)

In any county having a population of more than 150,000 inhabitants and an area of more than 5000 square miles, the salary of the county treasurer shall be $4000.00 per annum and he may employ such deputies, clerks and other employes as may be necessary for the proper performance of the duties of his office at a reasonable compensation under control of county board. ('21 c. 492 § 18).

In counties with not more than 53 and not less than 30 congressional townships and an assessed valuation of not more than $4,000,000, exclusive of money and credits, salary of treasurer is fixed at $1,500 per annum, in addition to fees, with an allowance for clerk hire not to exceed $600 per annum, by Laws 1925, c. 5, § 1.

In counties with not less than 15 and not more than 16 congressional townships and assessed valuation of not less than $5,000,000 and not more than $6,000,000 and population of not less than 10,000 and not more than 12,500 salary of treasurer is fixed at $2,000 per annum, with allowance for clerk hire of $600 per annum, by Laws 1925, c. 17, §§ 1, 2.

In counties with not less than 81 and not more than 84 congressional townships and assessed valuation of not less than $6,000,000 and not more than $12,000,000 salary of treasurer is fixed at $2,500 per annum, with allowance for clerk hire of not to exceed $2,800 per annum, by Laws 1925, c. 77, §§ 1, 2.

In counties with not less than 38 and not more than 42 congressional townships and a taxable valuation of not less than $8,000,000 allowance for clerk hire in office of treasurer is fixed at 1/6 of one mill on each dollar of assessed valuation, by Laws 1925, c. 82, § 1.

In counties with less than 41 and not more than 43 congressional townships and population of not less than 25,000 and not more than 30,000 salary of treasurer is fixed at $2,700 per annum and allowance for clerk hire not to exceed $1000 per annum, by Laws 1925, c. 91, §§ 1, 3. Compensation to be in full of all services by § 14. Additional clerk hire allowed by § 15. Subject to Gen. St. 1923, §§ 976, 977, by § 17. Clerk hire to be paid only for work performed by § 18.

In counties with assessed valuation of less than $4,000,000 salary of treasurer is fixed at not less than $2,000 per annum, by Laws 1925, c. 78.

Laws 1923, c. 424 fixing salary of treasurer in counties with 85 or more congressional townships and assessed valuation of not less than $6,000,000 and not more than $12,000,000 repealed by Laws 1925, c. 106. And Laws 1923, c. 425, fixing allowance for clerk hire in such counties also repealed by Laws 1925, c. 106.

In counties with area of more than 380 and less than 400 square miles and population of more than 20,000 and with more than 37,000 platted lots salary of treasurer is fixed at $3000 per annum, with allowance for clerk hire in amount deemed necessary by county board, by Laws 1925, c. 181, §§ 1, 2.

In counties with not less than 28 nor more than 29 congressional townships and population of not less than 25,000 and not more than 28,000 and assessed valuation of not less than $12,000,000 and not over $14,000,000 the treasurer is allowed $1,200 per annum for clerk hire, by Laws 1925, c. 325, § 1.

In counties with not less than 12 nor more than 13 congressional townships and an assessed valuation of not less than 8 nor more than 10 million dollars the treasurer may be allowed not to exceed $900 per year for clerk hire, by Laws 1925, c. 346.

Laws 1925, c. 372, amends Laws 1923, c 307, § 2 to read as follows: "Sec. 2. That Sections 874 and 875, General Statutes of Minnesota for 1913, as amended by Chapter 135, Session Laws of Minnesota for 1915, as amended by Chapter 472, Session Laws of Minnesota for 1917, as amended by Section 2, Chapter 304, Session Laws of Minnesota for 1919, as amended by Section 2 of Chapter 336, Session Laws of Minnesota for 1921, be amended so as to read as follows:

"Sec. 874. The county treasurer of each county in this state having or which may have hereafter a population of two hundred twenty thousand (220,000) inhabitants and less than three hundred thirty thousand (330,000) inhabitants, shall be paid a salary of four thousand five hundred dollars ($4,500.00) per annum.

"Sec. 875. The county treasurer of such county shall appoint and employ one chief deputy who shall be paid the sum of two thousand eight hundred dollars ($2,8000.0) per annum; one deputy who shall have charge of the statement department, who shall be paid the sum of sixteen hundred dollars ($1,600.00) per annum; one deputy who shall have charge of the settlement and collection registers, who shall be paid the sum of sixteen hundred dollars ($1,600.00) per annum; eight clerks who shall be paid the sum of fifteen hundred dollars ($1,500.00) per annum; one cashier or teller who shall be paid the sum of twenty-three hundred dollars ($2,300.00) per annum; one assistant cashier or teller who shall be paid the sum of fifteen hundred dollars ($1,500.00) per annum; one deputy who shall have charge of the inheritance and mortgage collections, who shall be paid the sum of sixteen hundred dollars ($1,600.00) per annum; one accountant or bookkeeper who shall be paid the sum of two thousand dollars ($2,000.00) per annum; one stenographer who shall be said the sum of fourteen hundred dollars ($1,400.00) per annum.

"He may also employ such other additional or extra help as the business of his office may require during each year, providing that no such other person or extra help so employed, shall be paid compensation greater than at the rate of one hundred dollars ($100 00) per month, and that the entire compensation for such extra help shall not exceed six thousand dollars ($6.000.00) in any one year. Any of said six thousand dollars ($6.000.00) appropriated for such extra help remaining unexpended in any one year, shall be turned back to the general fund." Said Laws 1925, c. 372 is amended by Laws 1927, c. 420, § 2 to read as follows: "The County Treasurer of each couny in this state having or which may hereafter have a population of not less than two hundred and twenty thousand (220,000) and not more than three hundred and thirty thousand (330,000) inhabitants, shall be paid a salary of four thousand five hundred dollars ($4,500.00) per annum.

The county treasurer of such county shall appoint and employ one chief deputy who shall be paid the sum of two thousand eight hundred dollars ($2,800 00) per annum; one deputy who shall have charge of the statement department, who shall be paid the sum of one thousand seven hundred dollars ($1,700.00) per annum; one deputy who shall have charge of the settlement and collection registers, who shall be paid the sum of seventeen hundred dollars ($1,700.00) per annum; four clerks who shall be paid the sum of one thousand five hundred seventy-five dollars ($1,575.00) per annum; and four clerks who shall be paid the sum of one thousand five hundred fifty dollars ($1,550.00) per annum; one cashier or teller who shall be paid the sum of twenty-three hundred dollars ($2,300) per annum; one assistant cashier or teller who shall be paid the sum of one thousand six hundred dollars ($1,600.00) per annum; one deputy who shall have charge of the inheritance and mortgage collections, who shall be paid the sum of one thousand six hundred fifty dollars ($1,650.00) per annum; one accountant or bookkeeper who shall be paid the sum of two thousand dollars ($2,000.00) per annum; one stenographer who shall be paid the sum of fourteen hundred dollars ($1,400.00) per annum; one transfer clerk who shall be paid the sum of fifteen hundred dollars ($1,500.00) per annum.

"He may also employ such other additional or extra help as the business may require during each year, providing that no such other person or extra help so employed shall be paid compensation greater than at the rate of one hundred dollars ($100 00) per month, and that the entire compensation for such extra help shall not exceed six thousand dollars ($6.000.00) in any one year. Any of said six thousand dollars ($6,000.00) appropriated for such extra help remaining unexpended in any one year shall be turned back to the general fund."

Laws 1925, c. 398, § 3 amends Laws 1923, c. 419, § 16 to read as follows: "The County Treasurer shall appoint and employ one chief deputy who shall be paid the sum of thirty-six hundred ($3,600.00) dollars per annum; one mortgage registry and inheritance tax deputy who shall be paid the sum of nineteen hundred and eighty ($1,980.00) dollars per annum; one cashier deputy who shall be paid the sum of twenty-two hundred and five ($2,205.00) dollars per annum; three cashiers or tellers who shall each be paid the sum of seventeen hundred and sixty ($1,760.00) dollars per annum; one payment listing clerk who shall be paid the sum of sixteen hundred and fifty ($1,650.00) dollars per annum; one chief settlement clerk who shall be paid the sum of nineteen hundred and eighty ($1,980.00) dollars per annum; one assistant settlement clerk who shall be paid the sum of sixteen hundred and fifty ($1,650.00) dollars per annum; two assistant settlement clerks who shall each be paid the sum of fifteen hundred and forty dollars ($1,540.00) per annum; two assistant settlement clerks who shall each be paid the sum of fourteen hundred and thirty ($1,430.00) dollars per annum; one chief accounting or payment credit clerk who shall be paid the sum of nineteen hundred and eighty ($1,980.00) dollars per annum; one assistant accounting or payment credit clerk who shall be paid the sum of seventeen hundred and sixty ($1,760.00) dollars per annum; two assistant accounting or payment credit clerks who shall each be paid the sum of fourteen hundred and thirty ($1,430 00) dollars per annum; one bookkeeper who shall be paid the sum of seventeen hundred and sixty ($1,760.00) dollars per annum; one remittance registry clerk who shall be paid the sum of fourteen hundred and thirty ($1,430.00) dollars per annum; one chief receipt deputy who shall be paid the sum of fifteen hundred and forty ($1,540.00) dollars per annum; one assistant receipt deputy who shall be paid the sum of fourteen hundred and thirty ($1,430.00) dollars per annum; two assistant receipt clerks who shall each be paid the sum of twelve hundred and ten ($1,210.00) dollars per annum; one correspondent clerk who shall be paid the sum of fourteen hundred and thirty ($1,430.00) dollars per annum; one chief counter deputy who shall be paid the sum of nineteen hundred and eighty ($1,980.00) dollars per annum; one assistant counter or transfer deputy who shall be paid the sum of seventeen hundred sixty ($1,760 00) dollars per annum; one assistant counter or transfer deputy who shall be paid the sum of fifteen hundred forty ($1,540.00) dollars per annum; one assistant counter deputy who shall be paid the sum of fifteen hundred forty dollars ($1,540.00) per annum; one chief statement deputy who shall be paid the sum of fifteen hundred forty ($1.540.00) dollars per annum; three assistant statement clerks who shall each be paid the sum of twelve hundred ten ($1,210.00) dollars per annum.

"Provided that any such auditor or county treasurer shall each have authority to command and employ the deputies or other employes of his office without additional compensation to that of such deputy or other employe's usual compensation, and when, as often and to such extent as either said county treasurer or auditor may deem proper, the services of any deputy or other employe in said county treasurer's or auditor's office, for any work of either of said offices whether or not such work be the usual work of such deputy or other employes or be partly or wholly the usual or proper function of some other deputy or employe.

"And, provided further, that either the county treasurer or auditor may, during the year, at his discretion and as often and for as long as he sees fit reduce the number of clerks in his office and that the salary amounts which may be served together with whatever has been saved during such year through necessary vacancies, among other deputies, clerks and assistants of either county treasurer's or auditor's office, may to any extent needful in any case, be used in the same year by hiring extra help at not to exceed the same rate for any of the regular work of his office when the same is greater or more hurried than is common throughout the year. And provided further than no such sums or any part thereof as herein provided, shall at any time be used to increase the salaries of any of the employes provided for in this act." These increases are effective upon approval thereof by the county board, by Laws 1925, c. 398, § 5.

Laws 1927, c 432 amends Laws 1923, c. 419, § 15 to read as follows: "The salary of the County Treasurer of each county now having or which may hereafter have a population of 380,000 inhabitants or over, shall be the sum of $6,000.00 per annum."

In counties with not less than 12 nor more than 13 townships and an assessed valuation of not less than $8,000,000 nor more than $10,000,000 the salary of the treasurer is fixed at $2,500 per year, by Laws 1927, c. 46, § 1, and the allowance for clerk hire is fixed at not to exceed $900 per annum, the amount to be determined by the county board by Laws, 1927, c. 46, § 2.

In counties with assessed valuation of less than one hundred million dollars and area of less than 60 congressional townships and population of less than 40,000 the treasurer shall be allowed for clerk hire one-twelfth of a mill on each dollar of assessed valuation as fixed by the Tax Commission for the previous year;

provided that in counties having seventy-five or more platted subdivisions such allowance shall be not less than $85.00 per month; provided also that the County Board of any county covered by this act may by resolution approved by the Attorney General and Public Examiner, allow such additional sum for clerk hire as may be deemed necessary. Such allowance for clerk hire shall be paid monthly out of the county treasury to the person or persons actually rendering the service as such clerk, upon the warrant of the County Auditor accompanied by a certificate of the Treasurer that the service has been rendered and no allowance for such clerk hire shall be made or received in any case except for service actually rendered," by Laws 1927, c. 374, § 1. Section 2 of Laws 1927, c. 374 reads as follows: "All acts and parts of acts inconsistent herewith, except Chapter 437 and 446, Laws 1921, and Chapters 5, 82 and 91, Laws 1925, are hereby repealed." This act is effective Jan. 1, 1927, by § 3 thereof.

872-1. Statement of employees and their compensation in counties with population of more than 75,000—Fees paid into county treasury—In counties having a population of more than seventy-five thousand, the county treasurer shall file with the county auditor on the first Monday of each month a verified statement giving the name of every employee in his office, the general nature of the service rendered by him, and the amount paid therefor; also showing all business done in his office during the preceding month for which fees have been charged, the amount of fees received, and the amount of such fees remaining unpaid. All such fees shall, on the first Monday in each month, be turned into the county treasury. (528) [883]

872-2. Moneys, books, etc., delivered to successor in office—Each county treasurer, on going out of office, shall deliver to his successor in office all the public money, books, accounts, papers, and documents in his possession; and in case of his death his legal representatives shall in like manner deliver up all such moneys, books, accounts, papers, and documents as come into their possession. (529) [884]

REGISTER OF DEEDS

See § 821 for term.

31 873—272

29 873—227

873. Bond—Every register of deeds, before he enters upon the duties of his office, shall give bond to the state in the penal sum of five thousand dollars, to be approved by the county board, conditioned that he will faithfully and impartially fulfill the duties of his office. Said bond and his oath of office shall be filed for record with the clerk of the district court, and forwarded by said clerk to the secretary of state. (531) [886]

2-345, 297.

874. Delivery to successor—At the expiration of his term of office, every register shall deliver promptly to his successor all books, records, papers, and other property pertaining to his office, and if, on application of his successor, duly qualified, he refuses to do so, he shall forfeit and pay to the use of the proper county fifty dollars for each and every day he so refuses, which may be recovered in an action brought upon his official bond. (532) [887]

875. Reception books—Every register of deeds shall keep two books, to be denominated, respectively, the grantor's and grantee's reception book, each page of which shall be divided into seven columns, in the following forms:

Date of Reception, Year, Day, Hour and Minute	Grantor	Grantee	Where Situated	To Whom Delivered after Record	Fees Received	Book and Page Recorded and Kind of Instrument

Date of Reception, Year, Day, Hour and Minute	Grantee	Grantor	Where Situated	To Whom Delivered after Record	Fees Received	Book and Page Recorded and Kind of Instrument

The register shall enter in each of said books, in the order and manner aforesaid, as soon as the same are received, all deeds and other instruments left, and all copies left, as cautions or notices of liens, authorized by law to be recorded. The pages of each of the said reception books shall be lettered in alphabetical order, a convenient number of consecutive pages being allotted to each letter of the alphabet, and every entry made in said book shall be made in the grantor's reception book under the initial letter of the grantor's surname, and in the grantee's reception book under the grantee's surname, and all such entries shall appear upon said book consecutively and in the order as to time in which the instruments were received. He shall make an entry in the record immediately after the copy of every instrument recorded specifying the time of the day, month and year when the same was recorded. (R. L. § 533, amended '07 c. 442 § 1) [888]

Effect of entries as notice (46-156, 48+677). Form of entries and presumption as to time of recording (51-421, 53+806; 21-336; 40-441, 42+294, 135-109, 160+259). Entries as evidence. Parol evidence to show error in record (33-271, 22+614). Form of books (11-367, 264; 51-421, 53+806; 135-112, 160+259).

876. Numerical register and reception book—The board of county commissioners of any county in this state wherein the register's office keeps a deed index and mortgage index are hereby authorized to combine the reception books required by section 533 of the Revised Laws of 1905 as amended by chapter 442 of the Laws of 1907 [888] and the consecutive index book required by section 539 of the Revised Laws of 1905 [905] said record book to be designated the Numerical Register and Reception Book, each page of which shall be divided into nine columns in the following form:

NUMERICAL REGISTER AND RECEPTION BOOK.....COUNTY, MINNESOTA

No. of Instrument	Date of Reception					Grantor	Grantee	Where Situated				To Whom Delivered After Reception	Where Recorded		Kind of Instrument	Fees Rec'd
	Year	Mo.	Day	A. M.	P. M.				Section	Township	Range		Book	Page		

The register shall make the entries in said book in accordance with the requirements of section 539 of the Revised Laws of 1905 and of section 533 of the Revised Laws of 1905 as amended by chapter 442 of the Laws of 1907. ('09 c. 226 § 1) [889]

159-119, 198+127.

877. Tract Index books—Every county board may procure at the expense of its county, and keep in the office of the register of deeds, suitable books, substantially bound, arranged in numerical order, and so ruled that opposite to the description of each section of land or sectional lot, and town, city or village lot and block, shall be a blank space, of a convenient size, in which shall be entered the letters or numericals indicating the volume of the records referred to, designating deeds by the letter "D," and mortgages by the letter "M," or by using red ink for mortgages and black ink for deeds, and other records by appropriate initials or abbreviations, together with the page of the volume upon which every record affecting the title to the whole or any part thereof may be found. For each necessary entry or description made in such books prior to the making of such tract index, the register shall receive from the county a fee of two cents. Such tract index shall be kept as one of the records in the office of the register of deeds, and such register shall note therein a like minute of every instrument affecting the title to any land which shall be filed for record, to be made opposite to each parcel of land the title to which may be affected by such instrument. Instead of causing a tract index to be made, the board may purchase any existing tract index or abstracts; and thereafter the register shall make the appropriate entries therein. In either such case the register shall receive a fee of ten cents for indexing the first description and each town, city or village lot affected, and two cents for each subsequent description, town, city or village lot affected; for indexing therein each transfer of deeds and mortgages, and other instruments, the same to be paid by the person presenting the same for filing, for recording or discharging an instrument on the margins of records, and shall make abstracts, for persons demanding the same. (R. L. § 534, amended '07 c. 442 § 1) [890]

877¹ 29 — 227

877-1. Tract index books—Contracts for making—The board of county commissioners of any county in the state which does not have a tract index, belonging to the county, in the office of the register of deeds, of lands within the county, is hereby authorized and empowered to cause or have a tract index made, and may hire, employ or contract with any competent person or persons, without advertising therefor, to prepare and make such tract index, and may require such person or persons to furnish a bond in such form and with such sureties as the board shall designate and approve. ('27, c. 19)

877-2. Same—For lands registered under Torrens system in certain counties—The register of deeds in counties now having or which may hereafter have a population of 400,000 inhabitants or over, and in which the business of the register of titles is conducted in a separate place from that of the register of deeds, shall provide a tract index of all lands registered under what is known as the Torrens System of land titles, and the same shall be kept in the office of the register of deeds in such county or counties for the use of receiving clerks in checking the properties listed therein with the properties described in the instruments presented for record. ('27, c. 376, § 1)

877-3. Same—By whom prepared—The register of deeds of such county or counties may assign the duty of compiling such index to one or more of his deputies, which deputy or deputies shall be paid for extra time so employed additional salary and compensation at the same rate and in the same manner as is paid them for regular service; providing, however, that the total sum for such extra service shall not exceed $1,600.00. ('27, c. 376, § 2)

877-4. Same—Payment for from revenue fund—The county auditor of such county or counties shall,

upon request of the register of deeds, issue his warrant or warrants in payment for such additional service, in amounts designated by such register of deeds, and the same shall be drawn on the county revenue fund. ('27, c. 376, § 3)

878. **Transcribing records of state lands**—The county commissioners of any county in this state are hereby authorized to direct the register of deeds of any county containing any lands heretofore granted to the state from the United States government (except sections 16 and 36), and including all lands so granted in lieu of lands in sections 16 or 36, to transcribe from the records of the state auditor lists of all such lands including reference to the laws granting the same and by all patents issued thereunder to the state, which transcripts after due examination thereof shall be certified to without charge by the state auditor as being true and correct transcripts, and thereupon such transcripts, shall be recorded by the register of deeds in whose county such land is situate, which recording shall be done in books to be provided therefor by the county. Such register of deeds shall receive the same fees allowed by law for recording original instruments in his office, which fees shall be paid by the county auditor upon the approval of the county commissioners of said county. ('13 c. 427 § 1) [891]

879. **Records as evidence**—The record of such transcript shall be prima facie evidence of the facts therein set forth, and of the contents of the origial instruments so transcribed and recorded, and a certified copy of such record shall be admissible in evidence in all the courts of this state. ('13 c. 427 § 2) [892]

880. **Transcribing tract indexes in counties having less than 75,000 inhabitants**—That in counties having a population of less than seventy-five thousand (75,000) inhabitants now having tract indexes of the records in the office of the register of deeds, the county board is hereby authorized to have such tract indexes transcribed, compared with the original records and checked back whenever the necessity therefor appears. ('05 c. 51 § 1, amended '11 c. 337 § 1) [893]

881. **Register to supervise—Compensation**—The work provided for in section 1 of this act shall be performed by the register of deeds of the county. The said register of deeds for performing the said work shall receive as compensation therefor such sum as may be fixed by the board of county commissioners not exceeding two cents for each description so transcribed, compared with the original records and checked back. ('05 c. 51 § 2, amended '11 c. 337 § 2) [894]

882. **To exhibit records**—Said register shall exhibit free of charge, during the hours that his office is or is required by law to be open, any of the records or papers in his official custody to the inspection of any person demanding the same, either for examination, or for the purpose of making or completing an abstract or transcript therefrom; but no such person shall have the right to have or use such records for the purpose of making or completing abstracts or transcripts therefrom, so as to hinder or interfere with the register in the performance of his official duties. (535) [895]

37–372, 35+7.

883. **Abstracter—Bond**—The county board may by resolution authorize any person to use a portion of the county building for the purpose of making abstracts of title, upon the execution by such person of a bond to the county in a sum not less than five hundred dollars, conditioned for the faithful performance of his duties as such abstracter and that he will handle all public records with care and charge no greater fee for abstracts of title than is or may be allowed by law to registers of deeds for like services. (536) [896]

884. **Record books, indexes, etc.**—He shall keep suitable books, and record at large, word for word, all instruments left with him for record; keeping separate books of deeds, mortgages, and other instruments. He shall also keep in separate books an alphabetical index, where he shall record, under the proper letter of the alphabet, the name of each grantor and grantee in any instrument left for record, or of a discharge of any mortgage made by an entry in the margin of the record thereof, which entry shall show the book and page of the record where the mortgage so discharged is recorded. (537) [897]

15–171, 131; 24–221, 228; 46–156, 159, 48+677.

Rule as to what constitutes bona fide purchaser unaffected by fact that United States is complainant to cancel patent to lands (172 Fed. 271).

885. **Filing of certificates of discharge from U. S. service with register of deeds**—Certificates of discharge from the United States army, the United States navy and the United States marine corps may be recorded in the office of the register of deeds of any county in this state, by the person to whom such discharge was issued, upon payment of a fee of twenty-five cents to the register of deeds for recording the same. ('19 c. 266 § 1)

886. **Record to be prima facie evidence**—The record of such a certificate or a duly certified copy thereof shall be prima facie evideince of all the facts therein stated and shall be received as evidence of such facts in all courts of this state. ('19 c. 266 § 2)

887. **Register of deeds authorized to procure record books**—Registers of deeds of the several counties are hereby authorized and empowered to procure at the expense of their county, proper record books for recording such certificates of discharge, with sufficient indexes thereto. ('19 c. 266 § 3)

888. **Transcribing sheriff's certificates filed prior to May 10, 1862**—The register of deeds in any county in the state of Minnesota is hereby authorized and directed to transcribe in appropriate records to be provided for such purpose all certificates now on file in his office, and which were filed prior to May 10, 1862, made by sheriffs upon sales of real estate on mortgage foreclosures, judgments and executions. ('05 c. 329 § 1) [898]

889. **Compensation**—The register of deeds shall receive as compensation therefor the sum of one dollar and seventy-five cents for transcribing each of such certificates, and twenty-five cents each for comparing and certifying all such certificates, filed prior to May 10, 1862, and not heretofore compared and certified, to be paid out of the county funds, and shall be allowed by the board of county commissioners of such county upon the completion of said work. ('05 c. 329 § 2) [899]

890. **Records as evidence**—The recording of such certificates shall have the effect of a record of the same from time to time when they were filed in such register of deeds' office and shall be prima facie evidence of the facts therein set forth. ('05 c. 329 § 3) [900]

891. **Transcribing certain instruments in counties having over 100,000 inhabitants**—The register of deeds in each county in the state of Minnesota, having a population of over one hundred thousand inhabitants, is hereby authorized and directed to transcribe, in appropriate records to be provided by the county for such purpose, and to appropriately index all instruments affecting: Lists of lands selected by railroad companies under grants from the United States or the state of Minnesota; and all instruments affecting: Condemnation proceedings; awards of damages in condemnation proceedings; building line easements; easements for slopes; easements for electric light and telephone poles;

now on file in his office and which have not heretofore been recorded. ('09 c. 153 § 1) [901]

892. **Effect of transcription**—The transcribing of such instruments shall have the effect of a record of the same from the time such instruments were filed in such register of deeds' office, and such records shall be prima facie evidence of the facts therein set forth, and of the contents of the original instruments so recorded. ('09 c. 153 § 2) [902]

893. **Same—Duty of register**—It is hereby made the duty of the register of deeds in any such county to record at length in suitable books to be provided by the county for such purpose, all instruments hereafter received by him either for filing or recording, and he shall receive the same fees therefor as are allowed for the recording of other like instruments. ('09 c. 153 § 3) [903]

893-1. **Transcribing abstract records—Completion of work**—The board of county commissioners of any county that has undertaken to have the abstract records in the office of the Register of Deeds transcribed under any law fixing a maximum limit that may be expended for such purpose, but is unable to complete such work on account of such limit having been reached, may authorize the Register of Deeds or employ any other competent person to complete the same under the supervision and direction of the Register of Deeds, at such salary or upon such bases of compensation as may be agreed upon provided, however, that if such employment be upon a salary basis, it shall not exceed the sum of $80.00 per month, and if upon a per line basis, at not to exceed five cents per line. ('27, c. 104)

894. **Register of deeds required to record deeds, etc., within 30 days under penalty of removal from office**—Every register of deeds shall within thirty (30) days after any instrument entitled to record is left with him for that purpose, actually record the same in the manner provided by law and return the same in person or by mail, to the person who left such instrument with him for record, if his residence is known, or to such other person and at such address as he may be directed to deliver the same. Persistent failure to so record and return instruments entitled to record, upon demand therefor and payment of recording fees, shall constitute nonfeasance in office and be sufficient ground for removal therefrom. ('19 c. 207 § 1)

895 223nw 925 895. **Consecutive numbering**—Every register shall indorse plainly upon the top of the back, when folded, of each instrument received by him for record or filing, 895 176m 550 as soon as received, a number consecutive to the number affixed to the instrument next previously received, and shall enter such number as a part of the entry 895 245nw 148 relating to such instrument in all the indexes kept in his office, and on the margin of the record of the instrument, and such number shall be prima facie evidence of priority of registration. If more than one instrument shall be received at the same time, by mail or other like inclosure, the register shall affix such number in the order directed by the sender, and, if no direction be given, then in the order in which the instruments actually come to his hand in opening the inclosures. *His fee for such numbering and entry* shall be five cents. (538) [904]

72–287, 75+376.
Priority of liens determined presumptively by order of numbering (99–241, 109+233; 99–495, 110+3)

896. **Consecutive index**—Every register shall keep an index of all records or files kept in his office, showing the number of the instrument consecutively, the kind, the time of its reception, and where the same is recorded or filed, thus:

Number of Instrument	Kind of Instrument	Time of Reception	Where Recorded or Filed		
			Book	Page	File No.

Such entries shall be made as soon as the instrument is received by him, excepting only the place of record, which shall be filled in as soon as such instrument is recorded. (539) [905]

(See § 889)

897 Et seq. 31—139

897. **Deputies**—He may appoint one or more deputy registers in writing, whose oath of office shall be indorsed on the appointment, and recorded therewith in the office of the register. Registers shall be responsible for the acts of their deputies, and may revoke their appointment at pleasure. (540) [906]

898. **Record of cattle brands**—On the application of any person residing in his county, the register shall record a description of the marks or brands, with which such person may be desirous of marking his horses, cattle, sheep, or hogs; but the same description shall not be recorded for more than one resident of the same county. (541) [910]

899. **Record of farm names**—The owner of farm lands in the state of Minnesota may designate a specific name of his farm lands and the said name together with a description of said farm lands, according to the government survey thereof, may be filed with the register of deeds of the county wherein the said lands or a part thereof are situated, and the said name together with the description of said lands shall be recorded by the register of deeds in a book to be provided for such purpose, upon payment of a fee of fifty cents therefor, but no two names so designated and recorded shall be alike in the same county. ('09 c. 154 § 1) [911]

900. **Abstracts of title**—The register, upon being paid his lawful fees therefor, shall make out under his certificate and seal, as the same appears of record or on file in his office, and deliver to any person requesting the same:

A. A full and perfect abstract of title to any real estate together with all encumbrances, liens and instruments in any manner affecting such title.

B. A continuation of any abstract of title, to any real estate that has been certified to by an official abstractor of his county within ten days after such request.

C. An abstract of title to any real estate together with all encumbrances, liens and instruments in any manner affecting such title from a certain date to a given date, within ten days after such request.

D. An abstract of title to any real estate covering encumbrances and liens, only, affecting such title between any two given dates, within ten days after such request. (542) [912] (Amended '27, c. 253)

901. **Fees of abstract clerks in certain counties**—Each abstract clerk of each county in the state of Minnesota, having a population of two hundred thousand inhabitants, or over, is authorized to charge and receive and keep, for making abstracts of title, a sum not exceeding twenty-five cents for each transfer, or other proper entry thereon, and not exceeding fifty cents for his certificate. ('19 c. 80 § 1, § 2)

See '15 c. 215 relating to abstract Ramsey County.

902. **Instruments not properly executed**—Except where otherwise expressly provided by law, no register shall record any conveyance, mortgage, or other instrument by which any interest in real estate may be

in any way affected, unless the same is duly signed, executed, and acknowledged according to law; and any such officer offending herein shall be guilty of a misdemeanor, and shall also be liable in damages to the party injured, in a civil action. (543) [913]

52–451, 55+46.

903. Seal—Every register of deeds shall have an official seal, and affix the same to all documents requiring his official signature, except the indorsement mentioned in § 904. (544) [914]

36–9, 29+388, 1 Am. St. Rep. 632.

904. Certificate of record—Every register of deeds shall indorse upon each instrument recorded by him, over his official signature, the time when it was received, and the book and page in which it was recorded; and every instrument shall be considered as recorded at the time so noted. (545) [915]

40–441, 42+294; 59–274, 61+135.

904-1. Abstracts of mortgages and liens on grain crops for elevator companies—Application for—Fees—Any elevator company doing business in this state may annually make written application to the register of deeds for an abstract of all designated mortgages and liens upon grains grown during the year within the county. Such application shall state the name of the elevator and the post address thereof and shall be accompanied by a fee of $5.00, as an advance for fees, and the register shall receive 15 cents for each instrument abstracted and at the end of the year may deduct from such advance fees or any further sums that may have been deposited, his fees earned hereunder and return the surplus, if any, to the party having made such deposit. ('25, c. 356, § 1)

904[1] 29 — 87 **904-2. Same—Contents—Supplemental abstracts**—Each register of deeds shall, on or before the 15th day of June of each year, mail to each and every applicant having paid such fee for such year, an abstract of all requested existing mortgages and liens upon grain or crops raised or to be raised during such year, showing the name of the person against whom the lien is claimed, arranged alphabetically, the name of the person holding or claiming such lien, a description of the land upon which the grain was raised, upon which said lien is claimed, the kind of grain and the amount of the lien claimed. Such abstract shall further contain a list of all mortgages and liens filed against crops *or grain grown in such crop year which have been* satisfied. At least once a week during the balance of the calendar year the register of deeds shall mail to each of such applicants a similar abstract covering the liens, mortgages and releases thereon filed in his office, since the date of furnishing such prior abstract. ('25, c. 356, § 2)

904[2]N 31 — 139 **Compensation of Register of Deeds in particular counties—Deputies and assistants**—Deputy Register of Deeds in counties having less than 75,000 inhabitants, appointed by order of county board, shall receive annual compensation not to exceed $900.00 per year, where not fixed by special law. Order remains in force until revoked by county board. ('11 c. 382, amended '17 c. 83. Amended '27, c. 207. See infra, this note.)

904 Note 33 — 321

In counties having population not less than 45,000 and not more than 75,000, and containing 60 or more organized congressional townships in which salary of register of deeds is fixed at $1500.00 per annum, the county commissioners may allow a sum not to exceed $2500.00 per annum for clerk hire, but salary of register of deeds shall not be affected. ('05 c. 154)

In every county in which there are not less than 48 townships with an area of not less than 1,000,000 acres, nor more than 1,500,000 acres, whose population is not less than 15,000 nor more than 30,000, and whose valuation is not less than $10,000,000.00 and not more than $25,000,000.00, the county board shall fix the salary of the register of deeds at not less than $2000.00 nor more than $2500.00 per annum, and the register of deeds may appoint necessary deputies and clerks with consent of county board. ('17 c. 202, amended '19 c. 173)

In each county having a population of not less than 200,000 and not more than 275,000, the register of deeds, who shall also act as registrar of titles, shall receive a salary of $4500.00 per annum as register of deeds and $500.00 per annum as registrar of titles. ('11 c. 366 § 1, amended '15 c. 119 § 1)

In all counties having a population of not less than 220,000 and less than 330,000, the register of deeds shall appoint one chief deputy who shall be paid $2800.00 per annum, one second deputy, $1800.00 per annum, one chief comparer, $1500.00 per annum, one assistant comparer, $1500.00 per annum, one indexer, $1500.00 per annum and one general clerk, $1500.00 per annum. ('11 c. 366 § 2, amended '15 c. 119, '17 c. 376, '19 c. 304, '21 c. 336, § 3)

In all counties having 24,000 inhabitants and over and where the salary of the register of deeds is fixed at $1000.00 or less by special law, such register of deeds shall, in addition, receive $800.00 per annum. ('09 c. 77 § 1, amended '11 c. 27, § 1, '19 c. 71)

In counties having not less than 23,000, nor more than 27,000 inhabitants and an assessed valuation of not less than $23,000,000.00 nor more than $30,000,000.00 and having not less than 22 nor more than 24 congressional townships and where the register of deeds does not have any tract index system, the board of county commissioners may allow the register of deeds, for deputy and clerk hire, an amount not exceeding $1500.00 per annum. ('21 c. 265)

In counties containing more than 60 and less than 80 congressional townships and which have or may hereafter have a population of more than 45,000 and less than 75,000, register of deeds shall receive a salary of $2200.00 per annum. ('19 c. 57, repealing special laws 1891 c. 423)

In each county having a population of 330,000 inhabitants or over, the register of deeds shall receive a salary of $4500.00 per annum and shall also act as registrar of titles, receiving $500.00 per annum therefor. ('13 c. 440 § 8, amended '17 c. 511, '19 c. 302 § 9)

In all counties having 330,000 inhabitants or over, the register of deeds may employ one chief deputy who shall receive $2700.00 per annum; one second deputy, $2000.00 per annum; one indexer, $1600.00 per annum; one assistant indexer, $1500.00 per annum; one general *clerk, $1500.00 per annum; one vault clerk,* $1800.00 per annum; one assistant vault clerk, $960.00 per annum; one delivery clerk, $1000.00 per annum; one pager, $1100.00 per annum; one chief comparer, $1600.00 per annum; one assistant comparer, $1400.00 per annum; five comparers, $1100.00 per annum; seven typists, $1000.00 per annum; eight copyists, $900.00 per annum; two copyists, $840.00 per annum; one stenographer, $1000.00 per annum, and one deputy registrar of titles, $2400.00 per annum; one second deputy, $1700.00 per annum; one chief clerk, $1400.00 per annum. ('13 c. 440 § 9, amended '17 c. 511, '19 c. 302 § 10)

In counties having a population of over 150,000 and less than 200,000 inhabitants, the register of deeds shall receive $3600.00 per annum and shall employ sufficient help and deputies to properly discharge the duties of his office, but the number of deputies, employes and the compensation thereof shall be under the control of the county board. ('11 c. 145 § 7, amended '13 c. 118 § 1; '11 c. 145 § 8)

In any county having a population of 380,000 inhabitants or over, the salary of the Register of Deeds shall be $4500.00 per annum; and during such time he shall also act as *Registrar of Titles and shall receive therefor* the sum of $500.00 per annum additional; and he shall employ one chief deputy at $2835.00 per annum, one second deputy at $2200.00 per annum, one general deputy at $1980.00, one indexer at $1870.00 per annum, one assistant indexer at $1760.00 per annum, one general clerk at $1760.00 per annum, one vault clerk at $2090.00 per annum, one assistant vault clerk at $1100.00 per annum, one delivery clerk at $1210.00 per annum, one pager at $1320.00 per annum, one chief comparer at $1870.00 per annum, one assistant comparer at $1650.00 per annum, 5 comparers at $1320.00 per annum, 7 typists at $1210.00 per annum, 10 copyists at $1100.00 per annum one stenographer and receipt book clerk at $1320.00 per annum; and as Registrar of Titles he shall appoint one deputy at $2500.00 per annum, one second deputy at $1980.00 per annum, one chief clerk at $1650.00 per annum. ('21 c. 133; amended '23 c. 419 §§ 11, 12)

In counties having a population of not less than 29,000 nor more than 32,000 inhabitants and an assessed valuation of not less than $29,000,000.00 nor more than $32,000,000.00, the county board may by written order authorize additional clerical help in the office of the Register of Deeds at not to erceed $900.00 per annum. ('23 c. 93)

In any county having not less than 50 and not more than 70 congressional townships and an assessed valuation of not more than $3,000,000.00, the salary of the register of deeds shall be $2000.00 per annum, and he shall receive in addition any fees payable to him for the preparation of abstracts of title and the filing of chattel mortgages and all other fees collected by him shall be paid to the county; he shall be allowed a sum not to exceed $900.00 per annum for clerk hire. ('21 c. 383; amended '23 c. 158 § 2)

In any county having a population of more than 150,000 inhabitants and an area of 5000 square miles, the salary of the register of deeds shall be $4000.00 per annum and he shall employ sufficient help to discharge the duties of his office, the compensation therefor to be under control of county board. ('21 c. 492 §§ 9, 10)

In any county having not less than 41 and not more than 45 congressional townships and an assessed valuation of not less than $14,000,000.00 and not more than $18,000,000.00, the register of deeds shall receive salary, fees and clerk hire as now prescribed by law and shall be allowed $1500.00 per annum for clerk hire. ('19 c. 224 superseded '21 c. 437 § 4)

In any county having more than 60 and less than 80 congressional townships and a population of more than 45,000 and less than 75,000 inhabitants, the salary of the register of deeds shall be $2200.00 per annum and he shall be allowed not to exceed the sum of $2500.00 per annum for clerk hire, and fees shall be turned in to the treasurer. ('19 c. 195)

In any county having not less than 70 and not more than 80 townships and an assessed valuation of not less than $3,000,000.00 and not more than $5,000,000.00, the salary of the register of deeds shall be $1800.00 per annum and he shall be allowed a sum not to exceed $900.00 per annum for clerk hire. ('19 c. 286 § 5)

In counties with area of not more than 53 nor less than 30 congressional townships and assessed valuation of not more than $4,000,000, exclusive of money and credits, the treasurer shall receive all fees collected by him as such Register of Deeds. Provided that if the total of such fees in any year is less than fifteen hundred dollars ($1,500.00) he shall receive from the County a sum in addition to said fees which shall make the income of said office fifteen hundred dollars ($1,500.00) exclusive of fees received for preparing abstracts of title, filing of chattel mortgages and certified copies furnished, and the Register of Deeds shall be allowed not to exceed the sum of nine hundred dollars ($900.00) per annum for clerk hire in said office, or so much thereof as may be necessary, to be determined by resolution of the County Board of Commissioners, by Laws 1925, c. 3 § 2.

In counties with less than 41 nor more than 43 congressional townships and a population of not less than 25,000 nor more than 30,000 the salary and fees of registers of deeds are to remain as prescribed by law prior to Apr. 23, 1921, by Laws 1925, c. 91, § 5. Such compensation to be in full for all services by § 14. Additional clerk hire may be allowed, not to exceed $80 per month, by § 15. Compensation subject to Gen. St. 1923, §§ 976, 977, by § 17. Clerk hire to be paid only for work performed, by § 18.

Laws 1927, c. 207 amends G. S. '13, § 907, as amended by Laws 1917, c. 83, to read as follows: "The county board of every county having a population of less than 75,000 inhabitants, may by written order to be filed in the office of the county auditor allow one deputy register of deeds in such county, compensation for his or her services as such deputy, not exceeding $900.00 per year. Provided, that in all counties in this state now or hereafter containing not less than 22 and not more than 25 organized towns (not intending cities and villages,) and which counties now have or hereafter may have a population of not less than 29,000 and not more than 31,000 inhabitants, according to the last preceding federal or state census, the county board may, by written order to be filed in the office of the county auditor, allow one deputy register of deeds in such county, the compensation for his or her services as such deputy not exceeding $1,200.00 per year."

Laws 1927, c. 425, § 1, amends Laws 1921, c. 133, § 12, as amended by Laws 1923, c. 419, § 12, relating to counties with population of 380,000 or over, to read as follows: "That Section 12 of Chapter 133, Laws of 1921, as amended by Section 12 of Chapter 419, Laws of 1923, be and the same is hereby amended so as to read as follows:

"Section 12. The Register of Deeds shall appoint and employ one chief deputy, who shall be paid the sum of thirty-six hundred ($3,600.00) dollars per annum; one second deputy who shall be paid the sum of twenty-two hundred ($2,200.00) dollars per annum; one general deputy who shall be paid the sum of nineteen hundred eighty ($1,980.00) dollars per annum; one indexer who shall be paid the sum of eighteen hundred seventy ($1,870.00) dollars per annum; one assistant indexer who shall be paid the sum of seventeen hundred and sixty ($1,760.00) dollars per annum; two general clerks who shall each be paid the sum of seventeen hundred and sixty ($1,760.00) dollars per annum; one vault clerk who shall be paid the sum of twenty hundred ninety ($2,090.00) dollars per annum; one assistant vault clerk who shall be paid the sum of fifteen hundred ($1,500.00) dollars per annum; one pager who shall be paid the sum of thirteen hundred twenty ($1,320.00) dollars per annum; one chief comparer who shall be paid the sum of eighteen hundred seventy ($1,870.00) dollars per annum; one assistant comparer, sixteen hundred fifty ($1,650.00) dollars per annum; five comparers who shall each be paid the sum of thirteen hundred and twenty ($1,320.00) dollars per annum; seven typists who shall each be paid the sum of twelve hundred ten ($1,210.00) dollars per annum; ten pen copyists who shall each be paid the sum of twelve hundred ($1,200.00) dollars per annum; one stenographer and receipt book clerk who shall be paid the sum of thirteen hundred twenty ($1,320) dollars per annum; during the time the Register of Deeds performs all the duties required by law as Register of Titles, he shall appoint and employ one deputy who shall be paid the sum of twenty-five hundred and twenty ($2,520.00) dollars per annum; one second deputy who shall be paid the sum of nineteen hundred and eighty ($1,980.00) dollars per annum; one chief clerk who shall be paid the sum of sixteen hundred fifty ($1,650.00) dollars per annum." Increase to be approved by county board, by Laws 1927, c. 425, § 2.

SHERIFF

905 31 — 260 | 905 33 — 266

See § 821 for term.

905. Bond and oath—Every person elected or appointed to the office of sheriff, before entering upon his duties, shall give bond to the state in a sum not less than twenty-five thousand dollars in counties whose population exceeds one hundred and fifty thousand, and not less than five thousand dollars in all other counties, to be approved by the county board, conditioned that he will well and faithfully in all things perform and execute the duties of his office, without fraud, deceit, or oppression, which bond, with his oath of office, shall be filed for record with the register of deeds. (547) [925]

17-451, 429; 55-318, 56+1065, 43 Am. St. Rep. 506.

906. Failure to qualify—If any person elected to the office of sheriff fails to give the bond and take the oath prescribed by law on or before January 10 next succeeding his election, it shall be deemed a refusal to serve. (548) [926]

907. Powers and duties—The sheriff shall keep and preserve the peace of his county, for which purpose he may call to his aid such persons or power of his county as he deems necessary. He shall also pursue and apprehend all felons, execute all processes, writs, precepts, and orders issued or made by lawful authority and to him delivered, attend upon the terms of the district court, and perform all of the duties pertaining to his office. (549) [927]

14-487, 364; 16-490, 443; 25-432, 441; 35-365, 29+1, 129-11, 151+407.

907¹ 31 — 192

907-1. Duties of sheriff in counties having 300,000 inhabitants or over—The sheriff shall perform all the duties and services now, or which may hereafter be required by law to be performed by him, and in addition shall serve all papers, post all notices named by law to be served or posted in behalf of the state or of the county for which he is elected, including all papers to be served or notices to be posted by the board of county commissioners, the county auditor, or by any other county officer. [1022] ('13, c. 440 § 2)

908. Shall give certificate, when—Every sheriff, if required, shall give, without charge, to any person delivering process or papers to him for service or execution, a certificate, under his hand, specifying therein the names of the parties, the nature of the process or paper, and the day of such delivery. (550) [928]

909. Failure to pay over money—If any sheriff or deputy shall fail to settle with and pay over to the county board, according to law, any money collected or received by him for the use of or belonging to the county, or shall fail to settle with and pay over to the person entitled thereto any money he may have collected or received by virtue of any execution, process, judgment, order, or decree, or in any other way, by virtue of his office, such board or person may proceed

against such sheriff or deputy in a summary manner before the district court, by an order to show cause why he should not pay over such money, and upon the hearing thereof the court may order such sheriff or deputy to pay to such board or person the amount found due, with twenty per cent thereon as damages for such failure, together with the costs of the proceedings; and, upon failure to comply with such order, such sheriff or deputy may be committed to jail as for a contempt. (551) [929]

Applicable only where duty plain and neglect wilful (71–408, 74+156; 74–80, 76+1020; 97–529, 106+965; 111–414, 127+185). When money received "by virtue of his office" (53–346, 55+557). Applicable where sheriff delivers property to purchaser at execution sale without receiving purchase price (39–59, 38+704); where sheriff refuses to execute writ of execution (33–147, 22+622). Penalty of twenty per cent. discretionary with court. Order on hearing appealable (29–162, 12+452).

910. Neglect of duty—If any sheriff shall neglect to make due return of any writ or other process or paper delivered to him to be executed, or shall be guilty of any misconduct in relation to the execution thereof, he may be proceeded against by the party interested in the manner provided in § 909, and in addition to requiring the performance of the duty neglected, or the correction of the injury done, the court may impose upon such sheriff a fine, for the use of the county, not exceeding two hundred dollars; but nothing herein shall prevent the person injured from maintaining an action for damages against the sheriff, or upon his official bond. (552) [930]

33–147, 22+622. 39–59, 38+704; 74–80, 76+1020; 111-414, 127+185.

911. Criminal process, when filed—On or before the last day of the term for which the same was issued, every sheriff or other officer or person who serves a subpoena or other process issued by the court in a criminal action shall file the same, with a statement of his fees indorsed thereon, with the clerk of such court. (553) [931]

912. Not to buy at sheriff's sale—No sheriff shall become the purchaser, either directly or indirectly, of any property, real or personal, by him exposed to sale by virtue of any mortgage, judgment, execution, or other process; and all such purchases made by any sheriff, or any other person for him, shall be void. (554) [932]

913. Powers after expiration of term—Every sheriff going out of office by expiration of his term may execute and return all writs, processes, and orders which shall then be in his hands, and which he shall have begun to execute by service, levy, or collection of money thereon; Provided, that if such sheriff dies, or from any cause is unable to act, the sheriff in office, upon the delivery to him of any such writ, process, or order, together with the return or memorandum of the action, if any, of such late sheriff under the same, shall complete the execution thereof in the same manner and with like effect as if the same had been originally delivered to him, and the return of such succeeding sheriff upon any such process or order, or his deed given in pursuance of the execution thereof, shall be prima facie evidence of the disability of the late sheriff to complete the execution of such process or give such deed. (555) [933]

25–432, 440.

914. County jail—The sheriff shall have the charge and custody of the county jail, and shall receive and safely keep therein all persons lawfully committed thereto, and shall not release any person therefrom unless discharged by due course of law. (556) [934]

136–27, 161+210.

915. May convey prisoners—The sheriff or other officer who legally arrests a person in any county may pass through any other county by him deemed necessary to convey such person to the place commanded by the process under which the arrest was made. (557) [935]

916. Disabilities—No sheriff, deputy sheriff, or coroner shall appear or practice as an attorney, solicitor, or counselor in any court, or draw or fill up any process, pleading, or paper for any party in any action or proceeding, nor, with intent to be employed in the collection of any demand or the service of any process, advise or counsel any person to commence an action or proceeding; nor shall any sheriff or deputy sheriff be eligible to any other lucrative civil office, except village or city marshal. Either of said officers, for a violation of any of the provisions of this section, shall forfeit not to exceed fifty dollars, to be recovered by the county in a civil action. (558) [936]

917. Deputies—Every sheriff shall appoint, under his hand, a sufficient number of persons as deputy sheriffs, for whose acts he shall be responsible, and whom he may remove at pleasure. Before entering upon his official duties, the oath and appointment of each shall be filed with the register of deeds. (559) [937]

14–537, 408; 25–383.

918. Women may be appointed deputy sheriffs—The presiding judge of any district court at any time before the return of a verdict by a petit jury composed of both men and women, serving upon a case pending therein, by order issued to the sheriff and entered upon the minutes of the court, may direct the sheriff to appoint a female legal voter of the county as special deputy sheriff or bailiff to serve until the discharge of such jury from further service upon the pending case. The appointment shall forthwith be made and entered upon the minutes of the court and before entering upon the performance of her duties, the person so appointed shall take and subscribe the oath by law required of deputy sheriffs and file the same with the clerk. ('21 c. 369 § 1)

919. To have charge of juries when—Upon taking the oath by law required by officers in charge of petit juries the person so appointed may be directed by the court to have charge of such jury conjointly with the male deputy sheriff or bailiff performing such duty. Female special deputy sheriffs and bailiffs so appointed shall in all things perform the duties and be subject to the penalties by law prescribed for other officers having charge of petit juries. ('21 c. 369 § 2)

920. Compensation—Each such deputy shall receive as compensation three dollars per day while in attendance upon the court in charge of such jury. ('21 c. 369 § 3)

921. Settlements with county board—The sheriff shall settle with and pay over to the county board at its regular sessions, and as often as required, all money collected or received by him for the use of, or belonging to, the county. (560) [938]

922. Deputies attending court—The judge of the district court in each county, before the commencement of any general term, shall, by order issued to the sheriff, fix the number of deputies required during such term, and direct the sheriff to furnish the same. The sheriff shall file said order with the clerk. Each such deputy shall receive as compensation three dollars per day while attending such term of court. (561) [939]

923. Compensation of jailers—The judge of the district court shall from time to time determine the com-

pensation to be allowed for the services of a jailer in each county in his district, which compensation shall be paid monthly out of the county treasury upon the warrant of the auditor; such jailer to be appointed by the sheriff, subject to the approval of the judge. When prisoners are committed to the jail from a county other than that in which the jail is situated, such judge shall by order ratably apportion the amount to be paid by such county for jailer's fees. Upon the presentation of a certified copy of the order to the auditor of such county, he shall draw his warrant on the treasurer in favor of said jailer for the amount of such compensation. (562) [940]

25–383, 386.

923N
29 — 152
29 — 161
29 — 316
29 — 317

Compensation of sheriffs, deputies and employes, expense and appointment in particular counties—In all counties having not less than 220,000 and not more than 330,000 inhabitants, the salary of the sheriff shall be $6000.00 per annum, in lieu of fees, and he shall appoint and employ one chief deputy at $2800.00 per annum, one bookkeeper and cashier $2100.00 per annum, one assistant bookkeeper $1380.00 per annum, one stenographer $1200.00 per annum, two women deputy sheriffs $1200.00 per annum, three deputy sheriffs $1800.00 per annum, five deputy sheriffs $1500.00 per annum, five deputy sheriffs $1800.00 per annum; additional court room deputies for each judge of the district court at $1410.00 per annum, matron of jail $900.00 per annum, assistant matron $800.00, chief jailer $1600.00 per annum, seven assistant jailers $1350.00. ('09 c. 361; amended '13 c. 203; '15 c. 137; '17 cc. 481, 510; '19 c. 304; '21 cc. 336, 449; '23 c. 307 § 3)

923N
25 — 370R
31 — 258
31 — 313

923 Note
33 — 24
33 — 85

In each county having not less than 240,000 and not more than 350,000 inhabitants which constitues a single judicial district, there shall be a revolving fund of $2000.00 instead of $1000.00. ('09 c. 361 § 5; amended '23 c. 302 § 1)

In each county having not less than 200,000 nor more than 275,000 inhabitants, the county board may appropriate not to exceed $300.00 per annum to compensate deputy sheriffs for use of automobiles owned by them. ('17 c. 256. Rep. '27, c. 370, § 5).

In all counties having 2500 square miles and less than 35,000 inhabitants or more than 2500 square miles and less than 15 000 inhabitants, counties having less than 10,000 inhabitants and an area exceeding 2500 square miles shall be known as class "A" counties; counties having 10 000 inhabitants and less than 15,000, class "B"; counties having 15,000 and less than 20,000 inhabitants, class "C"; counties having 20,000 and less than 25,000 inhabitants, class "D"; counties having 25,000 and less than 30,000 inhabitants, class "E"; counties having 30,000 and less than 35,000 inhabitants, class "F"; and the sheriffs in such counties shall receive compensation: class "A", $800.00 per annum; class "B", $900.00 per annum; class "C", $1000.00 per annum; class "D", $1100.00 per annum; class "E", $1200.00 per annum and class "F", $1300.00 per annum; such sheriffs also to receive compensation for expenses and to have the right, if the salary provided is inadequate, to appeal to the County Board; such salaries not to include compensation for jailers and matrons or court deputies, which compensation is fixed by district court. ('09 c. 470, amended '11 c. 143)

In each county having less than 2500 square miles in area and a population of 45,000 inhabitants and in each county having an area exceeding 2500 square miles and a population of less than 15,000, all counties having less than 10,000 inhabitants and all counties having an area exceeding 2500 square miles and a population of less than 15,000 inhabitants shall be known as counties of class "A"; counties having 10,000 but less than 15,000, class "B"; counties having 15,000 and less than 20 000 inhabitants, class "C"; counties having 20,000 but less than 25,000 inhabitants, class "D"; counties having 25,000 but less than 30,000 inhabitants, class "E"; counties having 30,000 but less than 35,000 inhabitants, class "F"; counties having 35,000 but less than 40,000 inhabitants, class "G"; counties having 40,000 but less than 45,000 inhabitants, class "H"; the salary of the sheriff in such cases shall be: class "A", $800.00 per annum; class "B", $900.00 per annum; class "C", $1000.00 per annum; class "D", $1100.00 per annum; class "E", $1200.00 per annum; class "F", $1300.00 per annum; class "G", $1400.00 per annum, and class "H", $1500 00 per annum; such compensation not to include expenses of sheriff, jailers, and matrons' fees, court deputies or the like, which are to be fixed by order of the district court, and sheriff is given the right to appeal when salary is inadequate. ('13 c. 135)

In each county having not less than 80 congressional townships and an assessed valuation of more than $20,000,000.00, the sheriff shall receive an annual salary of $3600.00; chief deputy $1680.00, second deputy $1500.00, third deputy $1320.00, jailer $600.00, and an additional deputy bailiff or court officer not to exceed $100.00 per month. ('17 c. 156)

Laws '17, c. 156, § 7 repeals Laws '13, c. 390.

In all counties having less than 55,000 inhabitants, excepting counties having an area of more than 2500 square miles and a population of more than 15,000 and less than 19,000 inhabitants, counties having an area of less than 2300 square miles and a population of less than 10,000 inhabitants shall be known as class "A"; counties having 10,000 but less than 15,000 inhabitants, class "B"; counties having 15,000 but less than 20,000 inhabitants, class "C", counties having 20,000 but less than 25,000 inhabitants, class "D"; counties having 25,000 but less than 30,000 inhabitants, class "E"; counties having 30,000 but less than 35,000 inhabitants, class "F"; counties having an area of more than 2300 square miles and a population of less than 40,000 inhabitants but exceeding 35,000 inhabitants, class "G"; counties having a population of 40,000 but less than 45,000 inhabitants, class "H"; counties having 45,000 but less than 50,000 inhabitants, class "I"; counties having 50,000 but less than 55,000 inhabitants, class "K"; the sheriffs shall receive salaries as follows: Class "A" $1000 00 per annum; class "B", $1100.00 per annum; class "C", $1200.00 per annum; class "D", $1300.00 per annum; class "E", $1400.00 per annum; class "F", $1500.00 per annum; class "G", $2000.00 per annum; class "H", $2200.00 per annum; class "I", $2400.00 per annum; class "K", $2500.00 per annum, said salaries shall not include salaries of jailers, matrons, court deputies, etc., which shall be fixed by the court and the sheriff may appeal to county board on showing that compensation is inadequate. ('17 c. 312)

In each county having 330,000 inhabitants, the sheriff shall receive an annual salary of $5000.00 and shall employ one chief deputy at $2800.00, one bookkeeper $1800.00, one stenographer $1500.00, one tax collection deputy $1400.00, three outside deputies $2000.00 per annum, one deputy for care of insane $1500.00 per annum, two deputies for service of processes and of criminals $1500.00, one jailer $1400.00 per annum, one assistant jailer $1400.00 per annum, one matron $750.00 per annum, two night watchmen $1200.00, one cook $1000.00 per annum, two deputies in charge of juries $1500.00 per annum, eight general deputies $1400.00 per annum, two outside patrol deputies $1725.00 per annum, court room deputy for each district judge $1400.00 per annum. ('13 c. 440 amended '17 cc. 109, 511; '19 c. 302 §§ 5, 6)

In each county having 380,000 inhabitants, the sheriff shall receive an annual salary of $5000.00, and shall employ one chief deputy $2940.00, one assistant chief deputy $2200.00 per annum, one assistant bookkeeper $1650.00 per annum, one special deputy $1650.00, one deputy for tax collections $1650.00, four outside deputies $2200.00, one deputy for insane $1760.00, three outside deputies for service of criminal and other process $1760.00 per annum, one jailer $1705.00, four outside criminal deputies $2400.00 per annum, one assistant jailer $1650.00 per annum, one matron $990.00 per annum, four night watchmen $1450.00 per annum, one cook $1320.00 per annum, two deputies in charge of juries $1760.00 per annum, eight general deputies $1650.00 per annum, two outside patrol deputies $1650.00 per annum, three general deputies $1980.00, one stenographer $1320.00, court room deputies for each district judge $1650.00. ('21 c. 133; amended '23 c. 161; '23 c. 419 §§ 5, 6)

In each county having not less than 41 nor more than 45 congressional townships and an assessed valuation of not less than $14,000,000.00 nor more than $18,000,000.00, the sheriff shall receive a salary of $2520.00 per annum. ('19 c. 224, superseded '21 c. 437)

In event of state of war between government of United States and any other power, sheriff of any county having over 300,000 inhabitants shall appoint any number of special deputies necessary to conserve peace but who shall act without compensation. ('17 c. 405)

In all counties having over 150,000 and less than 200,000 inhabitants, the sheriff shall receive an annual salary of $4500.00 per annum and may employ a sufficient number of deputies and other employes necessary to discharge the duties of his office. ('11 c. 145)

In all counties having a population of more than 150,000 inhabitants and an area of more than 5000 square miles, the salary of the sheriff shall be $4500.00 per annum and he shall employ a sufficient number of deputies to discharge the duties of his office. ('21 c. 492)

Laws 1925, c. 80, § 1, amends Laws 1917, c. 156, § 4, relating to counties with less than 80 congressional townships and assessed valuation of more than $20,000,000 and less than $50,000,000, to read as follows: "The salaries aforesaid shall be paid monthly in the same manner as other county officials are now paid and the same shall be in full compensation for all services rendered by said officers except as hereinafter provided; provided, that such sheriff shall be allowed the expenses necessarily incurred by him or any of his deputies in the performance of their official duties, which shall be allowed and paid in the same manner as other claims against such counties are paid and allowed, except that expenses incurred by them in performing the services required of them in connection with insane persons and transportation of criminals and other persons to state institutions and other charges and expenses incident thereto shall be allowed and paid as by law in such cases provided.

All claims for livery hire shall state the purpose for which livery was used and have attached thereto a re-

ceipt for the amount paid for such livery signed by the person of whom it was hired, and if the sheriff uses his own team or automobile in the necessary performance of the official duties of his office, he shall be allowed for the use thereof such reasonable amount as may be allowed by the county board subject to appeal as in other cases of claims, not exceeding the amount which would be charged reasonably by any other person for the use of such team or automobile under the same circumstances; provided further that nothing in this act contained shall be construed to prevent such sheriff from collecting all fees, mileage and other expenses or charges provided for or authorized by law and not herein otherwise mentioned, from the State or any department thereof or any other person or corporation other than his county and said sheriff shall on the first Monday of each month file with the County Auditor of said county a correct statement of all such fees, mileage, expenses and other charges received by him and turn all moneys into the county treasury."

Laws 1925, c. 91, § 13, relating to counties with less than 41 nor more than 43 congressional townships and population of not less than 25,000 nor more than 30,000, reads as follows: "Sheriff, the sum of $1,800.00 per year. There shall also be allowed the sum of $1,320.00 for the hire and compensation of a deputy sheriff The sheriff shall be allowed all necessary traveling expenses incurred by him or his deputy in the performance of the official duties of his office, provided that if he or his deputy shall use the sheriff's automobile for travel in the performance thereof, he shall be allowed and paid nine cents per mile for the use thereof. The salary and expenses aforesaid shall be in lieu of all other fees and expenses paid by the county, except for the board and care of prisoners, and in addition thereto he shall be allowed to retain all other fees earned by him in connection with his office." Compensation to be in full for all services, by § 14. Additional clerk hire, not to exceed $80 per month allowed, by § 15. Compensation subect to Gen. St. 1923, §§ 976, 977, by § 17. Clerk hire to be paid only for work performed, by § 18.

In counties with over 150,000 and less than 240,000 inhabitants and assessed valuation of more than $300,000,000, exclusive of money and credits, salary of sheriff is fixed at $6,000 per annum, increase over present salary to be determined by county board, by Laws 1925, c. 130, § 1.

In counties with population of not less than 200,000 and not more than 275,000 county board may appropriate not to exceed $300 per annum to compensate deputy sheriffs for use of automobile used by them, by Laws 1925, c. 370, §§ 1 to 4. Section 5 repeals Laws 1923, c. 256.

Laws 1927, c. 225, amends Laws 1921, c. 437, § 5, relating to counties with not less than 41 or more than 45 congressional townships and assessed valuation of not less than $14,000,000 nor more than $18,000,000, to read as follows: "Sheriff, $2,520.00 per year and expenses in connection with official services rendered for the county, which salary and expense shall be in lieu of all other fees and expenses paid by the county, except for the board and care of prisoners. That upon a proper written application by the said sheriff to the District court of said county, showing the necessity therefor, the name of the appointee as deputy sheriff, and the reasonable salary contemplated, and on approval of said application, by the said court, there shall be allowed a reasonable sum to be determined by the said District court for the hire and compensation of a deputy sheriff of said county, and whose compensation shall be paid as set forth in this Act."

Laws 1927, c. 125, § 1, amends Laws 1923, c. 419, § 6, relating to counties with population of 330,000 or over, to read as follows: "The sheriff shall appoint and employ one chief deputy who shall be paid the sum of twenty-nine hundred forty ($2,940.00) dollars per annum: one assistant chief deputy and auditor who shall be paid the sum of twenty-two hundred ($2200.00) dollars per annum; one assistant bookkeeper who shall be paid the sum of sixteen hundred fifty ($1,650.00) dollars per annum; one special deputy who shall be paid the sum of sixteen hundred fifty ($1,650.00) dollars per annum; one deputy for tax collections, who shall be paid the sum of sixteen hundred fifty ($1,650.00) dollars per annum; four outside deputies who shall each be paid the sum of two thousand two hundred ($2,200.00) dollars per annum; one deputy for the care of the insane, who shall be paid the sum of seventeen hundred sixty ($1,760 00) dollars per annum; three outside deputies to attend to the service of criminal and other processes, who shall each be paid the sum of seventeen hundred and sixty ($1,760.00) dollars per annum; one jailer who shall be paid the sum of seventeen hundred and five ($1,705.00) dollars per annum; four outside criminal deputies who shall each be paid the sum of twenty-four hundred ($2,400.00) dollars per annum; twelve uniformed motorcycle deputies, each deputy to furnish his own motorcycle, maintenance thereof and uniform, who shall each be paid the sum of two thousand four hundred ($2,400.00) dollars per annum; one assistant jailer who shall be paid the sum of sixteen hundred and fifty ($1,650.00) dollars per annum; one matron who shall be paid the sum of nine hundred ninety ($990.00) dollars per annum; four night watchmen who shall each be paid the sum of fourteen hundred and fifty ($1,450.00) dollars per annum; one cook, who shall be paid the sum of thirteen hundred and twenty ($1,320 00) dollars per annum; two deputies in charge of juries who shall each be paid the sum of seventeen hundred and sixty ($1,760.00) dollars per annum; eight general deputies who shall each be paid the sum of sixteen hundred and fifty ($1,650.00) dollars per annum; two outside patrol deputies who shall each be paid the sum of sixteen hundred and fifty ($1,650.00) dollars per annum; three general deputies who shall each be paid the sum of nineteen hundred and eighty ($1,980.00) dollars per annum; one stenographer who shall be paid the sum of thirteen hundred and twenty ($1,320.00) dollars per annum. The sheriff shall also appoint and employ as many court room deputies as there are district court judges in and for said county. Said deputies shall attend the court of said judges and perform such duties pertaining to the sheriff's office as the sheriff may require; the compensation of each of such deputies shall be sixteen hundred fifty ($1,650.00) dollars per annum.

An expense fund of two thousand ($2,000.00) dollars shall be set aside out of the first moneys received as fees from and after the passage of this act to be used by the sheriff to meet the current monthly expenses of the office, the money so used to be replaced in said fund at the end of each month when such expense is allowed by the County Board.

Any additional salaries provided for in this act, unless otherwise provided for, shall be paid out of any money in the county treasury not otherwise appropriated." 33 — 87 924

COUNTY ATTORNEY

924. Term—Bond—There shall be elected in each county a county attorney, whose term of office shall be two years and until his successor qualifies. Before entering upon his duties, he shall give bond to the county in the penal sum of one thousand dollars, to be approved by the county board, conditioned that he will faithfully and impartially discharge the duties of his office, and pay over without delay to the county treasurer all moneys which come into his hands by virtue thereof, which bond and his oath shall be filed for record with the register of deeds, and when so recorded shall be forwarded by the register to the secretary of state. (563) [964]

45–309, 47+802.
See § 821 for term. (131–401, 155+629).

925. Justice ineligible—No person who holds the office of justice of the peace shall be eligible to the office of county attorney, and no person shall hold both of said offices at the same time. (564) [965]

926. Duties—The county attorney shall appear for the county in all cases in which it is a party, give opinions and advice upon request to the county board or any county officer upon all matters in which the county is or may be interested, or in relation to the official duties of such board or officer; attend upon all terms of the district court for such county, and upon all other courts having criminal jurisdiction for the preliminary examination of persons charged with crime, when such court shall request his attendance and furnish him a copy of the complaint; attend before the grand jury upon their special request, give them legal advice, and examine witnesses in their presence, and issue subpoenas to bring witnesses before such jury or any magistrate before whom he is conducting an examination; and at the request of the coroner he shall attend any inquest. He shall draw all indictments and presentments found by the grand jury, and prosecute the same to a final determination in the district court, and, whenever requested by the attorney general, shall appear for the state in any case instituted by such attorney general in his county, or before the United States land office in case of application to pre-empt or locate any public lands claimed by the state, and assist in the preparation and trial. (565) [966] 33 — 317 926

To appear in all cases where the county is a party (16–381, 340; 23–299). To attend at preliminary examination of offenders (16–408, 365). To advise county officers (24–150).

927. Register of criminal actions—Every county attorney shall keep a register, to be known as the "Register of Criminal Actions," in which he shall enter the title of all criminal actions prosecuted by him, or reported to him by any justice of the peace, including preliminary examinations, immediately upon the conclusion of such trial or examination, or receipt of such report if the action is in justice court, and within ten days after the adjournment of the term if in district court, giving the date when the prosecution was begun, the date of finding an indictment or of filing an appeal in the district court, the nature of the accusation, and result of such examination or prosecution; if convicted, the nature and extent of the punishment inflicted, and whether the defendant was under the influence of intoxicating liquor when the crime was committed. Also the amount of costs taxed and fines imposed and the amount paid in each case. (566) [967]

928. Transcript to attorney general—On or before January 10 in each year, the county attorney shall transmit to the attorney general a transcript of such register, certified by him for the preceding calendar year, which the attorney general shall file, and forthwith receipt for. Upon the delivery of such receipt to the county auditor, and not otherwise, he shall issue to such county attorney a warrant for his salary for the preceding month. (567) [968]

The evidence sustains the verdict that defendant, as an election judge, willfully and knowingly added the names of fictitious persons to the poll list. 158–254, 197+284.

929. Not to receive fees—Prohibitions—No county attorney or assistant county attorney shall receive or accept any fee or reward from, or which is paid or given on behalf of any one for services rendered or to be rendered in the prosecution or conduct of any official duty or business. And no person as an attorney, who directly or indirectly advises in relation to, or aids or promotes the defence of, any action or proceeding in any court or prosecution which is carried on by a person as county attorney, with whom such attorney is directly or indirectly connected, or who, having himself prosecuted any action or proceeding as county attorney, shall afterwards advise in relation to or take any part in the defense thereof; nor shall any attorney be allowed to prosecute or assist such county attorney or assistant in any criminal prosecution or other official action where such attorney is interested in any other action or matter pending or to be commenced in which a recovery depends upon the matter involved in such prosecution or other official action. Any person offending against any provision of this section shall be guilty of a misdemeanor. (568) [969]

136–142, 161+382.

930. Other attorney, when—When there is no county attorney, the county board may employ any competent attorney to perform such legal services for the county as may be necessary. Such board may also employ an attorney other than the county attorney either to assist him, or to appear for the county or any officer thereof, in any action to which such county or officer in his official capacity is a party, or to advise the board or its members in relation thereto, or in relation to any other matter affecting the interests of the county, and may pay such attorney out of the funds of the county. (569) [970]

133–343, 158+605; 141–64, 169+254.
See '19 c. 259.

930½ 29 — 147

930½. County attorney may appoint assistant—Bond—Compensation—The county attorney of any county in this state, who has no assistant, is hereby authorized to appoint, with the consent of the county board of said county, an attorney to assist him in the performance of his duties. Such assistant shall have the same duties and be subject to the same liabilities as the county attorney, and shall hold his office during the pleasure of the county attorney. Such assistant shall be appointed in writing and before entering upon the duties of his office, shall give bond to the county in the penal sum of Five Hundred Dollars ($500.00), to be approved by the county board, conditioned in the same manner as the bond required of the county attorney, which bond, with his oath and appointment, shall be filed for record with the register of deeds. Such assistant county attorney shall receive no compensation from the county, but shall be paid for his services by the county attorney appointing him: provided however, that in all counties in this state having a population of not less than 28,100 and not more than 30,600, and in which there is a city of the third class or of larger size, the county board of such county may fix the salary of the assistant county attorney appointed pursuant to the provisions of this act, and the salary when so fixed by such county board shall thereafter be paid by the county in equal monthly installments upon the warrant of the county auditor, during the period for which such salary is so fixed or during such portion thereof as the assistant county attorney shall continue in office. ('21, c. 444; amended '25, c. 15, § 1)

931. Law partner not to defend—No law partner of the county attorney, or attorney having his office with him, shall appear for the defendant in any criminal action which it is the duty of the county attorney to prosecute. (570) [971]

932. Attorney to assist—The judge of any district court may, by order entered in the minutes at any term of court, appoint an attorney of such court to act as, or in the place of, or to assist the county attorney at such term, either before the court or grand jury. The person so appointed shall take the oath required by law of county attorneys, and thereupon may perform all his duties at such term of court, but shall receive no compensation, where the county attorney is present at such term, except by his consent, and to be paid from his salary. (571) [972]

47–219, 49+690; 69–508, 72+799, 975; 83–293, 86+102; 90–348, 97+101.

933. Render account—Pay over moneys—On or before January 1 in each year the county attorney shall file in the office of the county auditor a verified account of all moneys received by him during the preceding year by virtue of his office, specifying therein the name of the person from whom received, the amount paid by each and on what account, and, unless previously paid, shall at the same time pay over such moneys to the county treasurer, and take duplicate receipts therfor, one of which he shall file with the county auditor. If he shall refuse or neglect to account for and pay over any moneys so received, the auditor shall cause an action to be instituted upon his bond to recover the same, and damages for failure to account. (572) [973]

934. Contingent fund—Expenses—The county board may set apart yearly a sum not exceeding two thousand dollars as a contingent fund for defraying necessary expenses not especially provided for by law, in preparing and trying criminal cases, conducting investigations by the grand jury, and paying the necessary expenses of the county attorney incurred in the business of the county. All disbursements from such fund

shall be made upon written request of the county attorney by auditor's warrant, countersigned by a judge of the district court. Any balance remaining at the end of the year shall be transferred to the revenue fund. Provided that in counties now having or that may hereafter have a population of not less than forty-five thousand (45,000) nor more than sixty thousand (60,000) and containing an area not less than thirty-five (35) nor more than fifty-five (55) congressional townships, the maximum limit for the contingent fund of the county attorney, appropriated by the county board, shall not exceed the sum of one thousand dollars ($1,000.00). (R. L. '05 § 574, amended '09 c. 233 § 1; '17 c. 307) [975]

934-1. Funds for investigation by county attorney of law violations by banks, trust companies, and building and loan associations—The County Board of any county in this state upon the request of the County Attorney of such county may appropriate for the use of the County Attorney such funds not otherwise appropriated, as he deems necessary for the investigation and the procuring of evidence when he has reason to believe that any closed bank, savings bank, trust company or building and loan association incorporated under the laws of the State of Minnesota has violated any provision of law. Such amount shall be in addition to the contingent fund of such county now allowed by law and shall be disbursed only on order of a District Judge of the district in which any such county is located, approving such expenditure. ('25, c. 264, § 1)

934-2. Same—Borrowing money—The county board, if no funds are available, may borrow such money as it deems necessary to carry out the provisions of this act, but such loan shall not run over one year. ('25, c. 264, § 2)

Explanatory note—Section 4 of Laws 1925 repeals all inconsistent acts or parts of acts.

For "this act" see sections 934-1, 934-2.

935
29 — 147

935. Compensation in certain counties—In all counties in which the compensation of the county attorneys is not fixed by special law, or by law classifying counties otherwise by population alone, the salary of the county attorney shall be as follows:

In counties whose population according to the last completed state or national census, is less than forty-five thousand, the salary of the county attorney shall be fixed by the county board in an amount not exceeding twenty-five hundred dollars per year; and not less than one thousand dollars per year; if dissatisfied with the amount so fixed, any county attorney may appeal to the district court within thirty days by filing with the auditor a notice thereof. The court either in term or vacation and upon eight days' notice to the chairman of the board, shall hear such appeal and summarily determine the amount of such salary for the term of office by an order, a copy of which shall be filed with the auditor.

In counties whose population is forty-five thousand or more and less than seventy-five thousand the salary shall be two thousand five hundred dollars per year, which shall be paid monthly by the county. The provisions of this act shall not apply to counties having more than seventy-five thousand inhabitants. (R. L. '05, § 573; amended '09, c. 313; '11, c. 214, § 1; '27, c. 415) [974]

34–554, 27+65; 47–219, 49+690; 90–348, 351, 97+101. 136–142, 161+382.

COMPENSATION OF COUNTY ATTORNEY AND APPOINTMENT OF ASSISTANTS IN PARTICULAR COUNTIES

935N
29 — 69
29 — 187
29 — 194
29 — 339

The salary of the county attorney in each county having not less than 220,000 and not more than 330,000 inhabitants, shall be $5,000 and such attorney shall employ one first assistant county attorney at $3,250 per annum; one assistant for county commissioner, $3,000 per annum; one second assistant, $3,000 per annum; one third assistant, $2,200 per annum; one investigator, $2,000 per annum; one stenographer, $1,260.

('11 c. 88 §§ 1 and 2; amended '15 c. 129; '19 c. 304 § 5; '21 c. 336 § 5).

In each county having over 330,000 inhabitants, the salary of the county attorney shall be $6,000 per annum, and he shall employ and appoint one first assistant county attorney at $4,500 per annum; one assistant $4000.00 per annum; one assistant, $3,600 per annum; one assistant, $3,400 per annum; one assistant, $3,000 per annum; one assistant, $2,800 per annum; one assistant $2,400 per annum; one assistant, $2,200 per annum; one stenographer, $1,500 per annum; one stenographer, $1,500 per annum; one stenographer, $1,100 per annum; two inspectors, $2,400 per annum.

('13 c. 440 §§ 6 and 7, amended '17 c. 511; '19 c. 302).

In each county having not less than 100,000 and less than 200,000 inhabitants, the salary of the county attorney shall be $4,000 and he shall appoint a first assistant at $2,500 per annum; second assistant attorney at $2,500 per annum; third assistant $1,800 per annum; and may expend not to exceed in the aggregate for stenographic services $1,800 per annum.

('11 c. 145 §§ 4, 5 and 6; amended '13 c. 118 § 1; '17 c. 357).

In each county having a population of more than 150,000 inhabitants and an area of 5,000 square miles, the county attorney shall receive an annual salary of $4,500 and he shall appoint and employ one first assistant at $3,000 per annum; one second assistant at $3,000 per annum; one third assistant at $3,000 per annum; one fourth assistant at $3,000 per annum; one fifth assistant at $2,500 per annum.

('19 c. 149; amended '19 c. 222; '21 c. 492 §§ 5 and 6; '23 c. 63)

In each county having over 380,000 inhabitants, the salary of the county attorney shall be $6,000 and he shall appoint and employ one first assistant county attorney at $4,500 per annum; one assistant at $4,000 per annum; one assistant at $3,600 per annum; one assistant at $3 400 per annum; two assistants at $3,150 per annum; one assistant at $2,940 per annum; one assistant at $2,500 per annum; one assistant at $2,310 per annum; one assistant to be designated as attorney for county board at $4,500 per annum; three stenographers at $1,760 per annum; two stenographers at $1,320 per annum, and four inspectors at $2,520.

('21 c. 133 §§ 9 and 10; amended '23 c. 419 §§ 9 and 10.)

In all counties having 24,000 inhabitants and over, where the salary of the county attorney is fixed at $700 per annum or less by special law, such county attorneys shall be required when requested by justices of the peace, to attend the trial of misdemeanors before them and for such services shall receive $700 per annum.

('11 c. 110; amended '17 c. 81.)

In each county having not less than 80 congressional townships and an assessed valuation exceeding $25,000,000 and less than $50,000,000, the county attorney shall receive $3,000 per annum as salary and may employ stenographic help not to exceed $800.

('15 c. 56.)

In each county having an area of more than 2,500 square miles and a population of more than 23,000 inhabitants and containing no city or village having a population of more than 3,000 inhabitants, the county attorney shall receive an annual salary of $3,000 per annum, which may be raised by the board of county commissioners to $4,000 per annum, and may employ stenographic assistance at not to exceed $1,200 per annum. ('21 c. 79; amended '21 c. 270)

The county attorney of any county, who has no assistant, may appoint one with consent of county board, who shall receive compensation at the rate of $500 per annum. ('21 c. 444)

In each county having not less than 41 nor more than 45 congressional townships and an assessed valuation of not less than $14,000,000 and not more than $18 000,000, the county attorney shall receive $2,520 per annum.

('19 c. 224, superseded '21 c. 437.)

In counties with not less than 41 nor more than 43 congressional townships and population of not less than 25,000 nor more than 30,000 salary of county attorney is fixed at $2,000 per annum, by Laws 1925, c. 91, § 4. Compensation to be in full for all services, by § 14. Additional clerk hire not to exceed $80 per month allowed by § 15. Subject to Minn. Stat. 1927, §§ 976, 977, by § 17. Clerk hire to be paid only for work performed, by § 18.

In counties with area of more than 380 and less than 400 square miles and population of more than 20,000 county board may allow compensation to assistant county attorney, not to exceed $1,000 per annum, by Laws 1925, c. 132.

Laws 1925, c. 259, relating to counties with population of more than 150,000 and less than 240,000 and area of more than 5,000 square miles, reads as follows: "Section 1. That in all counties of this state now or hereafter having a population of more than 150,000 and less than 240,000 inhabitants and having an area of more than 5,000 square miles, the Board of County Commissioners of said county shall have authority within the limits

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hereinafter specified, to fix the salary, clerks hire allowance and expenses of the county attorney and the number of assistants, clerks and other help and their compensation as hereinafter provided.

"Sec. 2. The County Board of such county may fix the salary of the county attorney at not less than $4,500.00 and not more than $5,500.00 per annum.

"Sec. 3. Such county attorney shall appoint and employ a first assistant county attorney, whose salary shall be fixed by the county board of said county at not less than $3,600.00 and not more than $4,500.00 per annum; a second assistant county attorney whose salary shall be not more than $3,600.00 per annum; a third assistant county attorney, whose salary shall be not more than $3,300.00 per annum; a fourth assistant county attorney, whose salary shall be not more than $3,000.00 per annum; and one investigator whose salary shall be not more than $2,400.00 per annum, all as shall be fixed within such limits by the county board of any such county. All of said Assistant County Attorneys shall be attorneys duly admitted to practice in all the courts of the State of Minnesota and they shall take the official oath of office and execute a bond in all respects the same as the county attorney is by law required to execute, and all said Assistant County Attorneys shall be fully authorized to do and perform, at the direction of the county attorney, any and all duties pertaining to such office of such county attorney. The said investigator shall be a Peace Officer, and shall possess all powers by law provided and vested in Peace Officers, Police Officers and Deputy Sheriffs, and the said Investigator shall be under the sole and exclusive jurisdiction of the county attorney. Such county attorney and such assistant county attorneys and the said Investigator shall also receive actual and necessary traveling expenses incurred in the business of the county, which traveling expenses shall be allowed and paid by the county on a verified itemized bill, in the same manner as other bills against the county.

"Sec. 4. Said county attorney may also employ help for stenographic and clerical work but the aggregate of all salaries and expenses for such stenographic and other clerical work shall not exceed $3,500 00 per annum.

"Sec. 5. The above named salaries and compensation of said county attorney and said assistant county attorneys and said investigator and said stenographers and clerks shall be paid monthly in the same manner as county officials are now paid, and the same shall be in full compensation for all services rendered by said county attorney, assistant county attorneys, investigator, stenographers and clerks respectively, in their capacity except as otherwise provided by law.

"Sec. 6. All acts or parts of acts, whether general or special, that are inconsistent with this Act, are hereby repealed"

In counties with population of over 200,000 and area of over 5,000 square miles county board may allow traveling expenses of county attorney and his assistants, by Laws 1927, c. 74, §§ 1 to 3.

In counties with area of more than 2,500 square miles and population of more than 23,000 and assessed valuation of more than $20,000,000 and less than $50,000,000 salary of sheriff is fixed at $3,600 per annum, by Laws 1927, c. 121, § 1. Section 2 reads as follows: "Said county attorney shall be provided by the county with adequate office room or rooms for the performance of his duties, and may employ stenographic help, to be paid by the county, not to exceed $1,200 per year, payable to the person entitled thereto, in monthly installments, upon warrant of the county auditor, to be issued upon order of the county attorney accompanied by his certificate that the service has been rendered. No allowance for stenographic help shall be made or received in any case except for services actually rendered. An appeal may be taken to the district court as in case of claims if there be excessive or inadequate provision for office rooms."

Laws 1927, c. 184, amends Laws 1921, c. 133, § 10, as amended by Laws 1923, c. 419, relating to counties with population of 380,000 or over, to read as follows: "The County Attorney shall appoint and employ one assistant known as the first assistant county attorney, who shall be paid he sum of forty-five hundred dollars ($4,500.00) per annum; two assistants who shall each be paid the sum of four thousand dollars ($4,000.00) per annum; one assistant who shall be paid the sum of thirty-eight hundred dollars ($3,800 00) per annum; one assistant who shall be paid the sum of thirty-six hundred dollars ($3,600.00) per annum; three assistants who shall each be paid the sum of thirty-four hundred dollars ($3,400.00) per annum; two assistants who shall each be paid the sum of twenty-eight hundred dollars ($2,800.00) per annum; one attorney inspector who shall be paid the sum of twenty-eight hundred dollars ($2,800.00) per annum; one assistant who shall be designated as attorney for the County Board of said county whose appointment shall be first approved by said Board, who shall be paid the sum of forty-five hundred dollars ($4,500.00) per annum; three stenographers who shall each be paid the sum of seventeen hundred sixty dollars per annum; two stenographers who shall each be paid the sum of thirteen hundred twenty dollars per annum; three inspectors who shall each be paid the sum of twenty-five hundred twenty dollars per annum, and traveling expenses, which said investigators shall be peace officers of such counties and shall possess all powers by law provided and vested in sheriffs, constables and policemen."

Laws 1927, c. 420, § 4, amends Laws 1921, c. 492, § 6, as amended by Laws 1923, c. 63, to read as follows: "The salary of the county attorney of each county of this state having a population of not less than two hundred twenty thousand (220,000) and not more than three hundred thirty thousand (330,000) inhabitants, shall be five thousand dollars ($5,000.00) per annum.

Such county attorney shall appoint and employ one assistant known as first assistant county attorney, who shall be paid a salary of three thousand six hundred dollars ($3,600) per annum; one assistant known as attorney for the Board of County Commissioners, who shall be paid a salary of three thousand six hundred dollars ($3,600) per annum; one assistant, known as second assistant county attorney, who shall be paid a salary of three thousand dollars ($3,000.00) per annum; one assistant, known as third assistant county attorney, who shall be paid a salary of twenty-two hundred dollars ($2,200) per annum; one investigator, who shall be paid a salary of two thousand dollars ($2,000) per annum; said investigator shall be a peace officer and shall have all the powers now possessed or hereafter to be possessed by any peace officer, police officer, sheriff or deputy sheriff, including the power to make arrests with or without warrants, such investigator shall be under the sole and exclusive jurisdiction of the county attorney; one stenographer, who shall be paid a salary of fifteen hundred dollars ($1,500) per annum."

In counties with population of over 200,000 and area of over 5,000 square miles county board may allow traveling expenses of county attorney and his assistants, by Laws 1927, c. 74, §§ 1 to 3.

COUNTY SURVEYOR

936. Bond—There shall be elected in each county a surveyor, who shall hold his office for two years and until his successor qualifies. Before entering upon his duties, he shall give bond to the county, approved by the county board, in the sum of five hundred dollars, conditioned for the faithful discharge of his duties, which bond, with his oath, shall be filed for record with the register of deeds. (575) [979]

See § 821 for term.

937. Deputies—Surveys, records, etc.—The county surveyor may appoint such deputies as he thinks proper, for the faithful and correct performance of whose duties he shall be responsible. He shall make all surveys within his county ordered by any court, public board, or officer, or required by any person. He shall keep a fair and correct record of each survey made by himself or deputy, in a book to be provided by the county board, which he shall turn over to his successor in office. He shall number such surveys progressively, and preserve a copy of the field notes, which shall be complete and accurate, and calculations of each such survey, with the number thereof properly indorsed thereon, a copy of which, with a fair and accurate plat, together with a certificate of survey, shall be furnished by such surveyor to any person requesting the same. (576) [980]

62-388, 64+922; 65-384, 67+1005.

938. Compensation—Except as hereinafter provided, the compensation of county surveyors or their deputies shall be four dollars per day while employed in the performance of their respective duties, including the time necessarily spent in traveling to and from the field of their labor, together with all their necessary expenses, payable by the party or parties who employs the surveyor. The surveyor shall receive one dollar and fifty cents for platting each survey in each section over which his survey extends in the county record book of survey, and fifteen cents per folio for recording and indexing of the surveyor's descriptive field

notes; but in no case shall he receive or charge to exceed two dollars and fifty cents for platting and recording the plats and records of the survey of any one section, and the surveyor's fees for platting and recording the surveys shall be paid by the county in which the respective lands are situated, and the surveys of the same are kept. Such records shall be public records and open at all reasonable times to inspection by any person. The county board shall, at the expense of the county, provide for the county surveyor all proper and necessary books for keeping such records. Such county record book of survey shall be kept in the office of the register of deeds of the county. Provided, that the board of county commissioners of any county may, in their discretion, fix a higher compensation than four dollars per day, but not to exceed seven dollars and fifty cents per day for any public work. (R. L. '05 § 577, amended '09 c. 303 § 1; '19 c. 480) [981]

939. Rules for surveys—In all surveys the courses shall be expressed according to the true meridian, and *the variation of the magnetic meridian from the true* meridian shall be expressed on the plat, with the year, month and day of the survey. In subdividing townships, sections, or parts of sections, as established by *the United States survey thereof, and in re-establishing* lost government corners, the county surveyor shall follow the rules established by or pursuant to acts of congress, and all such surveys shall be made in strict con*formity to the original survey made by the United* States. (578) [982]

45–93, 47+461; 52–537, 54+740; 65–384, 67+1005; 72–443, 75+699; 76–496, 500, 79+537, 602; 95–246, 104+4, 6; 111–464, 125+275.

Lost interior section corners should be restored at distances from the nearest known corners north, south, east, and west, proportional to those laid down in the field notes of the original survey. 163–368, 204+317.

940. Plats, etc.—To enable surveyors to conform to the requirements of this chapter, county boards shall procure and file with the registers of deeds of their respective counties certified copies of the original plats and field notes of the United States surveys. (579) [983]

941. Lost posts—When a section or quarter section post originally fixed by the United States survey is destroyed, the surveyor shall fix a new post in accordance with the field notes of the United States surveyor, with similar marks to those placed on like posts by such surveyor. (580) [984]

72–443, 75+699; 78–515, 81+524.
(125–260, 146+1106)

COMPENSATION OF SURVEYORS AND ASSISTANTS, APPOINTMENTS IN THE PARTICULAR COUNTIES.

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In each county having an area of more than 2,500 square miles and an assessed valuation exceeding $20,000,000 and less than $50,000,000, the county surveyor shall receive an annual salary of $2,400 per annum.

('17 c. 456; amended '19 c. 426.)

In every county having more than 300,000 inhabitants, the county surveyor shall receive a salary of $4,000 per annum and shall appoint and employ two deputies who shall be paid $2,000 per annum, one chief clerk and draughtsman, $1,100 per annum; one assistant engineer and rodman, $1,080, two chainmen, $960 per annum ('13 c. 440 §§ 12 and 13; amended '15 c. 225; '17 c. 411; '19 c. 302 §2.)

In counties having 200,000 inhabitants and less than 300,000 inhabitants, the county surveyor shall receive a salary of $3,600 per annum, and may employ two deputies who shall each receive $2,100 per annum; one clerk, $1,260 per annum; two rodmen, $4.25 per day while em*ployed and shall expend not to exceed $500 per annum in* maintaining a team or automobile.

('13 c. 193 §§ 1 and 2; amended '17 c. 412; '21 c. 207; '21 c. 336 § 7)

In every county which has 150 000 and less than 225,000 inhabitants, the county surveyor shall receive $2,500 per annum and shall be allowed traveling expenses not to exceed $1,000 per annum.

('03 c. 53; amended '05 c. 288; '21 c. 375.)

In each county having not less than 41 nor more than 45 congressional townships and an assessed valuation of not less than $14,000,000 nor more than $18,000,000, the county surveyor shall receive the compensation fixed by the board of county commissioners which shall not be less than $5.00 nor more than $15 per day, for public work together with traveling expenses.

('19 c. 224 § 8, superseded '21 c. 437 § 8.)

In every county having more than 380,000 inhabitants the surveyor shall receive a salary of $4,000 per annum, and may appoint two deputies at $2,520 per annum; one chief clerk and draughtsman at $1,430 per annum; one assistant engineer and rodman at $1,430 per annum; two chainmen, each not to exceed $1,320 per annum; two chainmen for six months each year at not to exceed $110 per month, and one mechanical engineer at $1,980 per annum.

('21 c. 133 §§ 3 and 4, amended '23 c. 419 §§ 3 and 4.)

In each county having over 150,000 and less than 225,000 inhabitants, a county surveyor shall be elected who may appoint necessary deputies and shall make all surveys, receiving as fees $2.50 for platting each survey in each section and 15 cents per folio for recording and indexing field notes, $2.50 per section for copies of running field notes for any number of sections less than a complete township and $1.00 for running notes for a complete township of 36 sections, $2.00 for each government township plat proper and a scale of two inches to the mile and 50 cents for each additional blue print, such county surveyor shall receive a salary of $3,500 per annum and necessary traveling expenses not exceeding *$1,000 and may employ one deputy at $1,800 per annum;* one stenographer at $1,080 per annum, and special deputies at not to exceed $5 per day. The act contains further provisions for resurveys, etc.

('23 c. 441.)

In counties with not less than 41 nor more than 43 congressional townships and population of not less than 25,000 nor more than 30,000 county board may fix compensation of surveyor, at not less than 5 nor more than 10 dollars per day, with necessary expenses and help, by Laws 1925, c. 91 § 9. Compensation to be in full *for all services*, by § 14. Additional clerk hire allowed, by § 15. Subject to Minn. Stat. 1927, cc. 976, 977, by § 17 Clerk hire to be paid only for work performed, by § 18.

Laws 1925, c. 368, § 1, amends Laws 1921, c. 133, §§ 3, 4, as amended by Laws 1923, c. 419, relating to counties with population of 380,000 or over, to read as follows: "Sec. 3. The county surveyor in each county having, or which may hereafter have a population of 380,000 inhabitants or over, shall receive from such county a salary of three thousand ($3,000.00) dollars per annum for all services performed by him for the County and in addition thereto the Surveyor shall be furnished with necessary transportation and be reimbursed for such other expenses as may be incurred by him in the performance of his duties.

"Sec. 4. The County Surveyor may appoint and employ one regular deputy who shall be paid the sum of eighteen hundred ($1,800.00) dollars per annum; also one office clerk and stenographer, who shall be paid the sum of one thousand eighty ($1,080.00) dollars per annum. Said County Surveyor may also appoint with the approval of the county board such special deputies as may be necessary, their compensation to be fixed by the county board at an amount not to exceed five ($5.00) per day for any public work."

In counties with population of over 200,000 and area of over 5,000 square miles county board may allow county surveyor and deputy traveling expenses, by Laws 1927, c. 74, §§ 1 to 3.

CORONER

See § 821 for term.

942. Bond—Before entering upon the duties of his office, the coroner shall give bond to the county in such penal sum, not less than five hundred dollars nor more than ten thousand dollars, as the county board directs and approves, with the same conditions, in substance, as in the bond required by law to be given by the sheriff, except as to the description of the office, which bond, with his oath of office, shall be filed for record with the register of deeds. (583) [990]

943. Shall act as sheriff, when—When there is a vacancy in the office of sheriff, the coroner shall exercise the powers and duties of said office until a sheriff is elected or appointed and qualifies; and, when the sheriff is for any cause committed to the jail of his county, the coroner shall be the keeper thereof while the sheriff remains imprisoned. (584) [991]

944. Subject to same liability—Whenever the coroner administers the office of sheriff, he shall perform all the duties and be subject to all the liabilities and

penalties imposed by law upon a sheriff duly qualified. (585) [992]

945. Sheriff a party—Coroner to act—When the sheriff is a party to an action, or when any party, his agent or attorney, makes and files with the clerk of the district court an affidavit stating that he believes the sheriff, by reason either of partiality, prejudice, consanguinity, or interest, will not faithfully perform his duties in any action commenced or about to be commenced, the clerk shall direct all process in such action to the coroner, who shall thereafter perform all the duties of the sheriff relative to such action, and in the same manner as prescribed for a sheriff in the performance of similar duties. (586) [993]

124-162, 144+752.

946. Inquest—Coroners shall hold inquests upon the dead bodies of such persons only as are supposed to have come to their death by violence, and not when the death is believed to have been and was evidently occasioned by casualty. Before any inquest is held, the coroner shall notify the county attorney to appear and conduct the examination of witnesses at such inquest. (587) [994]

947. Jury—Warrant—As soon as the coroner has notice of the finding within his county of the dead body of any person supposed to have come to his death by violence, he shall make his warrant to the constable of the election district where such body is, or the adjoining election district of the same county, requiring such constable forthwith to summon six good and lawful men of said county to appear before such coroner at the time and place specified in such warrant. The warrant may be, in substance, as follows:

State of Minnesota,)
County of .....) ss.

The State of Minnesota to any constable of the county of ....., Greeting:

You are hereby commanded immediately to summon six good and lawful men of the county of ..... to appear before me, the coroner of said county, at (state place and time), then and there to inquire upon view of the body of ....., there lying dead, how and by what means he came to his death. Hereof fail not.

Given under my hand the ..... day of ....., 19...

.....
Coroner.

(588) [995]

948. Constable to execute—Such constable shall forthwith repair to the place where the dead body is, and make return of the warrant and of his doings thereunder, under his hand, to the coroner. And any constable who unnecessarily neglects or fails to execute and return such warrant shall forfeit the sum of five dollars, and, if any person summoned as a juror fails to appear without a reasonable excuse therefor, he shall forfeit a like sum, each of which forfeitures may be recovered by civil action to be brought by the coroner before any justice of the peace of the county, and to its use. (589) [996]

949. Oath—Failure to appear—When the jurors appear, the coroner shall call their names, and then, in view of the dead body, administer to them the following oath: "You do swear that you will diligently inquire, and due presentment make, on behalf of the state of Minnesota, when, how, and by what means the person whose body lies before you did come to his death, and return a true inquest thereof, according to your knowledge and such evidence as shall be laid before you: So help you God." If any of the jurors fail to appear, the coroner may require the constable or any other person whom he shall appoint to return other jurors, until a jury is obtained. (590) [997]

950. Witnesses—Fees—The coroner may issue subpoenas for witnesses, returnable forthwith or at such time and place as he shall direct. The persons served with such subpoenas shall be allowed the same fees, their attendance be enforced in the same manner by the coroner, and they shall be subject to the same penalties as if they had been served with a subpoena in behalf of the state in a criminal case before a justice of the peace. (591) [998]

951. Oath of witnesses—The following oath shall be administered to the witnesses by the coroner, viz: "You do solemnly swear that the evidence you shall give to this inquest concerning the death of the person lying before you dead shall be the whole truth and nothing but the truth: So help you God." (592) [999]

952. Testimony filed—Certificate—Fees—The testimony of all witnesses examined before the coroner's jury shall be reduced to writing by the coroner, or under his direction, and be subscribed by the witnesses respectively. And the coroner shall forthwith file such testimony, together with a record of all proceedings had before him, in the office of the clerk of the district court of the county. And in all cases brought to the attention of the coroner wherein he does not deem it necessary to hold an inquest, he shall file with such clerk a certificate setting forth the facts in relation thereto. For the taking of such testimony the coroner shall be allowed ten cents a folio, and twenty-five cents for such certificate. And the clerk of said court shall forthwith duly file, index, and enter such case or proceeding in a book to be kept for that purpose, in the same manner as civil actions are now entered, and shall receive from the treasury of his county the same fees as are allowed by law for like services in civil actions. (593) [1000]

953. Inquisition—Form—The jury, upon inspection of the dead body, and after hearing the testimony and making the needful inquiries, shall draw up and deliver to the coroner the inquisition, under their hands, in which they shall find and certify when, how, and by what means the deceased person came to his death, and his name, if it was known, together with all the material circumstances attending his death; and, if it appears that his death was caused by criminal violence, the jurors shall further state who were guilty, either as principals or accessories, if known, or were in any manner the cause of his death, which inquisition may be, in substance, as follows:

County of .....)
State of Minnesota,) ss.

An inquisition, taken at....., in the county of ....., on the ..... day of ....., 19.., before..... coroner of said county of ....., upon view of the body of ..... (or a person) lying there dead, by the oaths of the jurors whose names are hereunto subscribed, who, being sworn to inquire on behalf of the state of Minnesota, when, how, and by what means the said ..... (or person) came to his death, upon their oaths do say (insert when, how, and by what person, means, weapon, or instrument he was killed).

In testimony whereof, the said coroner and jurors of this inquest have hereunto set their hands the day and year aforesaid. (594) [1001]

954. Witness bound over—Return—If the jury find that any murder, manslaughter, or assault has been committed, the coroner shall bind over, by recognizance,

such witnesses as he shall think proper, to appear and testify at the next term of the district court at which indictment for such offense can be found. He shall also return to the same court the inquisition, written evidence, and all recognizances and examinations by him taken, and may commit to the jail of the county any witnesses who refuse to recognize in such manner, as he shall direct. (595) [1002]

955. Person charged arrested—If any person charged by the inquest with having committed such offense is not in custody, the coroner shall have the same power as a justice of the peace to issue process for his apprehension; and such warrant shall be made returnable before any justice of the peace or other magistrate or court having jurisdiction in the case, who shall proceed therein in the same manner as in other like cases. (596) [1003]

956. Burial—When any coroner holds an inquest upon view of the dead body of any person unknown, or, being called for that purpose, shall not think it necessary, on view of such body, that any inquest be held, he shall cause the body to be decently buried; and all expenses of the inquisition and burial shall be paid by the county in which such dead body is found. (597) [1004]

957. Deputies—Every coroner shall appoint one or more deputies, who, *in the absence or inability of the* coroner to act, shall have the same powers and be subject to the same liabilities as coroners. Each deputy shall be appointed in writing, and, before entering upon the duties of his office, shall give the bond required by law of the coroner, which bond, with his oath and appointment, shall be filed for record with the register of deeds. Each deputy shall act in his own name as deputy coroner, and hold his office during the pleasure of the coroner. (598) [1005]

957-1. Duties of coroner in counties with population of over 150,000 and less than 240,000—Removal, interference, etc., with dead bodies—Effects of deceased persons—Duties where crime is suspected—In all counties in this state now or hereafter having a population of over 150,000 inhabitants and less than 240,000 inhabitants, it shall be unlawful for any person, in any such county, in any manner, to remove, interfere with, or handle the body or the effects of any deceased person subject to an investigation by the coroner of such county, except upon order of the coroner or his deputy, and the coroner shall receive, take charge of and safely keep the effects found on the body of such deceased persons and make such disposition of the same as the probate court shall direct by written order to said coroner, and if a crime in connection with the death of such deceased person is suspected, the coroner shall have the power to prevent any person or persons from going into or on said premises, or rooms or buildings thereon, and shall have the custody of any objects that he may deem to be of material evidence in such case. ('27, c. 201, § 1)

957-2. *Same — Certificates of death — Penalty* — It shall be unlawful for any person, other than the coroner, to issue a certificate of death in any of the following cases, to-wit: Violent or mysterious deaths, including suspected homicides, occurring in his county, and any willful violation of any of the foregoing provisions of this act shall be a misdemeanor, punishable by fine or imprisonment, or both. ('27, c. 201, § 2)

957-3. Same—Expenses—That the county board of any such county may allow the reasonable and necessary expenses of any such coroner or his deputies, incurred for telephone tolls, telegrams, or postage, solely for the official business of such officers. ('27, c. 201, § 3)

CORONERS IN PARTICULAR COUNTIES 957N 29 — 205

'15 c. 272 as amended by '19 c. 404 provides that in counties not less than 220,000 inhabitants, the coroner shall hold inquests and make investigations and issue his death certificate in all cases of violent, mysterious and accidental deaths, including suspected homicides, and prescribes the procedure for autopsies and inquests. 957 Note 33 — 215

'21 c. 280 provides that in all counties having an area exceeding 5,000 square miles, the coroner shall be a physician and may hold inquests when desired, while '13 c. 446 § 2, relating to coroners in counties over 200 000 and less than 300,000 inhabitants, contains a similar provision as to qualification.

In each county having a population of not less than 150,000 nor more than 200,000 inhabitants, the coroner shall receive $2,400 per year and may employ a clerk at $720 per year and may appoint a deputy when necessary.

('15 c. 151, superseded '19 c. 294.)

In counties having not less than 41 nor more than 45 congressional townships and having a valuation of not less than $14,000,000 and not more than $18,000 000, the coroner shall receive the salary or fees prescribed by law. ('19 c. 224 § 9, superseded '21 c. 437)

In each county having 330,000 inhabitants or more, the coroner shall receive an annual salary of $4,500 per annum and may employ two deputies at $1,500 and one secretary at $1,200 per annum.

('13 c. 440 §§ 18 and 19; amended '19 c. 302 §§ 1 and 2.)

In all counties having 200,000 and less than 300,000 inhabitants, the coroner, who shall be a physician, shall receive a salary of $4,000 per annum and may appoint a chief deputy at $1,600 per annum; a secretary at $2,000 per annum; an assistant secretary at $1,600 per annum, and a morgue keeper at $1,400 per annum.

('13 c. 446 §§ 2 and 3; amended '19 c. 304 § 10; '21 c. 336 § 8; '23 c. 307 § 5.)

In each county having 380,000 inhabitants or over, the coroner shall receive a salary of $4,500 per annum, and may employ two deputies at $1,650 per annum; one deputy at $1,500 per annum; one secretary at $1,320 per annum.

('21 c. 133 §§ 1 and 2; amended '23 c. 419 §§ 1 and 2.)

In counties with not less than 41 nor more than 43 congressional townships and population of not less than 25,000 nor more than 30,000 coroner's fees are as prescribed by law prior to Apr. 23, 1921, by Laws 1925, c. 91, § 10.

SUPERINTENDENT OF SCHOOLS

See § 821 for term.

Women eligible (33–345, 23+529; 103–399, 117+615).

958. Salary—Certain counties excepted—Salaries of county superintendents, except as hereinafter provided shall be fixed by the county board, and shall not be less than a sum equal to fifteen dollars ($15.00) or twelve dollars and fifty cents ($12.50), as herein provided for each organized public school in the county, to be reckoned pro-rata for the year from the time when a new school, organized in any district, begins. It shall be fixed at not less than fifteen dollars ($15.00) for each public school in the county, until the salary, reckoned on that basis, reaches one thousand dollars ($1,000), and in counties where the salary, reckoned at fifteen dollars ($15.00) per school, shall exceed one thousand dollars ($1,000) it shall be reckoned on the basis of not less than twelve dollars and fifty cents ($12.50) for each public school in the county, until the salary reaches two thousand dollars ($2,000) but in no county shall the salary, reckoned on the basis of twelve dollars and fifty cents ($12.50) for each school, be less than one thousand dollars ($1,000). Provided, that when one or more school districts are hereafter discontinued in any county as a result of consolidation, or when school in any school-building is or has been discontinued as a result of consolidation and the children usually attendant thereat are transported to another school in the same or adjoining district by the school authorities, then hereafter the salary of the county superintendent shall be reckoned and an assistant or assistant superintendent, if any, shall be appointed on the basis of the number of schools before such consolidation, or discontinuance, was made. In any county, except as otherwise provided in this Act, the salary of the county superintendent may be fixed by the coun-

ty board at such sum higher than two thousand dollars ($2,000) as the county board shall determine.

The provisions of this section shall apply to all counties in this state excepting (1) those having a population of one hundred and fifty thousand or more, in which the salary of the county superintendent and the appointment and salary of his assistant shall remain as now fixed by law referring to such counties, and (2) other counties where the salary of county superintendent is now fixed by special law in which last-named counties the salary of the county superintendent shall be fixed by such special law, but all other provisions of this act shall apply to such last-named counties.

The term "school" as used in this act shall be understood to mean a school building in which a public school is held. ('11 c. 216 § 1, amended '15 c. 141) [1010]

In counties with not less than 41 nor more than 43 congressional townships and population of not less than 25,000 nor more than 30,000 the salary of superintendent of schools is fixed at $2,040 per annum, with mileage and expenses according to Gen. St. 1923, § 959, and allowance for clerk hire not to exceed $1,500 per annum, by Laws 1925, c. 91, § 11. Compensation to be in full for all services, by § 14. Additional clerk hire allowed by § 15. Subject to Gen. St. 1923, §§ 976, 977, by § 17. Clerk hire to be paid only for work performed, by § 18.

959. Same—Certain expenses—The county board of each county shall pay itemized and verified bills for postage used in official correspondence and in forwarding official documents, express, telegraph and telephone charges in official business, necessary bills for printing notices, circulars, lists, of questions, annual reports required in the proper grading of schools, and necessary and proper expenditures in connection with county graduation exercises, or such reports and classification records as may be required by the state superintendent, together with necessary stationery in the examination of teachers and pupils and for official correspondence; also the local expense in connection with teachers' institutes and training schools and for conducting teachers' examinations. ('11 c. 216, § 2, amended '19 c. 473) [1011]

Expenses allowed superintendent of schools in counties with not less than 41 nor more than 43 congressional townships and population of not less than 25,000 nor more than 30,000 are subject to the provisions of this section, by Laws 1925, c. 91, § 11.

960. Assistants and clerks in certain counties—Appointment, qualifications, and compensation—In counties containing not less than forty-five nor more than seventy-four schools the county superintendent may be allowed annually, such sum for clerk hire as the County Board shall determine, not exceeding the sum of $350.00. In counties containing not less than seventy-five nor more than one hundred twenty-four schools the county superintendent may be allowed annually such sum for clerk hire as the County Board may determine not exceeding the sum of $450.00. In counties having one hundred and twenty-five schools, but less than two hundred and forty, the county superintendent may be allowed annually such sum for clerk hire as the County Board shall determine, not exceeding the sum of $650.00 and shall appoint one assistant, and in counties having two hundred and forty schools or more, he shall appoint two assistants, and the assistant or assistants shall give their entire time to their duties as such assistant superintendents, and shall serve during the pleasure of the superintendent. The salaries of assistants appointed to serve for full time shall be fixed by the County Board at not less than six hundred dollars ($600) nor more than fifteen hundred dollars ($1,500) per annum. Assistants so appointed to serve for full time shall have had at least eighteen months' experience in public schools, and be the holders of teachers' certificates equivalent to diplomas from a Minnesota normal school, except that in counties having two assistants it shall be sufficient if one of them possesses the teaching experience and the certificate herein referred to. Any assistant at the time of his appointment may or may not be a resident of the county for which he is appointed. In each case the assistant county superintendent shall assist the superintendent in the performance of his general duties, as directed, and report to him. Clerk hire shall be paid to the persons actually rendering such clerical services, out of the county treasury, upon the order of the county auditor accompanied by a certificate of the county superintendent that the service has been rendered, and no allowance for such clerk hire shall be made or received in any case except for services actually rendered. ('11, c. 216, § 3; amended '27, c. 342, § 1, effective from and after Jan. 1, 1928) [1012]

960-1. Same—Counties excepted—This act shall not apply to any county now operating under a special law, nor to any county where the provisions for county superintendent's clerk hire or assistant county superintendents is fixed on a classification other than the number of schools. ('27, c. 342, § 2)

Explanatory note—For "this act" see §§ 960, 960-1.

961. Delivery of records, etc.—Every county superintendent on retiring from office shall deliver to the auditor of his county, for his successor, the records of his office, a list of the clerks of all school districts of the county, with their postoffice addresses, and of all persons under contract to teach in the common schools, together with all blanks, registers, copies of laws, and other state or county property in his possession; and no auditor shall make full payment of salary to any such county superintendent until he has complied with the requirements of this section. (601) [1014]

32–476, 478, 21+554.

962. Traveling expenses—The County Board of each county of the State of Minnesota shall audit and if found correct, allow duly itemized and verified claims of the County Superintendent of Schools for actual and necessary traveling expenses, incurred by him or his assistants in the discharge of their official duties. If the County Superintendent of schools or his assistant uses his own automobile or other conveyance owned by him in the performance of his official duties, the County Board shall likewise allow him therefore not less than ten (10) cents per mile for each mile necessarily traveled in such automobile or other conveyance in the performance of his official duties. ('07 c. 33 § 1, amended '19 c. 245; '21 c. 447) [1016]

963. Same—Teachers' institutes—[Repealed.]

This section is repealed by Laws 1925, c. 110, § 6. See § 3063-6, herein.

COMPENSATION OF SUPERINTENDENT OF SCHOOLS, DEPUTIES, ASSISTANTS AND EMPLOYES IN PARTICULAR COUNTIES 963N 29 — 69

In all counties having 45,000 and less than 75,000 inhabitants, and more than 250 school districts, the county commissioners shall allow the superintendent necessary traveling expenses not exceeding $800 per annum, but such provision shall not modify existing laws regulating the salary and compensation of said superintendent of schools. 963 Note 29 — 69 33 — 143

('05 c. 156.)

In all counties where the salary of the superintendent of schools does not exceed $1,400 per annum, he may be allowed $250 for traveling expenses and expense of team.

('05 c. 182.)

In any county having more than 225,000 inhabitants, the county superintendent of schools may appoint an assistant superintendent who shall be paid $1,500 per annum. ('05 c. 190 § 1.)

In all counties having over 150,000 and less than 200,000 inhabitants, the salary of the superintendent of schools shall be $2,500 per annum and he may, with the approval of the county board, appoint an assistant at a salary not to exceed $1,500 per annum.

('11 c. 145 §§ 10 and 12; amended '13 c. 118.)

In all counties having more than 150,000 inhabitants and an area of 5,000 square miles, the salary of the superintendent of schools shall be $4,800 per annum.

('19 c. 149 § 7; amended '21 c. 492 § 13; '23 c. 11.)

In all counties having not less than 41 nor more than 45 congressional townships and an assessed valuation of $14 000,000 to $18,000,000, the superintendent of schools shall receive $2,040 per annum, and fees and clerk hire as now prescribed.

('19 c. 224 superseded '21 c. 437.)

In all counties having a population of 380,000 inhabitants the county superintendent of schools shall receive a salary of $3,600 per annum and may appoint an assistant at not to exceed $2,625 per annum and a clerk not to exceed $1,650 per annum.

('21 c. 133 § 19; amended '23 c. 419 § 19)

In each county having more than 45,000 and less than 75,000 inhabitants, the superintendent of schools shall receive a salary of $2,000 per annum.

('19 c. 57.)

In each county having a population of 300,000 inhabitants or over, the county superintendent shall receive a salary of $2,500 per annum and may appoint an assistant at $1 800 and a clerk at $1,000 per annum.

('17 c. 511 § 12.)

ASSESSORS IN COUNTIES HAVING 200,000 AND LESS THAN 275,000 INHABITANTS

964
33 — 316
See 1989

964. County assessors and deputies—In all counties in this state having or which may hereafter have a population of two hundred twenty thousand and less than three hundred thirty thousand inhabitants, the salary of the county assessor shall be forty-two hundred fifty dollars per annum ($4250.00) per annum. ('13 c. 224 § 1, amended '15 c. 144; '17 c. 473; '21 c. 336 § 12) [1063]

965. In all such counties the county assessor shall appoint and employ one chief deputy who shall be paid per annum twenty eight hundred dollars ($2,800.00). ('13 c. 224 § 1, amended '15 c. 144; '17 c. 473; '21 c. 336 § 12) [1064]

966. Assistants, etc.—Salaries—The board of county commissioners of such counties of this state shall by resolution authorize the county assessor to employ such additional deputies, clerks, field men, appraisers or employees as it may deem necessary for the proper performance of the duties of the office of county assessor, and shall in and by any such resolution fix the compensation to be paid to said deputies, clerks, field men, appraisers and employees. ('13 c. 224 § 3) [1065]

967. Expenditures—Experts, etc.—The board of county commissioners of such counties of this state shall appropriate and expend in such manner and in such amount, as shall be deemed necessary, any money needed to defray the expense of properly conducting the office of the county assessor; such expenditure to include the hiring of experts upon property values for any period deemed necessary, the payment of the transportation expense of such experts or other employees in traveling from place to place in said county, and generally any expense reasonably and directly tending to the procurement of a fair and true assessment of property within such counties; but all such shall be made under the supervision of, and with the consent of, the county assessor. ('13 c. 224 § 4) [1066]

968. Salaries, etc., when paid—All salaries and compensation herein provided for and fixed in any resolution regularly passed by the board of county commissioners of such counties, shall be paid monthly upon the warrant of the auditor, pursuant to a pay-roll certified by the county assessor. Other moneys and all other expenditures herein provided for, shall be made as are other county claims. ('13 c. 224 § 5) [1067]

969. Census to govern—In determining at any time to what counties this act shall apply, reference shall be had to the United States census last taken. ('13 c. 224 § 6) [1068]

COUNTY BUILDING COMMISSION IN CERTAIN COUNTIES HAVING OVER 100,000 INHABITANTS

970. How constituted—Officers—That in all counties in this state now having, or which may hereafter have, a population of over 100,000 inhabitants, and in which the building used for court house purposes is not owned jointly or in common with any city for city hall purposes, there shall be and hereby is created a commission known and designated as county building commission, which commission shall be constituted as follows: The chairman of the board of county commissioners, the auditor of the county and treasurer of the county. The chairman of the board of county commissioners shall be president of said commission, the county auditor shall be secretary of said commission, and the county treasurer shall be the treasurer of said commission. The secretary shall keep all of the records and accounts of said commission, and the treasurer shall keep a correct account of its receipts and expenditures. ('09 c. 111 § 1) [1069]

Section 6 repeals all inconsistent acts, whether general or special.

971. Powers and duties—The commission hereby created shall have the entire care of all of the completed portions of said court house and of the completed grounds surrounding the same, and it shall have power to assign unassigned rooms in any part of said building, with entire control of any room or rooms in said building not permanently assigned to any official use, and of all halls, corridors and stairways, and of all boiler and machinery rooms. It shall also have the care and control of all engines, boilers, machinery, elevators, and all mechanical and electrical appliances of every nature in said building and of the grounds surrounding said building or connected therewith. It shall cause all of the occupied portions of said building to be properly heated, lighted, cleaned and kept in repair for public use, and it shall have full authority to appoint any and all employees necessary to properly perform the duties hereby devolved upon such commission, with authority to fix the compensation of such employees and remove any thereof at its pleasure. Nothing herein contained shall be construed to interfere in any manner with the powers and duties of any court house commission that may be engaged in the completing and furnishing of such building as provided by chapter 223, General Laws 1907. ('09 c. 111 § 2) [1070]

1907 c. 223. is not included. It provides for a commission to contract for the erection of a court house, etc., in counties having 75,000 inhabitants.

972. Monthly statements of expenses—Duties of auditor and treasurer—Said commission shall at the beginning of each calendar month render a detailed statement to the county auditor of all its expenses necessarily incurred for the purposes contemplated by this act during the last preceding month, and it shall thereupon be the duty of the county auditor to forthwith draw cash warrants upon the county treasurer for the amount of the account so rendered by said commission. And it shall be the duty of the county treasurer to forthwith pay to the parties properly entitled thereto the several amounts specified in said account so rendered. Said monthly account, before presentation to said county auditor, shall be certified by each member of said commission as being just, true and necessarily incurred. ('09 c. 111 § 3) [1071]

973. County board—The board of county commissioners of any such county having a county building commission, shall have nothing to do with the care of any such court house nor with the control of any portion of said building not specifically assigned for official use. ('09 c. 111 § 4) [1072]

974. Annual statement—Tax levy—It shall be the duty of said commission on or before the first day of July of each year to prepare a detailed statement of the estimated expenses of such commission for the ensuing year and transmit the same to the board of county commissioners of said county at its next regular meeting thereafter. And it shall then be the duty of such board of county commissioners to levy a tax at its proper meeting, sufficient to meet such estimated expenditures. ('09 c. 111 § 5) [1073]

PUBLIC BUILDINGS OR WORKS IN MUNICIPALITIES.

974-1. Public buildings or works in counties, cities, villages, boroughs, school districts, or other political subdivisions—Records and accounts of work done—Publication—Whenever a county, city, village, borough, school district or other political subdivision of the State of Minnesota, or any public agency of such municipality or political subdivision, shall determine that any public work or construction is necessary to be done, either by contract or by day labor, or otherwise, an estimate of the cost thereof shall be made, and if such estimate shall exceed the sum of fifteen hundred dollars ($1,500) the total amount of such estimate shall be published in the official newspaper of such county, municipality, or political subdivision. If there be no such official paper, the same shall be published in a legal newspaper of the county in which the work is to be done. If the estimated cost of such public work or construction exceeds the sum of fifteen hundred dollars *($1,500), such municipality, political subdivision, or* public agency shall keep and preserve an accurate record and account of such work and construction, and of the cost thereof, whether it be done by contract or by day labor or otherwise. Provided, that where such estimate is published as part of the official proceeding of the governing body of such municipality, public agency or political subdivision, no further publication shall be required under the provisions hereof. ('21, c. 274, § 1)

974-2. Same—Contents of records and accounts—The said account shall show in accurately tabulated form, under appropriate heads, the totals of all classes, kinds and descriptions of work performed and of materials entering into such public work or construction, and the cost to such municipality, political subdivision or public agency of each, including the cost of all materials, supplies and services furnished or paid for by said municipality, political subdivision or public agency; and the cost of all labor, when said work or construction is done by day labor, when such public work or construction is done by contract the prices paid to the contractor for, and the amounts paid to him for each class, kind or description of work performed, and materials furnished; and in all cases, the cost of all overhead, the cost of engineering, and all other expenses involved in the total cost of such public work or construction, which total shall be tabulated and distinctly shown. ('21, c. 274, § 2)

974-3. Same—Total costs published—The total cost of such public work or construction, upon completion thereof, shall be published in a legal newspaper in the county, city, town, borough or school district in which said work is done, if there be such newspaper published therein. If not, then in some legal newspaper published at the county seat of the county in which said work or construction is performed. ('21, c. 274, § 3)

974-4. Same—Records—Inspection—Certified copies—The records and accounts hereinabove required to be made and kept, shall be open to inspection by the public at all reasonable times. Certified copies thereof shall be furnished to any citizen of this state on demand, on payment of the legal fee for making and certifying the same. ('21, c. 274, § 4)

MISCELLANEOUS PROVISIONS

975. Offices at the county seat—Every county auditor, treasurer, register of deeds, clerk of district court, sheriff, judge of probate, and court commissioner shall keep his office at the county seat. Provided, that in any county where general terms of the district court are established and held at a place other than the county seat at such county, the court commissioner may have his office at such other place. Provided, further, that in any county the judge of the district court may make an order which will permit such court commissioner to have his office at some other place than the county seat of such county. (R. L. § 602, amended '09 c. 447 § 1) [1074]

39-426, 40+561.

976. To report fees—Every county official shall make and file with the auditor of his county, on or before January 10 in each year, a written statement, verified by his oath, showing in detail the amount of all fees, gratuities, and emoluments, of whatever nature, received by him as such official, or in connection with his official work, during the preceding calendar year. (603) [1075]

See § 5787.

Laws 1925, c. 91 enumerates and fixes the salaries of county officers in counties with not less than 41 nor more than 43 congressional townships and a population of not less than 25,000 nor more than 30,000. Section 17 thereof provides that the act shall also be subject to sections 1075 and 1076, G. S. '13 (this section and § 937), but that, in addition thereto, the county official's statement referred to in said sections shall be in duplicate, and shall include all salaries and fees paid to deputies and clerks, and that a certified copy of said statement shall be filed with the State Auditor.

977. Penalty for violation—Every county official who shall refuse or neglect to comply with the provisions of § 1075 shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both. (604) [1076]

§ 1075, referred to, should be § 976.

See note to § 976.

978. Statements—Prosecution—The auditor shall present all such statements to the county board at its first meeting held after January 15 thereafter, together with a list of the officials who have not filed such statements, and thereupon the said board shall direct the county attorney to prosecute such officials. (605) [1077]

979. Recording fees paid by county—The fees for filing and recording official bonds, oaths of office, certificates, or other evidences of election or qualification for office, required by law to be filed or recorded with the register of deeds or clerk of the district court, shall be paid by the county. (606) [1078]

980. Blanks furnished—The secretary of state, attorney general, and public examiner shall prepare and cause to be printed blank forms for official bonds for all county officers who are required by law to execute such bonds, and the secretary of state, as often as may be necessary, shall forward to the auditor of each county a sufficient supply of such forms for use in such county. (607) [1079]

981. Bonds recorded and forwarded to secretary of state—Official bonds of county officers when approved by the county board, and their oaths of office and the bonds and oaths of their deputies, except register of deeds, shall be filed and recorded in the office of register of deeds and when recorded shall be forwarded by such register to the secretary of state as soon as recorded. Such secretary shall submit all such bonds to the attorney general for approval as to form and execution, who, if he finds the same satisfactory, shall endorse his approval thereon and thereupon the secretary of state shall file the same in his office for the use of all parties interested. (R. L. § 608, amended '09 c. 115 § 1) [1080]

982. Non-approval of bond—In case the attorney general shall find any such bond defective in form or defectively executed, he shall indorse his non-approval thereon, stating his reasons therefor. The secretary of state shall thereupon advise the proper county board of such non-approval, and such board shall require the officer who executed such bond to forthwith execute a new bond in compliance with the statute, which shall be approved, recorded, and filed in like manner as other official bonds. The original bond executed by any such officer shall remain on file and be a valid obligation until such perfected bond is filed with the secretary of state: Provided, that nothing in this chapter contained shall be construed as interfering with the power of the county board in reference to the approval of bonds, or calling for new or additional bonds. (609) [1081]

983. Bonds not withdrawn—No bond so filed with the secretary of state shall be removed, except upon the written order of a judge of a court of record before whom an action is pending to enforce the conditions thereof. (610) [1082]

984. New bond—Notice—Whenever the county board of any county shall deem the official bond of any county officer insufficient, or whenever any surety upon any such bond shall file with said board a written request that such officer be required to give a new bond, stating therein his reasons, such board shall give such officer written notice to furnish a new official bond, to be approved by them, before the first day of their next regular, special, or adjourned meeting to be held more than twenty days from the date of such notice, under penalty of forfeiting his office. Such notice shall be personally served and returned in the same manner as a summons in a civil action. (611) [1083]

985. Failure to give—Office vacant—If any county officer served with notice to furnish a new bond as provided in § 984 fails or neglects to do so, his office shall be deemed vacant. But if it shall be made to appear to said board that such officer has been unable to furnish such bond by reason of physical disability, they may give him such further reasonable time to furnish the same as they deem proper, not later than the next meeting of said board. If such bond is not furnished within the further time so granted, such office shall be deemed vacant as before provided. (612) [1084]

986. Original, how affected by new bond — The rights and liabilities of the parties to the original bond of any such officer, existing or incurred at or prior to the time of the approval and filing of such new bond, shall not be in any wise affected or impaired by the giving of such new bond; but such original bond and the sureties thereon shall not be liable for the acts of such officer done or performed after said new bond is approved, recorded, and filed as required by law. (613) [1085]

987. Records to be public—The several judges of probate, county auditors, registers of deeds, and clerks of the district court, during the hours when their respective offices are open, or are required by law to be kept open, shall exhibit any papers, files, or records of their office or in their official custody, for the inspection of any person demanding the same, free of charge, except in cases where fees are provided by law, and then upon tender of such fees. (614) [1086]

84–439, 87+1126; 101–309, 112+258, 12 L. R. A. (N. S.) 188, 11 Ann. Cas. 161.

988. Certified copies—The several county auditors, judges of probate, and clerks of the district court, during the hours when their respective offices are required by law to be open, shall furnish to any person demanding the same a certified copy of any record, file, or paper in their office, or in their official custody, upon tender of such fees therefor as are by law allowed to registers of deeds for like services. (615) [1087]

93–11, 100+382.

989. Women deputies—Any woman who is a citizen of this State is eligible to appointment as a deputy of any public official authorized by law to appoint deputies. (R. L. '05 § 616; G. S. '13 § 1088, amended '17 c. 56)

990 234nw 1 844 245nw 428

990. Officials not to be interested in contracts—No county official, or deputy or clerk of such official, shall be directly or indirectly interested in any contract, work, labor, or business to which the county is a party, or in which it is or may be interested, or in the furnishing of any article to, or the purchase or sale of any property, real or personal, by, the county, or of which the consideration, price, or expense is payable from the county treasury. Any violation of the provisions of this section shall be a gross misdemeanor. (617) [1089]

137–196, 163+282; 131–1, 154+442.

991. Contracts in counties of less than seventy-five thousand—In counties having less than seventy-five thousand population, no contract for work or labor, or for the purchase of furniture, fixtures, or other property, or for the construction or repair of roads, bridges, or buildings, the estimated cost or value of which shall exceed five hundred dollars, shall be made by the county board without first advertising for bids or proposals in some newspaper of the county. If for the purchase of property, or for work and labor, two weeks' published notice that proposals will be received, stating the time and place, shall be given. If for the construction or repair of roads, bridges, or buildings, three weeks' published notice shall be given, and also fifteen days' posted notice in the town where the construction is to be done. Such notice shall state the time and place of awarding the contract, and contain a brief description of the work. Every such contract shall be awarded to the lowest responsible bidder, shall be duly executed in writing, and the person to whom the same is awarded shall give a sufficient bond to the board for its faithful performance. If no satisfactory bid is received, the board may readvertise. Every contract made without compliance with the provisions of this section shall be void: Provided, that in case of the destruction of roads or bridges by floods or other casualty, or of unforeseen injuries to machinery in or connected with public buildings, where the public interests would suffer by delay, contracts for repairs may be made without advertising for bids. (618) [1091]

34 991 — 69

146–103, 1013, 152–126, 188+64.

992. Same—Counties of more than two hundred thousand—In counties having a population of more than two hundred twenty-five thousand, no contract for the purchase of goods, materials, or supplies of any

kind for the county, the estimated cost of which exceeds five hundred dollars, shall be made by the county board without giving at least seven days' published notice that bids or proposals will be received therefor, stating the time and place. All such contracts shall be let to the lowest responsible bidder, shall be approved by resolution of the board, and signed by its chairman. In case no satisfactory bid is received, the board may readvertise: Provided, that in case of unforeseen breakages or injuries in or connected with public buildings, where the public interest would suffer by delay, contracts for repairs may be made without advertising for bids, but in such case the action of the board shall be recorded in its official proceedings. (R. L. '05 § 619, G. S. '13 § 1092, amended '19 c. 355; '21 c. 376; '23 c. 80)

993. Same—Emergency—In case of an emergency arising from breakage, damage or decay in any county property of any such county that cannot be allowed to wait for the time required to advertise for bids as herein required then such repairs may be made without advertising for bids, provided, however, such work is authorized by a majority of the board of county commissioners, and such action shall be ratified and recorded in the official proceedings of said board at their next meeting. ('05 c. 189 § 1) [1093]

994
236nw 463
See 646
See 766

994. Actions against counties—No action shall be maintained by any claimant except the state of Minnesota against a county upon any claim except county orders, when the only relief demanded is a judgment for money, until such claim shall have been duly presented to the board, and it shall have failed to act upon the same within the time fixed by law, or unless such board shall consent to the institution of such action. No action shall be brought by any person except the state of Minnesota upon any county order until the expiration of thirty days after a demand for payment thereof has been made, and any judgment against the county entered in an action brought on any such order without such demand shall be void. (R. L. '05 § 620; G. S. '13 § 1094, amended '23 c. 210)

125-527, 147+249.

995. Certain claims against Hennepin county directed to be paid and manner of payment—In any case prior to the date of the passage of this act in which in any county of this state now having a population of 300,000 inhabitants or over, wherein the board of county commissioners of such county have been authorized or empowered to refund, pay or repay to the person or persons entitled thereto, moneys at any time heretofore paid for taxes on real estate in such county, the taxable value of which real estate has been enhanced by the grading and filling of public streets, avenues and alleys at private expense, and the amount of taxes so paid by reason of such enhancement has been ascertained and determined by the board of county commissioners of such county, such person or persons entitled to said refundment, payment or repayment shall be entitled to recover from such county the full amount so ascertained and determined without interest thereon. ('17 c. 418 § 1)

139-149, 165+965.

996. Time within which claim is to be filed—The person or persons or their assigns desiring to avail themselves of section 1 (one) of this act shall within six (6) months after the date of the passage and approval hereof demand of the board of county commissioners of such county the amount of such refundment, payment or repayment and interest thereon, and the said board of county commissioners shall within thirty (30) days from date of said demand, direct the proper officers of said county to issue the proper warrant or warrants therefor. Said officer or officers shall immediately draw a warrant or warrants for the full amount of said refundment, payment or repayment and interest thereon, and said warrant or warrants shall be paid by the county treasurer of such county out of moneys in his possession which are not otherwise appropriated by law. ('17 c. 418 § 2)

997. Tax levy authorized—The county board of tax levy of any county coming within the provisions of this act is hereby authorized and directed, in event there is not sufficient funds in the hands of the county treasurer of such county to pay in full the demands for refundment, payment or repayment of moneys as provided herein, to levy a tax for and make provision for the payment in full of all such demands. ('17 c. 418 § 3)

997²
Et seq.
29 — 341

997-1. Salaries not reduced—The salary, compensation or allowances of county officers, including judges of probate, their deputies and assistants, as now or hereafter provided by law, shall not be reduced or diminished by reason of reduction in the assessed valuation of property in any county due to the omission of motor vehicles from the tax rolls thereof, under any law or laws enacted or hereafter enacted pursuant to the provisions of article 16 of the constitution of the state of Minnesota. ('21, c. 361, § 1)

1940 Supplement

To

Mason's Minnesota Statutes

1927

(1927 to 1940)

(Superseding Mason's 1931, 1934, 1936 and 1938 Supplements)

Containing the text of the acts of the *1929, 1931, 1933, 1935, 1937* and *1939* General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.

Edited by

William H. Mason

Assisted by

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recovery of penalties or forfeitures incurred, under any of the acts repealed, the subsequent procedure shall conform, so far as practicable, to the provisions of this act. Whoever, when said repeal takes effect, holds an office under any of the laws repealed, shall continue to hold it according to the tenure thereof, unless it is abolished or unless a different provision *relative thereto is made by this act. The provisions* of this act, so far as they are the same as those of existing statutes, shall be construed as continuations thereof, and not as new enactments; and references to statutes not repealed to provisions of law which are re-enacted herein shall be construed as applying *to such provisions as so incorporated in this act, if* in any statute hereby repealed, a limit of time be prescribed for acquiring a right, barring a remedy, or any other purpose, which period has begun to run, and the same or as similar limitation is herein prescribed, the time of limitation shall continue to run with the same effect as though the whole period had elapsed under the operation of this act. (Act Apr. 21, 1939, c. 345, Pt. 12, §2.)

601-12b. Effective August 1, 1939.—This act shall take effect and be in force from and after August 1, 1939. (Act Apr. 21, 1939, c. 345, Pt. 12, §3.)

CHAPTER 7

Counties and County Officers

CHANGE OF BOUNDARIES

602. Change—New counties.

That portion of Lake of the Woods known as Muskeg Bay is not a part of Roseau County, but a part of Lake of the Woods County. Op. Atty. Gen. (106b), Mar. 21, 1936.

615-1. Center line of highway to be boundary in certain cases.—Where a city of the fourth class is situated in one county and such city adjoins a city of the first class in another county and where a highway runs along the boundary line between said cities and the boundary line between said counties and where the center line of the said highway deviates from the boundary line between said cities and counties, but the boundary line between said cities and counties is within or on the lateral limits of said highway, then the center line of the highway between such cities and such counties shall be established as the boundary line between said city of the fourth class and said city of the first class and as the boundary line between the counties in which such cities are situated. (Act Apr. 13, 1933, c. 230.)

615-2. Change in boundary line in certain counties.—That all the land situated in Sections 16 and 21, Township 121, Range 46, Lac qui Parle County, be and the same hereby is detached from the County of Lac qui Parle and annexed to the County of Big Stone in this State. (Apr. 24, 1937, c. 423, §1.)

615-3. Same—Laws applicable.—That Chapter 7 of Mason's Minnesota Statutes of 1927 [§§602 to 997-11], and laws amendatory thereof, shall be applicable, where not inconsistent therewith, to this act. (Apr. 24, 1937, c. 423, §2.)

615-4. Same—Effective January 1, 1938.—This act shall be in full force and effect from and after January 1, 1938. (Apr. 24, 1937, c. 423, §3.)

CHANGING COUNTY SEATS

625. Petition for change.

175M486, 221NW870; note under §626.

Number of signatures on petition is to be determined by last preceding general election. Op. Atty. Gen. (106E), Nov. 27, 1934.

County auditor has no authority to determine whether petition has been signed by required number of legal voters. *Op. Atty. Gen. (125a-19), Mar. 24, 1938.*

Petition for change of county seat is open to public inspection while on file with county auditor. Op. Atty. Gen. (125a-19), Mar. 24, 1938.

It is not temporary character of employment of persons on public works, but the temporary character of their residence in district which determines right to vote. Op. Atty. Gen. (106e), Apr. 11, 1938.

626. Form of notice.

174M397, 219NW458; note under §627.

Giving of notice of intention to circulate a petition is jurisdictional, but proof of the notice may be filed with the county auditor later and before he gives notice of calling of a special meeting to consider the petition. 175M486, 221NW870.

627. Duties of county board.

Voters who first give notice of intention to circulate a petition have the exclusive right of way over any other petition. 174M397, 219NW458.

County board is to inquire and determine if signers of petition are legal voters. Op. Atty. Gen. (106e), Apr. 11, 1938.

631. Conduct of election.

Laws 1929, c. 198, post, §401-1, did not charge time of opening and closing polls under this section. Op. Atty. Gen.

CONSOLIDATION OF COUNTIES

637-1. Two or more counties may consolidate.—Two or more counties may be consolidated into a single county in the manner hereinafter provided. (Act Apr. 15, 1933, c. 273, §1.)

637-2. Petition.—*A petition for each county to be* affected thereby, signed by voters thereof equal in number to at least one-fourth of those voting in such county at the last preceding biennial election, giving the residence of each signer, shall be filed with the secretary of state not less than 90 days before any general election, praying for the consolidation of the counties therein named, *specifying the name of the* proposed new county and the name and location of the proposed county seat. (Act Apr. 15, 1933, c. 273, §2.)

637-3. Governor to issue proclamation.—If it appears that each petition is signed by the requisite number of persons who are voters in each of the counties affected, of which latter fact the affidavits of persons procuring the signatures thereto shall be prima facie evidence, and if said petition otherwise *conforms to the requirements of Section 2, the* secretary of state shall notify the governor of the filing thereof, who, not less than 60 days before such general election, shall issue his proclamation reciting that such petitions have been so filed, the substance thereof, and directing that the question of such consolidation shall be submitted to the voters of the *respective counties to be affected thereby at such* election. (Act Apr. 15, 1933, c. 273, §3.)

637-4. Secretary of State to give notice.—Upon the *issuing of such proclamation, the secretary of state* shall record the petitions, affidavits and proclamation, and shall cause three weeks' published notice of such proclamation to be given in the county seat of each county affected thereby, and shall transmit a certified copy of such proclamation by mail to the auditor of each county. (Act Apr. 15, 1933, c. 273, §4.)

637-5. Notice of election.—The notice of such general election shall specify that the question of consolidating said counties will be voted upon at such election and shall state substantially the facts set

forth in said petition. The ballots upon such proposition shall have printed thereon the words

"Shall the following named counties (inserting names) be consolidated into a single county?

Yes.....

No....."

Act Apr. 15, 1933, c. 273, §5.)

637-6. Judges—canvass of votes.—The judges of election, in addition to the returns required in other cases, shall canvass, count, certify and return, as in such other cases, to the county auditor the votes cast upon the proposition, and the county canvassing board shall canvass and make return of said votes as in the case of votes for state officers, which return shall show the result of such vote for and against the proposition so submitted. (Act Apr. 15, 1933, c. 273, §6.)

637-7. State canvassing board to canvass returns.—The state canvassing board shall canvass such returns at the time of canvassing the votes cast for state officers, and in the same manner. When such canvass is completed such board shall make and file with the secretary of state its certificate declaring the result of such vote, showing the number of votes cast in each county for and against consolidation. If 60 per cent of the votes cast thereon in each county affected by such proposed consolidation be in favor thereof, the secretary of state shall record such certificate and shall deliver a certified copy thereof to the governor, who shall issue a proclamation declaring such result. Upon the issuance of such proclamation by the governor, the said consolidation shall become effective and operative on the second first day of January following such general election. (Act Apr. 15, 1933, c. 273, §7.)

637-8. Governor to appoint first county board.—The governor shall, within 60 days after issuing such proclamation, appoint 5 qualified electors residing within the territory of such consolidated county to constitute the first board of county commissioners for said new county, who shall qualify as provided by law. The several officers of each county so affected shall continue in office until said consolidation proceedings become effective, as hereinbefore provided, with all the powers and duties of their respective offices, except as hereinafter provided. (Act Apr. 15, 1933, c. 273, §8.)

637-9. Meeting of board.—The board of county commissioners for said new county shall meet at the county seat at a time designated in the order of the governor appointing them, and shall elect one of their number as chairman of said board. The county auditor of the county in which the county seat is located shall act for and be the recording officer of said board until the consolidation proceedings become effective. At such meeting or at any adjournment thereof the said board shall divide the new county into commissioner districts by an order defining the boundaries of each district, which order shall be filed with the county auditor of each county affected. (Act Apr. 15, 1933, c. 273, §9.)

637-10. Duties of county board.—Said board of county commissioners shall meet at a time in July to be fixed by it and shall levy a tax for such new county in the manner now provided by law for levying taxes for county purposes, and the chairman thereof shall certify to the respective county auditors of the counties affected thereby the amount so levied, and the county boards of the respective counties so to be consolidated shall not in such year levy any tax for county purposes. (Act Apr. 15, 1933, c. 273, §10.)

637-11. County Auditors to meet.—At the time of levying said tax the said county board shall fix a time for a meeting of the county auditors of the several counties affected and shall certify such date to the several county auditors at the time of certifying the levy. At the time specified the said county auditors shall meet at the county seat and shall at such meeting or any adjournment thereof ascertain and determine the rate of taxation for such new county, based upon the aggregate assessed valuation of said consolidated counties, and each of said auditors shall severally extend such taxes within their respective counties in the manner provided by law and shall, on the first Monday in January following, deliver the appropriate books to the county treasurer of the new county for collection as provided by law. The several officers of the new county shall have all the powers and be subject to all the duties in reference to the collection of delinquent taxes levied by the consolidated counties as would have been possessed and performed by the several officers of the respective counties had no consolidation been affected. (Act Apr. 15, 1933, c. 273, §11.)

637-12. County board to appoint new officers.—The county board of the new county shall, prior to the date on which the consolidation becomes effective as hereinbefore provided, appoint electors residing within such new county to the several county offices thereof, who shall qualify on the date that such consolidation becomes effective, in the manner now provided by law therefor. All the books, records and files of the several offices of the consolidated counties shall be delivered to the appropriate officers of the new county. (Act Apr. 15, 1933, c. 273, §12.)

637-13. County board to provide for court house.—The county board of such new county shall, on or before the date that such consolidation becomes effective, make appropriate arrangements for suitable officers for the several county officers. If such county is not going to succeed, as hereinafter provided, to any building or buildings appropriate for such purpose, said board is authorized to lease suitable space or buildings. (Act Apr. 15, 1933, c. 273, §13.)

637-14. Title of properties of all counties to become vested in new county.—Upon the consolidation becoming effective, the new county shall become vested with the title to all real and personal property, other than moneys in cash or on deposit, of the consolidated counties. The territory embraced within the several consolidated counties shall remain liable for all indebtedness of the respective counties outstanding and unpaid at the time such consolidation becomes effective. Any moneys on hand, in cash or on deposit, at said time and the proceeds of any tax levied by the respective counties, when and as collected, shall be applied on said indebtedness. The appropriate officers of the new county shall from time to time levy such tax as may be necessary to provide funds for the payment of such indebtedness as it becomes due, which tax shall be spread against the taxable property liable therefor. Said new county shall have authority to enforce any contract and to collect any claims of the several consolidated counties, by suit or otherwise. (Act Apr. 15, 1933, c. 273, §14.)

637-15. May issue certificates of indebtedness.—At any time after the board has made the orginal tax levy for such new county and certified the same to the respective auditors as hereinbefore provided, it may issue the certificates of indebtedness of such new county in anticipation of the collection of such levy, which certificate shall be in writing, shall be signed by the chairman and attested by the recording officer of the board, shall mature not later than December 1 following the effective date of such consolidation, and shall not bear interest at a rate greater than 6% per annum. (Act Apr. 15, 1933, c. 273, §15.)

POWERS AND DUTIES

638. Powers.

County board had authority, on failure of a bank in which county funds were deposited to accept certificates of deposit to permit the bank to reopen, and to assume a mortgage to the bank in consideration of conveyance of mortgaged land to county. 180M423, 230NW891.

County is without power to appropriate money to pay expense of an association in prosecuting an action to determine validity of Laws 1929, c. 265, post, §§3036-10 to 3036-16, relating to public schools. Op. Atty. Gen., Jan. 4, 1930.

Where conveyance of mortgaged land was made to trustees for county in settlement of claim of county against insolvent depositary bank, the county had power to pay off the mortgage. Op Atty. Gen., Feb. 10, 1930.

County board may compromise and settle mortgage for less than full amount in good faith in best interests of county. Op. Atty. Gen. (107b-5), May 2, 1935.

A county may not lease an automatic coal stoker with option to purchase at end of term, though entire cost of stoker is to be paid out of moneys paid by the device. Op. Atty. Gen. (707b-3), June 13, 1935.

When county board abolishes poor farm and decides to lease it pending advantageous sale, there must be a compliance with §§638, 641, 663. Op. Atty. Gen. (125a-36), Feb. 18, 1936.

County need not forfeit deposit made with bid by contractor who wished to withdraw after acceptance of a bid because of honest mistake in his estimate, if the bidder pays expenses of readvertisements. Op. Atty. Gen. (707a-3), June 27, 1936.

In absence of statute, county board has no legal authority to provide the county attorney with clerk hire. Op. Atty. Gen. (121a-4), July 20, 1936.

County may hire rock crushing outfit for purpose of furnishing work to needy persons and may sell lime derived from such operation at cost. Op. Atty. Gen. (107b-15), Dec. 4, 1936.

(2).

County which has obtained judgment against surety of county depository may redeem land of such surety sold under mortgage foreclosure. Op. Atty. Gen. (412a-10), July 5, 1934.

County redeeming from mortgage foreclosure as judgment creditor of the mortgagor does not thereby extinguish the debt, except to the extent of the value of the property so redeemed less the amount he pays in redemption. Id.

County operating under county system of poor relief may purchase wood lots for purpose of furnishing employment to needy persons in clearing the land and in growing sugar beets thereon if county deems it necessary and for best interest of the county to do so in carrying on its poor relief. Op. Atty. Gen. (107b-15), Feb. 5, 1935.

Where county does not have sufficient room in courthouse, county board may buy land and a building next door without a vote of the people or a call for bids, it having sufficient money on hand to make the purchase. Op. Atty. Gen. (125a-41), May 9, 1935.

Township may sell and convey lands to the United States but there must be a compliance with §§638(2,3), 663, 999(2), 1007, but authority may be obtained from voters at special election. Op. Atty Gen. (700d-28), July 3, 1935.

County or village may purchase land at sales held pursuant to Laws 1935, c. 386 (§2139-15). Op. Atty. Gen. (425c-10), May 4, 1938.

The legal nature and status of the American county. 14MinnLawRev141.

(3).

One selling clay to a member of board of county commissioners who used it for improving a highway was entitled to recover in quasi contract an amount equal to the benefit that the county received, though the transaction was invalid but in good faith. Wakely v. C., 184M 613, 240NW103. See Dun. Dig. 4303.

Board has implied power to use services of an agent in selling a farm, and may compensate him if sale of farm is effected through him, but may not list farm with real estate agent in such a way that it binds county if a purchaser is secured by agent, if after publication a more favorable offer is filed with county auditor. Op. Atty. Gen. (125a-42), Mar. 23, 1938.

(4).

County, employing architects at 2½ per cent commission when proposals were opened, and 2½ per cent from time to time as payments were made on contracts, was only liable to the architects for 2½ per cent where the work was abandoned and years later it was determined to construct a different kind of building on a different site at which time other architects were employed. Op. Atty. Gen., Aug. 4, 1931.

High bidder on county work may not be allowed to reduce his bid below that of another so as to entitle him to contract. Op. Atty. Gen., May. 1, 1933.

Counties and other municipalities can legally sell bonds to federal government under National Industrial Recovery Act. Op. Atty. Gen., Aug. 16, 1933.

Contract for printing and publication between newspaper and county board is not binding upon county auditor with respect to publication of sample ballots. Op. Atty. Gen. (707b-3), Oct. 5, 1934.

County board may furnish relief on a county work project in lieu of direct relief to persons physically able to work. Op. Atty. Gen. (125a-37), Dec. 21, 1936.

641. Powers, how exercised.

Where bank assigns mortgages to county for security of deposits, reassignments are to be paid by county board. Op. Atty. Gen., Aug. 11, 1933.

When county board abolishes poor farm and decides to lease it pending advantageous sale, there must be a compliance with §§638, 641, 663. Op. Atty. Gen. (125a-36), Feb. 18, 1936.

643. County buildings.

Finding that county board intended to enter into contract for construction of new courthouse pursuant to plans and specifications prepared by architect, held to mean to contract for construction of exterior of building and finishing immediately of quarters therein for which construction sufficient funds were available. Linster v. L., 186M386, 243NW395. See Dun. Dig. 2287a.

It was for board, and not court to determine whether destroyed courthouse should be restored, or remains thereof razed and new building be erected in its place. As long as board had funds available for construction intended, it was within law. Linster v. L., 186M386, 243 NW395. See Dun. Dig. 2242a

Finding that county board in attempting to wreck and raze old courthouse, destroyed by fire, and to rebuild, acted arbitrarily and without authority of law, held not sustained by evidence. Linster v. L., 186M386, 243NW395.

Where county does not have sufficient room in courthouse, county board may buy land and a building next door without a vote of the people or a call for bids, it having sufficient money on hand to make the purchase. Op. Atty. Gen. (125a-41), May 9, 1935.

Cost of remodelling and making additions to court house may be paid from general revenue fund in treasury or from taxes already levied and in process of collection. Op. Atty. Gen., (125a-20), Aug. 29, 1938.

643-1. Cities of first class and county may build court house.—Any county in this state now or hereafter having within its limits a city of the first class may together with such city jointly acquire land for, erect, equip, furnish, maintain and operate a joint court house and city hall building to be used jointly by such county and city. (Act. Apr. 26, 1929, c. 397, §1.)

643-2. City and county to divide expense.—The cost and expense of acquiring land for, erecting, equipping and furnishing such building shall be borne equally by such county and such city. Such building shall not be erected or contracted to be erected and no land acquired therefor and no bonds shall be issued or sold by the county as hereinafter provided until the city has been authorized to issue bonds to defray its proportion of the cost of such land and building and the ordinances providing for the issuance of such bonds have been ratified by the vote of the electors of such city in the manner provided in the Charter of such city or by the laws of the State of Minnesota. (Act Apr. 26, 1929, c. 397, §2.)

643-3. County board to issue bonds.—At any time after such city shall have been so authorized to issue bonds to defray its part of the cost of acquiring a site and of erecting said city hall and court house building, the Board of County Commissioners of any such county may issue and sell certificates of indebtedness or bonds of such county to defray the county's portion of the cost of acquiring land for, erecting, equipping and furnishing such building in an amount equal to the amount of bonds authorized to be issued by such city, without submission to the vote of the electors of such county, and the full faith and credit of the county shall be pledged to the payment of the principal and interest of such certificates of indebtedness or bonds; provided, however, that in no event shall any such county issue its certificates of indebtedness or bonds for such purpose in an amount exceeding $2,000,000. Such certificates of indebtedness or bonds may be issued in one or more installments, but the certificates of indebtedness, or bonds of each installment shall be serial bonds or certificates of indebtedness, a portion of which shall be payable each year after issue, but none of said certificates of indebtedness or bonds shall run for a longer term than 3 years from their date, and the

Board of County Commissioners shall fix the denominations thereof and shall fix the dates of maturity of each installment so that the amounts necessary each year to pay the principal and interest maturing in such year, shall be approximately the same in each of the years during which the certificates of indebtedness or bonds of said installment shall run. Such certificates of indebtedness or bonds shall be sold in accordance with the provisions of Section 1943, General Statutes 1923, provided, however, that the rate of interest shall in no case exceed six per centum per annum. (Act Apr. 26, 1929, c. 397, §3.)

643-4. Execution—Delivery.—Such bonds or certificates of indebtedness shall be executed in such manner as the Board of County Commissioners shall by resolution determine. The delivery of the bonds or certificates of indebtedness so executed at any time thereafter, shall be valid notwithstanding any change in such officers or in the seal of the county occurring after such execution. (Act Apr. 26, 1929, c. 397, §4.)

643-5. Form of bonds and certificates of indebtedness.—Such bonds or certificates of indebtedness may be issued in coupon or registered form, and the Board of County Commissioners shall have authority in its discretion, to provide that bonds or certificates of indebtedness issued in coupon form, shall be exchangeable at the option of the holder for bonds or certificates of indebtedness in registered form, and vice versa, and the Board of County Commissioners shall have authority to cause to be prepared, to effectuate such exchange, new bonds or certificates of indebtedness in coupon or registered form, as the case may be, in such denomination or denominations as it may deem expedient, which shall be executed in such manner as said Board of County Commissioners shall determine. Any bond or certificate of indebtedness issued in exchange for a bond or certificate of indebtedness previously issued under the authority of this section, shall be in such form as the Board of County Commissioners shall determine, but shall bear upon its face a clause or recital indicating that it is issued in substitution for one or more bonds or certificates of indebtedness of the original issue, describing them by number or numbers so as to render possible the identification of such substituted bond or bonds, or certificate or certificates of indebtedness with the bonds or certificates of indebtedness originally issued. The Board of County Commissioners shall have authority to pass such resolutions as may be necessary to carry out the powers hereby conferred, and prescribe such rules and regulations as it may deem expedient for the conversion of the bonds or certificates of indebtedness issued under the provisions of this act. (Act Apr. 26, 1929, c. 397, §5.)

643-6. Tax levy.—The Board of County Commissioners shall levy a tax at the time and in the manner prescribed by Section 5, Chapter 131, General Laws of Minnesota 1927 [§1938-7], and amendments thereof, to pay the principal and interest of such bonds or certificates of indebtedness. This section shall not be construed as limiting the power of a municipality to levy taxes to pay its obligations issued hereunder, but the governing body of every municipality shall have the authority and it shall be its duty to levy any taxes necessary to provide revenue to pay such obligations. (Act Apr. 26, 1929, c. 397, §6.)

643-7. Limitations.—The amount of indebtedness herein authorized to be incurred by any such county shall be in addition to and over and above any limits now fixed by law. (Act Apr. 26, 1929, c. 397, §7.)

643-8. Judges to appoint building commission.—As soon as practicable after the Council of any such city and the Board of County Commissioners of any such county shall determine to proceed with the erection of a joint court house and city hall building, there shall be appointed by, and serve at the pleasure of, those persons who shall be judges of the district court of the judicial district of which such county may be a part (not acting in their judicial capacities), an Advisory Court House and City Hall Building Commission of nine members to be selected as follows: two members from the membership of the City Council of such city; two members from the membership of the Board of County Commissioners of such county; and five members at large who shall be freeholders and residents of such county, one of whom shall reside outside the limits of such city. (Act Apr. 26, 1929, c. 397, §8.)

643-9. Procedure if judges fail to appoint.—If the said persons who shall be judges of the district court for any reason shall fail to make appointments to said Advisory Court House and City Building Commission within 30 days after the City Council of any city and the Board of County Commissioners of any such county have determined to proceed with the erection of any such court house and city hall building, then such Advisory Court House and City Hall Building Commission consisting of nine members shall in such case be appointed as follows: four members to be appointed by the City Council of such city, two of which members shall be members of such City Council; four members to be appointed by the Board of County Commissioners of such county, two of which members shall be members of said Board of County Commissioners; the ninth member of said Commission shall be appointed by a majority vote of the members of said City Council and said Board of County Commissioners sitting in joint session. (Act Apr. 26, 1929, c. 397, §9.)

643-10. Who may be members of commission.—No more than two members of said Advisory Court House and City Hall Building Commission shall be at any one time members of the Board of County Commissioners, and no more than two of such members shall be at any one time members of the Council, and in the event that any person appointed a member of said Commission who was not at the time of his appointment a member of either the City Council or Board of County Commissioners and shall subsequently become a member of either of said bodies, he shall thereupon cease to be a member of said Advisory Court House and City Hall Building Commission.

Immediately after the appointment of said Commission, the persons appointed as members thereof shall indicate their acceptance of their appointment in writing filed with the county auditor of said county.

In case any person appointed as a member of said Commission shall fail so to file his written acceptance of such appointment within 20 days after such appointment, or in case any member shall die, resign, or be removed from office, or in case any of the members of said Commission who were appointed from the membership of the City Council or Board of County Commissioners, shall cease to be members of said Council or Board, their successors shall be appointed in the manner and by the same persons as originally appointed such member.

Immediately upon the expiration of the 20 days following the appointment of the members of such Commission, or prior thereto upon the filing of such acceptance by all those appointed as members thereof, the chairman of the Board of County Commissioners shall call a meeting of such Commission and shall preside at the said first meeting. At such meeting the Commission shall select from its own members a chairman and such other officers as the Commission may deem necessary. (Act Apr. 26, 1929, c. 397, §10.)

643-11. Duty of commission.—As soon as practicable after the appointment of the members of such Commission, the Commission shall proceed to select a site or sites for such building and may contract with the owers thereof for the acquisition of such site or sites by gift or purchase, which contract or contracts shall, however, be subject to ratification by the City Council and Board of County Commissioners; provided that if the site selected be not the site of any then existing court house and city hall building, then the site selected shall be a site located within one city block of the site of any existing court house and city hall building, providing, however, that the Commission shall not recommend erection of the Court house and City Hall on a new site, unless two-thirds of the personnel of the Commission are in favor thereof and are of the opinion and shall so state in the report of the Commission that the site of the existing Court house and City Hall can not be used of such Court house and City Hall in a manner as advantageous to the city and county as the proposed new site and shall embody in its report a statement of the facts upon which it bases its conclusions in this regard and such new site shall not be finally selected until said report shall have been published in the daily newspapers of the city and an opportunity given for the public to present its objections thereto, at a hearing on a date not earlier than thirty days after such publication. As soon as practicable after the selection of a site or sites, as aforesaid, the Commission shall report to said City Council and said Board of County Commissioners, describing the property selected as a site for said building, and the price at which said properties can be acquired. Upon the filing of said report the said Board of County Commissioners and the said City Council shall consider said report and may either reject the same or ratify the action taken by the Commissioners and in the event that either or both of said bodies shall reject the report of the Commission, the matter shall be re-submitted to the Commission for further action. In event that the said City Council and Board of County Commissioners shall approve the site selected by said Commission but shall not approve the price at which said site or sites can be acquired, then the said City Council and the said Board of County Commissioners shall thereupon proceed to acquire said property by eminent domain. The proceedings in eminent domain for the acquisition of said property may be instituted and carried to completion in the name of either said City or said County as may be determined by said City Council and Board of County Commissioners, and may be instituted and completed either under the laws governing the condemnation of land by counties or under the provisions of the charter of such city relating to the acquisition of land by eminent domain, or under the laws of the state relating to the acquisition by cities of land by eminent domain.

The cost of acquiring said land, whether acquired by purchase or eminent domain, shall be paid one-half by such county and one-half by such city; and in case the property is acquired by eminent domain in proceedings instituted and completed by such city, the county shall reimburse it for one-half of the cost of acquiring such land and one-half of the expense incident thereto; and if the proceedings are instituted and completed by such county, the city shall likewise reimburse the county. All land acquired as a site for such courthouse and city hall building shall be owned jointly by such county and such city, and in case the entire tract is acquired by either such city or such county, it shall convey an undivided one-half interest thereof to the other upon reimbursement for one-half of the cost of acquiring the same. (Act Apr. 26, 1929, c. 397, §11.)

643-12. To have plans and specifications drawn.—Either before or after the selection of the site of such building, the Commission shall cause to be prepared plans and specifications for such building and may employ architects, engineers, draftsmen and such clerical help as may be deemed necessary for the purpose of preparing such plans and specifications. The compensation of such employees shall be fixed by the Commission and shall be paid in equal parts by the city and county upon presentation of statements therefor certified to be correct by a majority of such Commission, but all such contracts and employments shall be subject to approval by the City Council and Board of County Commissioners. Upon the completion of the plans and specifications for such building, the Commission shall submit the same to the City Council and the Board of County Commissioners for approval. Said Council and Board shall thereupon approve the proposed plans and specifications, or reject them and re-submit them to the Commission for further consideration; and when the plans and specifications are satisfactory to both the City Council and the Board of County Commissioners each of said bodies shall thereupon pass a resolution authorizing and instructing the said Commission to proceed with the work. (Act Apr. 26, 1929, c. 397, §12.)

643-13. To advertise for bids.—Upon the completion of such plans and specifications and their approval or adoption by the City Council and the Board of County Commissioners, the said Commission shall proceed to advertise for bids or proposals, for all or any portion of the work or materials, or both, to be done, performed, or furnished in the construction of such building. Such advertisement for bids or proposals shall be published in the official paper of such city if there be one, and if not, in any paper published in such county to be selected by said Commission, and may be published in such other papers or publications either within or without the State of Minnesota as the Commission may deem advisable and shall be published for such length of time as the Commission may determine. All bids or proposals shall be sealed by the bidders or proposers and shall be filed with the Commission at or before the time specified in such advertising for the opening of bids or proposals. At the time and place specified in the advertisement for the opening of bids or proposals, the Commission shall meet, open the bids or proposals, and tabulate the same, and shall thereupon award the contract or contracts to the responsible bidder whose bid or proposal is the most favorable to the City and County, or reject all bids and proposals. And in the event that all bids or proposals are rejected the Commission may re-advertise for bids or proposals or may modify or change the plans and specifications and submit such modified plans and specifications to the City Council and Board of County Commissioners for approval and when such modified or changed plans and specifications are satisfactory to both the City Council and Board of County Commissioners, the plans and specifications shall be returned to the Commission and the Commission shall proceed to again advertise for bids or proposals in the manner hereinbefore povided. Any such contract awarded by the Commission shall be subject to approval by the City Council and Board of County Commissioners. (Act Apr. 26, 1929, c. 379, §13.)

643-14. Certified checks with all bids.—Each person submitting bids or proposals under the terms of the preceding section shall file, with his bid or proposal a certified check in an amount prescribed in the specifications of said Commission for said building, to be retained as liquidated damages and divided equally between the City and County in case of failure to enter into a contract if he is awarded the same.

All contracts shall be in writing and shall be made in the name of the County and City proposing to erect such building, and shall be executed in behalf of such

county and city by the officers empowered by law or charter to execute contracts in behalf of such county and such city. All persons who may be awarded contracts in connection with the erection of such building shall be required to furnish bonds in the amount and in the form prescribed by the laws of the State of Minnesota relating to contracts for public improvements, and such bonds shall run to the County and City erecting such building. (Act Apr. 26, 1929, c. 397, §14.)

Commission for building a court house in St. Paul could accept lowest bid, though certified check lacked a hundred dollars of being 5 per cent of the amount of the bid due to error in computation. Op. Atty. Gen., June 8, 1931.

643-15. Wage of employees.—Specifications for all such work shall contain a provision that skilled and unskilled laborers employed in such work shall be paid a wage equal to the wage required to be paid by contractors doing work for such city, if such city has in force an ordinance providing such a scale of wages. (Act Apr. 26, 1929, c. 397, §15.)

643-16. Cost of removing and remodeling.—In the event the selected site be then occupied by an existing City Hall and Court House, such that temporary quarters must be provided for officers and officials located therein pending completion of the new building, the cost of any remodeling of such temporary quarters, and moving expenses incident to their occupancy shall be considered a part of the cost of the new building. (Act Apr. 26, 1929, c. 397, §16.)

643-17. Commissions may appoint architects, etc.—The work of erecting, equipping and furnishing said building shall be conducted and completed under the direction and supervision of said Commission and the members thereof are charged with the duty of requiring the work to be done in accordance with the plans and specifications. The said Commission is hereby authorized to employ such architects, engineers, supervisors, inspectors, clerks, and other employees as the Commission may deem necessary, or advisable to supervise and inspect the work and assist in the performance of the duties of the Commission, and said County and City shall pay the fees and salaries of such employees in the amounts fixed by the Commission, one-half by said County and one-half by said City, upon the presentation of statements therefor certified to be correct by a majority of said Commission. Such employments shall be subject to the approval of the City Council and Board of County Commissioners in the manner hereinabove provided. (Act Apr. 26, 1929, c. 397, §17.)

643-18. Management of building.—If at the time of the erection of such building the County and City so erecting a court house and city hall shall then be jointly owning and operating a city hall and court house building under authority and power granted by law, the management of the new building shall be vested in the same persons or committees as managed the old building then jointly owned and operated by such City and County. In all other cases the management of said building shall be vested in a joint committee consisting of two members of the Board of County Commissioners selected by said Board, and two members of the City Council selected by such Council. The said committee shall have full charge and management of said building and shall have the power to appoint such employees as the said committee shall deem necessary for the proper care, management and operation of said building, the salary and compensation to be fixed by the said committee, and the Board of County Commissioners and said City shall each provide an amount sufficient to pay one-half of the expense of operating said building. (Act Apr. 26, 1929, c. 397, §18.)

643-19. To serve without compensation.—The members of the Advisory Court House and City Hall Building Commission and the members of the aforesaid joint committee of the City Council and County Board to manage said building, shall not receive any compensation for their services upon said Committee or Commission, and none of the members of said Advisory Court house and City Hall Building Commission shall have any financial interest in any of the contracts awarded by said Commission. (Act. Apr. 26, 1929, c. 397, §19.)

643-20. Lands not used to be sold.—In case any land or buildings owned and used by either said County or said City, or jointly owned and used by them shall not be required for the use of said County or City or both of them after the completion of the new building, said land and buildings shall be sold as soon as practicable and the proceeds placed in separate funds of the said County and City to be used for the payment of bonds or certificates of indebtedness authorized hereunder and court house and city hall bonds issued by any such City. The proceeds of such sales shall be paid into the County and City treasuries in the proportion of ownership of each in the real property so sold. So far as practicable the proceeds of such sales shall be used to pay a portion of the bonds or certificates of indebtedness maturing in each year after sales in such manner as to make the annual payments from the proceeds of such sales as nearly equal as may be in each of the years in which bonds or certificates of indetedness mature. No part of the proceeds of such sale shall be used to pay interest charges on any bonds so issued, and no part thereof shall be used for any purpose other than the payment of maturing bonds or certificates of indebtedness, in which case such surplus after the payment of all bonds or certificates of indebtedness, in which case such surplus shall be paid into the general sinking fund of such City and County. (Act. Apr. 26, 1929, c. 397, §20.)

643-21. May include auditorium in new building—City councils and county board may provide meeting places for military organizations.—If any such city desires to construct an auditorium, such building may be included in the court house and city hall building if the Board of County Commissioners shall agree thereto and an agreement is reached between such Board of County Commissioners and the City Council of such city as to the cost of such addition to the court house and city hall building, and the entire amount of such additional cost arising from the inclusion of such auditorium building in the court house and city hall building, shall be borne by such city. Nothing herein contained shall require that in the event such auditorium is made a part of the city hall and court house building the city shall sell any existing auditorium building. In the event that such auditorium is included in the city hall and court house building, the management and control of such auditorium shall not be vested in the joint committee hereinbefore provided for to manage the city hall and court house building but the management and control of such auditorium shall be vested in such City. Any additional expense in the care, upkeep and maintenance of said court house and city building arising from the inclusion of such an auditorium shall be borne by such City.

The city council of any such city issuing and selling bonds as herein authorized for the purpose of defraying the expense of acquiring land for erecting, equipping and furnishing any such joint court house and city hall building is hereby authorized and empowered without reference to any such advisory court house and city hall building commission or other public body or bodies to reconstruct, remodel, and improve the theater section of any municipal auditorium building located in any such city and to defray the expense, not in excess of the sum of Twenty-five Thousand Dollars ($25,000.00), of reconstructing, remodeling and improving the theater section of any such building from

the balance of the proceeds of the issuance and sale by any such city of any such bonds, remaining after the expense of acquiring land for erecting, equipping, and furnishing any such joint court house and city hall building has been defrayed as herein provided.

The county board of any such county issuing and selling bonds as herein authorized for the purpose of defraying the expense of acquiring land for erecting, equipping, and furnishing any such joint court house and city hall building is hereby authorized and empowered without reference to any such advisory court house and city hall building commission, to appropriate and expend not more than $10,000 for the funds provided by the sale of such bonds for the purpose of equipping any municipal auditorium building situated in any city of the first class located within any such county. (Apr. 26, 1929, c. 397, §21; Jan. 27, 1936, Ex. Ses., c. 99.)

If in the opinion of the City Council and County Board, it is inadvisable to provide meeting halls or quarters in the city hall and Court house, for organizations the membership whereof is composed of persons who served the United States in the Army, Navy or Marine Corps in the Civil War, Spanish-American War, Phillipine Insurrection, Boxer Uprising, Chinese Relief Expedition, or the recent World War, and for the auxiliaries to or of said organizations, and the opinion of said bodies such halls or quarters should be provided, the County Board and City Council may provide not to exceed Fifteen Thousand ($15,000) Dollars, for the improving, out of funds issued for the erection of a new court house and city hall, of such halls or quarters in a municipally owned auditorium building for such organizations and their auxiliaries. In the event that halls or quarters in a municipal auditorium are improved for the use of such organizations and their auxiliaries such halls and quarters shall be under the sole control and management of the same persons or committees as manage the city hall and court house building; and all costs of heating, lighting and operation of such halls or quarters shall be the expense of such persons or committees; provided that said last named persons or committees may, if they so elect, direct said organizations and their auxiliaries to form a joint Housing or other proper committee to represent and act for all of said organizations and their auxiliaries in all matters relating to said halls and quarters and to prepare and adopt rules and regulations prescribing the time when, manner in which and conditions under which, said halls or quarters or portions thereof shall be used by the several organizations and auxiliaries, and provided further, that in the event such Joint Housing or other committee be formed, any rules or regulations by it adopted shall, before becoming effective, be approved by said persons or committees having control and management of said halls or quarters. (Added to Act. Apr. 26, 1929, c. 397, §21, by Act Mar. 29, 1933, c. 127, §1.)

May reconstruct auditorium.—The City Council of any such city issuing and selling bonds as herein authorized for the purpose of defraying the expense of acquiring land for erecting, equipping, and furnishing any such joint court house and city hall building is hereby authorized and empowered without reference to any such advisory court house and city hall building commission or other public body or bodies, to reconstruct, remodel, and improve the theater section of any municipal auditorium building located in any such city and to defray the expense, not in excess of the sum of Twenty-five Thousand ($25,000.00) Dollars of reconstructing, remodeling, and improving the theater section of any such building from the balance of the proceeds of the issuance and sale by any such city of any such bonds, remaining after the expense of acquiring land for erecting, equipping, and furnishing any such joint court house and city hall building has been defrayed as herein provided. (Added to Act Apr. 26, 1929, c. 397, §21; by Act Apr. 21, 1933, c. 400, §1.)

Sec. 2 of Act Mar. 29, 1933, cited, provides that the Act shall take effect from its passage.

Sec. 2 of Act Apr. 21, 1933, cited, provides that the Act shall take effect from its passage.

643-21a. Commission to file report upon completion of building.—Upon the completion of the erection and equipping of said city hall and court house building the commission herein provided to be appointed shall make and file with the district court of the county and the office of the county auditor of any such county and the city clerk of any city of the first class located in such county a report of its proceedings, setting forth in general terms the acts performed by such Commission pursuant to this chapter as well as the contracts which were let in the erection and equipping of such building, and the balances remaining in the funds provided by the sale of bonds as herein provided. Upon the filing of such report the said commission shall thereupon be discharged. The city council of any such city and the board of county commissioners of any such county may not later than 10 years from the date of filing of such report, expend said balances remaining in the funds provided by the sale of bonds for enlarging the court facilities in such building, to be done, however, only upon the request of the judges of the district court in the county in which such building is located. The remainder of the proceeds of such bonds shall be used for the purpose of retiring bonds issued hereunder and upon the expiration of the said 10 year term in the event the above mentioned improvements to the said building have not been contracted for, the funds provided therefor shall thereupon be used to retire the said bonds. (Apr. 26, 1929, c. 397, §21a, added Apr. 17, 1937, c. 274, §1.)

643-22. Provisions severable.—This statute shall be liberally construed to effectuate its purpose, and in the event any section or clause hereof shall be invalid, the validity of the balance of the act shall not be affected. (Act Apr. 26, 1929, c. 397, §22.)

Sec. 23 repeals inconsistent acts. Sec. 24 provides that the act shall take effect from and after its passage.

Laws 1933, c. 301, provides that counties having assessed valuation of $300,000,000, exclusive of moneys and credits and population of not less than 300,000, may establish a public market.

646. Claims against county—appeal.—When any claim against a county is disallowed by the board in whole or in part, a claimant may appeal from its decisions to the district court by causing a written notice of such appeal to be filed in the office of the auditor within fifteen days after written notice mailed to said claimant by the county auditor showing the disallowance of said claim and giving security for costs, to be approved by the auditor, who shall forthwith notify the county attorney thereof. When any claim against a county shall be allowed in whole or in part by such board, no order shall be issued in payment of the same or any part thereof until after fifteen days from date of the decision; and the county attorney may, on behalf and in the name of such county, appeal from such decision to the district court, by causing a written notice of such appeal to be filed in the office of the auditor within fifteen days after date of the decision appealed from; or any seven taxpayers of the county may in their own names appeal from such decision, to the district court by causing a written notice of appeal stating the grounds thereof to be filed in the office of the auditor within fifteen days after the date of the decision appealed from, and giving to the claimant security for his costs and disbursements to be approved by a judge of the district court; and thereafter no order shall be issued in payment of any such claim until a certified copy of the judgment of the court shall be filed in the office of the auditor. Upon the filing of such notice of appeal, the court shall acquire jurisdiction of the parties and of the subject matter, and may compel a return to be made as in the case of an

appeal from a judgment of a justice of the peace. (R. L. '05, §415; G. S. '13, §674; '25, c. 317, §1; Apr. 10, 1933, c. 191.)

Act Apr. 4, 1933, c. 152, authorizes county board in counties having population of over 200,000 and area of over 5,000 square miles to pay claim for personal and property damage from settlement of highway occurring within 6 months prior to Jan. 1, 1933. Effective May 1, 1933.

A transaction between a former sheriff and the county board held to be a settlement and not an allowance of a claim and the order of the county board was not appealable. Johnson v. W., 175M236, 220NW946.

It is not necessary to wait 15 days in issuing warrant in payment of compromise settlement. Op. Atty. Gen. (125a-11), Feb. 27, 1937.

647. Proceedings on appeal.

Issues of fact on appeal by school board under §2747 or §2748 should be tried as in civil action. Op. Atty. Gen. (166c-1), Mar. 25, 1935.

COUNTY BOARD

650. Composition.

One appointed to fill vacancy on county board caused by death of one whose term expired January 1, 1933, and thereafter elected to office would hold office only to January 1, 1933. Op. Atty. Gen., Mar. 30, 1932.

Offices of county commissioner and town clerk are incompatible. Op. Atty. Gen., Jan. 6, 1933.

Compensation for two days intervening between expiration of terms of retiring county commissioners and taking of office by newly elected officials should be paid to retiring officials. Op. Atty. Gen., Feb. 6, 1933.

Offices of county commissioner and assistant manager of county of national reemployment service are not incompatible. Op. Atty. Gen., Jan. 15, 1934.

Office of president of village council or mayor of municipality is incompatible with that of county commissioner. Op. Atty. Gen., Jan. 22, 1934.

651. County commissioner's districts.—Each county shall be divided into as many districts, numbered consecutively as it has members of the board. In all counties such districts shall be bounded by town, village, ward, or precinct lines, shall be composed of contiguous territory and contain as nearly as practicable an equal population. Counties may be redistricted by the county board after each state or federal census; and when it appears that after a state or federal census 30 per cent or more of the population of any county is contained in one district, exclusive of the inmates of any state penal or corrective institution, or state hospital for the insane, maintained wholly or partly within such district, such county shall be redistricted by its county board. Provided however, that no city of the second class shall be in more than two commissioners' districts.

Provided that the county board shall not have authority or jurisdiction to re-district a county unless said board shall cause at least three weeks' published notice of its purpose to do so, stating the time and place of the meeting where the matter will be considered, to be published in the newspaper having the contract for publishing the commissioners' proceedings for said county for the current year. One commissioner shall be elected in each such district who at the time of the election shall be a resident, thereof, and the person so elected shall be entitled to hold said office only while he remains a resident of said commissioner district. When a county is redistricted there shall be a new election of commissioners in all the districts of the county at the next general election. The board shall determine that not less than two nor more than three members of the board shall be elected for a term of two years and the remainder for a term of four years at the next general election. Thereafter all commissioners shall be elected for four years; provided, that where no change is made in the boundaries of a district, the commissioner in office at the time of the redistricting shall serve for the full period for which he was elected; provided further that where a county has heretofore been redistricted between the time of the general election and the time at which commissioners elected at such general election were required to qualify and no change was made in the boundary of the district to which such commissioner was elected, such commissioner-elect, after duly qualifying as a commissioner for said district, shall serve for the full period for which he was elected. (R. L. '05, §420; G. S. '13, §679; '13, c. 537, §1; '17, c. 370; '23, c. 366, §1; Mar. 28, 1931, c. 105; Mar. 10, 1933, c. 77; Apr. 21, 1933, c. 363; Apr. 24, 1931, c. 279; Jan. 24, 1936, Ex. Ses., c. 76.)

For counties with not less than 500 nor more than 700 square miles and population of over 400,000 and containing a city of the first class, see Laws 1929, c. 381.

Such act repeals Sp. Laws 1881, c. 396; Sp. Laws 1889, c. 136; Sp. Laws 1891, c. 371.

Laws 1933, c. 363, adding proviso that no city of second class shall be in more than two commissioner districts, is not unconstitutional as arbitrary and capricious classification. State v. Cooke, 195M101, 262NW163. See Dun. Dig. 1679, 2267.

Act of board at regular meeting in dividing county into commissioner districts cannot be reconsidered or rescinded at a subsequent meeting. Op. Atty. Gen., Nov. 30, 1931.

County board having duly divided county into county commissioner districts may not at any time prior to a new census redistrict. Op. Atty. Gen., Nov. 31, 1931.

A county commissioner whose district is changed by some territory being removed therefrom, but without any new territory being added to his district, must run for office at the next election. Op. Atty. Gen., Dec. 29, 1931.

Where more than 30% of the county's population is contained in any one commissioner district, the duty of redistricting is mandatory. Op. Atty. Gen., May 27, 1931.

Where county is redistricted, county commissioners whose districts are affected will have to run for office at the next general election. Op. Atty. Gen., May 27, 1931.

Redistricting takes effect at once, but commissioners whose districts have been changed serve as commissioners at large until new commissioners are selected at the next general election. Op. Atty. Gen., July 10, 1931.

All that is required is that districts contain as nearly as possible an equal population. Op. Atty. Gen., Mar. 18, 1933.

County board may, in its discretion, redistrict commissioner districts after state or federal census, even though no one district contains 30% or more of population. Op. Atty. Gen., Mar. 18, 1933.

In event that a commissioner is placed outside district from which he was elected, he will be entitled to hold office for two years or until his successor is elected at next general election, and would not be entitled to hold office for four years by moving into and residing in district. Op. Atty. Gen. (798f), Dec. 3, 1934.

Laws 1933, c. 363, amending this section, did not repeal by implication provisions of Laws 1933, c. 77, also amending this section. Id.

Where on December 31, 1934, commissioners made change in boundaries of commissioner's districts 2 and 5 and boundaries of 1, 3, 4 were left unchanged, and commissioner for district 2 was elected at general election in 1934, commissioner of district 4 reelected at general election in 1934 for a four-year term could hold office only until general election in 1936. Op. Atty. Gen. (798e), Mar. 18, 1935.

Though ordinarily inmates of training schools are not to be counted as residents of county, county board should accept official returns of federal or state census as basis for determining whether or not a redistricting is required, even though inmates of such schools were counted as residents. Op. Atty. Gen. (798d), Oct. 15, 1935.

When a county has once been redistricted after taking of each federal or state census, there may not be another redistricting until after another census. Op. Atty. Gen. (798d), Apr. 8, 1936.

651-1. Redistricting commissioners' districts in certain counties.

Counties having population of more than 400,000, and area of not less than 500 and not more than 700 square miles, shall be divided into commissioner districts which may be changed in manner prescribed. Laws 1929, c. 381.

652. Term of office.

Offices of county commissioner and sergeant-at-arms of state legislature are not incompatible. Op. Atty. Gen., Mar. 3, 1933.

County board cannot require county attorney or judge of probate to furnish corporate surety bonds and cannot refuse to accept, arbitrarily, a proper personal bond when tendered, but such officers must pay their own premium. Op. Atty. Gen. (121a-3), Mar. 2, 1935.

656. Salaries of county commissioners in certain counties.

A county commissioner governed by this section is not entitled to charge mileage or traveling expenses except where he actually incurs and pays out money therefor. Op. Atty. Gen., Nov. 20, 1931.

County board has no power to change salaries fixed by statute. Op. Atty. Gen., Dec. 18, 1931.

Proviso that act should not reduce salary of county commissioners, applied only to salaries of commissioners in office at time of passage of act. Op. Atty. Gen., Aug. 2, 1932.

Increase of population of Stearns County to 62,000 made this section govern salaries of county commissioners, and they are entitled to $600 per annum instead of $1,200.00. Op. Atty. Gen., Aug. 2, 1932.

Where valuation in county is reduced, salaries of county commissioners are also reduced, becoming effective at beginning of new year. Op. Atty. Gen., Feb. 7, 1933.

Salaries of county commissioners automatically change first of year following change in assessed valuation. Op. Atty. Gen., Feb. 10, 1933.

Decrease of assessed valuation in Lake County below $3,000,000 automatically decreased salaries of county commissioners. Op. Atty. Gen., Feb. 15, 1933.

Legislature possesses right to change salaries of county officers at any time. Op. Atty. Gen., Feb. 21, 1933.

Action of Minnesota Tax Commission in fixing valuation in Polk County automatically decreased salary of members of board of commissioners from $800 to $400 per annum. Op. Atty. Gen., Feb. 25, 1933.

Determination by Minnesota Tax Commission that assessed valuation has dropped below twenty million dollars automatically takes the county out of the operation of Laws 1925, c. 81, for salary purposes and makes this section applicable. Op. Atty. Gen., Feb. 25, 1933.

Members of county board whose salaries are determined by this section are entitled to 10c per mile and Laws 1933, c. 13, is inapplicable. Op. Atty. Gen., Mar. 4, 1933.

County commissioners of Redwood County with assessed valuation of $16,600,780 may not bill county for expenses incurred in investigation of poor cases. Op. Atty. Gen., Apr. 27, 1933.

County commissioners elected in 1929 are subject to reduction in salary caused by reduction in assessed valuation before expiration of their term.–Id.

Salary of county commissioner is reduced first of new year following action of tax commission in lowering valuation of county, and applies to all members of board. Op. Atty. Gen., May. 11, 1933.

Salaries of county commissioners of Yellow Medicine County are subject to change during their term of office when assessed valuation drops. Op. Atty. Gen., May 16, 1933.

There are no special laws changing rate of pay of county commissioners in Yellow Medicine County.–Id.

County commissioners are not entitled to mileage while on welfare work.–Id.

Commissioners may not by unanimous vote give old salary to commissioners holding over after reduction in assessed valuation.–Id.

Neither county commissioner nor county attorney is entitled to reimbursement for mileage for investigations with reference to mother's pensions. Op. Atty. Gen., June 14, 1933.

PARTICULAR ACTS RELATING TO COMPENSATION OF COMMISSIONERS

Act Apr. 14, 1937, c. 230, effective May 1, 1937, amends Laws 1925, c. 91, §8, as amended, and provides that in counties having 41 to 43 townships, and 25,000 to 30,000 inhabitants, the county board members shall receive $384 salary and $3 per day while on committee duty and 5 cents mileage for attendance on not to exceed 12 meetings of the board, and same per diem and mileage for tax equalization meetings, and $9 per month for acting on welfare board and 5 cents mileage for attending welfare board meetings. Chairman to receive $3 per diem and 5 cents mileage for attendance on board of audit and signing of warrants.

Act July 15, 1937, Sp. Ses., c. 54, §1, amends Laws 1925, c. 91, §8, as amended by Laws 1937, c. 230, §4, by fixing the salary of county board members at $456 and eliminating the provision for $9 a month for work on the welfare board, and substituting therefor $3 per day and 5 cents mileage.

Counties with 41 to 43 congressional townships and 25,000 to 30,000 population. Laws 1929, c. 20, §1, as amended by Laws 1929, c. 161, §2, and amending Laws 1925, c. 91, §8, fixes salaries of commissioners at $400 per year, and $3 per day while engaged in official duties, and 9 cents mileage. But see §§254-47, 254-48 as to mileage. The act authorizes allowance of additional clerk with salary not to exceed $80 per month.

Counties with 28 to 29 congressional townships and assessed valuation of $11,000,000 to $13,000,000. Act Mar. 22, 1929, c. 80, fixes salary at $600 and mileage at 10 cents. But see §§254-47, 254-48, as to mileage.

Counties with 15 to 16 congressional townships, assessed valuation of $12,00,000 to $20,000,000, and population of 22,000 to 40,000. Laws 1929, c. 167, fixes salary of commissioners at $600, and per diem of $3 while in discharge of official duties, and 10 cents per mile for travel. But see §§254-47, 254-48, as to mileage.

Counties having more than 415,000 inhabitants. Act Apr. 25, 1929, c. 376, §1, fixes salary of commissioners at $3,600 and traveling expenses as allowed by law, and amends Laws 1921, c. 202.

Counties with assessed valuation between $3,500,000 and $6,000,000, and population between 10,000 and 12,500. Laws 1931, c. 14, fixes salary of county board members at $325 per year.

Counties containing 36 congressional or 30 organized townships, and from 665,000 to 670,000 acres, and having assessed valuation of $14,000,000 to $20,000,000, and population between 22,000 and 30,000. Laws 1931, c. 27, fixes salary of county commissioners at $60 per year, and mileage allowance at 10 cents per mile. But see §§254-47, 254-48.

Counties containing 17 or 18 congressional townships, having assessed valuation of $5,000,000 to $6,000,000, and population from 8,000 to 12,500. Laws 1931, c. 45, fixes salary of commissioners at $325 per year, and legalizes prior payments.

Counties with area of 1,000,000 to 1,250,000 acres, and assessed valuation of $10,000,000 to $12,000,000. Laws 1931, c. 135, legalizes payments of $400 per year previously made to commissioners.

Counties having 14 to 25 congressional townships, population of 29,000 to 33,000, and assessed valuation of $24,000,000 to $40,000,000. Laws 1931, c. 185, amends Laws 1921, c. 275, §1, and fixes the salary of commissioners at $800 and traveling expenses not exceeding $1,200 for all the commissioners in any one year.

Counties having 44 to 45 congressional townships and assessed valuation of $12,000,000 to $18,000,000. Laws 1931, c. 192, amends Laws 1921, c. 437, §1, so as to apply to counties as above.

Act Apr. 12, 1937, c. 193, amends Laws 1921, c. 437, as amended, and provides that in counties having 44 to 45 townships assessed value of $8,000,000 to $14,000,000 and population of 25,500 to 26,000, the county board members shall receive $720 per year and $3 per day while on committee duty, and ten cents mileage in attending not exceeding 12 meetings in any year.

Act Apr. 26, 1937, c. 491, amends Laws 1921, c. 437, as amended, to fix salary of county board members at $720, $3 per day for committee duty and 10 cents mileage for committee work and for not over 12 meetings of the board.

Counties having 24,000 to 27,000 inhabitants, assessed valuation $18,000,000 to $23,000,000, and area of 22 to 24 congressional townships. Laws 1931, c. 274, allows commissioners traveling expenses not exceeding total of $1,600 per year.

Laws 1931, c. 26, validates excessive payments to county commissioners in 1928, 1929 and 1930, in counties having assessed valuation of $10,000,000 to $15,000,000, and population, 12,500 to 14,000.

Act Feb. 9, 1933, c. 16, provides that in counties having 81 to 85 congressional townships and population of 18,000 to 30,000, the county board members shall receive $540 per year and traveling expenses. Laws 1925, c. 7, repealed. See §§997-4a to 997-4h.

Act Mar. 19, 1937, c. 69, effective July 1, 1937, amends Laws 1933, c. 16, to make salary of members of county board $720, salary of county auditor $2500 and traveling expenses within the state of Minnesota.

Act Feb. 14, 1933, c. 21, repeals Laws 1919, c. 101.

Act Feb. 14, 1933, c. 26, provides that in counties having a population of 50,000 to 70,000 and 35 to 45 congressional townships, county commissioners shall receive $900 per year, and $3 per day for committee work and traveling expenses, members using own vehicle to receive 5 cents per mile. Additional compensation over salary not to exceed $250 per year.

Act Apr. 17, 1937, c. 248, effective Apr. 17, 1937, amends Laws 1933, c. 26, §1, by changing limitation of $250 additional compensation to $550.

Act Mar. 2, 1933, c. 46, amends Laws 1919, c. 23. Amended, Laws 1939, c. 211. See §§997-4a to 997-4h.

Laws 1933, c. 68, legalizes payments of salaries theretofore made to county commissioners in counties having assessed valuation between $6,000,000 and $8,500,000 and population between 10,500 and 12,000.

Act Mar. 9, 1933, c. 76, §10, effective Jan. 1, 1934, provides that in counties with area of 35 to 55 congressional townships and assessed valuation of not more than $2,000,000, exclusive of moneys and credits, county commissioners shall receive $240 per annum and pay for committee work and traveling expenses and 5 cents per mile for use of own automobile. Salary paid monthly. See §§997-4a to 997-4h.

Act Mar. 19, 1937, c. 70, §10, effective July 1, 1937, amends Laws 1933, c. 76, to make salary of commissioners $300.

Act Apr. 10, 1933, c. 166, §13, provides that in counties having 76 to 80 congressional townships and assessed valuation of $3,000,000 to $5,000,000, the county board members shall receive $420 per annum. Amended, Act Apr. 15, 1939, c. 274. See §§997-4a to 997-4h.

Act Apr. 10, 1933, c. 183, provides that in counties having 26,000 to 27,000 population and 27 to 29 congressional townships, the members of the county board shall receive $500 per annum in monthly installments, and mileage of 5 cents.

Act Apr. 11, 1933, c. 212, provides that in counties having 50 to 70 congressional townships and assessed valuation, exclusive of moneys and credits, of less than $1,500,000, the county board members shall receive $210 per annum, and 5 cents per mile for travel incident to not more than 20 meetings per year. Effective May 1, 1933.

Act Apr. 15, 1933, c. 281, provides that in counties having 100 or more congressional townships and as-

sessed valuation, including moneys and credits, the county board members shall receive $540 per annum and traveling expenses. See §§997-4a to 997-4h.

Act Mar. 23, 1937, c. 91, repeals Laws 1933, c. 281, and provides that in counties having 100 to 105 townships and 12,000 to 16,000 population the county commissioners shall receive $720 per annum and traveling expenses within county.

Act Apr. 15, 1933, c. 284, §12, amending Laws 1921, c. 437, Laws 1927, c. 225, and Laws 1931, c. 192, provides that in counties having 44 or 45 congressional townships and assessed valuation, exclusive of moneys and credits, of $9,000,000 to $12,000,000, the county board members shall receive $562 per year and $3 per day for time occupied in official duties on committees, and 10 cents mileage for not exceeding 12 board meetings per year. See §§997-4a to 997-4h.

Laws 1933, c. 284, §16, repeals Laws 1919, c. 224. See §§997-4a to 997-4h.

Act Feb. 15, 1935, c. 13, fixes salary of county commissioner at $325 in counties with 11,000 to 13,000 population, assessed value of less than $6,000,000, and having 13 to 15 townships.

Act Apr. 1, 1935, c. 88, amends Laws 1919, c. 210, by fixing mileage allowance at 10 cents.

Act Jan. 21, 1936, Sp. Ses. 1935-36, c. 65, provides that in counties having 18 to 20 townships, 28,000 to 28,500 population, and $18,000,000 to $25,000,000 assessed value, county commissioners shall receive $800 per annum and necessary expenses.

Laws 1919, c. 210, as amended by Laws 1935, c. 88, §1, reads as follows:

"Section 1. In all counties of this state, now or hereafter having an assessed valuation of more than twenty million dollars, and less than one hundred million dollars, and an area of more than two thousand five hundred square miles, each member of the board of county commissioners shall receive a monthly salary of one hundred fifty dollars, payable on the first day of each calendar month, as the salaries of other county officials are paid."

Laws 1935, c. 13. Salaries in counties having between 11,000 and 13,000 population, and a valuation of less than $6,000,000, with 13 to 15 congressional townships shall be $350 a year.

Laws 1935, c. 113. Counties having 20 to 23 townships and valuation of less than $6,000,000, salary of commissioners to be $420.00 per year and 5 cents mileage.

Laws 1935, c. 122. In counties having valuation of $5,000,000 to $6,000,000 and population of 7,000 to 8,000 and 18 to 20 townships commissioners salary shall be $325 per year.

Laws 1935, c. 126. In counties having valuation of $5,000,000 to $6,000,000 and population of 9,500 to 10,500 and 14 to 16 townships commissioners salary shall be $325 per year.

Laws 1935, c. 349. Salaries of county commissioners, county auditor and county treasurer in certain counties. See §§997-4a to 997-4f.

Laws 1935, c. 361. Counties having more than 100 townships and valuation between $4,000,000 and $6,000,000, auditor shall receive $2,250, treasurer $1,800, Probate $1,400, commissioners $540, register of deeds $1,800.

Act Apr. 19, 1937, c. 288, provides that in counties having 19 to 21 townships, assessed value, exclusive of moneys and credits, of $5,000,000 to $7,000,000, and population of 13,000 to 14,000, the salary of the county board members shall be $480.

Act Apr. 21, 1937, c. 333, provides that in counties having 34,000 to 40,000 population, assessed valuation of $15,000,000 to $19,000,000, and containing a third class city, the salary of the county board members shall be $900.

Act Apr. 21, 1937, c. 335, provides that in counties having population of 13,000 to 14,000, 19 to 21 townships, and 703 to 705 square miles, the salary of the county board members shall be $600.

Act Apr. 21, 1937, c. 336, provides that in counties having 12,000 to 13,000 inhabitants, 15 to 17 townships, and 468 to 470 square miles, the salary of the county board members shall be $600.

Act Apr. 21, 1937, c. 337, provides that in counties having 15 to 20 townships, more than 8,000 population, and over $3,500,000 assessed valuation, the salary of county board members shall be $300.

Act Apr. 21, 1937, c. 339, provides that in counties not provided for by special law, containing second class city, 19 to 21 townships, 34,000 to 40,000 population, and assessed value, including monies and credits of $25,000,000 to $30,000,000, the salary of county board members shall be $800, and traveling expenses not exceeding $1200 in any year for the entire board.

Act Apr. 23, 1937, c. 372, provides that in counties having assessed valuation, exclusive of monies and credits, of $500,000 to $600,000, population of 2,000 to 3,000, and 60 to 65 townships, the salary of county board members shall be $35 per month payable monthly.

Act Apr. 26, 1937, c. 433, provides that in counties having assessed valuation, exclusive of monies and credits, of $5,000,000 to $6,000,000, population of 10,000 to 11,000, and 15 to 17 townships the salary of county board members shall be $450.

Act Apr. 24, 1937, c. 460, provides that in counties having assessed valuation, exclusive of monies and credits, of $9,800,000 to 9,900,000, population of 15,000 to 15,425, and 27 to 29 townships, the salary of the county board members shall be $50 per month.

Act July 14, 1937, Sp. Ses., c. 21, amends Act Apr. 24, 1937, c. 460, by making it apply to counties having assessed valuation, exclusive of monies and credits of $9,500,000 to $12,000,000, population of 15,000 to 16,000, and 27 to 29 townships.

Act July 14, 1937, Sp. Ses., c. 37, provides that in counties having 19 to 21 townships, $6,000,000 to $8,000,000 assessed valuation, exclusive of moneys and credits, and 18,000 to 20,000 population, the members of the county board shall receive a salary of $480.

Act July 14, 1937, Sp. Ses., c. 40, provides that in counties having 15 to 16 townships, 11,000 to 12,000 population, and assessed valuation, exclusive of moneys and credits, of $5,000,000 to $7,000,000, the salary of county board members shall be $420.

Act July 14, 1937, Sp. Ses., c. 41, provides that in counties having 27 to 29 townships, 9,500 to 9,700 inhabitants and assessed valuation, exclusive of moneys and credits, of $2,400,000 to $2,700,000, the minimum salary of county board members shall be $360.

Act July 15, 1937, Sp. Ses., c. 58, provides that in counties having 850 to 900 square miles, 21,000 to 22,000 population, and assessed valuation of not less than $11,000,000, the salary of county board members shall be $600, and 5 cents mileage for attending board meetings.

Act July 15, 1937, Sp. Ses., c. 59, provides that in counties having 600 to 700 square miles, 17,000 to 18,500 population, and assessed valuation of not less than $9,500,000, the county board members shall receive a salary of $500.

Act July 15, 1937, Sp. Ses., c. 63, provides that in counties having 19 to 21 townships, 34,000 to 45,000 inhabitants, and assessed valuation, including moneys and credits, of $28,000,000 to $45,000,000, the salary of county board members shall be $700 and traveling expenses.

In counties having 6,000 to 8,000 population and 15 to 17 townships and valuation of under $4,000,000 county commissioners shall receive $300 per year. Laws 1939, c. 188.

In counties having 14,000 to 16,000 population and $9,000,000 to $10,000,000 valuation and area of 638 to 642 square miles the county commissioner shall receive $600 per year. Laws 1939, c. 208.

In counties having population of 26,000 to 27,000 and 27 to 29 townships the county commissioners shall receive $600 per year, $3 per diem and five cents per mile. Laws 1939, c. 337.

Act March 31, 1939, c. 99, fixes the salary and expenses of county board members in counties having 41 to 43 congressional townships, assessed valuation, exclusive of money and credits, of $6,000,000.00 to $12,000,000.00, and population of 25,000 to 30,000, and repeals Laws 1921, c. 437; Laws 1925, c. 91; Laws 1929, cc. 20, 161; Laws 1933, c. 432; Laws 1937, c. 230; Laws 1937, Sp. Ses., c. 54.

Act Apr. 21, 1933, c. 432, §6, effective May 1, 1933, amends §8 of Laws 1925, c. 91, making the salary of the commissioners $384 per year and $3 per day for committee and equalization work, and 5 cents mileage. 180 M246, 230NW637.

Under Laws 1923, c. 68, commissioner is not entitled to mileage, but only his actual expenses paid to third persons. Op. Atty. Gen., Oct. 10, 1929.

County commissioner investigating financial condition and status of children is not entitled to a per diem and mileage. Op. Atty. Gen., Sept. 18, 1930.

Under Laws 1931, c. 331, ante, §§254-47, 254-48, county commissioners are only entitled to be reimbursed at the rate of seven cents per mile for the use of their own automobiles in the performance of their official duties. Op. Atty. Gen., May 18, 1931.

If county is governed by this section, allowance to county commissioner for reimbursement for use of his car is limited by Laws 1931, c. 331, ante, §§254-47, 254-48. Op. Atty. Gen., June 4, 1931.

Laws 1921, c. 275, is complete in itself, and limitations contained in §657 do not apply to counties included. Op. Atty. Gen., Dec. 1, 1930.

Under Laws 1925, c. 143, salaries of county commissioners of Polk County are to be determined by this act and they are also entitled to reimbursement of actual and traveling expenses which shall include transportation, hotel bills, meals and other incidental necessary expenses. Op. Atty. Gen., Mar. 4, 1933.

Under Laws 1925, c. 143, §2, mileage of 10c per mile is modified by Laws 1931, c. 331, as amended by Laws 1933, c. 13, so as to entitle them only to 5c per mile if they use their own automobile. Op. Atty. Gen., Mar. 4, 1933.

Under Laws 1929, c. 80, on reduction of valuation of Todd County below $9,000,000 salary of county commissioner was reduced from $600 to $325 per year. Op. Atty. Gen., Mar. 4, 1933.

County is not authorized to pay mileage and expenses of members of county board incurred in connection with emergency relief administration work under federal law. Op. Atty. Gen., Dec. 19, 1933.

When assessed valuation of Aitkin County was reduced below $5,000,000, county was automatically taken from provisions of Laws 1923, c. 60, and was placed under general statutes applying to compensation of county commissioners. Op. Atty. Gen., Feb. 10, 1934.

County commissioners are not entitled to compensation for service in hearing and disposing of claims for old age pensions, and payment of traveling expenses is determined in accordance with law under which particular county is operating. Op. Atty. Gen., Feb. 21, 1934.

Salaries of county commissioners may be decreased during term for which they were elected. Op. Atty. Gen. (124i), Dec. 11, 1934.

Salaries of county commissioners change on Jan. 1, following an increase or decrease in assessed valuation of their counties without any action on part of board to effect change, but a resolution is necessary under §997-2 to increase compensation to amount received previous to reduction in salary. Op. Atty. Gen. (104a-9), Dec. 18, 1934.

Neither county commissioners nor county attorney are entitled to mileage in connection with investigation of poor relief and mother pension cases. Op. Atty. Gen. (359a-14), Mar. 12, 1935.

Salaries of county commissioners of Yellow Medicine County as affected by Laws 1919, c. 487, Laws 1925, c. 143, Laws 1933, c. 359, and Laws 1935, c. 349, computed and determined. Op. Atty. Gen. (124i), July 18, 1935.

The effects of Laws 1935, ch. 349, is to place the actual salaries to be paid after sum actually received by commissioners during year 1931, and where pursuant to Laws 1921, c. 275, and Laws 1931, ch. 185, and Laws 1919, chs. 242 and 487, salary was reduced on April 17, 1931, because of change in population, salary received before April 17 should be added to that received after April 17, 1931, and the total fixes the compensation. Op. Atty. Gen. (124i), Aug. 7, 1935.

Lac Qui Parle county now comes within provisions of Laws 1929, ch. 8. Op. Atty. Gen. (107b-14), Sept. 13, 1935.

Laws 1935, ch. 113, does not apply to Pope County, as exemptions under §1975 should not be deducted in computing assessed valuation. Op. Atty. Gen. (124i), Feb. 4, 1936.

Under Laws 1935, ch. 113, county board may not receive a salary or per diem for special meeting, nor can board appoint its entire membership to a committee and obtain compensation as such, though proper members of a committee are entitled to compensation. Op. Atty. Gen. (124a), Feb. 26, 1936.

Traveling expenses of county commissioners incurred in administering old age assistance act must be paid under law fixing compensation of members of board. Op. Atty. Gen. (104b-4), May 4, 1936.

Reimbursement for traveling expenses should be made upon basis of mileage actually and necessarily traveled by each commissioner within limitation provided in said section. Op. Atty. Gen. (104b-4), Sept. 11, 1936.

Big Stone County is classified as having 20 full and fractional congressional townships. Op. Atty. Gen. (104a-9), Oct. 14, 1936.

Under Laws 1929, c. 80; Laws 1933, c. 183; Laws 1935, c. 349; and Laws 1935, Ex. Sess. c. 39, annual salary payable to Todd County Commissioners is the same as that paid in 1931, which was $600, but mileage is 5 cents per mile. Op. Atty. Gen. (124i), March 10, 1939.

Salary of commissioner in class described by Laws 1939, c. 188, changed as of date of passage of act, April 10, 1939. Op. Atty. Gen. (124h), June 16, 1939.

Under Laws 1937, ex. sess., c. 58, commissioner is entitled to mileage of 5 cents regardless of how he makes trip, and a member appointed a committee of one for purpose of examining a bridge or conferring with owner of gravel pit would be entitled to mileage. Op. Atty. Gen. (124a), Sept. 11, 1939.

657. Compensation and mileage, etc.

County commissioner cannot under the guise of committee work actively supervise road work, but may do committee work in making a report on proposed work. Op. Atty. Gen., Oct. 15, 1929.

Limitations in this section do not apply to county commissioners coming within Laws 1921, c. 275. Op. Atty. Gen., Dec. 1, 1930.

This section is not affected by Laws 1931, ante, §§254-47, 254-48. Op. Atty. Gen., May 23, 1931.

Allowance of county commissioner governed by this section is not affected by Laws 1931, c. 331, ante, §§254-47, 254-48, as respects reimbursement for use of officer's own car. Op. Atty. Gen., June 4, 1931.

A county commissioner working under this section or a similar statute is entitled to his mileage whether or not he pays out any money as expenses. Op. Atty. Gen., Jan. 20, 1932.

The mileage allowance in this section is not in the form of a reimbursement for expenses, and this section is not affected by Laws 1931, c. 331. Op. Atty. Gen., Jan. 22, 1932.

Laws 1931, c. 331, as amended by Laws 1933, c. 13, does not affect this section. Op. Atty. Gen., Feb. 25, 1933.

Board is entitled to charge mileage for only twelve return trips even though some of the monthly meetings last more than one day and require two or more round trips. Op. Atty. Gen., Feb. 25, 1933.

County commissioners may not legally charge for transportation, meals or other items paid out in making investigations regarding poor. Op. Atty. Gen., Feb. 25, 1933.

Due to reduction in valuation of Polk County, commissioners may receive mileage at rate of 10c, and sum of $3 per day under certain circumstances. Op. Atty. Gen., Feb. 25, 1933.

Mileage of county commissioners of Beltrami County, discussed. Op. Atty. Gen., Mar. 27, 1933.

Members of county board of Yellow Medicine County are entitled to $3 per day and mileage while acting on committee, and also $3 per day and mileage for meeting when board is acting as board of equalization. Op. Atty. Gen., May 16, 1933.

Mileage provisions are not affected by Laws 1933, c. 331, as amended by Laws 1933, c. 13. Id.

Mileage under this section is not affected by §254-47. Op. Atty. Gen. (104a-8), Mar. 8, 1935.

Under Laws 1935, ch. 113, county board may not receive a salary or per diem for special meeting, nor can board appoint its entire membership to a committee and obtain compensation as such, though proper members of a committee are entitled to compensation. Op. Atty. Gen. (124a), Feb. 26, 1936.

Members of county board are only entitled to mileage for attending meetings not exceeding 12 in number. Op. Atty. Gen. (359a-14), Dec. 4, 1936.

County commissioner in carrying out duties under §2139-23 is entitled to mileage under §657 and not under §254-47. Op. Atty. Gen. (124j), Jan. 19, 1937.

Members of county board are limited to compensation and mileage provided by this section, though Laws 1937, ch. 65 (Seed Loan Act), increases their service beyond twelve meetings. Op. Atty. Gen. (833k), Apr. 19, 1937.

Per diem and mileage payable to individual members of board acting as a committee under direction of county board is not limited to any particular number of committee meetings, but when board acts as a whole services may not be classified as committee work. Op. Atty. Gen. (124a), Apr. 20, 1938.

658. Meetings—Quorum.

County board may amend resolution levying road and bridge tax at any adjourned meeting prior to certification of taxes to auditor. Op. Atty. Gen. (125a-14), Sept. 6, 1935.

Chairman has legal right to vote on all questions coming properly before board. Op. Atty. Gen. (126b), Feb. 21, 1936.

Majority vote of whole board is necessary to do business. Op. Atty. Gen. (125a-14), July 29, 1937.

Individual member of town board cannot bind town to pay cost of making improvements on roads within town. Op. Atty. Gen. (434a-7), Sept. 2, 1938.

659. Vacancies filled by board—Powers of deputy.—Whenever a vacancy occurs in the office of county auditor, county treasurer, register of deeds, sheriff, county attorney, county surveyor, coroner, or county superintendent, the county board shall fill the same by appointment. For that purpose it shall meet at the usual place of meeting, upon one day's notice from the chairman or clerk, which shall be served personally upon each member in the same manner as a district court summons is authorized to be served. The person so appointed shall give the bond and take the oath required by law, and shall hold for the remainder of the unexpired term, and until his successor qualifies; provided, that whenever such vacancy occurs in any of the offices hereinbefore mentioned in which office there is a chief deputy or first assistant, then the said chief deputy or first assistant is empowered and authorized to perform all of the duties and functions of the said office until such time as the same is filled by appointment by the said county board. (As amended Apr. 8, 939, c. 153.)

No lawful ballots can be cast for office of sheriff at a general election unless term of incumbent, whether elected or appointed, expires on *first Monday of January* following such election. State v. Borgen, 189M216, 248 NW744.

Legislature may fix term and provide for filling of vacancy in office of sheriff. State v. Borgen, 189M216, 249NW183. See Dun. Dig. 2263a.

Election of court commissioner must be at time of election of other county officers and for a similar period. Op. Atty. Gen. (128e), Dec. 18, 1934.

Where register of deeds who was also register of deeds elect died before beginning of new term, office became vacant on his death, and a second vacancy took place on first day of new term, and county commissioners had power to appoint a register of deeds for balance of first term to first Monday of January and also to appoint a register of deeds to fill four year term commencing on first Monday of January. Op. Atty. Gen. (373a-4), April 11, 1939.

660. Vacancies in the office of County Commissioner.—Any vacancy in the office of the county commissioner occurring more than 30 days before election shall be filled by a board of appointment, consisting of the chairman of the town board of each town, and the mayor or president of each city and village, in the commissioner district in which such vacancy occurs, which shall meet at the auditor's office for that purpose, upon three days' written notice given by such auditor and served personally; provided that,

if such commissioner district is wholly within the limits of an incorporated city or village, such vacancy shall be filled by the council of such municipality; provided further that if such board of appointment as so constituted consists of an even number of members and shall fail to fill such vacancy within ten days after the date of the first meeting thereof, upon notice given to him by the county auditor the county attorney shall also become and be a member. If such vacancy in the office of the county commissioner shall occur in a county in which the township system has been completely abolished, such vacancy shall be filled by the board of county commissioners, and the county auditor. Absence from the county for six consecutive months shall be deemed to create a vacancy. (R. L. '05, §426; G. S. '13, §688; '23, c. 315; Apr. 1, 1935, c. 84, §1.)

Where a member of a board of appointment purposely absents himself from locality to avoid personal service with intention of frustrating action by board, personal service is excused, and act of filling a vacancy by such board without presence of absent member is valid. State v. Holmes, 195M423, 263NW293. See Dun. Dig. 7990.

Auditor cannot call a meeting to fill vacancy in office of county commissioner, who proposes to tender his resignation, until the vacancy actually exists. Op. Atty. Gen., Dec. 1, 1930.

Where county commissioner died within thirty days before biennium election, board of appointment was without authority, but vacancy should be filled at the approaching election. Op. Atty. Gen., Oct. 21, 1930.

Where office of county commissioner is rendered vacant by officer's acceptance of an incompatible office, such office may not be reappointed even after he has resigned the incompatible office. Op. Atty. Gen., Feb. 8, 1932.

Where a county commissioner accepts an incompatible office and enters upon the performance of the duties of such office, a vacancy as county commissioner exists, and he may not re-assume the duties of the office of county commissioner after having resigned the incompatible office before the board of appointment had acted. Op. Atty. Gen., Feb. 8, 1932.

Majority vote on board necessary to fill vacancy. Op. Atty. Gen., June 23, 1933.

Person appointed to fill vacancy in office of county commissioner holds until beginning of official year next following the next ensuing general election. Op. Atty. Gen. (126h), May 2, 1934.

Vacancy in office of county commissioner is to be filled by full membership of city council where district lies wholly within city, though only part of council are elected from district, and term of appointee expires at beginning of official year next following next general election. Op. Atty. Gen. (124k), Aug. 25, 1934.

Appointing board may not appoint one of its own members to fill vacancy. Op. Atty. Gen. (124k), Mar. 27, 1935.

A vote of majority of members of board of appointment is necessary to fill vacancy. Op. Atty. Gen. (124k), Oct. 8, 1935.

County was not brought within class permitting vacancy to be filled by board of county commissioners and county auditor by abolishment of town system of poor relief, it being necessary that town system of government be abolished. Op. Atty. Gen. (126h), Nov. 18, 1935.

Compensation of members of appointing board. Op. Atty. Gen. (124k), Dec. 19, 1935.

Vacancy is to be filled at general election for unexpired term, and not for full term of four years. Op. Atty. Gen. (126h), June 5, 1936.

Member of appointing board cannot be appointed to fill vacancy. Op. Atty. Gen., (126h), April 8, 1937.

County attorney cannot serve on appointing board where vacancy is filled by city or village council. Id.

Vacancy is to be filled at next ensuing general election, for unexpired term of commissioner whose office was vacated. Op. Atty. Gen. (124k), Jan. 25, 1938.

662. Publication.

Resolution and agreement by county board is valid, though not entered on the minutes and not published. 180M423, 230NW891.

Whether the financial statement must be published in the official newspaper is not clear, though the Supreme Court has intimated (178M484, 227NW499) that it should be. Op. Atty. Gen., Feb. 13, 1930.

Contractor may bid for printing under this section without including in his bid the general county printing. Op. Atty. Gen., June 3, 1930.

Proposal of newspaper publishing county financial statement "and sufficient circulation to cover the city of W. K and rfd tributaries" held to require paper to mail the publication of the commissioners proceedings at the time in which it is printed in the newspapers. Op. Atty. Gen., Apr. 9, 1931.

Advertising for bids for publication of official proceedings of county board is not required. Op. Atty. Gen., Jan. 6, 1933.

Contract for printing and publication between newspaper and county board is not binding upon county auditor with respect to publication of sample ballots. Op. Atty. Gen. (707b-3), Oct. 5, 1934.

County board proceedings cannot be published in a newspaper that is not legally qualified, such as one which has not been in circulation for a year. Op. Atty. Gen. (314b), Dec. 31, 1934.

Necessity for bids and awarding of contracts for publication and printing to lowest bidder are not abrogated by NRA code. Op. Atty. Gen. (707a-9), Dec. 31, 1934.

Granting of seed loans constitutes official proceedings which must be published. Op. Atty. Gen. (8331), May 8, 1935.

Granting of seed loans constitutes "official proceedings" and should be published. Op. Atty. Gen. (8331), May 25, 1935.

Board of county commissioners proceedings relative to old age assistance should be recorded in record of commissioner's proceedings and published in same manner as other business of county board. Op. Atty. Gen. (521b-1), May 14, 1936.

County welfare board is not required to publish minutes of meeting, but listed disbursements are required to be published in county financial statement. Op. Atty. Gen. (125a-64), May 22, 1937.

Notices referred to in §2139-16 should be published in official newspaper of county referred to in this section. Op. Atty. Gen. (277a-10), Jan. 5, 1938.

Acceptance of bid by county board for publishing of official proceedings of county and official financial statement of county "and all other notices and publications required by law to be published by said county during year 1938" did not bind county with respect to publishing delinquent personal property tax lists under §2108 and §2109, or notices under §2160 and §2161, or any other notices or publications not within contemplation of board. Op. Atty. Gen. (700a-9), Apr. 11, 1938.

663. Chairman.—Such board, at its first session in each year, shall elect from its members a chairman and a vice-chairman. The chairman shall preside at its meetings and sign all documents requiring signature on its behalf, and his signature as chairman, attested by the auditor, shall be binding as the signature of such board. In case of the absence or incapacity of the chairman, the vice-chairman shall perform his duties. In counties having more than five commissioners, and in which counties the mayor of a city of the first class located in such county is by law ex-officio chairman of such board, a second vice-chairman shall also be elected, who shall perform the duties of the chairman and vice-chairman in their absence. If the chairman and vice-chairman or vice-chairmen as the case may be, are absent from any meeting, all documents requiring the signature of the board shall be signed by a majority thereof and likewise attested. (As amended Apr. 6, 1937, c. 165, §1.)

Op. Atty. Gen., Aug. 9, 1932; note under §990.

Township may sell and convey lands to the United States but there must be a compliance with §§638(2,3), 663, 999(2), 1007, but authority may be obtained from voters at special election. Op. Atty. Gen. (700d-28), July 3, 1935.

When county board abolishes poor farm and decides to lease it pending advantageous sale, there must be a compliance with §§638, 641, 663. Op. Atty. Gen. (125a-36), Feb. 18, 1936.

Board may adopt its own rules and regulations as to procedure and chairman has right to make or second a motion while occupying chair. Op. Atty. Gen. (124), Mar. 25, 1938.

664. Office, supplies, etc., furnished for county officers.

County may pay part of telephone expense of commissioner at his private office, where no office or telephone is provided at the courthouse. Op. Atty. Gen., Mar. 12, 1929.

A county is not authorized to pay rent to a surveyor for his use of instruments belonging to him personally. Op. Atty. Gen., Jan. 9, 1932.

County board has authority to purchase for county officials, having opinions of attorney general, a copy of cumulative index of attorney general's opinion. Op. Atty. Gen., Feb. 4, 1933.

County board may appoint a committee of three to make all purchases for county, except those amounting to more than $500 and for which bids must be advertised, all charges to be presented to board for allowance. Op. Atty. Gen., Feb. 14, 1933.

In event there is not room in courthouse for office of county attorney, county board is prohibited from paying any office rent for him elsewhere. Op. Atty. Gen., May 1, 1933.

Supplies must be purchased by county board or under its supervision and direction. Op. Atty. Gen., Jan. 23, 1934.

County board may furnish county attorney office space, heat, telephone, electric light service and janitor service within the courthouse itself if it is of the opinion that expense incurred is necessary to discharge of duties of office, but it is not required to furnish an office outside the court house, and has authority to require county attorney to pay part of such expense attributable to private practice. Op. Atty. Gen. (121a-4), Dec. 18, 1934.

Board is to furnish superintendent of schools with office at county seat and nowhere else. Op. Atty. Gen. (104b-11), Apr. 29, 1935.

"Statements," and "satisfactions of chattel mortgages, etc." required by register of deeds in performance of his duties may be paid for by county. Op. Atty. Gen. (373b-21), Apr. 11, 1938.

County should furnish supplies to register of deeds making abstract, though he retains all abstract fees. Op. Atty. Gen. (125a-52), July 15, 1938.

County attorney paying for items out of his own pocket in emergencies should file an itemized claim with county board for reimbursement to him. Op. Atty. Gen. (121a-4), July 28, 1939.

665. Appropriation for expenses.

It is proper for county to furnish postage for various departments established locally by the federal government which are relieving the distress resulting from the depression. Op. Atty. Gen. (107b-1), Aug. 23, 1934.

666. Damaged records transcribed.

There is no legislation providing for the restoration of destroyed records. Op. Atty. Gen., May 20, 1931.

667. Publication of annual financial statement.—Annually not later than the first Tuesday after the first Monday in February such board shall make a full and accurate statement of the receipts and expenditures of the preceding year, which shall contain a statement of the assets and liabilities, a summary of receipts, disbursements and balances of all county funds together with a detailed statement of each fund account together with an itemized account of amounts paid out, to whom and for what purpose, under the form and style prepared by the State Comptroller, and approved by the Attorney General, and state expert printer in December 1932, and within thirty days thereafter shall cause the same to be published for one issue in some newspaper within the county which newspaper must be a duly qualified legal newspaper, as provided by law which in counties having a population of seventy-five thousand or more shall be a daily of general circulation publishing local and world news of varied and general public interest. In addition to the publication thereof in the newspaper designated by the board as the official newspaper for publication of the financial statement, the same shall be published in one other newspaper of the county, located in a different section of the county than the official paper. Provided, however, that the county board shall call for separate bids for each publication. At its meeting in July and January of each year it shall examine and count all the funds in the Treasury, examine the accounts and vouchers of the auditor and treasurer, and make a written certificate of the condition of the treasury, showing the amount, kind and character of the funds therein, and all other matters in connection therewith, and file the same with the auditor. (R. L. '05, §433; '07, c. 205, §1; G. S. '13, §695; Apr. 22, 1933, c. 410.)

Requirement for the publication of a county financial statement is mandatory but the period of thirty days mentioned therefor is directory only. 173M350, 217NW371.

Three weeks publication is mandatory. 178M484, 227NW499.

Mandamus will not be granted to compel publication in only newspaper bidding under unlawful agreement between newspapers. 178M484, 227NW499.

Whether the financial statement must be published in the official newspaper is not clear, though the Supreme Court has intimated (178M484, 227NW499) that it should be. Op. Atty. Gen., Feb. 13, 1930.

County auditor's annual statement for county board should contain the name of the claimant as well as that of the assignee. Op. Atty. Gen., Mar. 22, 1933.

Newspaper designated as official paper for publication of financial statement may also be designated as official paper of other official printing. Op. Atty. Gen., Nov. 29, 1933.

In view of amendment by Laws 1933, c. 410, it is mandatory that county board designate two papers for publication of financial statement. Id.

If county board had authority prior to enactment of Laws 1933, c. 410, to designate an official newspaper and to let a contract for the printing of its financial statement, it is not required to now advertise for bids prior to designation and letting of contract. Op. Atty. Gen., Jan. 3, 1934.

Financial statement must be published in one legal newspaper other than official newspaper. Op. Atty. Gen., Jan. 11, 1934.

County board may reject any offer or bid for publication of financial statement and may thereupon designate a newspaper without regard to any rejected offer. Op. Atty. Gen., Jan. 12, 1934.

By amendment of Laws 1933, c. 410, counties of over 75,000 population are included. Id.

Laws 1933, c. 410, amending this section is constitutional. Id.

Necessity for bids and awarding of contracts for publication and printing to lowest bidder are not abrogated by NRA code. Op. Atty. Gen. (707a-9), Dec. 31, 1934.

County welfare board is not required to publish minutes of meeting, but listed disbursements are required to be published in county financial statement. Op. Atty. Gen. (125a-64), May 22, 1937.

Disbursements made by County Welfare Board to old age pensions and aid to dependent children must be itemized and recipients named. Op. Atty. Gen. (125a-64), Jan. 7, 1938.

Requirement of publication in two separate newspapers is complied with under a bid for county printing requiring that all contracts let would be done by certain newspaper, which would furnish supplements or copies of all matters printed pursuant to that bid in mat form to all newspapers published in the county, and other newspapers would circulate such matter in their own papers. Op. Atty. Gen. (277e-1), Jan. 18, 1939.

Provision "that county board shall call for separate bids for each publication" requires that more than one paper be given an opportunity to bid on each issue. Id.

668. General powers of board.

Act Apr. 15, 1935, c. 180, authorizes county board of counties having over 5000 square miles and over 200,000 inhabitants to pay premiums on surety bonds of county officers.

Clerk hire in all counties may be raised by petition to commissioners and their unanimous action thereon. Laws 1939, c. 319.

Linster v. L., 243NW395; note under §643.

County board had authority on failure of a bank, to accept certificates of deposit for the amount of a county deposit, to enable the bank to reopen, and as part of same agreement to assume payment of a mortgage to the bank in consideration of conveyance of mortgaged land to county. 180M423, 230NW891.

Authorizes a county to expend its funds for construction and improvement of roads within a city of fourth class lying outside county where such roads connect with street in city of first class within county. Tousley v. H., 182M447, 234NW673. See Dun. Dig. 8476.

A county board cannot appropriate money to pay for a membership in the National Child Welfare Conference. Op. Atty. Gen., June 8, 1931.

Board of county commissioners cannot employ a full time deputy sheriff at a stated salary per year. Op. Atty. Gen., June 6, 1931.

County board may transfer money from other funds when the poor fund is exhausted. Op. Atty. Gen., July 30, 1930.

County board can legally charge the levy made for county purposes at its July meeting. Op. Atty. Gen., Sept. 30, 1931.

A county can legally pay a commission to a bank for handling maturing bonds though the funds to take care of such bonds are advanced thirty days prior to the maturity of the bonds. Op. Atty. Gen., Nov. 20, 1931.

County board has no authority to employ an attorney to take steps against newspapers making false statements as to the financial condition and standing of the county. Op. Atty. Gen., Nov. 21, 1931.

On decree against county commissioners restraining the tearing down of old courthouse walls, costs taxed against the defendants are a proper charge against the county. Op. Atty. Gen., Dec. 31, 1931.

Surplus of levy made to pay judgment and surplus in fund raised to pay money borrowed from state may be transferred to other funds in which there is a deficiency or to the general fund. Op. Atty. Gen., Jan. 29, 1932.

County board has no authority to make appropriation for extermination of grasshoppers. Op. Atty. Gen., May 21, 1932.

County may not pay expenses incident to searching for bodies of persons accidentally drowned. Op. Atty. Gen. (107b-1), Nov. 14, 1934.

County board may not authorize collection of delinquent personal property taxes on commission basis. Op. Atty. Gen. (421a-5), Mar. 7, 1935.

Management of county business invested in county board acting as a board and individual members of that body acting independently have no authority to bind the county. Op. Atty. Gen. (148b-5), Mar. 26, 1935.

Whether county board may employ help to administer seed loan act is a question of fact based on necessity. Op Atty. Gen. (833d), Apr. 6, 1935.

County board may compromise and settle mortgage for less than full amount in good faith in best interests of county. Op. Atty. Gen. (107b-5), May 2, 1935.

A county may not lease an automatic coal stoker with option to purchase at end of term, though entire cost of stoker is to be paid out of moneys paid by the device. Op. Atty. Gen. (707b-3), June 13, 1935.

Under Laws 1933, c. 212, county board of Cook county cannot employ an accountant for purpose of supervision of its budget and classify him as a deputy county auditor without consent of the auditor, power of selecting and hiring deputies and clerks being vested in the county auditor. Op. Atty. Gen. (12c-1), Sept. 4, 1935.

County has no authority to expend money in maintaining local gun range where law enforcement officers may practice with pistols. Op. Atty. Gen. (107b-1), Nov. 19, 1935.

County may employ persons to supervise work done for county by WPA. Op. Atty. Gen. (307c), Jan. 23, 1936.

In counties not having a board of poor commissioners or board of public welfare, county commissioners are "county agencies" responsible for administration of old age assistance. Op. Atty. Gen. (521b-1), Mar. 24, 1936.

County board may not appropriate county funds to American Legion Auxiliary Drum Corps to pay traveling expenses to attend convention. Op. Atty. Gen. (107a-4), Sept. 15, 1936.

County board may appropriate funds to county agricultural society under both §§668 and 739. Op. Atty. Gen. (125b-1), Mar. 10, 1937.

Loss of tax funds in depositaries is to be prorated and deducted from current settlement for past losses, including special school aid, the county not being liable. Op. Atty. Gen. (168c), May 4, 1937.

Neither sheriff nor board of county commissioners have legal authority to purchase uniforms for deputy sheriffs. Op. Atty. Gen. (125b), July 2, 1937.

Board may rescind resolution adopted and pass new resolution so long as no vested rights are interfered with. Op. Atty. Gen. (125a-14), Sept. 13, 1937.

County board has no authority to license or regulate dealers in second hand automobiles. Op. Atty. Gen. (290), Mar. 17, 1938.

County may buy land forfeited to state for a gravel pit. Op. Atty. Gen. (425c-10), Mar. 24, 1938.

County is not authorized to purchase land forfeited to state for taxes for purposes of renting it to private persons. Id.

County board cannot aid an unorganized township in construction and maintenance of a telephone line within its limits. Op. Atty. Gen. (125a-55), April 3, 1939.

County funds may not be used to purchase a garage building in which to house highway trucks. Op. Atty. Gen. (125a-40), June 5, 1939.

County funds may only be expended for such purposes as are authorized by law, and there is no legal authorization for reimbursing farmer for loss of his chickens and livestock caused by eating of poisoned grasshopper bait. Op. Atty. Gen. (125B-13), June 15, 1939.

County may not appropriate money to a city for benefit of a city port commission. Op. Atty. Gen. (273A-17), Sept. 15, 1939.

(1).

County board, auditing and paying for telephone in home of county commissioner, could not hold up commissioner's pay checks to reimburse county on theory that payments for telephone were illegal, but mere fact of auditing and allowing telephone bill would not preclude county from recovering amount from commissioner. Op. Atty. Gen., June 21, 1932.

County board has no authority to compromise a contract based on collusive bid. Op. Atty. Gen., July 5, 1933.

Mileage, postage, etc., cannot be paid out of county funds for auditor or paymaster appointed by federal Public Works Administration engaged in checking payrolls of CWA. Op. Atty. Gen., Jan. 5, 1934.

County board may not authorize payment of legal fees of private attorney employed by treasurer, especially where occasion for such services was created by such treasurer. Op. Atty. Gen., Feb. 20, 1934.

County board may pay salaries for clerk hire, etc., in handling applications for Federal Seed Loans. Op. Atty. Gen. (125a-13), Apr. 20, 1934.

County board has no authority to pay rent for federal CCC camps not established in connection with some county project. Op. Atty. Gen. (107a), Apr. 26, 1934.

County board may pay clerk hire in carrying out federal seed loan program. Op. Atty. Gen. (125a-13), June 13, 1934.

County funds may not be appropriated in aid of public safety committees. Op. Atty. Gen. (107b-1), July 6, 1934.

Though there is no statutory provision authorizing it, a county board may pay mileage of federal reemployment officer. Op. Atty. Gen. (107b-13), July 6, 1934.

County board has no authority to appropriate funds to reimburse town board for moneys expended to extinguish a peat fire. Op. Atty. Gen. (107b-1), Jan. 16, 1935.

County is not liable for publication expense of petition presented by school board without statutory authority. Op. Atty. Gen. (107b-4), Jan. 23, 1935.

County board may pay incidental expenses in cooperation with state and federal government in carrying on direct relief, work relief and drought relief. Op. Atty. Gen. (107b-1), Jan. 24, 1935.

County was not liable for indebtedness incurred by agricultural society in improving fair grounds leased by county, though members of board of county commissioner were also directors of society. Op. Atty. Gen. (772a-2), Feb. 5, 1935.

County board may not enter into an agreement with owner of real estate to accept settlement in full of delinquent taxes a sum less than amount of such taxes, but Minnesota Tax Commission have authority to grant such reduction or statement of taxes upon recommendation by county commissioners and county auditor. Op. Atty. Gen. (407o), Feb. 16, 1935.

County may compromise a suit started against it by newspaper growing out of publication of delinquent tax list if contract with newspaper was proper, but there should be no compromise if the contract was based on a collusive bid. Op. Atty. Gen. (125a-11), Feb. 25, 1935.

County may purchase gas and oil from co-operative even though it involves accepting membership. Op. Atty. Gen. (125a-40), Jan. 27, 1936.

(2).

Where an insurer issued a liability policy to a county containing an omnibus clause by terms of which insurance covered an employee while driving county's automobile with its consent, insurer, for lack of interest in that question, will not be heard to question right of county to permit its employee to use automobile. Schultz v. K., 204M585, 284NW782. See Dun. Dig. 4480, 7582.

A county may temporarily rent road building equipment to a private person for private work. Op. Atty. Gen., Oct. 5, 1932.

County board has no authority to employ engineer to draw plats of cemeteries, nor to purchase such plats. Op. Atty. Gen., July 12, 1933.

Counties and other municipalities can legally sell bonds to federal government under National Industrial Recovery Act. Op. Atty. Gen., Aug. 15, 1933.

County board has no right to compromise a judgment in its favor unless there exists a reasonable ground to doubt legality of claim or judgment or judgment debtors are of questionable and doubtful financial responsibility. Op. Atty. Gen., Dec. 26, 1933.

County board may increase clerk hire in case of emergency, but a deputy with fixed salary is not entitled to extra compensation for overtime work. Op. Atty. Gen., Jan. 16, 1934.

County may not make appropriations for payment of salary and expense of federal conciliator. Op. Atty. Gen. (107b-1), Jan. 19, 1935.

Expenses of county highway engineer outside of county on trip necessary to cooperate with state and federal governments in carrying out relief programs may be paid by the county, if such trip were first authorized by the county board, and the engineer was designated its agent in the matter. Op. Atty. Gen. (125a-31), Jan. 24, 1935.

County board may prohibit use of court and jury rooms by private organizations, or may charge them rental. Op. Atty. Gen. (125a-20), Jan. 6, 1936.

Upon discontinuation of county extension office supplies and equipment should be turned over to county auditor or county board for safe keeping pending reestablishment of extension work. Op. Atty. Gen. (107b-1), June 1, 1936.

(3).

County court house contractor was not entitled to benefit of exception to rule as to promise of additional compensation which applies in cases where a party has refused to complete his contract because of unforseen and substantial difficulties encountered in the performance thereof, it appearing that difficulty which arose after performance of contract was undertaken by plaintiff was anticipated by him before he made the contract. Zimmerman v. C., 202M54, 277NW360. See Dun. Dig. 1766.

A contract for construction by plaintiff of exterior superstructure of a new courthouse cannot be construed as requiring county to secure a bond for plaintiff's protection from a third party who was to furnish stone, especially where evidence supports a finding that plaintiff waived giving of such bond. Id.

Where old courthouse has burned, county board has authority to reconstruct the old courthouse or build a new one without a vote of the people. Op. Atty. Gen., July 13, 1931.

Whether or not county board may commence the construction of a courthouse which it knows cannot be completed without subsequent levies by its successors or without the subsequent issue of a bond issue, discussed. Op. Atty. Gen., July 13, 1931.

Neither city nor county can enter into contract for heating buildings at definite monthly rate where the transaction is, in fact, a conditional contract for purchase of heating equipment. Op. Atty. Gen., June 23, 1933.

Cost of remodelling and making additions to court house may be paid from general revenue fund in treasury or from taxes already levied and in process of collection. Op. Atty. Gen., (125a-20), Aug. 29, 1938.

County may purchase an existing garage building to be used as an annex to court house for welfare and relief offices, sewing room, office of rural rehabilitation and surplus commodities, house road equipment, etc., without a vote of electors, if court house is overcrowded and a real emergency exists and suitable space cannot be rented, if there is sufficient money to pay therefor out

of general revenue fund, and no bonds are to be issued. Op. Atty. Gen. (125a-20), July 25, 1939.

(7).

Moneys in road and bridge fund raised pursuant to §2565, subd. 5, may be transferred or borrowed from such fund to pay for an addition to the court house pursuant to §668, subd. 7, provided that the county board determines there is a surplus in such fund beyond needs *of current year by unanimous action.* Op. Atty. Gen. (107b-16), Sept. 29, 1934.

Duty of public to care for the poor is absolute and any fund may be transferred to poor fund, except where they are held for a specific purpose imposed by law, and money in road and bridge fund raised pursuant to §2565(5) may be transferred, but a different rule applies with reference to gas tax money received pursuant to Laws 1929, c. 283. Op. Atty. Gen. (107a-12), July 3, 1935.

Moneys in road and bridge fund may not be transferred to gas tax fund where such fund cannot be repaid within six months. Op. Atty. Gen. (383b), Dec. 13, 1937.

Moneys levied for a sinking fund to retire bonds cannot be diverted to other uses until bonds have been retired and paid, though they may be temporarily loaned. Op. Atty. Gen., (37a-12), Nov. 30, 1938.

(8).

County board's powers are purely statutory, and no authority is given it to appropriate money to farmers' holiday association to defray expenses in settling controversies between landlord and tenant and mortgagor and mortgagee. Op. Atty. Gen., Apr. 7, 1933.

County board may not appropriate money to farm holiday association to be used by them for relief, though it may furnish relief directly to persons in need. Op. Atty. Gen., Apr. 7, 1933.

There is no statute authorizing payment of mileage to federal officer traveling for crop production administration, emergency crop loan section, or in connection with farm loan mortgages. Op. Atty. Gen. (359a-14), July 14, 1934.

County in which there has been a crop failure may not purchase seed grain out of county funds and then dispose of the same to the farmers. Op. Atty. Gen. (107b-1), Aug. 6, 1934.

(9).

County may use insurance *proceeds of fire destroying* grandstand on fair grounds to improve grounds. Op. Atty. Gen., May 10, 1933.

County may issue warrants for purchase of land for county fair purposes, but only when there is money in treasury sufficient to pay the same, or a tax is in process of collection pursuant to a tax levy, proceeds of which will be available for payment of warrants. Op. Atty. Gen. (107a-13), Oct. 17, 1935.

Condemnation of land for improving and enlarging fair grounds should proceed under §6537, et seq. Op. Atty. Gen. (817d), Mar. 4, 1938.

County may expend moneys from general fund for erection of grandstand on fair grounds in connection with PWA if sufficient money in general fund is available therefor, but may not expend county funds for 4-H Club purposes. Op. Atty. Gen., (772c-5), Oct. 13, 1938.

(12).

County board may not condemn land for park purposes. Op. Atty. Gen., May 13, 1932.

(14).

Neither county board nor other county officers may act for villages or cities in making joint application for public works in connection with federal public works' administration, but federal authorities may designate any group of persons to act unofficially. Op. Atty. Gen., Oct. 3, 1933.

Board cannot pay expenses of adjuster of farm debts. Op. Atty. Gen., Mar. 8, 1934.

Tax commission might have power to compromise personal property tax judgment but board of county commissioners has no such authority. Op. Atty. Gen., Mar. 16, 1934.

County board has authority to pay for stationery, postage, telephone service and other necessary supplies for relief agencies saving offices in court house. Id.

County board has no power to purchase tractor under installment lease-contract. Op. Atty. Gen. (125a-40), May 3, 1934.

Laws 1935, c. 85. Constables and Justices may be appointed for unorganized towns separated by water from nearest organized town and more than 20 miles distant.

Neither counties nor towns can license games of skill. Op. Atty. Gen. (733j), Mar. 3, 1937.

POWERS OF COUNTY BOARDS OF PARTICULAR COUNTIES

Counties with 25,000 to 29,000 inhabitants and assessed valuation of $20,000,000 to $25,000,000. Laws 1923, c. 245, relating to war records, is amended by Laws 1929, c. 279.

Laws 1929, c. 131, authorizes counties having 28 to 29 congressional townships, assessed valuation of $12,000,000 to $14,000,000, and population of 25,000 to 28,000, to appropriate not more than $500 to aid agricultural society fair.

Laws 1929, c. 298, authorizes counties having area of more than 5,000 square miles to expend not exceeding $5,000 for each bi-annual period, clearing and improving rivers or creeks to prevent floods.

County board in counties having population of 400,000 or over, with assessed valuation of $350,000,000, exclusive of money and credits, and having bonded debt of not exceeding $9,000,000, authorized to construct or repair dams for improvement of navigable lakes. Laws 1929, c. 362.

County board in counties having tax assessed valuation of not less than $350,000,000, exclusive of money *and credits, and bonded debt not to exceed $7,000,000,* authorized to acquire easements for, and to improve roads leading from state trunk highways into congested portions of city of first class within county. Laws 1929, c. 364. Such counties also authorized to improve or aid in improvement of roads outside the county. Laws 1929, c. 365.

Counties containing city of first class in which is located more than 95% of taxable property by valuation, authorized to create a board of public welfare. Laws 1929, c. 371; '35-'36, Ex. Sess., c. 90; Apr. 8, 1939, c. 178.

Laws 1931, c. 62, authorizes counties having not less than 41 and not more than 43 congressional townships, and populations of not less than 25,000, and not more than 30,000, to levy tax for establishing jail.

Counties having assessed valuation of more than $25,000,000 and area of more than 5,000 square miles. Laws 1931, c. 169, authorizes tax levy to aid agricultural society.

Counties having more than 150,000 inhabitants and area of more than 5,000 square miles. Laws 1931, c. 193, authorizes acquisition of auxiliary county hospitals.

Counties having area of over 5,000 square miles and having drainage ditches costing more than $600,000. Laws 1931, c. 314, authorizes purchase of drainage equipment.

Act Feb. 21, 1933, c. 34, authorizes levy of tax not exceeding 8 mills for general revenues fund in counties having not less than 48 townships, between 1,000,000 to 1,250,000 acres, population of 15,000 to 20,000, and assessed valuation of $6,000,000 to $8,000,000. Amended, Laws 1939, c. 290.

Act Apr. 13, 1933, c. 229, provides that in counties having population of 26,000 to 27,000 and area of 27 to 29 congressional townships, the county board may reimburse officers suffering loss from operation of automobile, authority to terminate in one year from passage of act.

Act Apr. 21, 1933, c. 371, provides that, in counties having an area of over 5,000 square miles and population of 150,000 to 225,000, claims based on contracts made by a single commissioner without authorization of the county board shall be legal claims against the county to be paid as set forth in the act. The act provides a penalty for making illegal expenditures.

Act Ex. Ses., Dec. 27, 1933, c. 25, legalizes appropriation of money for Lac Qui Parle Reservoir Project in certain described county. Omitted as local and temporary.

Counties having area of 43 to 45 townships and population of 20,000 to 30,000 and valuation of less than $13,000,000, may levy taxes in excess of existing limitations. Laws 1935, c. 35.

Laws 1935, c. 177. Counties having area of 5,000 square miles and valuation of over $200,000,000, with over 35% of land vacant and unimproved, board may buy and sell dynamite to land owners, etc.

Laws 1935, c. 234. Counties having population of more than 200,000 and valuation of more than $250,000,000 may pay rewards for recovery of bodies of murderers.

Laws 1935, c. 264. County boards in counties having 5,000 square miles and valuation in excess of $200,000,000 may distribute free seed. Amended. Apr. 12, 1937, c. 189.

Laws 1935, c. 299. Counties having valuation of less than $16,000,000 and population of less than 36,000 may pay 10% of counties annual share of gasoline tax to retire bridge bonds of any city or village.

Act Jan. 18, 1936, Sp. Ses. 1935-36, c. 62, §1, amends Laws 1929, c. 371, §3.

Act Mar. 31, 1937, c. 123, provides that in counties having 43 to 45 townships, 20,000 to 30,000 population, and assessed value of less than $13,000,000, the county board may establish a contingent fund not to exceed *$300 to pay expenses of county nurses.*

Act Apr. 12, 1937, c. 189, amends Laws 1935, c. 264, §1, to make the act applicable to 1937 and 1938, and to authorize expenditure of $20,000, recipients of seed loans to perform labor for county in payment.

Counties having area of 350 to 400 sq. miles and population of 13,500 to 15,000 and valuation of $5,000,000 to $10,000,000, and 225,000 to 230,000 acres, may pay $1,200 for clerk hire. Laws 1939, c. 24.

Act Mar. 4, 1939, c. 45, amends the title and sections 1 to 4, inclusive, of Laws 1921, c. 16, relating to the printing of the printing and binding of the proceedings of the county board in counties having a population of over 150,000, and an area of over 5,000 square miles.

Counties having 240,000 to 350,000 population may regulate the construction of buildings. Laws 1939, c. 79.

Act Apr. 1, 1939, c. 129, authorizes counties having population of 240,000 to 350,000 to pay salaries of officers and employes semi-monthly on direction of county board.

Act Apr. 1, 1939, c. 130, authorizes county board in counties having not less than 200 congressional townships, population not less than 200,000, assessed valuation, including moneys and credits, of not less than

$270,000,000, and 35% of land vacant and unimproved, to establish a revolving fund for clearing of such unimproved land.

Laws 1939, c. 361, relating to authority of boards of counties having a population of 400,000 or more to provide transportation facilities for county officers amends Laws 1919, c. 158, or amended Laws 1927, c. 220.

The classification of counties by chapter 365, Laws 1929, is sufficiently germane to the object of the act to sustain its constitutionality. Tousley v. H., 182M447, 234NW673. See Dun. Dig. 8920.

Under Laws 1923, c. 419, §21, authorizing county board to employ additional help for the various county offices, an "assistant to the county board" should be attached to the auditor's office, in view of §832. Op. Atty. Gen., July 3, 1930.

Under the last named section the county board cannot raise salaries fixed by law, but where it is authorized to fix a salary, such salary may be in excess of that of other persons in similar situations whose salaries are limited by law. Op. Atty. Gen., July 3, 1930.

County board of audit may waive statutory requirement that a depository furnish collateral to extent of $5,000 guaranteed by federal deposit insurance corporation. Op. Atty. Gen. (140f-3), Mar. 22, 1938.

Laws 1929, c. 131, does not authorize a county coming within provisions of §5670-11, et seq, to make appropriation to historical society to be used for purpose of erecting a building. Op. Atty. Gen., (107b-1), Aug. 2, 1938.

669. Powers of county boards.

County may accept conveyance from pauper and sell equity in land, but may not assume any existing encumbrances. Op. Atty. Gen., July 6, 1932.

County has authority to accept sheep offered to it by applicant for poor relief, but may not enter into agreement with pauper to care for him during remainder of his life. Op. Atty. Gen., Sept. 13, 1932.

County may accept conveyances by way of mortgage on real estate from indigent persons to identify or secure county for support to be rendered. Op. Atty. Gen., July 25, 1933.

County board may send poor tubercular patient to any private or public sanitarium within or out of state, and make his assignment of interest in an estate to indemnify it for expenses which might be incurred under laws relating to poor relief. Op. Atty. Gen. (556a-8), June 2, 1936.

It is not against public policy for a poor person voluntarily to indemnify county against expenses entered into on his account by assignment of an insurance policy. Op. Atty. Gen. (339h), Aug. 18, 1938.

Laws 1921, c. 410.

Otter Tail county may discontinue sanatorium and join Wadena and Todd counties in creating a new district. Op. Atty. Gen. (556a), Mar. 23, 1937.

669-8. Parks, bathing beaches, etc.

Public Bathing regulated in Hennepin County. Laws 1933, c. 364.

669-12. Gifts, etc., of real property to County for certain purposes.—Any county in this state may receive by grant, gift, devise or bequest, and take charge of, own, hold, control, invest, and administer free from taxation, in accordance with the terms of the trust or the conditions of the gift, any real property not to exceed 40 acres in any one county for the use and benefit of the inhabitants of said county or as park or recreation grounds, and in the encouragement, aid, and maintenance of county co-operative work and education in agriculture and home economics, and in aid and furtherance of the object and purpose of the Farm Bureau Association in said county. Such county may, from time to time, by resolution of the County Board, appropriate, from the County Revenue Fund, such sum or sums as may by the Board be deemed necessary to suitably maintain, improve and care for said property for such use and purpose, not exceeding, however, the sum of $1200.00 in any one year. ('25, c. 13, §1; Mar. 7, 1933, c. 59; Feb. 24, 1939, c. 30.)

Funds provided for the maintenance of county co-operative extension service in agriculture and home economics cannot be used to pay the compensation of a caretaker for land donated under Laws 1925, c. 13. Op. Atty. Gen., Jan. 15, 1930.

669-15. Rewards, etc.

No particular person need be accused of the crime, but there can be no general offer of a reward as to crimes not yet committed. Op. Atty. Gen., Nov. 19, 1929.

669-15½. Counties may pay award in certain cases.—That whenever any county in this state having a population of more than 200,000, and an assessed valuation of more than $250,000,000.00, shall have by resolution of its county board authorized the payment of a reward for the recovery of the body of a murderer, such county board shall be authorized to pay such reward and claim therefor, provided that no such payment shall exceed the sum of $200.00, and no such payment shall be made except by resolution of the county board. Provided, further, that such county board before allowing any such reward, shall require proper and sufficient legal proof of the fact, evidencing the recovery of the body of any such murderer. That any seven taxpayers may appeal to the district court of such county from the action of such county board, as provided by law for appeal from the allowance or disallowance of any claim by such county board. (Act Apr. 22, 1935, c. 234.)

669-19. Certain counties may establish sewer systems in platted areas.—Whenever a petition signed by fifty-one per cent of the freeholders in any platted area located in any county in this state, having an assessed valuation of more than $200,000,000 and an area of more than 5,000 square miles, and not contained within the limits of any organized village or city, shall be filed with the county auditor of such county, the Board of County Commissioners of such county may establish, construct and maintain a sewer system or system of sewers in such platted area within such county. The petition praying for the construction of such improvement may be in informal language and shall be filed with the county auditor of such county, and he shall compare the signatures thereon with the records in the office of the Register of Deeds and shall present such petition to the County Board of such county and report to it his findings as to the percentage of necessary freeholders who have signed the same. The Board shall thereupon determine by resolution whether or not the petition has been signed by the required percentage of freeholders and its determination so made to the effect that the necessary percentage has signed such petition shall be final and conclusive unless reversed on appeal as hereinafter provided. (Apr. 14, 1937, c. 214, §1.)

669-20. Same—County board to establish system.—On the presentation of such petition the County Board, if it shall find that the required percentage of freeholders has signed the same, shall thereupon determine by resolution to establish, construct and maintain any such sewer or sewer system, and the cost thereof shall be estimated by the county engineer or some other competent engineer to be selected by such Board, who shall draw plans and specifications and tabulate the results of his estimate of the cost and report the same to the County Board; and such plans and specifications shall be filed with the county auditor of such county before any proposal for bids for work thereunder shall be advertised and shall remain on file, open to the inspection of all persons until after the contract for such work shall be let and copies of such plans and specifications shall be furnished by the engineer who shall prepare the originals to any person applying therefor. (Apr. 14, 1937, c. 214, §2.)

669-21. Same—County board to let work.—The County Board shall then cause proposals for bids for such work to be advertised in the official paper of such county at least once in each week for two consecutive weeks, which advertisement shall specify the work to be done and shall call for bids upon a basis of cash payment for the work, and shall state the time within which bids will be received and the exact time within which the same shall be open for consideration by such County Board. In letting contracts for any such work, it shall be the duty of the County Board to require the execution of a written contract and a bond in such sum as such Board may require, conditioned for the faithful performance of the contract and for saving the county harmless from any and all liability in the prosecution and complet-

ing of the work. The County Board, if a contract is awarded, shall award the same to the lowest responsible bidder. If any bidder to whom such contract is awarded shall fail to enter promptly into such written contract and furnish such bond, then such defaulting bidder shall forfeit to the county the amount of his cash deposit or certified check, if any, and the Board may thereupon award the contract to the next lowest responsible bidder; provided the Board shall have the right to reject all bids, and provided further, that whenever the estimates made for the County Board for the entire work project shall be less than $1,000, then the Board may directly purchase the materials therefor and cause the work to be done by day labor. Every contract awarded under this act shall be made between the county as one party, in the name of the county, and the successful bidder as the other party, and such contract shall be executed on the part of the county by the chairman of the County Board and countersigned by the county auditor of said county, and an attested copy thereof shall be filed and remain in the office of the county auditor of such county. (Apr. 24, 1937, c. 214, §3.)

669-22. Same—County engineer to calculate assessments.—Whenever any work or improvement provided for by this act shall have been determined upon and a contract let therefor, or outlet secured, the county engineer or other competent engineer selected by the County Board, shall forthwith calculate the proper amount to be specially assessed for such sewer or sewer system or outlet against every assessable lot, piece or parcel of land within the sewer district or platted area affected, without regard to cash valuation. (Apr. 24, 1937, c. 214, §4.)

669-23. Same—Engineer to file reports with county auditor.—When such engineer shall have finished his calculations of the amount to be specially assessed, as aforesaid against such lot, piece or parcel of land in the sewer district or platted area affected, he shall at once prepare and file with the county auditor of such county tabulated statements in duplicate, showing the proper description of each and every lot, piece or parcel of land to be specially assessed and the amount he shall calculate against the same and such statement shall be the basis of the assessment and be known as the proposed assessment to be made by the County Board, as hereinafter prescribed, and shall be laid before the Board for its approval at its next regular meeting or at a special meeting to be held not less than 20 days thereafter. The county auditor shall thereupon cause notice of the time and place when and where the County Board will meet in regular or special session to pass upon such proposed assessment, to be published in the official paper of the county at least 10 days prior to such meeting of the County Board. During all the time between the filing of such proposed assessment with the county auditor and such meeting of the County Board such proposed assessment shall be open to inspection and copying by all persons interested.

At such meeting of the County Board, all persons aggrieved by such proposed assessment may appear before said Board and present their reasons why such proposed assessment or any particular item thereof shall not be adopted, and the Board shall hear and pass upon all objections thereto, if any, and may alter or affirm and adopt such proposed assessment as may be deemed just in the premises, and upon the adoption by a resolution of such proposed assessment the same shall be certified by the county auditor and filed in his office and shall thereupon be and constitute the special assessment. The amount assessed against each lot, piece or parcel of land by such special assessment shall bear interest from the date of the adoption of such special assessment until the same shall have been paid, the rate of interest to be designated by a resolution of the County Board at the time of the adoption of such special assessment but not to exceed six per cent (6%) per annum, and such special assessment, with the accruing interest thereon, shall be paramount lien upon the property included therein from the time of the adoption of such assessment by the Board and shall remain such lien until fully paid, and shall have precedence over all other liens except general taxes and as to such shall be concurrent and shall not be divested or impaired by any judicial sale and no mistake in the description of the property or in the name of the owner shall invalidate the lien.

The County Board may at any time by resolution direct the county auditor to make up and file in his office a certified statement of all such unpaid assessments the amount of interest which will be due thereon on the first day of January of the following year, which statement shall also contain a description of the lands affected by the assessment. Such resolution shall also direct that such special assessment shall be payable in equal annual installments not exceeding ten, payable on the first day of January of each year, each of said installments to bear interest at the rate hereinbefore provided until fully paid; and such statement of the county auditor shall show the amount of each of such installments, the date when each installment becomes due and the amount of interest to be paid on each installment in each year. After said statement is made and filed in the office of the county auditor it shall be the duty of such auditor to extend upon the tax roll of each year the amount of such assessment or installment thereof, as the case may be, and the amount of interest which will become due on the first day of January of the following year as shown by said statement against the different lots or parcels of land therein described, and such amounts when so extended each year shall be carried into the tax becoming due or payable in January of the following year, and enforced and collected in the manner provided for the enforcement and collection of the state and county taxes, paid to the county treasurer and shall be set aside by him in a special fund to be used for the purpose of paying the cost of such sewer or sewer system or any bonds or other obligations issued for the purpose of paying such cost. Provided, however, that any person may pay any such assessment with accrued interest thereon after the same has been so extended upon the tax rolls by the county auditor, provided the tax roll containing such assessment has not in due course been delivered to the county treasurer for collection, and upon such payment the county auditor shall mark such assessment "paid" upon his roll, but after the roll has been delivered to the county treasurer for collection, the said assessment must be paid to him, with the penalties allowed by law.

The same penalties and interest shall attach and be collected by the county treasurer on assessment as upon general taxes, which penalties and interest shall belong to the county. (Apr. 24, 1937, c. 214, §5.)

669-24. Same—May make supplemental assessments.—In case of omission, errors or mistakes in making such assessments in respect to the total cost of such improvement, or otherwise, it shall be competent for such County Board to provide for and make supplemental assessments to correct such omission, errors or mistakes; and such supplemental assessments shall be a lien as in case of the original assessment, drawing interest at the same rate to be payable and enforceable in the same manner as is herein provided with respect to the original assessment. (Apr. 24, 1937, c. 214, §6.)

669-25. Same—Collections to go into sewer funds.—All moneys collected or any such special assessments shall constitute a fund for the payment of the cost of the improvement in the district or platted area for which such assessment was made, and the same shall be credited to a sewer district fund under

the designation: "Fund of Sewer District No....." and in anticipation of the collection of such special assessment the county may issue warrants on such fund to be known as "sewer warrants", payable at such times and in such amounts as, in the judgment of the County Board, the collection of such special assessments will provide for, which warrants shall bear interest at a rate not to exceed six per cent (6%) per annum, payable annually, and may have coupons attached representing each year's interest. Each warrant shall upon its face state for what purpose it is issued and specify the particular fund against which it is drawn, and shall be signed by the chairman of the County Board and countersigned by the county auditor and be in denominations of not less than $50 nor more than $500. Such warrants may be used in making payments on contracts for the improvements or may be sold by the county for not less than par, or such sale may be made by popular subscriptions pursuant to the provisions of Chapter 121, Laws 1935 [§1944-1], and the proceeds thereof used in paying for such improvement. It shall be the duty of the county treasurer on presentation to pay such warrants and interest coupons as they mature, out of the proper sewer district fund, and to cancel the same when paid. If any such warrants shall become due, or any interest shall become due on any such warrant when there are no funds to pay the same, the County Board is hereby authorized to effect a temporary loan for the payment thereof. (Apr. 24, 1937, c. 214, §7.)

669-26. Same—Warrants may be used to pay assessments.—Any matured sewer warrant or interest coupon may be used in payment of any such special assessment on any particular property situated within the district or platted area for which such warrant or coupon shall have been issued; and the warrants and coupons so used shall be cancelled and retired by the county treasurer. (Apr. 24, 1937, c. 214, §8.)

669-27. Same—Assessments to be paid before property is conveyed.—No conveyance of any land upon which such special assessment, or portion thereof, is due and unpaid, shall be recorded until such delinquent assessment, or portion thereof, shall have been paid. (Apr. 24, 1937, c. 214, §9.)

669-28. Same—Errors not to invalidate assessments.—No error or omission which may be made in any of the proceedings of the County Board or any officer of such county, in refusing to, reporting upon, ordering or otherwise acting, concerning any local improvement provided for in this act or in making any special assessment or in levying or collecting the same, shall invalidate such assessment; unless it shall appear that by reason of such error or omission substantial injury has been done to the party claiming to be aggrieved. (Apr. 24, 1937, c. 214, §10.)

669-29. Same—Reassessment in certain cases.—In all cases where any assessment, or any part thereof, as to any lot, lots or parcels of land assessed under any of the provisions of this act, or of any law prior to this act, for any cause whatever, whether jurisdictional or otherwise, shall be set aside, or declared void by any court, the County Board shall, without unnecessary delay, cause a reassessment or new assessment to defray the expenses of such improvement to be made, whether such improvement was made under this act or any laws prior to this act, and such reassessment or new assessment shall be made as nearly as may be, as herein provided for making the assessment therefor in the first instance; and when the same shall have been made and confirmed by the County Board it shall be enforced and collected in the same manner that other assessments are enforced and collected under this act and in all cases where judgments shall hereafter be refused or denied by any court for the collection and enforcement of any special assessment, or where any court shall hereafter set aside or declare void any assessment upon any lot or parcel of land for any cause, the said lot or parcel may be reassessed or newly assessed from time to time, until each separate piece or parcel of land has paid its proportionate part of the costs and expenses of said improvement as near as may be. (Apr. 24, 1937, c. 214, §11.)

669-30. Same—Notice to specify district.—The notice of the time and place when and where the County Board will meet in regular session to adopt any proposed assessment under Section 5 of this act [§669-23], and to be prepared by the county auditor of such county and published, shall specify the particular sewer district or platted area in which the improvement is to be made and shall describe with all reasonable certainty the location, extent and termini of the sewer or sewers to be laid, relaid or extended; provided that no omission or inaccuracy in such notice shall invalidate the notice or the assessment unless substantial injury shall be shown by the person claiming to be aggrieved thereby.

When the County Board shall meet for the purpose of adopting any proposed assessment under the provisions of Section 5 of this act [§669-23], no grievance or objection thereto, or to any item therein shall be heard by the Board unless the party objecting or his duly authorized agent or attorney shall on or before the date of such session of the Board file with the county auditor for presentation to the Board a complete written statement of the objection with specific reference to the matter or items called in question and to which objection is made. (Apr. 24, 1937, c. 214, §12.)

669-31. Same—Appeals from assessments.—Any person feeling himself aggrieved by such special assessment may, by notice in writing, served upon the chairman of the County Board and also upon the county auditor of such county, a copy whereof, with proof of service shall be filed in the office of the clerk of the District Court of the proper county, within twenty days after the adoption of such special assessment, appeal from such special assessment to the District Court aforesaid and such appeal shall be disposed of in a summary manner by the Court. And at the trial of such appeal no pleadings shall be required, but the party appealing shall in his notice of the appeal specify and enumerate the particular grounds of his objection to such special assessment and shall not be entitled to have considered on such appeal any grounds of objections other than those specified in such notice, and no question shall be tried on such appeal as to any fact which may have arisen or existed prior to the letting of the contract or contracts for the improvement; and a copy of the assessment roll in question and of the resolution of the County Board confirming or adopting the same, certified by the auditor of the county, or the originals thereof, shall be prima facie evidence of the facts therein state or denoted, and that such assessment was regular, just and made in conformity to law, and the judgment of the court on the determination of such appeal shall be final. Such appeal shall be entered and brought on for hearing and be governed by the same rules so far as applicable as in appeals from justices of the peace in civil actions, and like bonds shall be given to the county by the person appealing as are required in the appeals from justice of the peace in civil actions, but such bond shall, to render such appeal effective, be approved by the judge of such district court. Provided, that no appeal to the district court shall be made, heard or determined as to such special assessment, or any item therein, unless such objection shall have been, as in this act specified, previously presented to and passed upon by the County Board. (Apr. 24, 1937, c. 214, §13.)

669-32. Same—Connections with sewers.—All private connections shall be made with lateral sewers, unless some insurmountable obstacle of a practical or scientific nature shall prevent, and no private connection with any sewer whatever shall in any event be made without formal permission therefor granted by the County Board, and the making of all private connections with any sewer shall be subject to supervision and control by the County Board; provided that such supervision and control may be delegated by such County Board to the county engineer or other person to be selected by the County Board at its discretion. (Apr. 24, 1937, c. 214, §14.)

669-33. Same—County to have right of eminent domain.—Whenever it shall become necessary for the county to exercise the right of eminent domain for the purposes included within this act all proceedings therein shall conform as near as may be to the provisions of Sections 6537 to 6578-2, both inclusive, of Mason's Minnesota Statutes of 1927, and amendments thereto. (Apr. 24, 1937, c. 214, §15.)

669-34. Same—May purchase or condemn land.—Whenever it shall be necessary in the judgment of the County Board to lay and maintain any general, district or lateral sewer in or through other than public lands, the county may acquire the right thereto by purchase, or by condemnation, under the right of eminent domain. (Apr. 24, 1937, c. 214, §16.)

669-35. Same—County board may contract for operation of system.—Any such county, through its County Board, may contract with any municipality adjacent to such platted area for the maintenance of such sewers and the conveying, treatment and disposal of the sewage or for connecting with the sewage system of such adjacent municipality. All expense in connection with the maintenance, operation and repair of such sewers or of relaying the same and all monies paid for the treatment or disposal of sewage in connection therewith shall be assessed against the real property within the sewer district or platted area affected and benefited thereby. Such assessment shall be made in the same manner as provided for the original assessment for the construction of such sewers hereunder and shall draw interest at the same rate and be payable and enforceable in the same way as herein provided with respect to such assessment. (Apr. 24, 1937, c. 214, §17.)

669-36. Same—County board may accept federal grants or loans.—The County Board of any such county shall have power and is hereby authorized to accept from the federal government or any federal agency grants or loans in aid of the construction of any such sewer system; to make contracts and execute instruments containing such terms, provisions and conditions as in the discretion of the County Board may be necessary, proper or advisable for the purpose of obtaining grants or loans or both from any federal agency pursuant to or by virtue of the Recovery Act or any other federal act supplemental or amendatory thereto; to make all other contracts and execute all instruments necessary, proper and advisable in and for the furtherance of any such sewer system and to carry out and perform the terms and conditions of all such contracts or instruments; and to subscribe to and comply with such federal acts and any rules and regulations made by any federal agency with regard to any grants or loans or both from any federal agency. (Apr. 14, 1937, c. 214, §18.)

669-37. Buildings restrictions in certain counties.—For the purpose of promoting health, safety, morals, public convenience, general prosperity and public welfare, the county board of any county in which there is now or may hereafter be located a state forest or a federal forest, or a state conservation area, is hereby empowered to regulate and restrict within the county the location and the use of buildings and structures and the use, condition of use or occupancy of lands for residence, recreation, agriculture, water conservation, forestry, and other purposes. (Act Apr. 20, 1939, c. 340, §1.)

669-38. County board to designate districts.—For any or all of said purposes, the county board may by ordinance divide all or any part of the unincorporated portions of the county into districts of such number, shape, and area as may be deemed necessary, and may likewise enact suitable regulations to carry out the purposes of this act. Such regulations shall be uniform in each district, but the regulations in one district may differ from those in other districts. (Act Apr. 20, 1939, c. 340, §2.)

669-39. Object of regulations.—Such regulations shall be made in accordance with a comprehensive plan and designed for any or all of the following purposes:

(1) To protect and guide the development of nonurban areas;

(2) To secure safety from fire, flood, and other dangers;

(3) To encourage a distribution of population and a mode of land utilization that will facilitate the economical and adequate provision of transportation, roads, water supply, drainage, sanitation, education, recreation, or other public requirements;

(4) To lessen governmental expenditures;

(5) To conserve and develop natural resources;

(6) To prevent soil erosion;

(7) To foster the state's agricultural or other industries;

(8) To protect the food supply;

(9) To prevent waste.

Such regulations shall be made with a reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses. (Act Apr. 20, 1939, c. 340, §3.)

669-40. County and Town Boards to investigate.—The county board in conjunction with the town boards of the affected areas shall investigate and determine the necessity of establishing districts and prescribing regulations therefor as herein provided, and for that purpose shall consult with residents of affected areas, and with federal, state and other agencies concerned. State, county, town, city, and village officials, departments, or agencies are hereby authorized to make available upon request of the county board such pertinent information as they may possess, and to render technical assistance, and to cooperate in assembling and compiling pertinent information. (Act Apr. 20, 1939, c. 340, §4.)

669-41. County Board to prepare plan.—After investigation as herein provided, the county board shall prepare a proposed ordinance establishing districts and prescribing regulations therefor as herein provided, which shall be approved by the town boards of the areas affected, and shall be filed in the office of the county auditor. (Act Apr. 20, 1939, c. 340, §5.)

669-42. Public hearings.—After the filing of the proposed ordinance, the county board shall hold a public hearing thereon, at which the proposed ordinance shall be submitted for discussion, and parties in interest and citizens shall have an opportunity to be heard. Notice of the time, place, and purpose of such hearing shall be published once each week for three consecutive weeks in the official newspaper of the county, and in such other legal newspapers published in the county as the county board may deem necessary. (Act Apr. 20, 1939, c. 340, §6.)

669-43. Publication of ordinances.—Following the public hearing, the county board may adopt the proposed ordinance, with such changes as they may deem advisable. Forthwith after the adoption of any such ordinance, the county auditor shall cause the same to be published for three successive weeks in the official newspaper of the county, and in such other legal news-

papers published in the county as the county board may deem necessary. Proof of such publication shall be filed in the office of the county auditor, and thereupon the ordinance shall take effect. (Act Apr. 20, 1939, c. 340, §7.)

669-44. May be amended or repealed.—Any such ordinance may from time to time be amended or repealed by the county board, upon like proceedings as in case of the adoption of an ordinance. (Act Apr. 20, 1939, c. 340, §8.)

669-45. May compel attendance of witnesses.—The chairman or acting chairman of the county board may compel attendance of witnesses and administer oaths to witnesses at all hearings hereunder. The county auditor as clerk of said board shall keep separate minutes of all proceedings, including appearances, and other official actions hereunder, which shall be public records. (Act Apr. 20, 1939, c. 340, §9.)

669-46. Separate hearings.—Any person aggrieved by any provision of an ordinance adopted hereunder, or any amendment thereto may, within sixty days after the taking effect of such provision, demand a separate hearing thereon before the county board. Such demand shall be in writing and shall specify in detail the ground of the objections. The demand shall be filed with the county auditor. A hearing thereon shall be held by the board no sooner than ten days nor longer than forty days after the filing of the demand with the county auditor, who shall notify the applicant of the time and place of hearing. At such hearing the board shall consider the matter complained of, and shall notify the applicant by registered mail, what action, if any, it proposes to take thereon. The provisions of this section shall not operate to curtail or exclude the exercise of any other rights or powers of the county board or any citizen hereunder. (Act Apr. 20, 1939, c. 340, §10.)

669-47. May adjust enforcement.—The county board is authorized to adjust the application or enforcement of any provision of an ordinance hereunder in any specific case where a literal enforcement of such provision would result in great practical difficulties, unnecessary hardship or injustice, so as to avoid such consequences, provided such action shall not be contrary to the public interest or the general purposes hereof. (Act Apr. 20, 1939, c. 340, §11.)

669-48. Appeals to District Court.—Any person or persons, jointly or severally, aggrieved by a decision of the county board, may, within thirty days from the date the applicant received the notice of the proposed action of the county board, appeal to the district court in the same manner as an appeal is taken from an order of a county board disallowing a claim. Within ten days after an appeal has been taken the auditor shall, without charge, file in the office of the clerk of said court a certified copy of the demand for hearing, the order of the county board appealed from, together with the minutes and records of the county board with reference thereto, including the date of the filing of the appeal. The proceedings shall be put upon the calendar for trial at the next general or special term of the district court. The court shall summarily hear and determine the issues and may take such testimony as is necessary to determine the matter. (Act Apr. 20, 1939, c. 340, §12.)

669-49. Not to affect use at time of passage of the act.—The lawful use or occupation of land or premises existing at the time of the adoption of an ordinance hereunder may be continued, although such use or occupation does not conform to the provisions thereof, but if such nonconforming use or occupancy is discontinued for a period of more than two years, any subsequent use or occupancy of said land or premises shall be a conforming use or occupancy; provided, however, that if the state acquires title to any land or premises all further use or occupancy thereof shall be a conforming use or occupancy. (Act Apr. 20, 1939, c. 340, §13.)

669-50. County Board may regulate non-conforming uses.—The county board may, by ordinances as herein provided, prescribe such regulations, not contrary to law, as it deems desirable or necessary to regulate and control nonconforming uses and occupancies. (Act Apr. 20, 1939, c. 340, §14.)

669-51. County Board to make complete list.—Immediately after the adoption of any zoning ordinance, the county board shall prepare a complete list of all nonconforming uses and occupancies existing at the time of the adoption of such ordinance. Such list shall contain the names of the owner or owners, and any occupant other than the owner, the legal description or descriptions of the land, and the nature and extent of the nonconforming use. Copies of such lists shall be filed for record in the office of the register of deeds and of the county auditor, and shall be corrected from time to time as the county board may prescribe. Immediately after the filing of such list, the county auditor shall furnish each town assessor, or county assessor, as the case may be, a record of nonconforming uses or occupancies existing within his assessment district. At the time of each assessment thereafter each assessor shall prepare a list of all nonconforming uses or occupancies, which list shall be given to the county board. The county board shall thereupon amend the previous list and file a certified copy of the same in the office of the register of deeds of the county. (Act Apr. 20, 1939, c. 340, §15.)

669-52. County Board to enforce act.—The county board shall provide for the enforcement of this act and of ordinances and regulations made thereunder, and may impose enforcement duties on any officer, department, agency or employee of the county. (Act Apr. 20, 1939, c. 340, §16.)

669-53. To have force and effect of law.—The provisions of all ordinances and regulations adopted hereunder shall have the force and effect of law. No person shall use or occupy any lands or premises in violation of any such ordinance or regulations except as hereinafter provided. A violation of this act or of any ordinance or regulation hereunder shall be a misdemeanor. (Act Apr. 20, 1939, c. 340, §17.)

669-54. Taxpayers may compel action.—Any taxpayer or taxpayers of the county may institute mandamus proceedings in district court to compel specific performance, by the proper official or officials, of any duty required by this act or by any ordinance adopted hereunder. (Act Apr. 20, 1939, c. 340, §18.)

669-55. May restrain violations.—In the event of a violation or a threatened violation of this act or of any ordinance or regulation adopted hereunder, the county board or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations. It shall be the duty of the county attorney to institute such actions, and the county board may allow him reasonable compensation therefor, in addition to his other compensation. (Act Apr. 20, 1939, c. 340, §19.)

669-56. County Auditor to file certified copy with register of deeds.—Upon the adoption of any ordinance hereunder, the county auditor shall file a certified copy thereof with the register of deeds for record. (Act Apr. 20, 1939, c. 340, §20.)

669-57. County Board to appropriate money.—The county board is empowered to appropriate out of the general revenue fund of the county such moneys, not otherwise appropriated, as may be necessary for the purposes of this act. (Act Apr. 20, 1939, c. 340, §21.)

669-58. Provisions severable.—The provisions of this act shall be separable, and if any provision, or the application thereof, shall be held unconstitutional

or invalid, it shall not affect any other provision or application. (Act Apr. 20, 1939, c. 340, §22.)

669-59. Exceptions.—The following uses are excepted from the provisions of this act: (1) Hunting and fishing cabins on privately owned lands; (2) Mines, quarries and gravel pits; (3) Hydro dams, private dams, flowage areas, transmission lines and substations; (4) The harvest of any wild crop. (Act Apr. 20, 1939, c. 340, §23.)

672-1. Counties may indemnify officers and employees.—The county boards of all counties in this state are hereby authorized to indemnify their officers and employes for loss or expense arising or resulting from claims for bodily injuries, death or property damage made upon such officers or employes by reason of their operation of motor vehicles while in the performance of their official duties, and to defend, in the names of and on behalf of such officers and employes, any suits brought against them to enforce claims, whether groundless or not, arising out of their operation of motor vehicles under such circumstances, and to compromise and settle any such claims or suits and to pay the amount of such settlements or compromises or the amount of any judgments rendered against such officers or employes on any such claims without first requiring such officers or employes to pay the same. (Act Apr. 24, 1931, c. 330, §1.)

County board may in its discretion give premiums on insurance policies insuring individual employes or groups of employes against liability, but the payment of such premiums does not impose any liability upon the county. Op. Atty. Gen., May 20, 1931.

County is not liable to third persons for damages sustained by reason of operation of sheriff's car while on official business, but sheriff is personally liable if negligent. Op. Atty. Gen., Sept. 23, 1932.

County is not liable for negligence of its agent in operating county highway equipment, but county may in its discretion pay premiums on insurance policy for protection of individual driver. Op. Atty. Gen. (125a-61), Mar. 17, 1937.

672-2. County board may pay premiums.—The county board at its discretion may pay the premiums on insurance policies insuring the individuals or groups of individuals referred to in Section 1 hereof against liability for injuries to person or property within the limitations of Section 1 hereof, and such payment of insurance premiums shall in no way impose upon any county any liability whatsoever. Such insurance may be written in any mutual company authorized to do business in this state. (Act Apr. 24, 1931, c. 330, §2.)

County may carry liability insurance to protect truck drivers. Op. Atty. Gen. (107a-7), Dec. 9, 1935.

672-3. Payments legalized.—When any county shall have heretofore paid insurance premiums for the purposes indicated in Section 2 hereof such payments are hereby legalized. (Act Apr. 24, 1931, c. 330, §3.)

673. Free county libraries.

Moneys and credits are not to be included in arriving at all the taxable property against which the one mill tax may be levied for county library purposes. Op. Atty. Gen., Mar. 14, 1931.

County may levy a tax for the purpose of assisting in maintenance of public library of a city. Op. Atty. Gen. (285B), March 25, 1939.

All voters of county are permitted to vote, including those in communities already having a public library. Op. Atty. Gen. (285B), June 30, 1939.

Library board members should not be employed and paid by same board of which he is a member. Id.

County board has no right to appropriate money from general revenue for library purposes. Op. Atty. Gen. (125B-18), August 21, 1939.

677. Hospital—Acquisition of land.

Act Apr. 17, 1937, c. 280, provides that in counties with area of 425,000 to 427,000 acres and 18 to 20 townships, the county board may submit to popular vote the question of establishing a county hospital.

Legislature intended that adoption of a resolution by board of poor and hospital commission should constitute a levy on taxable property in county operating under poor commission system, without submission of question to voters. Op. Atty. Gen., Feb. 14, 1934.

682. Operation of hospital.

Erection of county hospital must be authorized by voters. Op. Atty. Gen. (125a-27), Mar. 11, 1937.

682-1. Hospitals—Additional expenditures—Etc.

Act authorizing counties having population of over 150,000, and area of over 5,000 square miles to erect or purchase auxiliary county hospital. Laws 1931, c. 193.

682-8. Bond issue in counties and cities maintaining board of control, etc.

See Laws 1929, c. 304, authorizing payment of attorney fees.

683. Aid to hospitals.

Money cannot be borrowed from sinking funds to pay hospital aid, except temporarily under §869-1, and warrant for aid cannot be legally issued unless there is money available on hand or sufficient moneys to be received under a tax levy already made after paying warrants already issued and other obligations already incurred against the fund. Op. Atty. Gen., Dec. 6, 1929.

Appropriation by county board in aid of charitable hospital cannot be made by way of warrants unless there is money available or sufficient moneys to be received under a tax levy already made and in process of collection. Op. Atty. Gen., Nov. 9, 1933.

686. Tuberculosis sanatorium.

Expenses of tubercular patient at sanatorium are to be paid by county only when patient or next of kin are unable to pay same. Op. Atty. Gen. (556a-2), Mar. 21, 1935.

687. County sanatorium commission.

Op. Atty. Gen., Oct. 27, 1933; note under §701.

One member of commission from county in which sanatorium is located must be a licensed physician. Op. Atty. Gen. (556a-3), Aug. 4, 1936.

Management and control of county sanatorium is in sanatorium commission and not in county welfare board. Op. Atty. Gen. (556a), July 19, 1937.

688. Counties may unite.

Op. Atty. Gen., Oct. 27, 1933; note under §701.

689. Appropriation—Tax levy—Fund.

Counties having 150,000 population and area of 5,000 sq. miles may levy tax for tuberculosis sanatorium. Laws 1939, c. 54, app. Mar. 7.

692. Patients, how admitted.

An alien is eligible for admission to tuberculosis sanatorium. Op. Atty. Gen., Apr. 24, 1933.

Op. Atty. Gen., Oct. 27, 1933; note under §701.

692-1. Residence of tuberculosis patients.—Whenever a question shall arise between two or more counties as to the place of residence for the purpose of treatment in a county sanatorium of any person afflicted with tuberculosis, any such county may serve upon the other or others a notice that it will on a day certain not less than five days after the service of such notice apply to a Judge of the District Court of the District of such County for a determination of the residence of such persons. Such judge shall, at the time fixed, hear the evidence adduced by the parties to such proceeding and shall forthwith make and file an order determining the place of residence of such person. (Act Mar. 25, 1935, c. 64, §1.)

692-2. Counties to be charged with care.—The county in which such person shall by such order be found to be a resident, shall be charged with the entire cost of his care and treatment. (Act Mar. 25, 1935, c. 64, §2.)

699. Surety bond to be furnished by depository and by secretary and treasurer.

Laws 1923, c. 101. Amended. Laws 1939, c. 167. Set out as §§719-1 to 719-4, post.

699-1. Tax limitation for sanatorium purposes in certain cases.—In all cases where not less than four nor more than six counties have joined in the establishment and maintenance of a tuberculosis sanitorium, which counties have a total assessed valuation of not less than $10,000,000 nor more than $20,000,000 and a total population of not less than 35,000 nor more than 60,000, and a total number of full and fractional townships of not less than 140 nor more than 250, the total annual levy of county taxes for all tuberculosis sanitorium purposes authorized by law shall not be in excess of four mills on the dollar of assessed valuation in the county, of which not more

than three mills shall be for maintenance, and all such taxes shall be levied and collected in the manner now provided by law. (Act Feb. 14, 1939, c. 15.)

Sec. 2 of Act Feb. 14, 1939, repeals inconsistent laws and Sec. 3 provides that the act shall take effect from its passage.

Act Mar. 7, 1939, c. 54, provides that in counties having over 150,000 population and an area of over 5,000 square miles, the county board a tuberculosis sanatorium tax not in excess of two mills on each dollar of assessed valuation, exclusive of money and credits.

701. County attorneys legal advisors of sanatorium commissions.

County attorney is legal advisor of county tuberculosis sanatorium board and it is duty of board and superintendent, upon advice of county attorney, to determine residence of applicants for admission. Op. Atty. Gen., Oct. 27, 1933.

County attorney is not required to undertake administrative duty of attempting to collect bills but may be called upon to render services when it becomes necessary to institute a suit. Op. Atty. Gen. (412a-23), Jan. 26, 1938.

705. Tuberculosis Sanatoriums—Establishment.

Maximum annual levy for joint county tuberculosis sanataria where 4 to 6 counties with valuation of $10,000,000 to $20,000,000 and population of 35,000 to 60,000 and 140 to 250 townships, set at 4 mills. Laws 1939, c. 15, app. Feb. 14.

District entitled to state aid though one county has a Sanatorium, if such county sells its Sanatorium. Op. Atty. Gen., Apr. 9, 1929.

Unless county of proposed district is able, its share of cost by a tax levy in one year, the question of establishment and bond issue must be submitted to voters. Op. Atty. Gen., Apr. 9, 1929.

707. Membership of commission for sanatorium controlled by two or more counties.—Two or more counties may unite in acquiring, establishing, equipping or maintaining such sanatorium and in such case said commission shall be composed in the first instance of two members chosen from each county in such group of the county commissioners of each such county, and after the site for the sanatorium has been selected and has received the approval of the advisory commission of the Minnesota Sanatorium for Consumptives such commission shall be increased by the addition of a third member chosen from the county in which said sanatorium is to be located, by the county commissioners thereof;

Such site may include lands upon which there are already erected a building or buildings, if the same are suitable and can be utilized in whole or in part for sanatorium purposes.

Under the first appointment one member from each county shall be chosen to hold office for two years and one for three years from the first Monday of the next July following such appointment, and the additional member thereafter chosen from the county in which said sanatorium is to be located shall be chosen to hold office for one year from the said first Monday of the next July, and thereafter the members chosen to succeed said first appointees at the expiration of their terms shall each hold office for the term of three years, and each appointee provided for in this section shall hold office until his succesor is appointed and qualified.

In any case where a group of two or more counties have jointly acquired, established, equipped or maintained a sanatorium, and one or more counties in such group desires to separate from such group for the purpose of alone, or with another county or group of counties, establish or maintain separate sanatorium under this act, such county or counties desiring to withdraw from said group shall in writing, request permission of the remaining counties in such group to do so and to fix and determine the financial obligation of the petitioner and of the other remaining counties of the group. In the event that the majority of such remaining counties shall fail to consent to such withdrawal within 90 days of such request, or consenting fail to agree on said financial obligation, the county or counties desiring such separation shall through the county attorney make a petition setting forth facts showing that it would better serve the interests of all concerned that such county, either alone or with another group, carry on its work, which petition shall be presented to the district court of any county affected by said proceeding. Upon the presentation of such petition the court shall fix a time and place of hearing, and by order direct the other interested counties to appear not less than twenty days after the service of notice thereof on the several county auditors of the interested counties. At the time so fixed, or at any other time designated, the court, without a jury, shall hear said petition and such evidence as may be adduced by the parties, and, if the petition be granted, by its order detach the petitioner from the group to which it belonged, and may annex the same to another group, and may fix and determine the financial obligation of the petitioner with respect to the group of counties to which it was formerly joined, and also to the group of counties to which it may be annexed. (G. S. '13, §719; '13, c. 500, §3; '15, c. 270, §3; Apr. 11, 1929, c. 160.)

Majority of members of a commission constitutes a quorum and a majority of the quorum may transact business of entire commission. Op. Atty. Gen. (556a-3), Dec. 20, 1935.

One member of commission from county in which sanitarium is located must be a licensed physician. Op. Atty. Gen. (556a-3), Aug. 4, 1936.

708. Appropriation of funds—Bonds—Etc.

Term "free patients" for which state aid may be given is limited to residents of sanatorium district. Op. Atty. Gen. (556a-7), Feb. 18, 1937.

Where a nonresident of the state has been hospitalized at Glen Lake Sanatorium at request of health commissioner of Minneapolis as a tubercular person and a public health menace, patient is not a "free patient" for whom aid will be paid under §708, but board of control may pay for maintenance and care as provided in §710. Op. Atty. Gen. (88a-31), Mar. 22, 1937.

State aid may be paid to commission covering patients temporarily transferred to city hospital pending alterations and additions to sanatorium building, patients still being cared for by medical staff of sanatorium. Op. Atty. Gen. (556a-7), July 7, 1939.

708-1 to 708-3.

This act, appearing in the 1927 Statutes, is temporary and should be omitted. Through inadvertence this act was inserted by a classification which separates §708 from the dependent provision classified as §709.

710. Sanitorium commission to fix charges—Free patients—Admission of Indians.—The county sanatorium commission shall fix the amount to be charged for the care, treatment and maintenance of each patient.

When a patient is unable to pay said charges and has no kindred legally liable therefor from whom payment can be secured, said patient may be admitted without charge or a patient by whom or for whom continued payments cannot be made may become a free patient. Any individual, resident of the state, residing outside of a county or counties maintaining a tuberculosis sanatorium, may apply for treatment in any sanatorium established under this act, or any city, village, town or county may so apply on behalf of any of its charges, and such patient may be cared for therein upon payment of a weekly sum to be fixed by the county sanatorium commission, provided that the state board of control shall approve of the admission of such patient and the sum so fixed.

Whenever in such case there are no vacancies at the state sanatorium exclusive of the beds in the United States Indian sanatorium building and the state board of control shall approve, such patients may be admitted to county sanatoriums and continue therein under care until discharged by the superintendent upon payment by the county of a weekly sum per patient to be fixed by the county sanatorium commission, in which case the state shall pay out of moneys available for the maintenance of county sanatoriums the sum of $5.00 per week per patient provided the total received by such county sanatorium from county and state funds shall not exceed $15.00 per week per patient. (As amended Apr. 12, 1939, c. 197.)

Op. Atty. Gen., Apr. 12, 1932; note under §711.

Part of section providing for free patients applies exclusively to persons residing in district, nonresidents must pay amount determined by commission, and if such patient is unable to meet charges fixed, either county, town or municipality where he resides must pay it under poor laws, but county is not liable if operating under town system. Op. Atty. Gen., Dec. 2, 1933.

Term "free patients" for which state aid may be given is limited to residents of sanatorium district. Op. Atty. Gen. (556a-7), Feb. 18, 1937.

Where a nonresident of the state has been hospitalized at Glen Lake Sanatorium at request of health commissioner of Minneapolis, as a tubercular person and a public health menace, patient is not a "free patient" for whom aid will be paid under §708, but board of control may pay for maintenance and care as provided in §710. Op. Atty. Gen. (88a-31), Mar. 22, 1937.

It is not legal for county sanatoriums to admit nonresidents of state, regardless of compensation required. Op. Atty. Gen. (556a-1), May 7, 1937.

Laws 1939, c. 197, amending this section operates only prospectively. Op. Atty. Gen. (556a), May 18, 1939.

711. Tuberculosis sanitoriums—residents—How admitted.—Any person who has been a resident of a county or counties, maintaining a tuberculosis sanatorium, throughout the year immediately preceding application, who is afflicted with tuberculosis, whether in the incipient or advanced stage, is eligible for care in such sanatorium and may apply for admission thereto, or anyone may apply on behalf of any such individual, and the superintendent shall when conditions so warrant admit said person to such sanatorium for care and treatment. Preference shall be given to patients in the most advanced stages of the disease except that applications of residents of a county or counties where a sanatorium is located shall always have precedence over applications of non-residents, regardless of the stage of the disease of such non-resident applicants. The superintendent of each county sanatorium shall keep lists of applications (resident and non-resident) numbered respectively in the order in which they are received. When the conditions warrant the admission of another patient, the superintendent shall give to the applicant who is first upon the resident list, or if there be no resident list then to the applicant who is first upon the non-resident list, an order for examination directed to one of the county examiners of the state sanatorium or to any licensed physician of the State of Minnesota residing in the county in which the applicant resides to determine that said applicant is afflicted with tuberculosis. The fee for each examination by examining physician shall be three dollars ($3.00) payable out of the funds of the sanatorium for which the examination is made. The provisions of this section shall in no manner operate to abridge or repeal the provisions of Section 5383, General Statutes of 1923, relating to the commitment of persons afflicted with tuberculosis. (G. S. '13, §723; '13, c. 500, §7; '23, c. 19; Apr. 19, 1929, c. 255, §1.)

Op. Atty. Gen., Oct. 27, 1933; note under §701.

A wife who has been in a sanitorium in one county intending to follow her husband to another county when able to do so is entitled to admission to the sanitorium in the county to which the husband has moved and has resided for more than one year. Op. Atty. Gen., Aug. 11, 1931.

Applicant to be entitled to admission to sanatorium, must be resident of county at time of application and must have been resident there throughout year immediately preceding application. Op. Atty. Gen., Apr. 12, 1932.

Any person who has been a resident of a county maintaining a tuberculosis sanatorium throughout year immediately preceding application and who is afflicted with tuberculosis is eligible to admission, regardless of whether he has legal settlement in such county for poor relief purposes. Op. Atty. Gen. (556a-1), Dec. 13, 1934.

Admission to tuberculosis sanatorium is not governed by rules applicable to settlement for poor relief purposes. Op. Atty. Gen. (556a-1), Dec. 29, 1936.

It is not legal for county sanatoriums to admit nonresidents of state, regardless of compensation required. Op. Atty. Gen. (556a-1), May 7, 1937.

Admission to county sanatorium is not governed by rules applicable to settlement for poor relief purposes, and as to state sanatorium, admission and liability for cost of maintenance is charged against county of resident, or county making request for admission. Op. Atty. Gen. (556a-1), June 7, 1937.

Rules relating to residence rather than settlement govern eligibility to admission to county sanatorium. Op. Atty. Gen. (556a-1), Jan. 26, 1938.

717. Definitions.—Wherever in this Act the words "sanatorium," "county sanatorium" or "county sanatorium commission" are used, the same shall apply to a sanatorium or commission whether the sanatorium in question is one for a county or a group of counties. Each member of a county sanatorium commission shall before entering upon his duties take the oath provided by law. (G. S. '13, §729; '13, c. 500, §13; Apr. 13, 1933, c. 237.)

719-1. Construction and improvement of county tuberculosis sanitorium.—The county board of any county in this state which has heretofore established, or shall hereafter, either by itself or in conjunction with another county or counties, establish a tuberculosis sanatorium, may annually levy a tax on all taxable property in the county of not to exceed one mill on the dollar, for the construction, improvement, equipment and enlargement of such sanatorium, and the improving and enlarging of the site thereof, but in no case shall an annual levy in excess of such one mill be made therefor without authority conferred by a vote of the voters of said county. (1923, c. 101, §1; Apr. 8, 1939, c. 167, §1.)

719-2. Commission to fix amount of expenditure.—The county sanatorium commission shall determine by resolution each year prior to July first, the amount of money necessary for the maintenance of such sanatorium during the following year, and a certified copy of such resolution shall be forthwith forwarded to the board or boards of county commissioners, and such board or boards shall, at the regular meeting in July, include the properly approved and apportioned amount in the annual levy of county taxes. In no case shall the amount of such levy in any one year exceed two and one-quarter mills on the dollar of assessed valuation. (1923, c. 101, §2; Apr. 8, 1939, c. 167, §1.)

719-3. Limitation on tax levy.—In no case shall the total levy made for all purposes as expressed in sections 1 and 2 in any one year exceed two and one-quarter mills on the assessed valuation, without authority conferred by a vote of the voters of said county or group of counties. (1923, c. 101, §3; Apr. 8, 1939, c. 167, §1.)

719-4. Limitation of act.—This act shall apply only to such counties as now or which may hereafter have a population of 400,000 or more inhabitants. (1923, c. 101, §4; Apr. 8, 1939, c. 167, §1.)

720. Counties may join with others in maintaining tuberculosis sanatorium.

Otter Tail county may discontinue sanatorium and join Wadena and Todd counties in creating a new district. Op. Atty. Gen. (556a), Mar. 23, 1937.

722. Counties may be admitted to sanatorium groups.—If the board of a majority of the counties forming the group decide to admit such county, the auditors of such counties shall notify in writing the advisory commission of the Minnesota sanatorium for consumptives of the action taken. If the enlargement of the group by the admission of the applying county meets with the approval of such commission, it shall notify in writing the county auditor of each county affected, and the boards of those counties shall then proceed to perfect the enlargement of the group. ('21, c. 116, §3; Feb. 4, 1931, c. 6, §1.)

723. County boards to meet.—Upon being notified of the approval by the State commission, the boards of the counties involved, or representatives designated by them, such representatives to be either members of the boards or the county auditors, shall meet and consider the conditions upon which the applying county shall be admitted with reference to the amount of money such applying county shall pay to the other counties, if any, on account of the funds expended

by them in erecting and equipping the sanatorium being maintained and operated by them. The conditions agreed upon shall be set forth in writing and submitted to the county board of each county involved and if approved by the majority of the county boards, resolutions to that effect shall be adopted and upon the adoption of such resolution by the new county to be admitted and by a majority of the counties already within such group, the conditions agreed upon shall be binding on all such counties and the applying county shall become attached to such group. After such resolutions are adopted certified copies thereof shall be filed in the office of the advisory commission of the Minnesota Sanatorium for Consumptives. ('21, c. 116, §4; Feb. 4, 1931, c. 6, §2.)

726. Same—Appropriation.

County which has made an appropriation under §726-2 may make an appropriation under §726. Op. Atty. Gen., Mar. 7, 1930.

Appropriation of money to care for persons afflicted with tuberculosis is discretionary with county board. Op. Atty. Gen., Dec. 2, 1933.

County with its own hospital for consumptives could nevertheless expend money for one in state sanitarium. Op. Atty. Gen., Feb. 15, 1934.

County board may appropriate money for taking of x-ray pictures for purpose of controlling spread of tuberculosis. Op. Atty. Gen. (125a-15), Nov. 23, 1934.

County sanatorium commission may enter into agreements with public welfare board of city of the first class under home rule charter for handling and diagnosing of tuberculosis. Op. Atty. Gen. (556a-3), Mar. 29, 1935.

County board may send poor tubercular patient to any private or public sanitarium within or out of state, and make his assignment of interest in an estate to indemnify it for expenses which might be incurred under laws relating to poor relief. Op. Atty. Gen. (556a-8), June 2, 1936.

County may pay expenses incurred in treatment of tubercular poor person outside of state sanitarium. Op. Atty. Gen. (556a-7), May 18, 1937.

726-1 to 726-3.

Superseded by §§726-3½ to 726-3½c.

County which has made an appropriation under §762-2 may make an appropriation under §726. Op. Atty. Gen., Mar. 7, 1930.

726-3½. County Board may aid societies in certain cases.—The County Board of any county in this state now or hereafter having a population of not less than 220,000 nor more than 330,000 inhabitants may appropriate and expend not to exceed $50,000 for the purpose of aiding any society, association or corporation organized and existing for the purpose of giving medical attention to children afflicted with tuberculosis or whom such society, association or corporation has reason to believe may become afflicted with tuberculosis, in constructing and equipping additional buildings to any sanitorium now operated by any such society, association or corporation, for the purpose of caring and giving medical attention to such children. (Act Apr. 18, 1929, c. 228, §1.)

726-3½a. May appropriate money.—Such County Board may for the purpose of carrying out the provisions of this act appropriate or expend any unexpended funds now in the county treasury of such county. (Act Apr. 18, 1929, c. 228, §2.)

726-3½b. Limitations not to apply.—Such expenditure shall be over and above the limits now fixed by law. (Act Apr. 18, 1929, c. 228, §3.)

726-3½c. Inconsistent acts repealed.—All acts or parts of acts inconsistent herewith are hereby repealed. (Act Apr. 18, 1929, c. 228, §4.)

738. Sites and buildings.

County was not liable for indebtedness incurred by agricultural society in improving fair grounds leased by county, though members of board of county commissioner were also directors of society. Op. Atty. Gen. (772a-2), Feb. 5, 1935.

County fair association is not obligated to limit topics of political speakers at fairs. Op. Atty. Gen. (772c-3), Aug. 12, 1936.

738-1. Lands owned and used by counties for agricultural fair purposes exempt from zoning ordinances in certain cases.—Whenever lands lying within the corporate limits of townships or cities of the first and second classes of the State are owned by a County and used for agricultural fair purposes, such lands and the buildings now, or hereafter erected thereon shall be exempt from the zoning, building, and other ordinances of such township or city. Provided further that no license or permit need be obtained from nor fee paid to such township or city in connection with the use of such lands. ('27, c. 212; Apr. 15, 1931, c. 166, §1.)

738-10. Same—tax levy.

Laws 1929, c. 178, authorizes counties with 24 congressional townships, population of 22,000 to 28,000, and assessed valuation of $16,500,000 to $22,000,000, to levy tax of not more than $25,000 for purchase of fair grounds.

Laws 1933, c. 292, amends Laws 1929, c. 178.

738-15. County tax levies for aid of County Agricultural Societies.

Explanatory note—Laws 1927, c. 111, is entitled: "An act authorizing counties having 20 townships, full or fractional, and an area of more than 454,000 acres of land and less than 500,000 acres of land to levy an annual tax for the aid of county agricultural societies."

Act authorizing certain county boards in counties with assessed value of $250,000,000, and area of over 5,000 square miles to levy tax for relief of county agricultural societies. Laws 1931, c. 169.

738-16. County Board may levy tax for agricultural societies.—That in addition to all other powers now or hereafter by law conferred upon county boards, authority hereby is given annually to levy by a four-fifths vote of the board a tax of not to exceed one-quarter of a mill upon all property subject to taxation, and from time to time to appropriate and pay over the proceeds of said tax, when collected, to any county agricultural society of its county which is a member of the state agricultural society, to assist such society in paying its financial obligations heretofore incurred. Provided, however, this act shall not apply to counties having authority to levy a greater tax under existing laws. ('27, c. 128, §1; Mar. 9, 1929, c. 48, §1.)

Under this section as amended by Laws 1929, c. 48, the county board has no power to make a conditional levy of taxes, and it has no power to take a mortgage from the agricultural society. The county has no authority to issue bonds for such purpose. Op. Atty. Gen., Dec. 18, 1929.

County may make levy for agricultural society to repay individuals who constructed grandstand on fair grounds, but on burning of grandstand, they have no right to dictate improvements to be made out of insurance moneys in county treasury. Op. Atty. Gen., May 10, 1933.

738-17. Same—application.—This act shall not apply to counties in which there is a city of the first class. ('27, c. 128, §2; Mar. 9, 1929, c. 48, §2.)

Laws 1929, c. 240, authorizes county boards of counties with assessed valuation of over $300,000,000, and area of over 5,000 square miles to levy tax to aid county agricultural society.

738-17½. Counties may aid poultry associations.—That the county board of any county is hereby authorized to appropriate annually moneys from the county treasury, not otherwise appropriated, in a sum not exceeding $100 to aid any poultry association organized and existing in the county, provided such poultry association holds at least one annual poultry exhibit and pays premiums thereat in at least the amount of such appropriation. (Act Apr. 19, 1929, c. 256, §1.)

738-18. Appropriation by certain counties, etc.

Amended. Laws 1931, c. 164. The only change introduced is to permit appropriation to "not more than ten" fair associations.

738-20. Certain counties may appropriate money to aid county agricultural societies.—That the county board of any county now or hereafter having a population of not less than 220,000 inhabitants nor more than 330,000 inhabitants which now owns or shall hereafter own the grounds, together with the buildings thereon, on which a county agricultural society, which is a member of the State Agricultural Society,

holds an annual fair or exhibition may appropriate not to exceed $7,000.00 for the purpose of remodeling and making additions to present buildings on said grounds and for paying off any indebtedness which shall now exist. (Act Apr. 25, 1929, c. 373, §1.)

738-21. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. (Act Apr. 25, 1929, c. 373, §2.)

739. Appropriations for certain agricultural developments.—The board of county commissioners of any county in this state having less than 225,000 inhabitants, may appropriate annually out of the general revenue fund of such county, a sum of money not exceeding a sum equal to five cents per capita of the population of such county according to the last census, either federal or state, of such county. Such sum so appropriated shall be paid to any incorporated development society or organization of this state which in the opinion of the board of county commissioners will use such money for the best interests of such county in advertising, improving or developing the agricultural resources of such county, and such other matter as may tend to a development of the county; provided that in any such county having an assessed valuation of over two hundred million ($200,000,000) dollars, the county board of said county may appropriate a sum not exceeding a sum equal to ten cents per capita of the population of such county for the carrying on of said work in said county. (G. S. '13, §745; '13, c. 77, §1; '19, c. 205; '21, c. 128; Apr. 23, 1929, c. 295; Apr. 8, 1933, c. 174.)

This section does not permit appropriation for extermination of grasshoppers. Op. Atty. Gen., May 21, 1932.

Op. Atty. Gen., Apr. 7, 1933; note under §688.

County board could appropriate 5c per capita to fair board to be used by it for improvements to fair grounds. Op. Atty. Gen., May 10, 1933.

County board cannot make a donation to 4H Club work but may make appropriations to county agricultural society. Op. Atty. Gen., June 6, 1933.

County boards in counties not having county agency system may appropriate money to defray part of expense of corn-hog program of federal government. Op. Atty. Gen., Dec. 4, 1933.

County board may appropriate a reasonable sum to aid needy drouth stricken farmer. Op. Atty. Gen., Feb. 27, 1934.

Board of county commissioners may make appropriation to Minnesota Rivers and Waters Association. Op. Atty. Gen. (107b-1), June 11, 1934.

County commissioners may appropriate $500 for agricultural improvement to be paid to a city chamber of commerce to be used for best interest of county in advertising, improving or developing agricultural resources. Op. Atty. Gen. (107b-1), Jan. 19, 1935.

County board may appropriate funds to county agricultural society under both §§668 and 739. Op. Atty. Gen. (125b-1), Mar. 10, 1937.

740 to 750.

Emergency seed grain loans, Laws 1935, chapters 50, 70, 379.

750-1. Appropriation for purchase of explosives.—The County Board in any county in this state now or hereafter having an area of over 5,000 squre miles and an assessed valuation of over $200,000,000, exclusive of money and credits, and having not less than thirty-five per cent of its area consisting of vacant and uncultivated lands, may appropriate from the revenue fund of said county the sum of not more than twenty-five thousand (25,000.00) dollars and advance said sum to any County Club and Farm Bureau Association of said county for the purpose of enabling said County Club and Farm Bureau Association to purchase excess war explosives from the United States government, at the best prices obtainable, for re-sale for cash to land owners in said county for use in clearing and improving cutover, uncleared lands therein, upon such terms and condition as shall be prescribed by said county board, said funds so advanced to be repaid to said county on the completion of the purposes and objects for which said funds shall be so advanced. ('27, c. 153, §1; Apr. 4, 1933, c. 153.)

750-2. Revolving fund for purchase of explosives.—That the board of County Commissioners of any county in this state now or hereafter having a land area of over 5,000 square miles, and an assessed valuation of all taxable real and personal property of over $200,000,000, exclusive of money and credits, and having not less than 35 per cent of its land area consisting of vacant and unimproved land, to appropriate and expend from the road and bridge fund of said county not more than $25,000, and establish with said funds a revolving fund, for the purpose of enabling said county board to purchase dynamite or other explosives for resale for cash or on time, to land owners, farmers or organized townships in said county, for use by them in clearing and improving lands in said townships, said sales of and payment for such explosives to be made under such rules and regulations as shall be prescribed by said county board. (Apr. 15, 1935, c. 177, §1; Apr. 7, 1937, c. 170, §1.)

750-3. Board to make regulations.—That said county board before purchasing or selling any such explosives shall adopt such rules and regulations for the handling, selling and collecting the purchase price for such explosives as they shall deem advisable and adequate to protect the best interests of said county and avoid financial loss. That such county board shall not have legal authority to sell more than 100 pounds of any such explosive to any single land owner or over 2,000 pounds to any single township, until any and all explosives previously bought by such land owner or township shall have been paid for in full, with interest on such purchase price at 5 per cent per annum. (Apr. 15, 1935, c. 177, §2.)

750-4. Rules for handling.—That said county board and the board of supervisors of any such county or township, respectively, shall have authority to employ the services of the county agricultural agent or agents of any such county or township in co-operating with any such municipality in the preparation of such rules and regulations for the handling, selling and use of such explosives and the collection of the purchase price thereof as they shall deem necessary, in order to facilitate the carrying out of the objects and purposes of this act. That any county board or township board shall have authority to enter into contracts with any such land owners or farmers for the repayment of the purchase price of such explosives by labor by man and team and/or motor equipment on county or township road work, respectively, or to otherwise secure the repayment of said purchase price of such explosives where not paid for in cash. (Apr. 15, 1935, c. 177, §3.)

750-5. Rules for payment.—That neither said county board nor such township board shall have authority to sell or otherwise dispose of any such explosives to any township, land owner, or farmer, after making said sales of 2000 pounds and 100 pounds, respectively, until the purchase price of all of such prior sales shall have been paid for in cash or labor. On the collection of such purchase price in money or labor on county or township roads, the same shall be credited to said revolving fund for use in continuing such purchase and sale of such explosives to land owners, farmers, or townships, respectively. (Apr. 15, 1935, c. 177, §4.)

751. Maintaining water in certain lakes.

Improving navigable lakes.

Laws 1909, c. 356. Amended. Laws 1935, c. 378.

Laws 1935, c. 378, §2. Amended. Apr. 26, 1937, c. 455.

Act Apr. 26, 1937, c. 455, amends Laws 1909, c. 356, § 1, to limit annual expenditure to $100,000 during any year.

Counties having 150,000 to 240,000 population and area of more than 5,000 square miles may spend $10,000 for improvement of navigation. Laws 1939, c. 42.

In counties having 25,000 to 35,000 population and valuation of $17,000,000 to $18,000,000, a one mill tax may be levied for improving a lake. Laws 1939, c. 335.

Ramsey county may expend for maintenance of golf course constructed under Laws 1927, c. 209, the green fees and other revenues collected on the course, in ad-

dition to the expenditures under Laws 1917, c. 198, for the improvement of navigable lakes in the county. Op. Atty. Gen., Apr. 25, 1930.

Under Laws 1917, c. 198, as amended by Laws 1927, c. 209, lake improvement fund may not be used for purpose of filling up a lake which has become permanently dry. Op. Atty. Gen. (273a-14), Oct. 11, 1937.

Authority of county to participate in Works Progress Administration project and to purchase materials to restore water levels of lake is not limited to $300. Op. Atty. Gen. (273a-23), Nov. 22, 1937.

Statute does not authorize county board to make an appropriation for a "dredging project" in connection with improvement of a lake, unless purpose of dredging is to establish or maintain the water level thereof. Op. Atty. Gen., (273a-6), Aug. 11, 1938.

County board may appropriate money for purpose of maintaining and operating pumping plant and may maintain water level in a lake without payment of any damages to riparian owners of lake or stream as long as water level is not raised above natural high water mark. Op. Atty. Gen. (273a-14), Sept. 13, 1938.

751-1. Acquisition of land, etc.

County establishing bathing beach is impliedly authorized to expend money for the operation thereof. Op. Atty. Gen., Apr. 24, 1930.

County board may not condemn land to be used as entrance to lake. Op. Atty. Gen., Mar. 21, 1933.

751-2. Naming or changing names of lakes, rivers, etc.—Petition to county board.—That whenever it is desired to change the name of, or give a name to any unnamed lake, river, stream or body of water located within the boundaries of this state, the State Geographic Board or any 15 or more legal voters, residing within the county where all or any part of such body of water is located, may petition the County Board of the County wherein said petitioners reside, or in which said body of water is located, to change the name of, or to give a name to any previously unnamed lake, river, stream or other body of water, however designated. Said petitioners shall describe in their petition with reasonable correctness, the location of any such lake, river, stream or other body of water; the name, if any, by which it may then be known, or if without any name, such fact shall be stated; also the name or names which said petitioners desire given to said body of water; and the reason for such change of name or for giving the designated name to any previously unnamed body of water. Said petitioners shall also set out after each of their names, as signed to said petition, their place of residence. Provided no name of any lake, river, stream or other body of water, which name has existed for forty (40) years shall be changed under the provision of this act. (As amended Feb. 24, 1937, c. 35, §1.)

751-3. Same—Hearings by County Board.—That on the filing of such petition with the County Auditor of the County wherein said petitioners reside, or in which said body of water is located, and presenting therewith the necessary copies thereof hereafter required, such auditor shall present said petition to the County Board of his county, which board shall by order fix the day and place of hearing on said petition to be held more than 30 days thereafter, of which hearing on said petition at least three weeks published notice shall be given in the newspaper designated by the County Board of said county as the official newspaper for said county, provided that said hearing may be held at any convenient place within the county, as shall be determined by the Board. On the day fixed for said hearing any legal voters in said county, or any municipality may appear by attorney or in person, and file an answer to said petition, setting out in plain concise language why the prayer of said petitioners should not be granted in whole or in part, and, may in said answer pray the County Board to give another or different name to said lake, river, stream or other body of water than the one prayed for in said original petition. Said petitioners may include in said petition any number of lakes, rivers, streams or other bodies of water, the names of which they may petition to have changed, or any number of previously unnamed lakes, rivers, streams, or other bodies of water which they may desire to have given a name by said Board in said proceedings, and the same procedure shall be had on said petition in such event as though only one lake, river, stream or other body of water be described in said petition. (As amended Feb. 24, 1937, c. 35, §1.)

751-4. Same—Notices of hearings.—That notice of the time and place of hearing on any such petition shall also be served on the State Geographic Board and personally on the Chairman of the Town Board of any township, on the President of any Village Board of Trustees, and on the Mayor of any city within or adjoining limits of which political sub-division any such lake, river, stream, or other body of water involved in said hearing may be located and it shall be the duty of such official on whom said notice of hearing shall be served, to present such notice to said Board or Council who shall take such action thereon as they shall deem to be for the public interest. (As amended Feb. 24, 1937, c. 35, §1.)

751-7. Same—Bonds of petitioners.—Before any petition filed under this act shall be acted upon or the notice of hearing given, the petitioners shall give a bond to be approved by the County Attorney of such county wherein said petition has been filed, conditioned upon the full payment of all reasonable expenses which the county or counties shall incur in such proceeding; provided that the State Geographic Board shall not be required to give bond hereunder. (As amended Feb. 24, 1937, c. 35, §1.)

756-5. Bathing beach in certain counties—etc.

County establishing bathing beach is impliedly authorized to expend money for the operation thereof. Op. Atty. Gen., Apr. 24, 1930.

760. Commissioner to examine sites, etc.

Payment of flat rate per month for use by officer or employee of his own automobile in county business, irrespective of mileage traveled, is illegal. Op. Atty. Gen., Mar. 31, 1930.

762. Observance of Memorial Day.

An appropriation to a village pursuant to which it expended money, did not lapse by reason of the failure of the village to submit a verified account during the same year. Op. Atty. Gen., Dec. 27, 1929.

763. County board to establish a "Soldiers' Rest".—The board of county commissioners of any county in this state may purchase a plot of ground in any duly organized cemetery, lying in whole or in part in their respective counties, or in a county contiguous thereto, to be designated, set aside and used exclusively as a "Soldiers' Rest," and appropriate for the payment, embellishment and upkeep thereof not to exceed the sum of $1,000 in any one year. Provided, however, that any county in this state now having or which may hereafter have a population of not less than 150,000 inhabitants may appropriate for said purposes not to exceed the sum of $3,500 in any one year.

The county board is authorized to use such portion of such appropriation as it may deem necessary for compensation and expenses of an agent, who shall be a veteran, to care for said burial ground and to issue permits for burial therein, and to reimburse any such agent heretofore appointed for his time and expenses in such work in such sum as the board may deem adequate for the services performed not to exceed $600 per year. (As amended Apr. 8, 1937, c. 178, §1.)

Act authorizing county board to assist in operation of veterans' rest camp. Laws 1931, c. 324, post, §4397-2.

764. To be used exclusively for soldiers, sailors and marines.—Any plot of ground secured as herein provided and designated as a "Soldiers' Rest" shall be used exclusively for the interment of deceased soldiers, sailors, marines and war nurses of the United States of America, without charge for space therein, except as herein provided.

The county board by resolution entered in its minutes shall fix and establish the cost price of all burial lots within the cemetery so purchased and maintained

and, when a deceased preson entitled to be buried therein or his representatives are financially able to pay the cost price of the lot in which he is to be interred, the board may authorize the burial of such person therein upon the condition that such cost price be paid therefor. If in any case it should be made to appear that any person was buried in such "Soldiers' Rest" without payment of such cost price and that he left an estate from which such payment should have been made, and in all cases in which the cost of burial shall have been sustained by the state, and the estate of the decedent was able to meet the cost thereof, the county auditor shall file a claim in the probate court having jurisdiction over the estate of the decedent, for the amount of the cost of such burial, including the amount expended by the state therefor and also the cost price of the grave, and upon the allowance and payment of such claim the county auditor shall opportion the amount allowed to the state and the county according to the amount each is entitled to receive therefrom and shall draw his warrant in favor of the state treasurer for such part of the allowed claim as may have been expended by the state for the purposes of such burial. ('17, c. 60, §2; Apr. 20, 1933, c. 336; Apr. 8, 1937, c. 178, §2.)

765. Violation a misdemeanor.—Any person interring or causing to be interred a body, or make a charge for a burial lot in such "Soldiers' Rest", except as provided by Section 764 shall be guilty of a misdemeanor. (As amended Apr. 8, 1937, c. 178, §3.)

766. Claims to be itemized and verified.

School districts are not included in the word "municipality." 175M201, 220NW606.

Compliance with this section held shown. 178M411, 227NW358.

Section 1222, relating to audit by city council, does not apply to regularly employed persons whose compensation has been fixed by law or order of common council. Naeseth v. V., 185M526, 242NW6. See Dun. Dig. 6741.

Expenses of county superintendent must be itemized, verified and allowed. Van Loh v. W., 196M452, 265NW 298. See Dun. Dig. 2294.

State emergency relief administration is an instrumentality of the state for special and limited purposes, and one falsely writing the name of payee in a relief order upon back thereof was guilty of forgery, though relief order was neither acknowledged nor verified. State v. Stuart, 203M301, 281NW299. See Dun. Dig. 3794.

Claims against school districts need not be verified. Op. Atty. Gen., Jan. 18, 1930.

Village cannot take care of payment of wages of laborers by a pay roll system. Op. Atty. Gen., May 5, 1930.

Claim against county may be assigned to bank, and warrant may issue to bank. Op. Atty. Gen., May 11, 1932.

Sworn monthly statements by county commissioners presenting bills for mileage on a monthly basis are sufficient. Op. Atty. Gen., May 20, 1933.

Statement containing total number of miles traveled during month by county commissioner is not sufficient, *but mileage claim must be itemized. Op. Atty. Gen., May* 22, 1933.

Regularly and continuously employed village employees or officers whose compensation has already been fixed by law or order of common council need not file verified itemized claim. Op. Atty. Gen. (59a-12), Dec. 31, 1934.

Village labor payroll sheet may not be in form of a multisignature claim, but each claim must be separately itemized, verified and filed. Op. Atty. Gen. (469a-8). Jan. 10, 1935.

After city council of Hastings appropriated money to be used for construction of a bridge by a two-third's vote, it could thereafter audit and allow claim against sum so appropriated upon the majority vote. Op. Atty. Gen. (63b-2), Sept. 2, 1936.

Relief office expenditures for salaries and expenses must be audited like other claims. Op. Atty. Gen. (125a-12). Mar. 2, 1937.

Bills for commodities furnished by grocer to relief clients may be itemized without giving exact date of purchase of individual items. Op. Atty. Gen. (125a-64), Dec. 13, 1937.

Justice of the peace may not deduct costs in dismissed cases from fines collected in other cases, but should remit full amount and make a separate claim for any sum due him. Op. Atty. Gen. (199b-5). Jan. 13, 1938.

Fees which probate judge is entitled to receive under §8664 are payable upon certificate of judge and need not be presented to and audited by county board. Op. Atty. Gen. (346c), Feb. 11, 1938.

County auditor cannot verify his own claim against county. Op. Atty. Gen. (412a), Jan. 30, 1939.

767. Verification.

School districts are not included in the word "municipality." 175M201, 220NW606.

Claims against school districts need not be verified. Op. Atty. Gen., Jan. 18, 1930.

768. Auditing of claims.

School districts are not included in the word "municipality." 175M201, 220NW606.

769. Accounts not itemized.

Millers selling flour to public charitable organizations and filing claims against counties therefor should set out amount of processing tax separate from price of product sold. Op. Atty. Gen., Dec. 9, 1933.

770. Assessors and overseers of roads.

Discharged soldier employed as road overseer by town board at first meeting in April, 1932, may not be discharged when new board meets in April, 1933, without giving veteran a hearing. Op. Atty. Gen., Mar. 21, 1933.

On dissolution of township, county board should divide or arrange unorganized territory in voting district. Op. Atty. Gen. (434a-4), Mar. 23, 1936.

Where town board during year 1936-37 employed a veteran as road overseer, and also employed him for the year 1937-38, town board at expiration of term of overseer could not employ a discharged soldier for ensuing year without preferring charges against veteran. Op. Atty. Gen. (85h), May 11, 1939.

774. Election districts. [Repealed.]

Repealed by Act Apr. 21, 1939, c. 345, Pt. 12, §1, ante, §601-12, effective Aug. 1, 1939. Reenacted as §601-6(4)a.

Electors cannot vote without a polling place and elec*tion officials, and in the absence of such place and offi*cers they are not entitled to vote in an adjoining district; but voters cannot be deprived of their right to vote by failure to provide a place and officers, and the county board may at any time prior to the election designate a place and appoint election officers upon such reasonable notice as the circumstances will permit. Op. Atty. Gen., May 22, 1930.

Upon dissolution of townships duty devolves upon county board to arrange voting districts and voting places. Op. Atty. Gen., July 31, 1933.

Polling places for unorganized territory after dissolution of townships are to be designated within such territory. Op. Atty. Gen., Jan. 16, 1934.

Where county commissioners have dissolved certain townships and in a particular township there are not enough residents to even set up a voting precinct, county board, and not county auditor, may designate voting precinct in adjoining township. Op. Atty. Gen. (185a-5), May 1, 1934.

Statutory provision requiring that polling place in an unorganized territory may not be located less than ten miles from another polling place should not be construed in such manner as to interfere with constitutional right to vote. Op. Atty. Gen. (185a-5), June 17, 1938.

775. Judges of election. [Repealed.]

Repealed by Act Apr. 21, 1939, c. 345, Pt. 12, §1, ante 601-12, effective Aug. 1, 1939. Reenacted as §601-6(6)d.

The requirements of this section are directory and not mandatory. So held with respect to a polling place in unorganized territory which became unavailable. Op. Atty. Gen., May 22, 1930.

778. Members of board—offices—contracts.

Member of county board cannot sell materials to a contractor who is constructing a building under contract with the county. Op. Atty. Gen., June 12, 1931.

County commissioner may also hold office of district boiler inspector. Op. Atty. Gen., May 27, 1932.

County board cannot enter into contract with oil company in which one of commissioners is a stockholder. Op. Atty. Gen. (707b-6), Jan. 11, 1935.

County treasurer may act as director of a national bank in his county wherein county deposits funds, but members of county board of audit, consisting of chairman of the board, clerk of court, and county auditor, may not be interested in depository. Op. Atty. Gen. (90B-2), July 21, 1939.

784. Section corners.

Adverse possession up to boundary line. Patmode v. M., 182M348, 234NW459.

Location of lost section corners and quarter corners of government surveys may be proven by reputation. Lenzmeier v. E., 199M10, 270NW677. See Dun. Dig. 1080.

786. Questions submitted to vote—ballot.—Whenever the county board is authorized to do any act, incur any debt, appropriate money for any purpose, or exercise any other power or authority, only when authorized to do so by a vote of the people, the question to be voted upon may be submitted at a special or any general election, by a resolution specifying the matter or question to be voted upon, and, if it is to authorize the appropriation of money, creation of a debt, or levy of a tax, shall state the amount

thereof. Notice of such election shall be given as in the case of special elections, and if the question submitted be adopted, the board shall pass an appropriate resolution to carry the same into effect. In all such elections the form of the ballot shall be: "In favor of (here state the substance of the resolution to be submitted), Yes No"—with a square opposite each of the words "Yes" and "No," in one of which the voter shall make a cross to indicate his choice; provided, that the county board may call a special county election upon any such question to be held within 60 days after a resolution to that effect shall be adopted by the county board. Upon the adoption of such a resolution the county auditor shall post and publish notices of such election as required by Laws 1929, chapter 297, section 6 [§270-6]. The election shall be conducted and the returns canvassed in the manner prescribed by said Laws 1929, chapter 297 [§§270-1 to 270-13], so far as practicable. (R. L. '05, §450; G. S. '13, §775; Apr. 25, 1931, c. 384.)

An outline of municipal bond procedure in Minnesota. 20MinnLawRev583.

ORGANIZATION OF TOWNS

787. Towns, how organized.

Township dissolved under §1002-1, may not be reorganized under this section so long as conditions requiring dissolution exist. Op. Atty. Gen. (441b), July 10, 1934.

So long as conditions exist for which a township was dissolved under §1002-1 no new organization of such township would be possible under §787. Op. Atty. Gen. (441b), July 12, 1934.

After a township has been dissolved by county board by resolution under §1002-1, it has same status as a town or territory which has never been organized into a township, and may under proper conditions be organized into a township pursuant to §787. Op. Atty. Gen. (442a-18), Sept. 6, 1934.

788. Organization of towns—Number of petitioners.—Whenever a majority of the resident freeholders of any one, two, three, four or five congressional townships containing in the aggregate not less than twenty-five freeholders who are legal voters, petition the county board to be organized as a town, such board shall forthwith proceed to fix and determine the boundaries of such new town and name the same, and shall make and file with the auditor a full report of its proceedings in relation to the establishment thereof. For the purposes of the act the word "freeholders" shall be construed to include any person who is a legal voter in any such town occupying real estate therein under the homestead or preemption laws of the United States or under contract of purchase from any person or corporation or from the State of Minnesota. (G. S. '94, §914; '05, c. 143, §1; G. S. '13, §777; Feb. 18, 1931, c. 19.)

789. Formation and alteration of towns.

Rehearing, see §1120½d, post.

Boundaries of town may be altered so as to add strip in which only one person resides where such person signed the petition along with the sufficient number of legal voters residing within the present limits of the town. Op. Atty. Gen., Mar. 20, 1931.

790. Notice of hearing.

Hearing provided for relates only to proceedings had under §789. Op. Atty. Gen., Mar. 7, 1929.

793. Apportionment of funds—Taxes.

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

ESTABLISHMENT OF SECTION LINES

802. Report of expenses—Assessment.

Premium on a bond given by a surveyor may not be regarded as an expense of a survey. Op. Atty. Gen., Oct. 12, 1931.

COUNTIES EXCEEDING 150,000

808. Estimates of expense and revenue.

County board of Hennepin County may not deduct percentage from salaries of employees on ground that receipts from current tax levy is not sufficient to produce amount of budget for current year. Op. Atty. Gen., Feb. 23, 1933.

County board and county auditor act in violation of law in deducting eight and one-third per cent from salaries of county employees fixed by law, on ground that receipts from current tax levy would not be sufficient to produce the amount of the budget for the current year. Op. Atty. Gen., Feb. 23, 1933.

It is mandatory upon county to levy taxes for mothers' pensions. Op. Atty. Gen. (335b), Aug. 7, 1936.

813. Certificates of indebtedness to retire outstanding warrants authorized in certain counties.—The county treasurer shall pay warrants only from the fund from which they are legally payable. Payments under any special contract shall be kept separate under the name of such contract, and under the general title of the fund from which such payment may be legally made. The treasurer need not keep a specific appropriations account separately, but shall keep a general appropriations account.

Provided, however, that in any county having an assessed valuation of not less than $200,000,000, exclusive of moneys and credits, the county board may, by resolution, issue and sell as many certificates of indebtedness as may be needed in anticipation of the collection of taxes levied for any fund named in the tax levy for the purpose of raising money for such fund, but the certificates outstanding for any such separate funds shall not at any time exceed fifty per cent of the amount of taxes previously levied for such fund remaining uncollected, and no certificate shall be issued to become due and payable later than December 31 of the year succeeding the year in which said tax levy was made, and said certificates shall not be sold for less than par and accrued interest and shall not bear a greater rate of interest than six per cent per annum. No such certificates shall be issued prior to the beginning of the fiscal year for which the taxes so anticipated were intended, except that when taxes shall have been levied for the purpose of paying a deficit in any such fund carried over from any previous year or years certificates of indebtedness in anticipation of collection of the taxes levied for such deficit may be issued at any time after such levy shall have been finally made and certified to the county auditor. Each certificate shall state upon its face for which fund the proceeds of said certificate shall be used, the total amount of said certificates so issued, and the whole amount embraced in said levy for that particular purpose. They shall be numbered consecutively, and be in denominations of $100 or a multiple thereof, and may have interest coupons attached, and shall be otherwise of such form and terms, and may be made payable at such place, as will best aid in their negotiation, and the proceeds of the tax assessed and collected on account of said fund and the full faith and credit of the county shall be irrevocably pledged for the redemption and payment of the certificates so issued. Such certificates shall be payable primarily from the moneys derived from the levy for the years against which such certificates were issued, but shall constitute unlimited general obligations of the county. Moneys derived from the sale of such certificates shall be credited to the fund or funds the taxes for which are so anticipated. (R. L. '05, §474; R. S. '13, §802; Apr. 21, 1933, c. 380; Apr. 20, 1935, c. 220, §1.)

Act Jan. 17, 1935, c. 2, validates anticipation certificates issued in certain counties under this section.

816. Maximum tax rate.

Op Atty. Gen., Feb. 23, 1933; note under §808.

817. Itemized statement.

Under Laws 1923, c. 441, county board was not authorized to allow claim for salary of deputy surveyor not provided for in budget or in appropriation. Op. Atty. Gen. (475b), Jan. 12, 1938.

818. Money expended only as specified.

Counties cannot make contract for purchases unless sufficient funds are available or unless a tax has actually been levied and is in process of collection. Op. Atty. Gen., Aug. 28, 1933.

TERMS OF CERTAIN COUNTY OFFICERS.

820. Auditor, treasurer, sheriff, register of deeds, etc.

No lawful ballots can be cast for office of sheriff at a general election unless term of incumbent, whether elected or appointed, expires on first Monday of January following such election. State v. Borgen, 189M216, 248NW744.

Legislature may fix term and provide for filling of vacancy in office of sheriff. State v. Borgen, 189M216, 249NW183. See Dun. Dig. 2263a.

821. Terms fours years.

Election of court commissioner must be at time of election of other county officers and for a similar period. Op. Atty. Gen. (128e), Dec. 18, 1934.

Where court commissioner was elected in 1926 and office became vacant in 1929, and vacancy was not filled by appointment and in 1932 election there was an election to that office and in 1934 blank space was left following words "for court commissioner" and incumbent was again voted for, and same thing occurred in 1936, and same blank space was left in 1938 but a different person was voted for, person receiving most votes in 1938 was entitled to certificate of election. Op. Atty. Gen. (128e), April 17, 1939.

822. County board to fill vacancies.

See note under §250.

Auditor cannot hire surveyor to make plat, but may only request county surveyor to make plat, and if there is no county surveyor, vacancy may be filled by appointment by the board. Op. Atty. Gen., Feb. 3, 1934.

Vacancy in office of clerk of district court is to be filled by district judge, under §200, not by county board under §822. Op. Atty. Gen., (144a-5), Nov. 25, 1938.

Where register of deeds who was also register of deeds elect died before beginning of new term, office became vacant on his death, and a second vacancy took place on first day of new term, and county commissioners had power to appoint a register of deeds for balance of first term to first Monday of January and also to appoint a register of deeds to fill four year term commencing on first Monday of January. Op. Atty. Gen. (373a-4), April 11, 1939.

TRANSPORTATION FACILITIES FOR COUNTY OFFICERS

822-1. Certain counties authorized, etc.

Laws 1931, c. 42, authorizes county board in counties having over 200,000 inhabitants, and area of over 5,000 square miles, to furnish indemnity insurance to county officers operating motor vehicles and equipment in county business.

Act relating to traveling expenses for county commissioners in counties having population of 24,000 to 27,000, assessed valuation of $18,000,000 to $23,000,000 and 22 to 24 congressional townships. Laws 1931, c. 274.

Payment of flat rate per month for use by officer or employee of his own automobile in county business, irrespective of mileage traveled, is illegal. Op. Atty. Gen., Mar. 31, 1930.

This section is superseded by Laws 1931, c. 331 [Supp. 1931, §254-47], to the extent that members of the county board are only entitled to 7 cents per mile mileage when they use their own cars, and this section has been amended by Laws 1933, c. 13, reducing the allowance to 5 cents per mile. Op. Atty. Gen., Feb. 23, 1933.

This act applies to Hennepin County and to no other county. Op. Atty. Gen., May 20, 1933.

This act did not place Hennepin County in different class than any other counties as far as mileage is concerned with exception as to limitation of $2,000, and county commissioner must present itemized statements of mileage claimed. Op. Atty. Gen., May 22, 1933.

822-2. Sheriff in certain counties may purchase automobiles.—In all counties in this state that now have or may hereafter have, according to the last completed state or national census, a population of not less than 220,000, and less than 330,000 inhabitants, the sheriff of said county shall be allowed a sum of not more than $3,500 for the year 1940 to be used for the purchase of automobiles of the ambulance and stretcher type, radio receiving and sending sets, insurance, including liability and property damage, covering the operator of the automobiles, firearms and other necessary equipment and paraphernalia and not more than $5,000 per annum thereafter, to be used for the purchase, care, maintenance, operation, upkeep of automobiles, and insurance, including liability and property damage, covering the operator of the automobiles, fire-arms and other necessary equipment and paraphernalia to be used in the performance of the duties pertaining to his office. (1929, c. 316; 1931, c. 313, §1; Apr. 21, 1939, c. 358.)

See §§254-47, 254-48.

822-3. Certain counties may furnish transportation for county officers.—In any county of this state now or hereafter having a population of 400,000 or over, the county board may provide and maintain at the expense of the county, transportation facilities for the use of the county surveyor and his deputies, the sheriff and his deputies, and the members of the county board in and about the performance of the duties of their respective offices; provided that the total amount which may be expended in any one year for transportation of the members of the county board shall not exceed $3,000; provided, further, that the providing of transportation facilities to members of county boards within the provisions of this act shall include and permit reasonable allowances on a monthly basis to members for the use of their own automobiles in the performance of their official duties notwithstanding the provisions of any law fixing allowances for use of their own automobiles by public officers in the performance of their duties on a mileage basis. (1919, c. 158, §1; 1927, c. 220, §1; Apr. 21, 1939, c. 361, §2.)

COUNTY AUDITOR

826. Bond.

Stearns County.

Act Apr. 12, 1939, c. 205, provides that the cost of bonds of auditor and deputies shall be paid by the county. The act requires such deputies to give bond in sum of $1,000. Probably unconstitutional.

A county auditor is not liable on his bond for a false certificate as to tax liens on lands where no damage resulted to a person relying on such certificate. 181M334, 232NW339. See Dun. Dig. 2309.

827. Malfeasance—Suspension.

Where county auditor issued a fraudulent warrant during one term and sold it to a good faith purchaser, recovery could be had on bond covering subsequent term during which warrant was cashed. Op. Atty. Gen. (125a-6), Dec. 9, 1935.

831. Deputies.

A deputy county auditor, while a county official, is not elected or appointed for a regular term so as to be denied benefit of workmen's compensation law. Whaling v. I., 194M302, 260NW299. See Dun. Dig. 10394(54).

Under Laws 1933, ch. 212, county board of Cook county cannot employ an accountant for purpose of supervision of its budget and classify him as deputy county auditor without consent of the auditor, power of selecting and hiring deputies and clerks being vested in the county auditor. Op. Atty. Gen. (12c-1), Sept. 4, 1935.

County officer may not appoint person under 21 years of age as a deputy, but may appoint him as a clerk, though position requires a bond. Op. Atty. Gen. (126a-33), Dec. 19, 1938.

Where county auditor issued 12 salary warrants in advance and they were cashed and registered with county treasurer, and county board compelled auditor to resign July 1, warrants were only valid to extent that auditor earned salary, and the remainder were not enforceable against county. Op. Atty. Gen. (107b-14), Jan. 18, 1939.

832. Clerk of county board.

Op. Atty. Gen., Aug. 9, 1932; note under §990.

Resolution and agreement by county board is valid, though not entered on the minutes and not published. 180M423, 230NW891.

An "assistant to the county board" employed under Laws 1923, c. 419, §21, should be attached to the auditor's office, in view of this section. Op. Atty. Gen., July 3, 1930.

County board of St. Louis County had authority to employ expert technical assistance in analyzing and classifying the duties of county employees, with a view to standardization of duties and compensation. Op. Atty. Gen., Sept. 12, 1931.

Granting of seed loans constitutes official proceedings which must be published. Op. Atty. Gen. (833l), May 8, 1935.

836. Disbursements—Warrant.

County held estopped to assert set-off against warrants. 180M423, 230NW891.

Where number of claims against county are assigned to bank, county auditor may not join all claims assigned to bank and issue one warrant for total amount due, but must issue separate warrants. Op. Atty. Gen., May 11, 1932.

County warrants may not be paid out of order of registration, even those covering board of county prisoners. Op. Atty. Gen., May 19, 1933.

County auditor and his deputy in a county issuing thousands of warrants and checks may use mechanical check and warrant signer. Op. Atty. Gen. (104b-2), Sept. 17, 1934.

836-1. Certain records may be destroyed.—That the auditors of the several counties be and they hereby are authorized, with the consent and approval of their county boards and judge of the district court, to destroy the following vouchers, files, records and papers of their offices at the time and under the conditions herein specified:

1. Claims and vouchers paid by the county more than 10 years prior to such destruction;
2. Receipts for taxes paid more than 10 years prior thereto;
3. Treasurers' checks paid more than 10 years prior thereto;
4. Receipts for mortgage registration taxes paid more than 10 years prior thereto;
5. Miscellaneous receipts, delinquent tax statements and miscellaneous papers and correspondence bearing dates more than 10 years prior thereto;
6. With the written approval of the treasurer county warrants paid more than 10 years prior thereto; and
7. All ballots and election returns, except the abstract of the county canvassing board, two years after the date of the election.

Provided, however, that the said auditor, instead of personally destroying any miscellaneous papers and correspondence, or any other documents, instruments, or papers which may be of historical value, shall forward the same to the historical society, St. Paul, Minnesota, and such society is authorized to permanently preserve any matter found therein deemed by it to be of historical value and to destroy all other documents, papers and matters so received by it. ('27, c. 275; Mar. 9, 1929, c. 66, §1; Apr. 12, 1939, c. 201.)

See §601-6(7)u.

This statute may be taken as an indication as to the length of time ballots cast at a muincipal election in a city of the first class must be held before they may be lawfully destroyed. Op. Atty. Gen., Jan. 27, 1931.

Act does not authorize destruction of obsolete real and personal property assessment and tax books in possession of county auditor. Op. Atty. Gen. (851f), Sept. 19, 1939.

837. Salaries and clerk hire in office of, etc.

Laws 1931, c. 103, legalizes payments of salaries under this section.

A deputy county auditor, while a county official, is not elected or appointed for a regular term so as to be denied benefit of workmen's compensation law. Whaling v. I., 194M302, 260NW299. See Dun. Dig. 10394(54).

Laws 1931, c. 103, legalizes salaries paid under Laws 1927, c. 383. Op. Atty. Gen., July 11, 1931.

Laws 1927, c. 383, must be construed so as to be limited to cases where the reduction in assessed valuation occurs during the term of office of an incumbent, and the authorization to pay the old salary expires at the expiration of that term. Op. Atty. Gen., July 11, 1931.

Where assessed valuation of Cass County for the year 1930 fell to $5,129,382, taking it out of the class of counties covered by this act, a county auditor taking office in 1931 was not entitled to a salary of $3,000, and a resolution of county board to pay him such an amount was of no effect. Op. Atty. Gen., July 29, 1931.

The salary of the auditor of Cass County with an assessed valuation of $5,129,382 is $2,000 per annum, in view of Laws 1925, c. 78, fixing a minimum salary in certain counties. Op. Atty. Gen., July 29, 1931.

County auditor must turn into county all fees received, including fees for making of certified copies of official records. Op. Atty. Gen., Nov. 28, 1931.

Moneys and credits are to be included in determining classification of county. Op. Atty. Gen., May 14, 1932.

Exempt real estate taxes, which are, in fact, included in assessed valuation fixed and determined by Minnesota Tax Commission, are to be considered in determining classification. Op. Atty. Gen., May 14, 1932.

Salary of county auditor for year 1933 should be based upon assessed valuation of real and personal property as fixed by state board of equalization for year 1932. Op. Atty. Gen., Jan. 17, 1933.

In counties operating under this section auditor's salary will not be changed by reason of decreased valuation during term, but in counties operating under special law salary will be automatically reduced in accordance with valuation. Op. Atty. Gen., Feb. 4, 1933.

This section is inapplicable to county auditor of Koochiching County. Op. Atty. Gen., Feb. 24, 1933.

County auditor is not authorized to charge fee for working services rendered in proceedings under Laws 1923, c. 345, or acts amendatory thereof. Op. Atty. Gen., July 8, 1933.

It is not necessary in arriving at assessed valuation of property in a county for salary purposes to go behind assessed valuation as determined by tax commission, and lands to which state has acquired title through operations of rural credit department should not be included, while so-called $100 exemption of personal property should be included. Op. Atty. Gen. (104a-9), Dec. 27, 1934.

Sections 837(6) and 997-2 must be construed so as to be limited to salaries of county officers where reduction of assessed valuation occurs during term of office of a particular county officer or officers. Op. Atty. Gen. (104a-9), Dec. 27, 1934.

Under this section and under Laws 1927, c. 383, and Laws 1929, c. 313, where assessed valuation of Kittson County was between $6,000,000 and $7,000,000 in 1930, county board could agree to pay county officer $2,500 per year where he was reelected in the fall of 1930 and took office in January 1931. Op. Atty. Gen. (18e), Mar. 4, 1935.

Salary of county auditor may not be reduced during term by board, after same has been fixed. Op. Atty. Gen. (22), June 21, 1935.

Unless affected by special act, salary of auditor of Nobles county is $2,500 per annum. Op. Atty. Gen. (22), Apr. 16, 1937.

County Auditor's salary in Nobles county was fixed at $3,000 per annum. Op. Atty. Gen. (22), Nov. 2, 1937.

Clerk hire on Jan. 1 and Jan. 2 at end of term of county officer should be charged to clerk hire account for the current year, and not to account of retiring officer. Op. Atty. Gen. (104a-9), Feb. 2, 1939.

Clerk hire in office of county auditor may not be used for succeeding year's clerk hire when all of amount set aside therefor is not used in that year. Op. Atty. Gen. (18e), Feb. 28, 1939.

Value of tax exempt real estate cannot be included in total assessed value for purpose of determining salaries of county officials. Op. Atty. Gen. (104a-9), July 27, 1939.

(6).

Salary of county auditor fixed by county board under this subdivision was salary "received pursuant to law" within meaning of Laws 1935, ch. 349, §1. Op. Atty. Gen. (22), Oct. 31, 1935.

837-1. Clerk hire in office of county auditor, etc.

PARTICULAR COUNTIES

Laws 1925, c. 181, repealed in part. Apr. 14, 1937, c. 217.

Act Apr. 26, 1937, c. 491, amends Laws 1921, c. 437, as amended, to provide that the act shall apply to counties with assessed valuation of $8,000,000 to $14,000,000, and county auditor shall receive salary of $2,820 and $3,600 for clerk hire.

Counties having 38 to 42 congressional townships, and assessed valuation of $8,000,000 to $12,000,000. Laws 1929, c. 37, §2, as amended by Laws 1931, c. 254, fixes salary of auditor at $2,500 and $2,400 for clerk hire.

Counties with 41 to 43 congressional townships and 25,000 to 30,000 population. Laws 1929 c. 161, §1 amends Laws 1925, c. 91, §2, and fixes the salary of the auditor at $2,700 and authorizes allowance of clerk hire not to exceed $2,400 per year, and also additional clerk at not more than $80 per month.

Counties with 60 to 80 congressional townships and 45,000 to 75,000 inhabitants. Act. Mar. 9, 1929, c. 69, fixes salary of auditor at $3,000.

Act Apr. 21, 1933, c. 432, §1, effective May 1, 1933, amends §2, of Laws 1925, c. 91, by making the salary of the county auditor $2,196 per year, with not exceeding $1,956 for clerk hire. See §§997-4a to 997-4h.

Act Apr. 14, 1937, c. 230, effective May 1, 1937, amends Laws 1925, c. 91, §2, as amended, and provides that in counties having 41 to 43 townships and 25,000 to 30,000 population, the auditor shall receive a salary of $2,496, and not more than $3,060 for clerk hire, first deputy to receive not more than $125 per month, second deputy not more than $70 per month, all fees to be paid into the county treasury.

Counties having 220,000 to 330,000 inhabitants. Laws 1927, c. 420, §1, amending, etc., is amended by Laws 1929, c. 305, by fixing salary of stenographer at $1,380.

Act Apr. 14, 1937, c. 210, amends §824 of 1913 G. S., as last amended by Laws 1929, c. 305, to authorize employment of one assistant settlement clerk and warrant deputy at $1800 per annum, and one supervisor of tax records at $1800 per annum, chief counter deputy at $1900, five counter deputies and assistant warrant deputy.

Laws 1929, c. 341, §2, post. §997-4, fixes salary at $6,000, with additional $500 allowed if acting as member of a municipal building commission, in counties of 415,000 population or over.

Counties with area of not more than 23 and not less than 20 congressional townships, and assessed valuation of not more than $6,000,000. Laws 1931, c. 15, §1, fixes salary of auditor at $2,000 in addition to fees, and $1,500 for clerk hire. Effective Jan. 1, 1931.

Counties having assessed valuation of $18,000,000 to $30,000,000, containing 12 to 16 congressional townships, and population of 29,500 to 30,000. Laws 1931, c. 191,

amends Laws 1923, c. 150, §1, and fixes salary of auditor at $3,000 commencing Nov. 19, 1930.

Counties containing 55 to 57 congressional townships and assessed valuation of $5,000,000 to $12,000,000. Laws 1931, c. 191, allows county auditor clerk hire sum representing not more than one-third of one mill on assessed valuation.

Counties having 44 to 45 congressional townships and assessed valuation of $12,000,000 to $18,000,000. Laws 1931, c. 192, amends Laws 1921, c. 437, §1, so as to apply to counties as above.

Act Apr. 12, 1937, c. 193, amends Laws 1921, c. 437, as amended, and provides that in counties having 44 to 45 townships, assessed valuation of $8,000,000 to $14,000,000, and population of 25,500 to 26,000, the salary of county auditor shall be $2,820 and fees; and clerk hire $3,600 if actually paid or due unless authorized by county board. Salary and fees not to exceed $3,200; excess over that amount to be paid into general revenue fund.

Laws 1933, c. 284. Amended. Apr. 12, 1937, c. 193.

Counties having population of 380,000 or over. Laws 1931, c. 271, amends Laws 1921, c. 133, §8, as amended by Laws 1923, c. 419, §8, as amended by Laws 1925, c. 398, §8, as amended by Laws 1927, c. 426, §8, and fixes salaries of deputies and assistants in auditor's office as follows: chief deputy $3,600; chief accountant $3,600; deputy to act as clerk of county board $3,000; deputy $2,500; draftsman $2,400; two assistant draftsmen $2,300 each; two bookkeepers $2,000 each; two settlement clerks $2,200 each; six deputies $2,200 each; three clerks $2,100 each; four clerks $1,900 each; seven clerks $1,800 each; eight clerks $1,500 each.

Act Apr. 17, 1937, c. 257, amends Laws 1921, c. 133, §8, as amended, to provide for warrant deputy at $2,300; counter deputy $2,400; 7 counter deputies at $2,200 each; settlement clerk at $2,300; 3 settlement clerks at $2,200 each; 3 special assessment clerks at $2,200 each; 2 bookkeepers at $2,200; 5 special clerks at $2,000 each; 4 senior clerks at $1,900; 12 general clerks at $1,800; 4 junior clerks at $1,500.

Counties having 70 to 80 congressional townships and assessed valuation of $2,000,000 to $5,000,000. Laws 1931, c. 284, amends Laws 1921, c. 351, §1, by making the act apply to counties described above.

Act Feb. 3, 1937, c. 11, amends '21, c. 351, §1, to apply to counties with 70 to 75 townships, assessed valuation of $1,000,000 to $5,000,000, and population of 7,000 to 7,500, but makes no change in amounts of salaries.

Act Feb. 9, 1933, c. 16, provides that in counties having 81 to 85 congressional townships and 18,000 to 30,000 population the county auditor shall receive $2,400 per year and clerk hire to be fixed by the county board. Laws 1925, c. 7, repealed. See §§997-4a to 997-4h.

Act Mar. 9, 1933, c. 76, §1, effective Jan. 1, 1934, provides that in counties with area of 35 to 55, inclusive, full or fractional congressional townships, and assessed valuation of not more than $2,000,000, exclusive of moneys and credits, the county auditor shall receive a salary of $1,500 per annum, in addition to fees allowed by law, such salary payable monthly. Clerk hire to be fixed by county board. Amended. Laws 1935, c. 81. See §§997-4a to 997-4h.

Act Mar. 19, 1937, c. 70, effective July 1, 1937, amends Laws 1933, c. 76, as amended by Laws 1935, c. 81, to make auditor's salary $1,800, county treasurer $1,500, register of deeds $1,500, county attorney $1,200, county commissioners $300. Act effective July 1, 1937.

Act Mar. 20, 1933, c. 96, provides that in counties having 55,000 to 70,000 population, and 35 to 45 congressional townships, the county board may fix the salary of the county auditor at not to exceed $3,500, and require that fees be paid into general fund. Amended, Laws 1935, c. 23. See §§997-4a to 997-4h.

Act Jan. 15, 1936, Sp. Ses. 1935-36, c. 27, amends Laws 1933, c. 96.

Act Apr. 1, 1933, c. 143, amends Laws 1929, c. 69, §1, to provide the auditor shall receive $2,500 per annum. See §§997-4a to 997-4h.

Act Apr. 10, 1933, c. 166, §2, provides that in counties having 76 to 80 congressional townships, and assessed valuation of $3,000,000 to $5,000,000, exclusive of moneys and credits, the county auditor shall receive $1,800 per annum and clerk hire not exceeding $2,400 per annum, fees to be paid into county treasury. See §§997-4a to 997-4h.

Act Apr. 11, 1933, c. 212, effective May 1, 1933, authorizes county board in counties having 50 to 70 congressional townships and assessed valuation, exclusive of moneys and credits, of less than $1,500,000, to fix salaries of county officers and require their fees to be paid into the county treasury.

Act Apr. 13, 1933, c. 219, §1, provides that in counties having assessed valuation of not more than $6,000,000 and population of not more than 12,500 the county board shall fix the salaries of subordinate county employees. This section seems to be invalid as not expressed in the title of the act. Section 2 authorizes the county board, in counties having assessed valuation, excluding moneys and credits of $2,500,000 to $3,000,000, population of 9,000 to 10,000, and area of 29 to 31 congressional townships, to fix the salaries of all subordinate county employees.

Laws 1933, c. 219, does not apply to Clearwater County and §1 thereof is not within title of act. Op. Atty. Gen. (104a-3), Feb. 5, 1935.

Act Apr. 15, 1933, c. 281, provides that in counties having 100 or more congressional townships and assessed valuation, including moneys and credits, of $4,000,000 to $6,000,000, the county auditor shall receive $2,250, and clerk hire to be fixed by the county board. See §§997-4a to 997-4h.

Act Mar. 23, 1937, c. 91, repeals Laws 1933, c. 281, and provides that in counties having 100 to 105 townships, population of 12,000 to 16,000, the salary of the auditor shall be the same as provided by law for the year 1931, regardless of decrease in valuation or change in population or other factor. General law to apply except as to minimum fixed. County board to fix clerk hire.

Laws 1933, c. 284, §16, repeals Laws 1919, c. 224.

Act Mar. 19, 1937, c. 69, effective July 1, 1937, amends Laws 1933, c. 16, to make salary of members of county board $720, salary of county auditor $2,500 and traveling expenses within the state of Minnesota.

Act Apr. 15, 1933, c. 284, §2, amending Laws 1921, c. 437, Laws 1927, c. 225, Laws 1931, c. 192, provides that in counties having 44 or 45 congressional townships and assessed valuation, exclusive of moneys and credits, of $9,000,000 to $12,000,000, the county auditor shall receive $2,230 and fees, with maximum of $2,880, and clerk hire $3,060. See §§997-4a to 997-4h.

Laws 1933, c. 284. Amended Apr. 26, 1937, c. 491.

Act Apr. 1, 1935, c. 94, §1, limits clerk hire in counties containing 22 to 25 towns and having 29,000 to 33,000 inhabitants to $3,600 per year.

Laws 1935, c. 81, §1, amends title of Laws 1933, c. 76, and section 1 thereof to make act apply to counties with population of 3500 to 5000.

Laws 1935, c. 349. Salaries of county commissioners, county auditor and county treasurer in certain counties.

Laws 1935, c. 351. Salaries and clerk hire in offices of auditor and treasurer.

Act Mar. 23, 1937, provides that in all counties having 100 to 105 townships and population of 12,000 to 16,000, the county officers shall receive certain salaries.

Act March 31, 1939, c. 99, fixes the salary and expenses of county auditors, and their deputies and clerks, in counties having 41 to 43 congressional townships, assessed valuation, exclusive of money and credits, of $6,000,000.00 to $12,000,000.00, and population of 25,000 to 30,000, and repeals Laws 1921, c. 437; Laws 1925, c. 91; *Laws 1929, cc. 20, 161; Laws 1933, c. 432; Laws 1937, c.* 230; Laws 1937, Sp. Ses., c. 54.

Salaries and clerk hire in counties having 50 to 70 townships and a valuation of $500,000 to $1,500,000 and population of 2,000 to 3,000. Laws 1939, c. 168.

In counties having 19 to 21 townships and population of 34,000 to 45,000 and valuation of $28,000,000 to $45,000,000 clerk hire in auditor's office shall be the same as in 1938. Laws 1939, c. 198.

In counties having 37 to 40 townships and $2,000,000 to $8,000,000 valuation and 7,000 to 12,000 population the clerk hire in auditor's office may be $1,800. Laws 1939, c. 210.

In counties having 12 or 13 townships and a valuation of $7,000,000 to $8,000,000 and population of 14,000 to 15,000, clerk hire for county auditor shall be $2,700. Laws 1939, c. 267.

Counties having area of 380 to 400 square miles and population of over 20,000 the auditor shall receive $3,800 per year. Laws 1939, c. 293.

Legislature possesses right to change salaries of county officers at any time. Op. Atty. Gen., Feb. 21, 1933.

County officers whose terms expire on first Monday of January are entitled to compensation for days of service rendered in month of January up to time that their successors qualify and take office. Op. Atty. Gen. (104a-9), Dec. 1, 1934.

Under Laws 1933, c. 212, county board of Cook county cannot employ an accountant for purpose of supervision of its budget and classify him as a deputy county auditor without consent of the auditor, power of selecting and hiring deputies and clerks being vested in the county auditor. Op. Atty. Gen. (12c-1), Sept. 4, 1935.

Big Stone County is classified as having 20 full and fractional congressional townships. Op. Atty. Gen. (104a-9), Oct. 14, 1936.

Fees of county auditor under §2144 and §2232 are controlled by Laws 9137, c. 491, §14, in counties covered by that act, and auditor must turn in 22% thereof, as well as any fees collected from such source over and above the limit of $3600 per year, such statute placing an absolute limit of compensation, except mileage and expenses. Op. Atty. Gen. (23d), July 20, 1939.

837-2. Salaries of deputies and clerks in the office of County Auditor in certain counties having 380,000 population or over.—The county auditor shall appoint and employ one chief deputy, who shall be paid the sum of $3,600, per annum; one chief accountant who shall be paid the sum of $3,000 per annum; one-half of which salary shall be paid from the road and bridge fund; one deputy, who shall act as clerk to the County Board who shall be paid the sum of $3,000 per annum; one warrant deputy who shall be paid the sum of $2,500 per annum; one draftsman who shall be paid the sum of $2,400 per annum; two assistant draftsmen who shall each be paid the sum of

$2,300 per annum; one warrant deputy who shall be paid the sum of $2,300 per annum; one head counter deputy who shall be paid the sum of $2,400 per annum; eight counter deputies who shall each be paid the sum of $2,200 per annum; two settlement clerks who shall each be paid the sum of $2,300 per annum; four special clerks who shall each be paid the sum of $2,200 per annum; three special clerks who shall each be paid the sum of $2,100 per annum; two bookkeepers who shall each be paid the sum of $2,200 per annum; four special clerks who shall each be paid the sum of $2,000 per annum; four senior clerks who shall each be paid the sum of $1,900 per annum; 12 general clerks who shall each be paid the sum of $1,800 per annum; six junior clerks who shall each be paid the sum of $1,500 per annum; one division clerk who shall be paid the sum of $2,200 per annum; two accounting clerks who shall each be paid the sum of $1,700 per annum; three clerks who shall each be paid the sum of $1,200 per annum. (1921, c. 133, §8; 1923, c. 419; 1925, c. 398; 1927, c. 426; 1931, c. 271; 1937, c. 257; Apr. 13, 1939, c. 221.)

Editorial note.—This section, though intended to apply to Hennepin County, is based on a reasonable and valid classification, and is not open to constitutional objection.

COUNTY TREASURER

839. Persons eligible.

This section is unconstitutional if construed to require a county commissioner to resign before a primary election to determine his candidacy for the office of county treasurer. Op. Atty. Gen., Mar. 22, 1930.

839-1. County Treasurers may appoint deputies.—County treasurers may, by certificate in writing, appoint one or more deputies, who, before entering upon their duties, shall file with the register of deeds such certificates, with their oaths of office endorsed thereon. Such deputies may sign all papers and do all other things which county treasurers may themselves do. (Act Apr. 8, 1939, c. 164.)

840. Bonds of county treasurer and deputies.—Before he enters upon the duties of his office the County Treasurer, every Deputy County Treasurer and every employe in the office of the County Treasurer shall give bond, to be approved by the County Board, and in such sum as said board directs: Provided, that in counties of over one hundred and fifty thousand inhabitants the bond of the County Treasurer shall not be less than Five Hundred Thousand Dollars, unless the surety is a corporation duly authorized by law to be surety, in which case it shall be not less than Two Hundred and Fifty Thousand Dollars. Such bond shall be payable to the state, conditioned that he shall faithfully execute the duties of his office, and for the safekeeping and paying over according to law of all moneys which come into his hands for state, county, town, school, road, bridge, poor, and all other purposes.

In lieu of the individual bonds required for deputies and employes in the office of the County Treasurer a schedule or position bond or undertaking may be given in the respective amounts so required conditioned as above and upon a form to be prescribed by the State Comptroller.

The County Board shall pay the premiums upon such bonds or undertakings out of the treasury of the county in cases where the surety is a corporation duly authorized by law to be surety. (R. L. '05, §495; G. S. '13, §842; '23, c. 293; '27, c. 406; Apr. 24, 1935, c. 273.)

Liability under official bonds extended to faithful performance of duties under §6296. See Laws 1929, c. 200. 173M283, 217NW354.

Payment of part of premium by county treasurer which the law requires the county to pay was not a voluntary payment of the obligation of another. 174M281, 219NW 96.

Proper procedure to reduce treasurer's bond is to issue new bond rather than reduce penalty of existing bond. Op. Atty. Gen. (450b-2), Jan. 15, 1936.

County board may reduce amount of bond, but should do so by seeing that a new bond is executed. Op. Atty. Gen. (450b-2), Mar. 4, 1936.

842. Books, accounts, etc.

U. S. F. & G. Co. v. M., (DC-Minn.), 1FSupp514; note under §846.

843. Receipt and payment of money.

U. S. F. & G. Co. v. M., (DC-Minn.), 1FSupp514; note under §846.

Where administrator deposits unclaimed money of heir with county treasurer, it may be impounded by garnishment by creditor of heir. 171M280, 214NW26.

County cannot issue warrants on road and bridge fund and sell same to bank. Op. Atty. Gen. (383b), Dec. 13, 1937.

A county treasurer not authorized to appoint a deputy may authorize clerk to sign county warrants for him. Op. Atty. Gen. (104b-13), Feb. 7, 1939.

844. Board of Auditors.

U. S. F. & G. Co. v. M., (DC-Minn.), 1FSupp514; note under §846.

Op. Atty. Gen., Jan. 22, 1932; note under §854.

A county treasurer has no duty in designating depository banks for county funds, nor in approving the depository bonds, and the fact that such treasurer owned a few shares of stock in a bank does not prevent that bank from becoming a de jure depository of county funds. Co. of Marshall v. B., 182M10, 234NW1. See Dun. Dig. 2263b, 2323(77), 2699.

846. Funds, where deposited.

Op. Atty. Gen., Mar. 5, 1929; note under §1973-1.

Where county treasurer, without authority of law, maintained in a county depositary an "over-remittance account" in which he deposited irregular payments made by taxpayers and others not sanctioned by law, the funds so deposited did not become the property of the county, and the depositary was not liable on its bond for misappropriation of funds in such account, giving surety on treasurer's bond a right of action by subrogation on the depositary's bond, the depositary having no notice of any conversion of the funds of the account by the treasurer. U. S. F. & G. Co. v. M., (DC-Minn.), 1FSupp514. Appeal dism. 64F(2d)1022. See Dun. Dig. 2701, 2702.

County had preference as to tax money deposited in bank by taxpayer to credit of county. 176M594, 224NW 159.

Agreement of county board to accept certificates of deposit for county funds to enable failed bank to reopen held not to amount to designation of bank as county depository. 180M423, 230NW891.

A county treasurer has no duty in designating depository banks for county funds, nor in approving the depository bonds, and the fact that such treasurer owned a few shares of stock in a bank does not prevent that bank from becoming a de jure depository of county funds. Co. of Marshall v. B., 182M10, 234NW1. See Dun. Dig. 2263b, 2323(77), 2699.

Deposits cannot exceed capital and surplus even though secured by both bond and collateral. Op. Atty. Gen., Oct. 31, 1929.

Where county treasurer has made deposits in excess of amount of capital stock and surplus, pledged securities deposited with the treasurer may be held only until the amount legally deposited is paid and the balance must be returned for the benefit of general creditors of the bank. Op. Atty. Gen., Dec. 12, 1929.

This section applies to national banks as well as to state banks, and is mandatory. Op. Atty. Gen., Aug. 26, 1930.

County treasurer who permits money to remain in a bank after its term as depositary has expired is liable for any loss that might result by reason of the funds being permitted to remain in such bank. Op. Atty. Gen., June 19, 1931.

County treasurer may not advance out of funds of the county to various school districts an amount equal to what the district would ordinarily receive in the November distribution of tax money, though such treasurer has on hand a sum in excess of the amount which he is authorized to deposit in the remaining county depositories. Op. Atty. Gen., Sept. 11, 1931.

A bank which amended its articles by increasing its capital stock, changing the name of the bank, and changing the location of the bank to another county did not change its corporate identity, and county would have been justified in continuing to regard the bank under its changed name as a depositary of county funds. Op. Atty. Gen., Oct. 12, 1931.

Board of audit of county need take no steps to eliminate closed bank as depositary, it ceasing to be county depositary on closing. Op Atty. Gen., Apr. 9, 1932.

Where county depositary amends its articles and changes its name, it remains the same corporation and there is no necessity for re-advertising, but board of audit might adopt resolution reciting facts and requiring bank to execute new resolution and new assignment of collateral under its new name. Op. Atty. Gen., Apr. 9, 1932.

A county is not liable to state for tax moneys lost through closing of depositary in absence of negligence. Op. Atty. Gen., Feb. 17, 1933.

Receiver of county depositary may offset county warrants drawn on overdrawn county poor fund against general fund deposit. Op. Atty. Gen., Feb. 21, 1933.

There is no legal authority for charging closed county depositary a greater rate of interest than it contracted to pay. Op. Atty. Gen., Feb. 21, 1933.

County depositary has right to offset against deposit interest due on county bonds. Op. Atty. Gen., Feb. 23, 1933.

Where state moneys in hands of county treasurer are lost through closing of county depositary, state is not entitled to preference in moneys collected from collateral or sureties upon depositary's bond. Op. Atty. Gen., Mar. 18, 1933.

County is a preferred creditor as to funds remaining in designated depositary after expiration of term. Op. Atty. Gen., July 27, 1933.

It is permissible for school treasurer to leave money in hands of county treasurer with his consent and thus obtain advantage of collateral posted with county. Op. Atty. Gen., Aug. 23, 1933.

Bank has no right to charge a 10c fee on all checks issued by county, calling it a "float" charge rather than exchange. Op. Atty. Gen. (29a-17), Apr. 11, 1934.

Section does not prohibit county from designating a depository without requirement of interest. Op. Atty. Gen. (32f), May 25, 1934.

A bank which was closed at time proposals were made may be permitted to submit its proposal after reopening under the old advertisement and it is not necessary to readvertise. Op. Atty. Gen. (140a), July 20, 1934.

Reconstruction Finance Corporation capital debentures are not "capital stock and permanent surplus" so as to entitle a bank to additional deposits of a municipality. Op. Atty. Gen. (707a-11), Jan. 25, 1935.

New bank existing for less than a year may be designated. Op. Atty. Gen. (29a-12), Mar. 2, 1935.

Where a national bank ceased to do business and a new state bank was organized to take place thereof, fact that national bank was not designated as a depository for reason that it was delinquent in payment of taxes on stock shares did not affect right to designate new bank as depository. Id.

County board may designate depository outside of corporate limits of county. Op. Atty. Gen. (140a-7), Mar. 6, 1935.

County is not liable for loss of tax moneys collected by county treasurer on account of failure of bank, and may charge back to various governmental subdivisions having interest in such money their respective shares. Op. Atty. Gen. (455i), Feb. 28, 1938.

848. Bonds of depositaries.

224NW159; note under §846.

The debtor of an insolvent bank when sued by its receiver, cannot set off his liability as a surety upon a depository bond. 172M80, 214NW792.

Surety on bond of county depository, not having paid anything, was not entitled to any subrogation though commissioner of banks paid county certain sum as preferred claim. Anderson v. P., 191M404, 254NW459. See Dun. Dig. 9038, 9045.

Where county depository with bond of $5,000 failed, payment of $5,000 by commissioner of banks to county as a preferred claim did not discharge liability of sureties for remainder of claim. Id. See Dun. Dig. 2702.

Surety cannot be relieved from liability until the term of the bond expires. Op. Atty. Gen., Oct. 3, 1930.

A bank designated as a depository of county funds must furnish the bond, or in lieu thereof the collateral security required by statute, and no exceptions are made. Op. Atty. Gen., Mar. 2, 1931.

Surety on bond of depository for county funds is liable for money remaining on deposit with the bank at the expiration of its two-year term, but for safety the county should demand the deposit even though the immediate withdrawal thereof would result in closing of the bank. Op. Atty. Gen., June 19, 1931.

Where county depositary fails, the county should look first to sureties on the bond and resort to collateral pledged only when necessary. Op. Atty. Gen., Aug 4, 1931.

All collateral delivered to county as security for county deposit, must first be approved by county board. Op. Atty. Gen., May 21, 1932.

County board has no right to refuse to accept individual sureties on depositary bond, if solvent and financially responsible. Op. Atty. Gen., Feb. 14, 1933.

Board of auditors may designate a bank, whose deposits are insured by Federal Deposit Insurance Corporation, and not require it to furnish bonds or collateral security. Op. Atty. Gen. (401b-2), Feb. 4, 1935.

Publication required by this section is mandatory. Op. Atty. Gen. (29a-12), Mar. 2, 1935.

849. Proposals by banks.

A new advertisement and a new assignment and approval of collateral must be made every two years, a mere renewal of the former arrangement being insufficient. Op. Atty. Gen., Dec. 18, 1929.

851. Deposit in official capacity only.

U. S. F. & G. Co. v. M., (DC-Minn.), 1FSupp514; note under §.846

852. Public funds kept separate.

U. S. F. & G. Co. v. M., (DC-Minn.), 1FSupp514; note under §846.

853. Payment.

U. S. F. & G. Co. v. M., (DC-Minn.), 1FSupp514; note under §846.

A county treasurer not authorized to appoint a deputy may authorize clerk to sign county warrants for him. Op. Atty. Gen. (104b-13), Feb. 7, 1939.

854. Compensation and mileage of board of auditors.

Chairman of county board while in the county seat as a member of the board of auditors was entitled to $3 per day and ten cents per mile necessarily traveled in attending the meetings, but was not entitled to further allowances for meals or room rent while at the county seat. Op. Atty. Gen., Jan. 22, 1932.

Mileage allowance in this section is not in the form of reimbursement for expenses and is not affected by Laws 1931, c. 331. Op. Atty. Gen., Jan. 22, 1932.

Chairman of county board is not entitled to mileage for every day travelled from his home to and from county seat when county board is in session for three days. Op. Atty. Gen., May 19, 1933.

856. Exemption from liability.

County treasurer held not liable on his bond by reason of failure of depository bank. Co of Marshall v. B., 182 M10, 234NW1. See Dun. Dig. 2323(77), 2699.

A deposit by a county treasurer of county funds for safe-keeping in a bank not designated as a county depository, or deposit in a depository bank of more county funds than covered by depository bond, is not unlawful, but treasurer remains liable therefor same as for money in his hands. Anderson v. P., 191M404, 254NW459. See Dun. Dig. 2701.

Loss of tax funds in depositaries is to be prorated and deducted from current settlement for past losses, including special school aid, the county not being liable. Op. Atty. Gen. (168c), May 4, 1937.

864. New bond—insolvency of surety.—The county board may require the county treasurer to give a new bond, with sureties to be approved by them, whenever, in the opinion of a majority of said board, the sureties, or any of them, on the original bond, are insufficient, and may also require a new bond, with sureties to be approved by them, whenever the penalty of such original bond is deemed insufficient; but the taking of any new bond shall not affect or impair the original bond, or the rights and liabilities of the parties thereto, incurred or existing at or prior to the time of the approval and acceptance of such new bond. Where the original bond was a corporate surety bond, and such bond, since the first day of January, 1933, has become inoperative due to the insolvency of the surety company, the treasurer shall furnish a new bond with sureties to be approved by the county board, and the liability of the sureties on such new bond shall only include and extend from the date of the execution of the new bond. (R. L. '05, §518; G. S. '13, §865; Dec. 20, 1933, Ex. Sess., c. 4.)

County board having first required treasurer to give his official bond and surety company having issued the same, it may not thereafter require treasurer to give a new bond in a lesser sum, authority to require a new bond arising only when sureties on original bond are insufficient or the penalty of the bond deemed insufficient. Op. Atty. Gen. (104b-13), Mar. 5, 1935.

869. Payment of county orders or warrants; insufficient funds; interest; borrowing money; transfer of funds; counties on cash basis.—When any order or warrant drawn on him as treasurer is presented for payment, if there is money in the treasury for that purpose, the county treasurer shall redeem the same, and write across the entire face thereof the word "Redeemed," the date of the redemption, and his official signature. If there is not sufficient funds in the proper accounts to pay such orders they shall be numbered and registered in their order of presentation, and proper endorsement thereof shall be made on such orders and they shall be entitled to payment in like order. Such orders shall bear interest at the legal rate from such date of presentment. The treasurer, as soon as there is sufficient money in the treasury, shall appropriate and set apart a sum sufficient for the payment of the orders so presented and registered, and, if entitled to interest, he shall issue to the original holder a notice that interest will cease in thirty days from the date of such notice; and, if orders thus entitled to priority of payment are not then presented, the next in order of registry may be

paid until such orders are presented. No interest shall be paid on any order, except upon a warrant drawn by the county auditor for that purpose, giving the number and the date of the order on account of which the interest warrant is drawn, provided, that in any county in this state now or hereafter having an assessed valuation of all taxable property, exclusive of money and credits, of not less than two hundred fifty million ($250,000,000) dollars, the county treasurer, in order to save payment of interest on county warrants drawn upon a fund in which there shall be temporarily insufficient money in the treasury to redeem the same, may borrow temporarily from any other fund in the county treasury in which there is a sufficient balance to care for the needs of such fund and allow a temporary loan or transfer to any other fund, and said treasurer may pay such warrants out of such funds. That any such money so transferred and used in redeeming such county warrants, shall be returned to the fund from which drawn as soon as money shall come in to the credit of such fund on which any such warrant was drawn and paid as aforesaid. Provided, that any county operating on a cash basis may use a combined form of warrant or order and check, which, when signed by the chairman of the county board and by the auditor, is an order or warrant for the payment of the claim, and, when countersigned by the county treasurer, is a check for the payment of the amount thereof. (R. L. '05, §524; G. S. '13, §870; '19, c. 31; '25, c. 176; Apr. 24, 1937, c. 400, §1.)

County cannot pay interest on registered warrant until the principal is paid, except ditch warrants (Mason's Stat. 1927, §6840-108). Op. Atty. Gen., Aug. 10, 1929.

County treasurer when accepting county warrants in payment of taxes should allow interest from the date the warrant was presented and marked, "Not paid for want of funds." Op. Atty. Gen., Oct. 2, 1931.

County auditor may draw warrants to pay interest on warrants stamped "not paid for want of funds." Op. Atty. Gen., July 11, 1933.

Notice that county warrants No. 1000 to No. 1500 are payable is sufficient to cover all intermediate numbered warrants. Op. Atty. Gen., July 13, 1933.

County can pay interest upon registered warrants only at time warrant itself is redeemed or paid. Op. Atty. Gen. (107a-5), May 19, 1934.

County board has no right to reduce rate of interest on county warrants which are marked "not paid for want of funds." in the absence of an arrangement with local banks, or of sale of warrants by popular subscription. Op. Atty. Gen. (107a-5), June 13, 1936.

If warrants issued to take care of old age assistance are ordinary outstanding warrants, county board cannot pay annual interest unless money is available, but if warrants were sold to local banks under §1944-1, interest may be paid in accordance with terms of resolution of county board authorizing same. Op. Atty. Gen. (521b-1), Mar. 23, 1937.

869-1. Transfer of funds to avoid interest on warrants drawn on insufficient fund.

Laws 1927, c. 147 [2620-5 to 2620-13] is valid. 171M312, 213NW914.

Fund to which transfer of other fund has been made cannot be required to pay interest on it. Op. Atty. Gen. Feb. 9, 1933.

Appropriation by county board in aid of charitable hospital cannot be made by way of warrants unless there is money available or sufficient moneys to be received under a tax levy already made and in process of collection. Op. Atty. Gen., Nov. 9, 1933.

County treasurer for purpose saving interest on outstanding warrants drawn on any insufficient fund may with approval of county board and auditor transfer temporarily money from any other county funds. Op. Atty. Gen. (107a-12), Feb. 5, 1935.

Payment of expenses of classification and appraisal of tax delinquent lands forfeited to state may not be paid out of county revenue funds or any funds other than forfeited tax sale fund, but forfeited tax sale fund may borrow temporarily from county revenue fund. Op. Atty. Gen. (186c), Oct. 6, 1936.

Moneys in road and bridge fund may not be transferred to gas tax fund where such fund cannot be repaid within six months. Op. Atty. Gen. (383b), Dec. 13, 1937.

Moneys levied for a sinking fund to retire bonds cannot be diverted to other uses until bonds have been retired and paid, though they may be temporarily loaned. Op. Atty. Gen., (37a-12), Nov. 30, 1938.

This section may be taken advantage of for benefit of sanatorium fund. Op. Atty. Gen. (556a-10), Feb. 6, 1939.

871-1. County Treasurer may receive fees and mileage in certain cases.—That in counties now having a population of less than 75,000 the county treasurer, shall in attending the opening of safety deposit boxes pursuant to Section 2303, General Statutes 1923, receive from the county his actual expenses for his services in attending the opening of such safety deposit boxes, for which actual services he shall file a claim with the board of county commissioners of his county and have the same audited and allowed as are other claims against the county. (Act Apr. 12, 1929, c. 172.)

872. Salary and clerk hire in office of county treasurers.

County treasurer is not entitled to keep fees collected for issuance of certificates for search of tax records, but must turn them into the county treasury. Op. Atty. Gen., Apr. 22, 1931.

Limit of indebtedness which may be contracted by county in anticipation of uncollected taxes pursuant to §1938-21, includes county charges under this section. Op. Atty. Gen., Apr. 28, 1932.

Exempt real estate taxes, which are, in fact, included in assessed valuation, fixed and determined by Minnesota Tax Commission are to be considered in determining classification. Op. Atty. Gen., May 14, 1932.

Moneys and credits are to be included in determining classification of county. Op. Atty. Gen., May 14, 1932.

Legislature possesses right to change salaries of county officers at any time. Op. Atty. Gen., Feb. 21, 1933.

Salary and clerk hire in Koochiching County is governed by this section. Op. Atty. Gen., Feb. 24, 1933.

County treasurer is not entitled to a fee for preparing tax lists for banks desiring to remit taxes for their customers. Op. Atty. Gen., May 19, 1933.

County treasurer is not entitled to compensation for extra services in connection with bookkeeping work and in issuing checks and taking receipts on federal project. Op. Atty. Gen. (104a-6), Nov. 22, 1934.

County officers whose terms expire on first Monday of January are entitled to compensation for days of service rendered in month of January up to time that their successors qualify and take office. Op. Atty. Gen. (104a-9), Dec. 1, 1934.

It is not necessary in arriving at assessed valuation of property in a county for salary purposes to go behind assessed valuation as determined by tax commission, and lands to which state has acquired title through operations of rural credit department should not be included, while so-called $100 exemption of personal property should be included. Op. Atty. Gen. (104a-9), Dec. 27, 1934.

Sections 837(6) and 997-2 must be construed so as to be limited to salaries of county officers where reduction of assessed valuation occurs during term of office of a particular county officer or officers. Id.

"Platted subdivisions" in Laws 1927, c. 374, means separately named or designated platted areas, but not subdivisions platted for cemetery purposes. Op. Atty. Gen. (450a-10), Jan. 10, 1935.

Big Stone County is classified as having 20 full and fractional congressional townships. Op. Atty. Gen. (104a-9), Oct. 14, 1936.

County officer may not appoint person under 21 years of age as a deputy, but may appoint him as a clerk, though position requires a bond. Op. Atty. Gen. (126a-33), Dec. 19, 1938.

Where minimum clerk hire of $85 per month was allowed county treasurer for many years under Laws 1927, c. 374, additional clerk hire may be given incumbent clerk by passage of resolution by the county board with approval of attorney general and public examiner. Op. Atty. Gen. (450c-1), Jan. 31, 1939.

PARTICULAR COUNTIES

Act Feb. 3, 1937, c. 11, amends '21, c. 351, §1, to apply to counties with 70 to 75 townships, assessed valuation of $1,000,000 to $5,000,000, and population of 7,000 to 7,500, but makes no change in amounts of salaries.

Act Apr. 12, 1937, c. 193, amends Laws 1921, c. 437, as amended, and provides that in counties having 44 to 45 townships, assessed valuation of $8,000,000 to $14,000,000, and population of 25,500 to 26,000, the salary of county treasurer shall be $2,820 and fees; and clerk hire $2,500 if actually paid or due, unless authorized by county board. Salary and fees not to exceed $3,200; excess over that amount to be paid into general revenue fund.

Act Apr. 17, 1937, c. 275, effective May 1, 1937, amends Laws 1923, c. 419, §16, as amended, and fixes salary of mortgage registry tax deputy at $2,300; 3 cashiers or tellers $1,860; chief settlement clerk $2,400; assistant settlement clerk $1,860; correspondence clerk $1,530; chief counter deputy $2,400; two assistant counter deputies $1,860; inheritance tax deputy $2,200; accountant $2,200; two general clerks $1,750; three general clerks $1,640; seven general clerks $1,530; two general clerks $1,410; eight general clerks $1,310.

Act Apr. 22, 1937, c. 362, amends Laws 1907, c. 139, §2, as last amended by Laws 1929, c. 338, to provide for settlement and collection register deputy at $1,600; clerk and inheritance tax deputy at $1,700; one clerk at $1,200; assistant cashier to also attend to inheritance and mortgage collections at $1,650; all employees to be paid semi-monthly.

Laws 1937, c. 362. Amended July 14, 1937, Sp. Sess., c. 27.

Act Apr. 26, 1937, c. 491, amends Laws 1921, c. 437, as amended, to provide that the act shall apply to counties with assessed valuation of $8,000,000 to $14,000,000, and treasurer's salary shall be $2,820 and $2,500 for clerk hire.

Act July 14, 1937, Sp. Sess., c. 27, amends Laws 1907, c. 130, §2, by fixing salary of settlement and collection register deputy at $1,700, and of inheritance tax deputy at $1,600.

Counties of 38 to 42 congressional townships and assessed valuation of $8,000,000 to $12,000,000. Laws 1929, c. 37, §3, fixes salary of treasurer at $2,500, and $1,800 for clerk hire.

Counties with 60 to 80 congressional townships and 45,000 to 75,000 inhabitants. Act. Mar. 9, 1929, c. 69, fixes salary of treasurer at $3,000. Sp. Laws 1891, c. 423, repealed.

In counties containing 30 townships, having total area of 665,000 acres, and assessed valuation of not less than $16,000,000, and not more than $20,000,000. Laws 1929, c. 107, 307; Laws 1931, c. 28. Salary is fixed at $3,000, and payments made under 1929 acts are validated.

Counties with 20 to 25 organized townships outside cities and villages, assessed valuation of $29,000,000 to $35,000,000, and population of 29,000 to 36,000. Act. Mar. 28, 1929, c. 108, fixes salary of treasurer at $3,000.

Counties with not less than 48 townships, area of 1,000,000 to 1,500,000 acres, population of 15,000 to 30,000, and assessed valuation of $10,000,000 to $25,000,000. Act Mar. 3, 1929, c. 119, authorizes allowance for clerk hire not exceeding $1,800 per year.

Counties with 41 to 43 congressional townships and population of 25,000 to 30,000. Laws 1929, c. 161, §4, amends §15, c. 91, Laws 1925, and authorizes additional clerk with salary not to exceed $80 per month.

Act Apr. 14, 1937, c. 230, effective May 1, 1937, amends Laws 1925, c. 91, §3, as amended, and provides that in counties having 41 to 43 townships and 25,000 to 30,000 population, the treasurer's salary shall be $2,196, and $900 for clerk hire, all fees to be paid into the county treasury.

Counties with assessed valuation of $8,000,000 to $9,500,000, and having 16 to 18 townships. Laws 1929, c. 238, authorizes increase of salary of treasury by 25 per cent, including years 1927 and 1928.

Counties with population of over 150,000, and area of 5,000 square miles or more. Laws 1921, c. 492, §18, is amended by Laws 1929, c. 243.

Counties of over 400,000 population. Laws 1923, c. 419, §16, as amended by Laws 1925, c. 398, §3, is further amended by Laws 1929, c. 301.

Laws 1929, c. 301, §16. Amended Apr. 17, 1937, c. 275.

Counties with 220,000 to 330,000 population. Laws 1929, c. 338, amends G. S. 1913, §§874, 875, as amended by Laws 1927, c. 420, §2.

Laws 1929, c. 338. Amended Apr. 22, 1937, c. 362.

Counties with not less than 43 and not more than 45 congressional townships, with assessed valuation of not less than $14,000,000 and not more than $18,000,000. Act Apr. 25, 1929, c. 384, repeals §3, c. 437, Laws 1921, and fixes salary of treasurer at $2,820 and allows $2,800 for clerk hire.

Counties having area of not more than 23 and not less than 20 congressional townships, and assessed valuation of not more than $6,000,000. Laws 1931, c. 15, §2, fixes salary of treasurer at $2,000, in addition to fees, and $600 for clerk hire. Effective Jan. 1, 1931.

Counties containing 55 to 57 congressional townships and assessed valuation of $5,000,000 to $21,000,000. Laws 1931, c. 191, allows treasurer clerk hire at sum representing one-fourth of one mill on assessed valuation.

Counties having 44 to 45 congressional townships and assessed valuation of $12,000,000 to $18,000,000. Laws 1931, c. 192, amends Laws 1921, c. 437, §1, so as to make amended act apply to counties as above.

Counties having 70 to 80 congressional townships and assessed valuation of $2,000,000 to $5,000,000. Laws 1931, c. 284, amends Laws 1921, c. 351, §1, by making the act apply to counties described above.

Act Feb. 2, 1933, c. 12, amends Laws 1929, c. 107, as amended by Laws 1929, c. 307, and Laws 1931, c. 28.

Act Feb. 9, 1933, c. 16, provides that in counties having 81 to 85 congressional townships and 18,000 to 30,000 population, the county treasurer shall receive $2,100, and clerk hire to be fixed by the county board. Laws 1925, c. 7, repealed. See §§997-4a to 997-4h.

Act Mar. 19, 1937, c. 69, effective July 1, 1937, amends Laws 1933, c. 16, to make salary of members of county board $720, of auditor $2,500, and traveling expenses in the state of Minnesota.

Laws 1925, c. 181. Repealed in part Apr. 14, 1937, c. 217.

Act. Mar. 9, 1933, c. 76, §2, effective Jan. 1, 1934, provides that in counties having area of 35 to 55, inclusive, congressional townships, and assessed valuation of not more than $2,000,000, exclusive of moneys and credits, the county treasurer shall receive a salary of $1,200 per annum, in addition to fees allowed by law, such salary payable monthly. Clerk hire to be fixed by county board. See §§997-4a to 997-4h.

Act Mar. 19, 1937, c. 70, effective July 1, 1937, amends Laws 1933, c. 76, as amended by Laws 1935, c. 81, to make auditor's salary $1,800, county treasurer $1,500, register of deeds $1,500, county attorney $1,200, county commissioners $300. Act effective July 1, 1937.

Act. Mar. 20, 1933, c. 96, provides that in counties having 55,000 to 70,000 population, and 35 to 45 congressional townships, the county board may fix the salary of the county treasurer at not to exceed $3,500, and require fees to be paid into general fund. See §§997-4a to 997-4h.

Act Apr. 1, 1933, c. 143, amends Laws 1929, c. 69, §1, to provide that county treasurer shall receive $2,500 per annum. See §§997-4a to 997-4h.

Act Apr. 10, 1933, c. 166, §3, provides that in counties having 76 to 80 congressional townships and asssesed valuation of $3,000,000 to $5,000,000, exclusive of moneys and credits, the county treasurer shall receive $1,800 per annum and not over $900 per annum for clerk hire, fees to be paid into county treasury. See §§997-4a to 997-4h.

Act Apr. 11, 1933, c. 212, effective May 1, 1933, authorizes county board in counties having 50 to 70 congressional townships and assessed valuation, exclusive of moneys and credits, of less than $1,500,000, to fix salaries of county officers and require their fees to be paid into the county treasury.

Act Apr. 13, 1933, c. 219, §1, provides that in counties having assessed valuation of not more than $6,000,000 and population of not more than 12,500 the county board shall fix the salaries of subordinate county employees. This section seems to be invalid as not expressed in the title of the act. Section 2 authorizes the county board, in counties having assessed valuation, excluding moneys and credits, of $2,500,000 to $3,000,000, population of 9,000 to 10,000, and area of 29 to 31 congressional townships, to fix the salaries of all subordinate county employees.

Act Apr. 15, 1933, c. 281, provides that in counties having 100 or more congressional townships and assessed valuation, including moneys and credits, of $4,000,000 to $6,000,000, the county treasurer shall receive $1,800 per annum, and clerk hire to be fixed by the county board. See §§997-4a to 997-4h.

Act Mar. 23, 1937, c. 91, repeals Laws 1933, c. 281, and provides that in counties having 100 to 105 townships, population of 12,000 to 16,000, the county treasurer to receive 1931 salary regardless of decrease in valuation or change in population or other factor. General salary law to apply except as to minimum fixed. County board to fix clerk hire.

Act. Apr. 15, 1933, c. 284, §3, amending Laws 1921, c. 437, Laws 1927, c. 225, and Laws 1931, c. 192, provides that in counties having 44 or 45 congressional townships and assessed valuation, exclusive of moneys and credits, of $9,000,000 to $12,000,000, the county treasurer shall receive $2,230 per year and fees, with maximum of $2,880, and clerk hire of $2,125 per year. See §§997-4a to 997-4h.

Laws 1933, c. 284. Amended Apr. 12, 1937, c. 193.

Laws 1933, c. 284. Amended Apr. 26, 1937, c. 491.

Laws 1933, c. 284, §§16, 19, repeal Laws 1919, c. 224, and Laws 1929, c. 384. See §§997-4a to 997-4h.

Act Apr. 21, 1933, c. 432, §2, effective May 1, 1933, amends §3 of Laws 1925, c. 91, by making the salary of the county treasurer $2,196 per year, with not exceeding $816 for clerk hire. See §§997-4a to 997-4h.

Laws 1933, c. 432. Amended Apr. 14, 1937, c. 230.

Act Apr. 24, 1937, c. 449, provides that in counties having 39 to 40 townships, assessed valuation, exclusive of monies and credits, of $4,500,000 to $4,600,000, and population of 9,500 to 9,800, the county treasurer's salary shall be $2,250, and not over $1,155 for clerk hire.

Act Mar. 23, 1937, provides that in all counties having 100 to 105 townships, and population of 12,000 to 16,000, the county officers shall receive certain salaries.

Act Apr. 1, 1935, c. 94, §1, limits to $2,400 per annum clerk hire in counties having 22 to 25 towns and 29,000 to 33,000 population.

Laws 1935, c. 349. Salaries of county commissioners, county auditor and county treasurer in certain counties.

Act Jan. 15, 1936, Sp. Ses. 1935-36, c. 27, amends Laws 1933, c. 96.

Laws 1935, c. 81. Amended Mar. 19, 1937, c. 70; Apr. 17, 1937, c. 278.

Act Apr. 24, 1937, c. 449, provides that in counties having 39 or 40 townships and valuation of $4,500,000 to $4,600,000 and population of 9,500 to 9,800, the county treasurer shall receive $2,250 per year and clerk hire of $1,155.

Act Feb. 18, 1939, c. 24, provides that in counties having 350 to 400 square miles, population of 13,500 to 15,000, assessed valuation, exclusive of moneys and credits of $5,000,000 to $10,000,000, and area of 225,000 to 230,000 acres, county treasurer shall receive $1200 annually for clerk hire.

Act March 31, 1939, c. 99, fixes the salary and expenses of county treasurers, and their deputies and clerks, in counties having 41 to 43 congressional townships, assessed valuation, exclusive of money and credits, of $6,000,000.00 to $12,000,000.00, and population of 25,000 to 30,000, and repeals Laws 1921, c. 437; Laws 1925, c. 91; Laws 1929, cc. 20, 161; Laws 1933, c. 432; Laws 1937, c. 230; Laws 1937, Sp. Ses., c. 54.

County treasurers may appoint deputies. Laws 1939, c. 164.

Salaries and clerk hire in counties having 50 to 70 townships and a valuation of $500,000 to $1,500,000 and population of 2,000 to 3,000. Laws 1939, c. 168.

Act Apr. 12, 1939, c. 198, concerns allowance for clerk *hire in counties having a population of 34,000 to 45,000* and assessed valuation of $28,000,000 to $45,000,000.

In counties having 13 or more townships and an area of 400 to 410 square miles the clerk hire of treasurer shall be set by county commissioners. Laws 1939, c. 247.

Laws 1919, c. 52, applies only to counties which in addition to containing 75 or more congressional townships have also an assessed valuation of not less than $6,000,000 nor more than $10,000,000. Op. Atty. Gen., Feb. 24, 1933.

Laws 1933, c. 219, does not apply to Clearwater County and §1 thereof is not within title of act. Op. Atty. Gen. (104a-3), Feb. 5, 1935.

Under Laws 1927, c. 374, placing minimum salary of clerk at $85 per month, clerk employed by county treasurer at $75 per month was not entitled to the additional $10. Op. Atty. Gen. (450c), Sept. 6, 1935.

County treasurer accepting salary of less amount than that fixed in statutes covering county "somewhat under protest" was entitled to recover balance, and such right passed to his personal representative on his death. Op. Atty. Gen. (104a-9), June 15, 1938.

Value of tax exempt real estate cannot be included in total assessed value for purpose of determining salaries of county officials. Op. Atty. Gen., (104a-9), July 27, 1939.

REGISTER OF DEEDS

873. Bond.

Stearns County.

Act Apr. 12, 1939, c. 205, requires county to pay cost of bond of auditor and deputies. Deputies required to give bond in sum of $1,000. Probably unconstitutional.

Recourse cannot be had against surety on a bond of a public officer, conditioned for faithful performance of his his official duties, because of negligence in acts done not within scope of his statutory duties, and furnishing of an abstract of chattel mortgages on hogs was not official duty of a register of deeds. Federal Intermediate Credit Bank v. M., 194M150, 259NW793. See Dun. Dig. 8349.

875. Reception books.

Certified copies of record of mortgage foreclosure by advertisement in office of register of deeds are admissible in Iowa without complying with Mason's U. S. C. A., Title 28, §688. Bristow v. L., 266NW(Iowa)808.

Register of deeds must register instruments in his office though they lack federal documentary stamps. Op. Atty. Gen. (532a-5), Feb. 14, 1939.

877. Tract Index books.

Act Jan. 13, 1936, c. 19, Sp. Ses. 1935-36, authorizes counties having 11,000 to 13,000 population, 13 to 15 townships, and assessed valuation of less than $6,000,000, to contract without advertisement for adequate tract *index.*

If tract index in register of deeds' office is so incomplete and unreliable as to be unfit for use, county may purchase a new one. Op. Atty. Gen., Feb. 29, 1929.

County board has no authority to employ engineer to draw plats of cemeteries, nor to purchase such plats. Op. Atty. Gen., July 12, 1933.

Register of deeds who is paid no salary but retains all fees in connection with his office does not lose his rights to fees for making abstract because county buys or has a tract index made. Op. Atty. Gen. (373b-10(a)), June 23, 1937.

It is not mandatory upon county board to install a tract index. Op. Atty. Gen., (373b-23), Dec. 9, 1938.

877-1. Tract index books—Contracts for making.

Bond referred to is for faithful completion of making of tract index. Op. Atty. Gen. (373b-10(a)), June 23, 1937.

877-5. County Board may issue bonds to pay for tract index in certain counties.—The Board of County Commissioners of any county in this state now or hereafter having property of an assessed valuation of not less than Three Hundred Fifty Million Dollars exclusive of money and credits, and having a bonded indebtedness of not to exceed Nine Million Dollars inclusive of bonds issued to defray the cost of permanently improving State Trunk Highways, which bonds the State of Minnesota has heretofore agreed to pay under the provisions of Chapter 522, Laws of 1921 [§§2640, 2641], is hereby authorized by resolutions duly passed by a majority vote of such Board to issue and sell negotiable bonds of such county in such amount as it shall deem necessary not to exceed, however, One Hundred Thousand Dollars par value, for the purpose of providing funds with which to pay the cost of compiling, acquiring or purchasing for such county a tract index of lands therein situated, such tract index to be compiled, acquired or purchased and maintained pursuant to the provisions of *Section 534, Revised Laws of 1905, as amended and* Chapter 19, General Laws of 1927 [Mason's Minn. Stat. 1927, §877.] (Act Apr. 18, 1929, c. 227, §1.)

877-6. Bonds—Rate of interest—Date of maturity.—The Board of County Commissioners of any such county may issue and sell the bonds of the county for the purposes hereinbefore specified not exceeding one hundred thousand dollars par value of such bonds, the principal of which bonds shall mature and be payable in not more than 15 annual installments as nearly equal as practical, the first annual installment whereof shall mature in not more than 3 years from the date of the issuance of such bonds. Such bonds shall be sold in the manner provided for in Section 1943, General Statutes of 1923 and acts amendatory thereof; but the rate of interest shall in no case exceed 5 per cent per annum, payable annually or semi-annually. Such bonds shall be signed by the chairman of the board of county Commissioners and attested by the auditor of such county and sealed with his official seal and shall have proper interest coupons attached.

The auditor shall keep a record of all bonds issued under the provisions of this act which record shall show the date, number and amount of each bond, rate of interest, time when due and the name of the person to whom issued. (Act Apr. 18, 1929, c. 227, §2.)

877-7. Funds to be held by county treasurer.—The proceeds of the sale of such bonds shall be placed with the county treasurer of such county to the credit of the tract index fund and shall be used in accordance with and for the purposes described in this act and for no other purpose whatsoever. (Act Apr. 18, 1929, c. 227, §3.)

877-8. Tax levy.—The County Board shall levy a tax at the time and in the manner prescribed by Section 5, Chapter 131, General Laws of 1927 [1938-7], and acts amendatory thereof to pay the principal and interest of such bonds; the full faith and credit of the county shall be pledged to the payment of the principal and interest of such bonds. (Act Apr. 18, 1929, c. 227, §4.)

877-9. Inconsistent acts repealed.—Any acts or parts of acts inconsistent herewith are hereby repealed. (Act Apr. 18, 1929, c. 227, §5.)

884. Record books, indexes, etc.

Certified copies of record of mortgage foreclosure by advertisement in office of register of deeds are admissible in Iowa without complying with Mason's U. S. C. A., Title 28, §688. Bristow v. L., 266NW(Iowa)808.

Register of deeds may use loose leaf record books. Op. Atty. Gen., July 14, 1933.

"Statements," and "satisfactions of chattel mortgages, etc." required by register of deeds in performance of his duties may be paid for by county. Op. Atty. Gen. (373b-21), Apr. 11, 1938.

887-1. Recording papers and decrees in bankruptcy proceedings.—Whenever a petition for bankruptcy, or a decree of adjudication, or an order approving the trustee's bond is made, pursuant to the Federal Bankruptcy Act of 1898, as amended by the Bank*ruptcy Act of 1938, Chapter 575, 52 Statutes 840,* Section 21 g [Mason's U. S. Code, Tit. 11, §44(g)], the bankrupt, trustee, receiver, custodian, referee, or any creditor may record a certified copy of the petition, decree, or order in the office of the register of deeds or in the office of the registrar of titles of any county in this state. (Act Mar. 31, 1939, c. 117.)

895. Consecutive numbering.

Where two mortgages were filed for record at the same moment and register of deeds gave one bearing an earlier date of filing number just ahead of the other that was prima facie evidence and nothing more that such mortgage took priority over the other. 176M559, 223NW925.

Presumption of priority of lien in favor of mortgage numbered first held overcome by evidence showing contrary intention of parties, both mortgages being executed and recorded same day between same parties. Fender v. A., 187M281, 245NW148. See Dun. Dig. 6210.

896. Consecutive index.

Where contract for deed upon a crop payment plan, giving chattel mortgage upon crop, is offered with request to file only as chattel mortgage, it is duty of register of deeds to file it only as a chattel mortgage and not to file it as a real estate transfer, or index it as such. Op. Atty. Gen. (373b-17(d)), Mar. 15, 1937.

897. Deputies.

Op. Atty. Gen., Jan. 16, 1934; note under §668(2).

County officer may not appoint person under 21 years of age as a deputy, but may appoint him as a clerk, though position requires a bond. Op. Atty. Gen. (126a-33), Dec. 19, 1938.

897-1. Salary of deputy register of deeds in certain counties.—The county board of every county having a population of less than 75,000 inhabitants, may by written order to be filed in the office of the county auditor allow one deputy register of deeds in such county, compensation for his or her services as such deputy, not exceeding $900.00 per year. Provided, that in all counties in this state now or hereafter containing not less than 22 and not more than 25 organized towns (not intending cities and villages), and which counties now have or hereafter may have a population of not less than 29,000 and not more than 33,000 inhabitants, according to the last preceding federal or state census, the county board may, by written order to be filed in the office of the county auditor, allow one deputy register of deeds in such county, the compensation for his or her services as such deputy not exceeding $1200.00 per year. (Laws 1911, c. 382, §1; Laws 1917, c. 83; Laws 1927, c. 207; Apr. 9, 1931, c. 39, §1.)

897-2. Effective January 1, 1931.—This act shall be effective from and after January 1, 1931, and in each county of the state having a population of not less than 29,000 inhabitants and not more than 33,000 inhabitants, according to the last federal census, in which a deputy register of deeds has actually been paid a salary in excess of the amount allowed by law but not in excess of the amount fixed by said Laws 1927, Chapter 207, such payments of salary are legalized and made valid. (Act Apr. 9, 1931, c. 139, §2.)

900. Abstracts of title.

Recourse cannot be had against surety on a bond of a public officer, conditioned for faithful performance of his official duties, because of negligence in acts done not within scope of his statutory duties, and furnishing of an abstract of chattel mortgages on hogs was not official duty of a register of deeds. Federal Intermediate Credit Bank v. M., 194M150, 259NW793. See Dun. Dig. 8349.

Register of deeds is not required to certify as to priority of chattel mortgage. Op. Atty. Gen., Aug. 10, 1932.

It is not the duty of the register of deeds to furnish abstract concerning designated persons owing unsatisfied mortgages and liens only, or such liens as affecting certain specific kinds of property. Op. Atty. Gen. (383h-1), July 12, 1935.

County is legally responsible for furnishing of abstract supplies, including covers, title pages, fasteners, etc. Op. Atty. Gen. (373b-21), Oct. 31, 1935.

Register of deeds who is paid no salary but retains all fees in connection with his office does not lose his rights to fees for making abstract because county buys or has a tract index made. Op. Atty. Gen. (373b-10(a)), June 23, 1937.

Register of deeds should include in all abstracts ditch liens assessed against township or other roads which run along edge of property being abstracted, if they in any way affect title of property abstracted. Op. Atty. Gen. (373b-1), Aug. 25, 1937.

County should furnish supplies to register of deeds making abstract, though he retains all abstract fees. Op. Atty. Gen. (125a-52), July 15, 1938.

902. Instruments not properly executed.

Register of deeds is not required to record contract for deed which is not property witnessed nor acknowledged, though attached by attorney to notice of cancellation of contract and other documents in connection therewith. Op. Atty. Gen., July 17, 1933.

Register of deeds is not warranted in refusing to record a deed because it refers to an unrecorded private plat. Op. Atty. Gen., (373B-15), Sept. 11, 1939.

904. Certificate of record.

Curative acts: Act Apr. 5, 1939, c. 147, §7. See Appendix 5, ¶21, post.

904-1. Abstracts of mortgages and liens on grain Crops, etc.

Recourse cannot be had against surety on a bond of a public officer, conditioned for faithful performance of his official duties, because of negligence in acts done not within scope of his statutory duties, and furnishing of an abstract of chattel mortgages on hogs was not official duty of a register of deeds. Federal Intermediate Credit Bank v. M., 194M150, 259NW793. See Dun. Dig. 8349.

904-2. Same—Contents—Supplemental abstracts.

Only two deputies could be employed in the office of the registrar of titles in Hennpein County. Op. Atty. Gen., Jan. 29, 1932.

County officers whose terms expire on first Monday of January are entitled to compensation for days of service rendered in month of January up to time that their successors qualify and take office. Op. Atty. Gen. (104a-9), Dec. 1, 1934.

Big Stone County is classified as having 20 full and fractional congressional townships. Op. Atty. Gen. (104a-9), Oct. 14, 1936.

Register of deeds need not include in abstract of chattel mortgage a clause "and also together with sufficient feed and roughage to care for all livestock described above during life of this mortgage", where there is no description of place where such personal property is located. Op. Atty. Gen., (373B-5), June 30, 1939.

904-3. Salaries of deputies and clerks in Register of Deeds office in counties of 380,000 inhabitants or over.—The register of deeds shall appoint and employ one chief deputy who shall be paid the sum of $3,600 per annum; two senior principal deputies who shall each be paid the sum of $3,600 per annum; one junior principal deputy who shall be paid the sum of $2,520 per annum; two senior department deputies who shall each be paid the sum of $2,400 per annum; one junior department deputy who shall be paid the sum of $2,220 per annum; one general deputy who shall be paid the sum of $2,100 per annum; three senior principal clerks who shall each be paid the sum of $1,980 per annum; four junior principal clerks who shall each be paid the sum of $1,920 per annum; one supervisor who shall be paid the sum of $1,860 per annum; three senior department clerks who shall each be paid the sum of $1,800 per annum; three junior department clerks who shall each be paid the sum of $1,650 per annum; one general clerk who shall be paid the sum of $1,560 per annum; 12 senior recording clerks who shall each be paid the sum of $1,320 per annum; 24 junior recording clerks who shall each be paid the sum of $1,200 per annum;

The register of deeds may, during the year, at his discretion and as often and for as long as he sees fit reduce the number of clerks in his office and that the salary amounts which may be saved, together with whatever has been saved, during such year through necessary vacancies, among other deputies, clerks and assistants of said register of deeds office, may, to any extent needful in any case, be used in the same year by hiring extra help at not to exceed the same rate for any of the regular work of his office when the same is greater or more hurried than is common throughout the year. Provided, however, that no such sums or any part thereof as herein provided, shall at any time be used to increase the salaries of any of the employees provided for in this act. (1921, c. 133, §12; 1923, c. 419; 1927, c. 425; 1937, c. 292; Apr. 13, 1939, c. 226.)

COMPENSATION OF REGISTER OF DEEDS IN PARTICULAR COUNTIES

Act Apr. 19, 1937, c. 292, effective Apr. 19, 1937, amends Laws 1921, c. 133, §12, as amended, to provide for 2 chattel mortgage abstract clerks at $1,980; one general clerk at $1,800; eight comparers at $1,320; 15 typists at $1,210; two typists at $1,320; one bookkeeper-cashier at $1,800; one abstract clerk at $3,600; three tract clerks at $1,800; one chief deputy registrar at $3,600; two deputies at $1,980; one tract clerk at $1,800; two clerks at $1,650.

Act Feb. 3, 1937, c. 11, amends '21, c. 351, §1, to apply to counties with 70 to 75 townships, assessed valuation of $1,000,000 to $5,000,000, and population of 7,000 to 7,500, but makes no change in amounts of salaries.

Act Apr. 12, 1937, c. 193, amends Laws 1921, c. 437, as amended, and provides that in counties having 44 to 45

townships, assessed valuation of $8,000,000 to $14,000,000, and population of 25,500 to 26,000, clerk hire shall be limited to amount actually paid or due, and salary and fees of officers shall not exceed $3,200, any excess to be paid into general fund; register of deeds to receive salary now authorized and $1,500 clerk hire.

Act Apr. 26, 1937, c. 491, amends Laws 1921, c. 437, as amended, and fixes clerk hire of register of deeds at $1,500 per year.

Counties with 60 to 80 congressional townships and population of 45,000 to 75,000. Act Mar. 9, 1929, c. 69, fixes salary of register of deeds at $3,000.

Counties with 60 to 80 congressional townships and 45,000 to 75,000 inhabitants. Act Mar. 26, 1929, c. 87,] allows register of deeds to collect fees as provided by law, including 20 cents an entry for abstracts of title, and not to exceed $3,500 per year for clerk hire.

Act July 15, 1937, Sp. Sess., c. 53, §3, amends Laws 1925, c. 91, §14, as amended by Laws 1937, c. 230, §8, by providing that statement of fees to be filed Jan. 15, 1938, shall include only fees collected after July 1, 1937.

Counties with 41 to 43 congressional townships and population of 25,000 to 30,000. Laws 1929, c. 161, §4 amends Laws 1925, c. 91, §15, and authorizes allowance of additional clerk with salary not to exceed $80 per month.

Laws 1931, c. 139, amends Laws 1911, c. 382, §1, as amended by Laws 1917, c. 83, and Laws 1927, c. 207. See §§897-1, 897-2.

Counties having 44 to 45 congressional townships and assessed valuation of $12,000,000 to $18,000,000. Laws 1931, c. 192, amends Laws 1921, c. 437, §1, so as to make amended act apply to counties as above.

Act Mar. 9, 1933, c. 76, §3, effective Jan. 1, 1934, provides that in counties with area of 35 to 55, inclusive, congressional townships, and with assessed valuation of not more than $2,000,000, exclusive of moneys and credits, the register of deeds shall receive $1,200 per annum, out of fees, exclusive of fees for preparing abstracts of title, and a salary of 300 per annum, which shall be considered a portion of his fees. Salary payable monthly. County board to fix clerk hire. See §§997-4a to 997-4h.

Act Mar. 19, 1937, c. 70, effective July 1, 1937, amends Laws 1933, c. 76, as amended by Laws 1935, c. 81, to make auditor's salary $1,800, county treasurer's $1,500, registers of deeds $1,500, county attorney $1,200, county *commissioners $300. Act effective July 1, 1937.*

Act Apr. 17, 1937, c. 278, §1, amends Laws 1933, c. 76, §3, to provide that the register of deeds shall receive a salary of $1,500, all fees, except for preparing abstracts of title, to be paid into the county treasury.

Act Mar. 20, 1933, c. 96, provides that in counties having 55,000 to 70,000 population and 35 to 45 congressional townships, the county board may fix the salary of the register of deed at not more than $3,500, and require that fees be paid into the general fund. Amended. Laws 1935, c. 23. See §§997-4a to 997-4h.

Act Jan. 15, 1936, Sp. Ses. 1935-36, c. 27, amends Laws 1933, c. 96.

Act Apr. 1, 1933, c. 143, amends Laws 1929, c. 69, §1, to provide that register of deeds shall receive $2,500 per annum. See §§997-4a to 997-4h.

Act Apr. 10, 1933, c. 166, §7, provides that in counties having 76 to 80 congressional townships and assessed valuation of $3,000,000 to $5,000,000, register of deeds shall receive his fees and clerk hire as prescribed by law for non-salary office. See §§997-4a to 997-4h.

Act. Apr. 11, 1933, c. 212, effective May 1, 1933, authorizes county board in counties having 50 to 70 congressional townships and assessed valuation, exclusive of moneys and credits, of less than $1,500,000, to fix salaries of county officer and required their fees to be paid into the county treasury.

Act Apr. 13, 1933, c. 219, §1, provides that in counties having assessed valuation of not more than $6,000,000 and population of not more than 12,500 the county board shall fix the salaries of subordinate county employees. This section seems to be invalid as not expressed in the title of the act. Section 2 authorizes the county board, in counties having assessed valuation, excluding moneys and credits, of $2,500,000 to $3,000,000, population of 9,000 to 10,000, and area of 29 to 31 congressional townships, to fix the salaries of all subordinate county employees.

Act Apr. 15, 1933, c. 281, provides that in counties having 100 or more congressional townships and assessed valuation, including moneys and credits, of $4,000,000 to $6,000,000, the register of deeds shall receive $1,800 and clerk hire to be fixed by statutes and account for fees. See §§997-4a to 997-4h.

Laws 1933, c. 281. Repealed Mar. 23, 1937, c. 91.

Act Apr. 15, 1933, c. 284, §4, amending Laws 1921, c. 437, Laws 1927, c. 225, and Laws 1931, c. 192, provides that in counties having 44 or 45 townships and assessed valuation, exclusive of moneys and credits, of $9,000,000 to $12,000,000, the register of deeds shall receive the salary and fees and clerk hire now prescribed by law, with maximum of salary and fees of $2,880, and $1,275 clerk hire. See §§997-4a to 997-4h.

Laws 1933, c. 284, §16, repeals Laws 1919, c. 224. See §§997-4a to 997-4h.

Act Apr. 17, 1933, c. 321, amends Laws 1929, c. 87, by fixing salary of register of deeds $2,500 in counties having 60 to 80 congressional townships and population of 45,000 to 75,000, and requiring collection of fees now provided by law, and 20 cents for each necessary entry in making abstracts of title.

Act Apr. 21, 1933, c. 432, §11, effective May 1, 1933, amends §14 of Laws 1925, c. 91, by providing that the fees of the register of deeds shall not belong to the county. See §§997-4a to 997-4h.

Laws 1933, c. 432. Amended Apr. 14, 1937, c. 230.

Counties having 100 or more townships and valuation of $4,000,000 to $6,000,000 the register of deeds shall receive $1,800. Laws 1933, c. 281. See §§997-4a to 997-4h.

Act Feb. 14, 1935, c. 11, amends Laws 1911, c. 366, §1, as amended by Laws 1915, c. 119, by limiting the act to counties having 220,000 to 330,000 population, and fixing the salary of the register of deeds at $4,500 and $500 for duties as registrar of titles.

Act Feb. 27, 1935, c. 23, amends Laws 1933, c. 96, by adding thereto §3-1, empowering county board to fix clerk hire for register of deeds at not more than $4,500 per year.

Act Apr. 1, 1935, c. 94, §1, limits to $900 annually clerk hire in counties having 22 to 25 towns and 29,000 to 33,000 population.

Act Mar. 23, 1937, provides that in all counties having 100 to 105 townships and population of 12,000 to 16,000, the county officers shall receive certain salaries.

Act Apr. 12, 1937, c. 204, provides that in counties having 23,000 to 25,000 inhabitants, assessed value of $11,000,000 to $14,000,000, exclusive of moneys and credits, and 23 to 25 townships, the register of deeds shall receive not more than $1,500 per year as clerk hire, as fixed by county board.

Act July 14, 1937, Sp. Sess., c. 34, amends Act Apr. 12, 1937, c. 204, §1, by eliminating the provision as to assessed valuations, and including a requirement that the act shall not apply to counties having a tract index.

Act Mar. 31, 1939, c. 99, fixes the salary and expenses of registers of deeds, and their deputies and clerks, in counties having 41 to 43 congressional townships, assessed valuation, exclusive of money and credits, of $6,000,000.00 to $12,000,000.00, and population of 25,000 to 30,000, and repeals Laws 1921, c. 437; Laws 1925, c. 91; Laws 1929, cc. 20, 161; Laws 1933, c. 432; Laws 1937, c. 230; Laws 1937, Sp. Ses., c. 54.

Apr. 8, 1939, c. 168, provides minimum salary for register of deeds of $1,700 in counties having from 50 to 70 congressional townships and assessed valuation of not *less than $500,000, nor more than $1,500,000, and a population of from 2,000 to 3,000.*

Legislature possesses right to change salaries of county officers at any time. Op. Atty. Gen., Feb. 21, 1933.

Where register of deeds in county of Marshall was operating under Laws 1919, c. 173, and assessed valuation of county dropped below $10,000,000, county was automatically placed under provisions of general statute applicable to compensation of register of deeds. Op. Atty. Gen. (373b-10), Nov. 30, 1934.

Laws 1933, c. 219, does not apply to Clearwater County and §1 thereof is not within title of act. Op. Atty. Gen. (104a-3), Feb. 5, 1935.

Laws 1911, c. 366, is not a "special law", and §§8364 to 8370 apply to Ramsey County. Op. Atty. Gen. (373a), Mar. 4, 1938.

Laws 1923, c. 419, §12.

County board is not authorized to employ "deputies" and fix their compensation otherwise than as fixed by this section, but the board may employ assistants under §21, and fix their compensation at an amount in excess of that paid to deputies and chief clerk appointed under this section. Op. Atty. Gen., Apr. 26, 1930.

SHERIFF

905. Bond and oath.

Sheriff's contingent fund for enforcement of beer and liquor laws established. Laws 1939, c. 111.

Counties having population of 18,500 to 19,000 and 19 to 21 townships and area of 454,500 to 455,000 acres may buy the sheriff a car. Laws 1939, c. 112.

Provision in contract of indemnity given by sheriff to surety on his official bond waiving all statutory exemptions, if void, was separable from remainder of contract and did not affect right of surety to recover amount it was required to pay by reason of failure on sheriff's part properly to discharge his official duty. Hartford Accident & Indemnity Co. v. D., 202M410, 278NW591. See Dun. Dig. 8738.

907. Powers and duties.

Although sheriff is not required to keep his office open for routine business except during ordinary office hours, he is subject to call at any hour of the night or day in case of emergency. Op. Atty. Gen., Feb. 25, 1931.

A county board may legally pay for services of special deputies hired by a sheriff to assist in handling unusual crowds during county fair. Op. Atty. Gen., Nov. 10, 1931.

Where sheriff calls upon city police to aid him in conducting raids and searching premises, and they are injured, the county would be liable under the Workmen's Compensation Act. Op. Atty. Gen., Nov. 10, 1931.

Certificate of service must be signed by party making service and not by his deputy. Op. Atty. Gen., Jan. 23, 1934.

There is no statute authorizing sheriff to hire persons in investigation of arson cases and bind county for pay-

ment of their services except insofar as he is authorized to appoint special deputies who would receive their compensation as such deputies. Op. Atty. Gen. (197a), Aug. 30, 1937.

Sheriff in county subject to Laws 1917, c. 312, may hire assistants in an emergency, but probably could not hire assistants "to search for evidence." Op. Atty. Gen. (390a-1), Jan. 17, 1939.

907-1. Duties of sheriff in counties having 300,000 inhabitants or over.

Counties having 44 to 45 congressional townships and assessed valuation of $12,000,000 to $18,000,000. Laws 1931, c. 192, amends Laws 1921, c. 437, §1, so as to make amended act apply to counties as above. Again amended by Laws 1933, c. 284.

Laws 1923, c. 419, §6. Amended July 15, 1937, Sp. Sess., c. 69. Amended Laws 1939, c. 224.

907-2. Acts of sheriff legalized.—In any case arising prior to the passage of this act where any person has claimed the right to hold the office of sheriff in any county in this state, though not lawfully entitled thereto, and under such claim has performed any official act of said office, every such official act performed by such person is hereby legalized and made valid as against any claim that it was not performed by a lawful incumbent of said office, and every such act shall be deemed to have full force and effect for all purposes as if performed by such lawful incumbent; provided, that this act shall not affect any legal action or proceeding now pending in any court of this state involving any such case. (Act Apr. 20, 1931, c. 260.)

908. Shall give certificate, when.

Sheriff's signature to certificate of chattel mortgage foreclosure sale need not be acknowledged, but signature of police officer should be. Op. Atty. Gen. (390a-19), Dec. 23, 1936.

910. Neglect of duty.

Whether sheriff, having knowledge that writ of attachment against same person would issue in action brought by another creditor, used due diligence in levying under execution upon sufficient of available personal property of judgment debtor, held question of fact for jury. Reaume v. W., 192M1, 255NW81. See Dun. Dig. 8742.

913. Powers after expiration of term.

See §2150.

If sheriff prior to expiration of term of office has begun to execute writ of attachment against rent of tax delinquent land, levy or collection of money thereon, he may execute and return the same after expiration of his term of office. Op. Atty. Gen. (412a-25), Dec. 28, 1934.

914. County jail.

In absence of negligence sheriff is not liable for loss of money held for federal prisoner in jail safe. Op. Atty. Gen., July 27, 1933.

916. Disabilities.

A deputy sheriff may not serve at the same time as a salaried game warden. Op. Atty. Gen., Apr. 9, 1931.

A deputy sheriff cannot serve as a clerk of a school board and receive pay for both positions. Op. Atty. Gen., July 30, 1931.

Member of legislature is ineligible to hold office of deputy sheriff. Op. Atty. Gen. (280h), Oct. 7, 1937.

Offices of constable and deputy sheriff are incompatible. Op. Atty. Gen. (358e-1), Mar. 29, 1938.

Offices of deputy sheriff and member of school board are not incompatible. Op. Atty. Gen. (358f), May 15, 1939.

Offices of paid volunteer fireman and member of school board are not incompatible. Id.

917. Deputies.

Private individuals cannot, because of presence of suspicious strangers in town, employ an armed guard to prevent a possible bank robbery and charge the county therewith. Op. Atty. Gen., Oct. 24, 1930.

A county board may legally pay for services of special deputies hired by a sheriff to assist in handling unusual crowds during county fair. Op. Atty. Gen., Nov. 10, 1931.

Sheriff may not appoint special deputy to attend jury in criminal case before justice of peace so as to require county to pay deputy $3.00 per day, when defendant was found not guilty. Op. Atty. Gen., July 11, 1932.

County cannot pay deputy of salaried sheriff a per diem or salary unless there is an order of district court approving appointment. Op. Atty. Gen. (390b-2), Aug. 9, 1935.

If regular deputies who are appointed by sheriff of Ramsey County under Laws 1931, c. 258, are insufficient in number to serve notices of expiration of redemption and to make investigation and returns required by law, sheriff has power to appoint a sufficient number of deputies, and there is no statute that prohibits payment of such deputies through a federal project. Op. Atty. Gen. (390b-1), Sept. 5, 1935.

Deputy sheriff cannot collect per diem fees for acting as guard to sheriff in transporting persons to state institutions. Op. Atty. Gen. (390b-2), July 6, 1936.

Certificate and return should be issued in name of sheriff and not in name of deputy. Op. Atty. Gen. (390a-19), Dec. 23, 1936.

Neither sheriff nor board of county commissioners have legal authority to purchase uniforms for deputy sheriffs. Op. Atty. Gen. (125b), July 2, 1937.

County officer may not appoint person under 21 years of age as a deputy, but may appoint him as a clerk, though position requires a bond. Op. Atty. Gen. (126a-33), Dec. 19, 1938.

920-1. County boards to fix salaries of sheriffs in lieu of fees in certain counties.—Counties having less than seventy-five thousand inhabitants according to the then next preceding census, state or federal, shall pay to their sheriffs an annual salary and their expenses for official services rendered by them for their respective counties in lieu of fees as heretofore provided, excepting in counties having an area of more that twenty-five hundred square miles and a population of more than fifteen thousand and less than nineteen thousand. (Act Apr. 17, 1917, c. 312, §1; Feb. 11, 1933, c. 24, §1.)

A custom of the sheriff's office of serving papers without collecting the fees in advance and then, without more, merely holding the originals for payment of the fees comes so far from having any legal justification that, however much acquiesced in by other public officials, it cannot create an estoppel against the county. St. Louis County v. M., 198M127, 269NW105. See Dun. Dig. 8753.

920-2. Division of counties in classes.—Counties having an area of less than twenty-three hundred square miles shall be divided into classes according to their population as follows: Those having less than ten thousand inhabitants shall constitute class A. Those having ten thousand or more but less than fifteen thousand shall be class B. Those having fifteen thousand or more but less than twenty thousand shall be class C. Those having twenty thousand or more but less than twenty-five thousand shall be class D. Those having twenty-five thousand or more but less than thirty thousand shall be class E. Those having thirty thousand or more but less than thirty-five thousand shall be class F. Counties having an area of more than twenty-three hundred square miles and a population less than forty thousand and those having thirty-five thousand or more but less than forty thousand inhabitants, shall be class G of this classification of counties as to sheriffs. All counties having a population of forty thousand or more but less than forty-five thousand shall be class H. All counties having a population of forty-five thousand or more but less than fifty thousand shall be class I. All counties having a population of fifty thousand or more but less than seventy-five thousand shall be class K of this classification of counties as to sheriff. (Act Apr. 17, 1917, c. 312, §2; Feb. 11, 1933, c. 24, §2.)

920-3. Salaries for sheriffs for certain counties prescribed.—The several sheriffs of all the above classified counties shall receive a yearly salary and their expenses in lieu of fees for all services rendered by them for their respective counties, excepting those required of them by the tax laws of this state and the salary shall be payable in twelve equal installments each on the last secular day of each month out of the county revenue fund on warrants drawn by the county auditor upon the county treasurer and the minimum amount of those salaries shall be graded according to the classes hereinbefore described, to-wit:

The minimum salaries of sheriffs of the counties included in class A shall be one thousand dollars ($1,000); class B eleven hundred dollars ($1,100); class C twelve hundred dollars ($1,200); class D thirteen hundred dollars ($1,300); class E fourteen hundred dollars ($1,400); class F fifteen hundred dollars ($1,500); class G two thousand dollars

($2,000); class H twenty-two hundred dollars ($2,200); class I twenty-four hundred dollars ($2,400); class K twenty-five hundred dollars ($2,500). In addition to such salary each sheriff shall be reimbursed for all expenses incurred by him in the performance of his official duties for his county and his claim for such expenses shall be prepared, allowed and paid in the same manner as other claims against counties are prepared, allowed and paid, except that the expenses incurred by such sheriffs in the performance of service required of them in connection with insane persons either by a probate court or by law and a per diem for deputies and assistants necessarily required under such performance of such services shall be allowed and paid as provided by the law regulating the apprehension, examination and commitment of insane persons.

All claims for livery hire shall state the purpose for which such livery was used and have attached thereto a receipt for the amount paid for such livery signed by the person of whom it was hired and if the sheriff uses his own team or automobile he shall be allowed therefor the same amount which would be charged reasonably by any other person for the use of such team or automobile under the same circumstances. (Act Apr. 17, 1917, c. 312, §3.)

Deputy sheriff living in village away from county seat, and acting as an officer of a justice court, is not entitled to compensation to which the sheriff would not have been entitled in absence of special statutory provision. Op Atty. Gen., May 17, 1930.

Sheriff is not entitled to a fee from the county for selling property on execution under a judgment in favor of county against sureties on a depositary bond. Op. Atty. Gen., Dec. 23, 1930.

Laws 1933, c. 96, §4, should not be construed as repealing Laws 1917, c. 312, as amended by Laws 1933, c. 24, and sheriff is entitled to compensation for use of his automobile in addition to his salary, limited to $.05 per mile by Laws 1933, c. 13. Op. Atty. Gen. (390a-12), Dec. 28, 1934.

Section 254-47 provides maximum which may be allowed the sheriff for use of his automobile, and county board may determine an amount less than such maximum. Op. Atty. Gen. (390a-11), May 29, 1935.

Sheriff receiving salary is not entitled to fee for serving a criminal warrant, and same rule applies to an item "committing to jail 50 cents". Op. Atty. Gen. (390c-2), March 10, 1939.

920-4. Showing to be made to county board in case sheriff deserves more salary than minimum declared by law.—If any sheriff desires a higher than minimum salary, he shall make a showing to the county board of his county that such salary is inadequate as compensation for the services likely to be performed by such sheriff during the coming year, at any regular or special meeting of such county board, the county board may fix the amount of such salary in any just and reasonable sum. Such sum shall remain as the salary of such sheriff throughout his term, unless raised by further order of the board at a subsequent general or special meeting or on appeal.

Such sheriff or citizens may appeal from the fixing of said salary in the same way in which appeals may be taken from the allowance or disallowance by the county board, of claims presented to it for allowances as against the county. Said appeal may be heard by the district court either in term or during vacation or at chambers upon eight days' notice of such hearing given to the county auditor and the court upon hearing such appeal shall summarily determine the amount of salary to be paid any such sheriff during the remainder of his term of office unless the same be thereafter increased by the county board as hereinbefore provided and the order of the court fixing the salary shall be served by copy upon the county auditor forthwith. (Act Apr. 17, 1917, c. 312, §4; Feb. 11, 1933, c. 24, §3.)

Sec. 4 of act Feb. 11, 1933, cited, provides that the act shall take effect from its passage.

920-5. Provisions not to include salaries of jailers, etc., and compensation of deputies in certain cases to be fixed by district court.—The foregoing provisions for the salaries of sheriffs shall not include the salaries or fees of jailers, matrons, deputies whose attendance is required at terms of court, the board of prisoners, nor the payment of any of the expenses hereinafter specifically provided for.

Whenever there is any riot or impending violation of law, and the sheriff shall be of opinion that other than the regular deputies are required, he shall apply to the judge of the district court to determine upon and fix the compensation of such special deputies as the sheriff may name and appoint, and such special deputies so named and appointed and the compensation of whom is fixed by the judge, shall have all the powers assigned to him by said sheriff in such appointment. The appointment by said sheriffs and the fixing of their compensation shall be immediately certified by the sheriff to the clerk of the district court of his county and such certificate filed by such clerk and such special deputies shall be paid in the same manner as deputies in attendance upon terms of court. (Act. Apr. 17, 1917, c. 312, §5.)

Where sheriff has no salaried deputy except jailer, and after a home is robbed, takes with him special deputy to watch premises for several nights because he suspects that robbers will return, but makes no arrest, deputy cannot put in bill to county for per diem salary of $3.00 per day. Op. Atty. Gen., July 11, 1932.

Sheriff may not appoint special deputy to attend jury in criminal case before Justice of Peace so as to require county to pay deputy $3.00 per day, when defendant is not found guilty. Op. Atty. Gen., July 11, 1932.

County cannot pay deputy of salaried sheriff a per diem or salary unless there is an order of district court approving appointment. Op. Atty. Gen. (390b-2), Aug. 9, 1935.

920-6. To be paid out of county revenue fund.—For all services rendered by such sheriff or his deputies for which payment is not to be made out of the county revenue fund, he shall be allowed the fees and compensation fixed by law. (Act Apr. 17, 1917, c. 312, §6.)

920-7. Payment of deputy sheriff.—Every sheriff of a county included in the above classified counties shall appoint a sufficient number of persons, as deputy sheriffs in the manner provided by law, he may also appoint a deputy or deputies who shall have a salary, if upon the application to the judge of the district court, such judge deems such appointment necessary.

If he so determines, he shall fix the salary of such deputy or deputies and such salary or salaries shall be payable as are other salaries hereinbefore provided for. (Act Apr. 17, 1917, c. 312, §7.)

Deputy sheriff cannot collect per diem fees for acting as guard to sheriff in transporting persons to state institutions. Op. Atty. Gen. (390b-2), July 6, 1936.

922. Deputies attending court.

Bailiff's fee is payable only to deputy not on a salary basis. Op. Atty. Gen., Nov. 30, 1929.

Deputy sheriffs are entitled to compensation only for days actually in court. Op. Atty. Gen. (390b-2), Dec. 7, 1936.

923-1. Salary of Sheriff in certain counties.—The salary of the sheriff of each county now having, or which may hereafter have a population of 415,000 inhabitants or over shall be $6,500 per annum. (Act Apr. 12, 1939, c. 204, §1.)

923-2. Inconsistent acts repealed.—All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed. (Act Apr. 12, 1939, c. 204, §2.)

923-3. Effective May 1, 1939.—This act shall take effect May 1, 1939. (Act Apr. 12, 1939, c. 204, §3.)

923-4. Salaries of deputies and other employees in Sheriff's office in counties of 380,000 or more.—The Sheriff shall appoint and employ one chief deputy who shall be paid the sum of $3,270 per annum; one assistant chief deputy and auditor who shall be paid the sum of $2,350 per annum; one assistant bookkeeper who shall be paid the sum of $1,987 per annum; one special deputy who shall be paid the sum

of $1,762 per annum; one deputy for tax collection, who shall be paid the sum of $1,987 per annum; four outside deputies who shall each be paid the sum of $2,350 per annum; one deputy for the care of the insane, who shall be paid the sum of $2,015 per annum; two outside deputies to attend to the service of criminal and other processes, who shall each be paid the sum of $2,015 per annum; one deputy to attend to mortgage notices, who shall be paid the sum of $2,400 per annum; one jailer who shall be paid the sum of $1,911 per annum; four outside criminal deputies who shall each be paid the sum of $2,400 per annum; one uniformed deputy in charge of motor patrol deputies, who shall be paid the sum of $2,490 per annum; two uniformed assistants who shall each be paid the sum of $2,400 per annum; 21 uniformed motor patrol deputies each deputy to receive a salary of not less than $150.00 per month; and shall receive an annual raise of $5.00 per month for each succeeding year of employment, to be computed from the time of commencement of the employment of such individual deputy, except that the salary of such uniformed motor patrol deputy shall not exceed $180.00 per month at any time, each such deputy to furnish his uniform, the county to furnish equipment and maintain radio cars; two assistant jailers who shall each be paid the sum of $1,762 per annum; one matron who shall be paid the sum of $1,147 per annum; four night watchmen who shall each be paid the sum of $1,622 per annum; one cook who shall be paid the sum of $1,590 per annum; two deputies in charge of juries who shall each be paid the sum of $1,790 per annum; seven general deputies who shall each be paid the sum of $1,852 per annum; two outside patrol deputies who shall each be paid the sum of $1,852 per annum; three general deputies who shall each be paid the sum of $2,070 per annum; one stenographer who shall be paid the sum of $1,752 per annum. The Sheriff shall also appoint and employ as many court room deputies as there are district court judges in and for said county. Said deputies shall attend the court of said judges and perform such duties pertaining to the sheriff's office as the sheriff may require; the compensation of each of said deputies shall be $1,762 per annum.

One female deputy or bailiff to attend on mixed juries, who shall be paid the sum of $1,455 per annum.

An expense fund of $2,000 shall be set aside out of the first moneys received as fees from and after the passage of this act to be used by the sheriff to meet the current monthly expenses of the office, the money so used to be replaced in said fund at the end of each month when such expense is allowed by the County Board.

Any additional salaries provided for in this act, unless otherwise provided for, shall be paid out of any money in the county treasury not otherwise appropriated. (1923, c. 419, §6; 1927, c. 125, §1; 1929, c. 152; 1937, c. 247; 1937, Ex. Ses., c. 69; Apr. 13, 1939, c. 224.)

COMPENSATION OF SHERIFFS, DEPUTIES, ETC., IN PARTICULAR COUNTIES

Counties having 380,000 population or over. Act Apr. 11, 1929, c. 152, amends §6 of Laws 1923, c. 419, as amended by Laws 1927, c. 125, §1, by inserting a provision for 6 general deputies for night duty at salary of $1,650, and one female deputy or bailiff to attend mixed juries at salary of $1,320.

Act Apr. 17, 1937, c. 247, effective Apr. 17, 1937, amends Laws 1923, c. 419, §6, as amended, and provides that the salaries of sheriff's deputies shall be as follows: chief deputy $3,270; assistant chief deputy $2,350; assistant bookkeeper $1,987; special deputy $1,762; tax deputy $1,987; four outside deputies $2,350 each; insane deputy $2,015; two outside deputies for criminal process $2,015 each; mortgage notices deputy $2,400; jailer $1,911; four outside criminal deputies $2,400 each; 12 motor cycle deputies, who shall furnish and maintain their own uniforms and equipment $2,490 each; two assistant jailers $1,762 each; matron $1,147; four night watchmen $1,622 each; cook $1,590; two jury deputies $1,790 each; seven general deputies $1,852 each; two outside patrol deputies $1,852 each; three general deputies $2,070 each; stenographer $1,752; court room deputies for each district court judge $1,762 each; six general night deputies $1,852 each; female deputy to attend mixed juries $1,455; and expense fund of $2,000 for current expenses to be taken out of and restored to fee fund.

Counties with 41 to 43 congressional townships and 25,000 to 30,000 population. Laws 1929, c. 161, §3, amends Laws 1925, c. 91, §13, as amended by Laws 1929, c. 20, and fixes the salary of the sheriff at $1,800, authorizes allowance of not more than $1,800 per year for deputy hire, and authorizes allowance of 9 cents per mile for use of automobile as to mileage, see §§254-47, 254-48. The act also authorizes allowance of additional clerk at not to exceed $80 per month. Amended, Laws 1939, c. 224.

Counties with population of 220,000 to 330,000. Laws 1909, c. 361, §§2, 4, amended by Laws 1929, c. 317.

Laws 1925, c. 370, repealed by Laws 1929, c. 317, §5 and Laws 1931, c. 258, §5.

Laws 1929, c. 341, §2, fixes salary at $5,000 in counties of 415,000 population or over.

Counties with population of 220,000 to 330,000. Laws 1929, c. 317, §§2, 4, as amended by Laws 1931, c. 258, fixes the number and salaries of the deputies, clerks, and assistants of the sheriff, and repeals Laws 1925, c. 370.

Counties having 44 to 45 congressional townships and assessed valuation of $12,000,000 to $18,000,000. Laws 1931, c. 192, amends Laws 1921, c. 437, §1, so as to apply the act to counties as above.

Act Apr. 12, 1937, c. 193, amends Laws 1921, c. 437, as amended, and provides that in counties having 44 to 45 townships, assessed valuation of $8,000,000 to $14,000,000, and population of 25,500 to 26,000, clerk hire shall be limited to amount actually paid or due, and salary and fees of officers shall not exceed $3,200, any excess to be paid into general fund; sheriff to receive $2,520 salary and expenses in lieu of fees, and deputy hire to be allowed by the district court.

Act Apr. 26, 1937, c. 491, amends Laws 1921, c. 437, as amended, and fixes salary of sheriff at $2,520.

Act Mar. 9, 1933, c. 76, §§6, 7, effective Jan. 1, 1934, provides that in counties with area of 35 to 55, inclusive, congressional townships, and assessed valuation of not more than $2,000,000 the sheriff shall receive $1,200 per annum, and expenses to be allowed by the county board. Deputy at not to exceed $25 per month. Special deputies to be appointed and compensation fixed by district judge. Salaries paid monthly and clerk hire fixed by county board. See §§997-4a to 997-4h.

Act Mar. 19, 1937, c. 70, §§6, 7, effective July 1, 1937, amends Laws 1933, c. 76, but makes no change.

Act Mar. 16, 1933, c. 85, provides that in counties having 55,000 to 70,000 population and 35 to 45 congressional townships, the county board shall fix the compensation of deputy sheriffs, jailers, matron and other employes in the office of sheriff, except special deputies and bailiffs attending the district court.

Act Mar. 20, 1933, c. 96, provides that in counties having 55,000 to 70,000 population and 35 to 45 congressional townships, the county board may fix the salary of the sheriff at not to exceed $3,500, and require that fees be paid into the general fund. See §§997-4a to 997-4h.

Act Jan. 15, 1936, Sp. Ses. 1935-36, c. 27, amends Laws 1933, c. 96.

Act Apr. 1, 1933, c. 143, amends Laws 1929, c. 69, §1, to provide that sheriff shall receive $2,500 per annum and free use of maintained residence. See §§997-4a to 997-4h.

Act Apr. 10, 1933, c. 166, §6, provides that in counties having 76 to 80 congressional townships and assessed valuation of $3,000,000 to $5,000,000, sheriff shall receive expenses as fixed by county board, and salary of $400 per year and fees and compensation, with minimum of $150 per month deficiency for any calendar month to be paid out of general revenue fund. See §§997-4a to 997-4h.

Act Apr. 11, 1933, c. 212, effective May 1, 1933, authorizes county board in counties having 50 to 70 congressional townships and assessed valuation, exclusive of moneys and credits, of less than $1,500,000, to fix salaries of county officers and require their fees to be paid into the county treasury.

Act Apr. 13, 1933, c. 219, §1, provides that in counties having assessed valuation of not more than $6,000,000 and population of not more than 12,500, the county board shall fix the salaries of subordinate county employees. This section seems to be invalid as not expressed in the title of the act. Section 2 authorizes the county board, in counties having assessed valuation, excluding moneys and credits, of $2,500,000 to $3,000,000, population of 9,000 to 10,000, and area of 29 to 31 congressional townships, to fix the salaries of all subordinate county employees.

Act Apr. 15, 1933, c. 266, provides that counties having assessed valuation, exclusive of moneys and credits, of $3,000,000 to $5,000,000, and area of 70 to 80 congressional townships, may set apart contingent fund of $2,000 to meet expenses of sheriff.

Act Apr. 15, 1933, c. 284, §5, amending Laws 1921, c. 437, Laws 1927, c. 225, and Laws 1931, c. 192, provides that in counties containing 44 or 45 congressional townships and having assessed valuation, exclusive of moneys and credits of $9,000,000 to $12,000,000, the sheriff shall receive $2,016 and expenses, with maximum of salary and fees of $2,880, and salary of deputy to be fixed by district court. See §§997-4a to 997-4h.

Laws 1933, c. 284, §16, repeals Laws 1919, c. 224. See §§997-4a to 997-4h.

Act Apr. 21, 1933, c. 432, §10, effective May 1, 1933, amends §13 of Laws 1925, c. 91, by making the salary of the sheriff $1,389 per year, with expenses and 5 cents mileage, and not exceeding $1,464 for deputy, not more than $720 per year as jailer, and 81½% of fees, balance to be paid into county treasury, total compensation not to exceed $2,800 per year. See §§997-4a to 997-4h.

Act Apr. 14, 1937, c. 230, effective May 1, 1937, amends Laws 1925, c. 91, §13, as amended, and provides that in counties having 41 to 43 townships and 25,000 to 30,000 inhabitants, the sheriff shall receive $1,389 salary, and not more than $720 salary as jailer, and 85% of fees collected, the remaining 15% of fees to be paid into the county treasury monthly.

Act Jan. 6, 1934, Ex. Ses. c. 54, authorizes counties having 1,830 square miles, assessed valuation, exclusive of moneys and credits, of $3,000,000 to $6,000,000, to create contingent fund of not more than $2,000 out of which to pay expenses of sheriff.

Act Mar. 31, 1939, c. 99, fixes the salary and expenses of sheriffs, and their deputies and clerks, in counties having 41 to 43 congressional townships, assessed valuation, exclusive of money and credits, of $6,000,000.00 to $12,000,000.00, and population of 25,000 to 30,000, and repeals Laws 1921, c. 437; Laws 1925, c. 91; Laws 1929, cc. 20, 161; Laws 1933, c. 432; Laws 1937, c. 230; Laws 1937, Sp. Ses., c. 54.

Act Mar. 31, 1939, c. 112, provides that in counties having population of 18,500 to 19,000, 19 to 21 congressional townships, 454,500 to 455,000 acres, the county board may purchase an automobile for the sheriff.

In counties having over 415,000 population, the sheriff shall receive $6,500. Laws 1939, c. 204.

Act Apr. 15, 1939, c. 274, relating to salaries of sheriffs in counties having 76 to 80 congressional townships, an area of 2,000 to 2,400 square miles, amends 1933, c. 166, §§6, 11, 13.

Laws 1935, c. 218. In counties having population of more than 150,000 and area of more than 5,000 square miles sheriff shall have salary of $5,000 per year.

Sheriff of St. Louis county is by virtue of his office a trustee in respect to fees earned by him, whether collected or not, and he is held to a strict accountability and highest practical degree of care as to collection of such fees, burden being upon him to prove exercise of such care as to fees earned but not collected. St. Louis County v. M., 198M127, 269NW105. See Dun. Dig. 8753.

Sheriff of St. Louis County is a salaried official with no personal interest in fees earned by him, under Laws 1911, c. 145; Laws 1921, c. 492; Laws 1925, c. 130. Id.

Laws 1933, c. 219, does not apply to Clearwater County and §1 thereof is not within title of act. Op. Atty. Gen. (104a-3), Feb. 5, 1935.

Sheriff of McLeod County is not entitled to fees in addition to his salary for serving a criminal warrant, nor for committing a prisoner to jail, nor for bringing a prisoner before any court, nor for attendance before any court, nor for serving orders or citations of probate court, or apprehending alleged insane persons by order thereof. Op. Atty. Gen., Sept 5, 1931.

The general fee statute with reference to sheriffs is superseded by Laws 1917, c. 312, fixing the salaries of sheriffs in certain counties, and the sheriff of a county under that law is not entitled to fees or mileage for serving a criminal warrant. Op. Atty. Gen., Nov. 27, 1931.

Adoption of motion at regular annual meeting in 1931 fixing salary of sheriff "the same as for the previous term" did not prevent the county board at the next annual meeting from reducing the salary. Op. Atty. Gen., Feb. 15, 1932.

Under Laws 1917, c. 156, as amended, sheriff of Itasca County is not entitled to retain any fees or mileage collected on account of serving papers in civil proceedings but must turn them over to county, but he is entitled to recover *from county mileage for serving papers and* reasonable amount for use of his automobile. Op. Atty. Gen., Mar. 7, 1933.

County officers whose terms expire on first Monday of January are entitled to compensation for days of service rendered in month of January up to time that their successors qualify and take office. Op. Atty. Gen. (104a-9), Dec. 1, 1934.

Laws 1933, c. 96, §4, should not be construed as repealing Laws 1917, c. 312, as amended by Laws 1933, c. 24, and sheriff is entitled to compensation for use of his automobile in addition to his salary, limited to $.05 per mile by Laws 1933, c. 13. Op. Atty. Gen. (390a-12), Dec. 28, 1934.

Under a statute providing that county auditor merely deducts total sum of exemptions from total valuation of property in county as equalized by tax commission, personal property exemption to each householder is not to be deducted in determining assessed valuation of all taxable property of county for purpose of determining sheriff's salary. Op. Atty. Gen. (104a-1), Jan. 2, 1935.

Sheriffs are not entitled to per diem under Laws 1917, c. 312, in transporting insane person to state hospital. Op. Atty. Gen. (390c-6), Feb. 1, 1935.

If regular deputies who are appointed by sheriff of Ramsey county under Laws 1931, ch. 258, are insufficient in number to serve notices of expiration of redemption and to make investigation and returns required by law, sheriff has power to appoint a sufficient number of deputies, and there is no statute that prohibits payment of such deputies through a federal project. Op. Atty. Gen. (390b-1), Sept. 5, 1935.

Under Laws 1917, ch. 312, deputy sheriffs, except those appointed with approval of district judge, are not entitled to charge any fees or receive any compensation from county for performing services which sheriff is under obligation to perform for county without extra compensation. Op. Atty. Gen. (390b-2), Jan. 14, 1936.

Sheriff is not entitled to extra compensation for serving subpoena for witnesses at a coroner's inquest under Laws 1915, ch. 312. Op. Atty. Gen. (390c), Oct. 9, 1936.

Big Stone County is classified as having 20 full and fractional congressional townships. Op. Atty. Gen. (104a-9), Oct. 14, 1936.

Under Laws 1933, ch. 143, sheriff of Otter Tail County may be permitted to purchase a mechanical refrigerator for use in his residence if county board considers it necessary to suitable maintain the residence. Op. Atty. Gen. (390a-17), May 11, 1937.

Sheriff in county subject to Laws 1917, c. 312, may hire assistants in an emergency, but probably could not hire assistants "to search for evidence". Op. Atty. Gen. (390a-1), Jan. 17, 1939.

Sheriff may not charge auto mileage while riding with truck driver employed to haul goods and furniture of poor persons to their place of legal settlement. Op. Atty. Gen. (390a-11), March 9, 1939.

Under Laws 1937, c. 491, sheriff should return 22% of fees collected on service of executions issued for collections of personal property taxes, until total salary sheriff can receive is reached, and any further fees must be turned over. Op. Atty. Gen. (390c-1), April 1, 1939.

COUNTY ATTORNEY

924. Term—Bond.

County attorney to give bond by this section and all inconsistent laws repealed. Laws 1933, c. 87.

Two attorneys associated together in same office, but not partners, may respectively hold offices of county attorney and city attorney. Op. Atty. Gen., May 6, 1933.

County board cannot require county attorney or judge of probate to furnish corporate surety bonds and cannot refuse to accept, arbitrarily, a proper personal bond when tendered, but such officers must pay their own premium. Op. Atty. Gen. (121a-3), Mar. 2, 1935.

924-1. Bond of County Attorney.—Every County Attorney shall give bond in the amount provided by Section 924, Mason's Minnesota Statutes of 1927, and any law or part of law, either general or special, inconsistent herewith, is hereby repealed. (Act Mar. 16, 1933, c. 87.)

925. Justice ineligible.

This section does not apply to a municipal judge, and could not in any event prevent a judge from running for office of county attorney. Op. Atty. Gen., (184), Sept. 27, 1938.

925-1. Office of county attorney and member of conservation commission not incompatible.—The office of County Attorney and member of the Conservation Commission may be held by the same person and shall not be deemed incompatible. (Act Apr. 17, 1933, c. 317.)

925-2. Office of county attorney and village attorney not incompatible.—In all counties in this state having a population of not more than 5000 inhabitants, the office of county attorney and village attorney shall not be deemed incompatible, and may be held by the same person. (Act Feb. 15, 1935, c. 14.)

926. Duties.

An attorney general has authority to institute in a district court a civil suit in name of state, whenever in his opinion interest of state so requires, by coming in and joining with county attorney in supplemental brief, and by filing in court below an appearance adopting acts of county attorney the actions must be considered as if originally instituted on relation of attorney general. State v. O'Neil, 286NW316. See Dun. Dig. 8845.

County attorney is not required to appear for and on behalf of the sheriff in habeas corpus proceedings brought to discharge a person held by the sheriff for the purpose of being extradited to another state. Op. Atty. Gen., May 6, 1931.

County attorney must represent county board if anyone, in legal proceedings taken to stop a levy of taxes exceeding the statutory limit, and may not represent a taxpayer in such action. Op. Atty. Gen., Aug. 4, 1931.

In a mandamus proceeding by Clerk of Court to compel county auditor to pay a certain amount claimed as salary, it is the duty of the county attorney to appear for and represent the county auditor. Op. Atty. Gen., Feb. 3, 1932.

It is not the duty of the county attorney to appear for taxpayers testing the right of a county commissioner to hold office. Op. Atty. Gen., Feb. 3, 1932.

On appeal by sheriff to district court from an order of county board fixing his salary, it is the duty of the county attorney to appear as counsel for the county board. Op. Atty. Gen., Feb. 3, 1932.

It is not duty of county attorney to defend sheriff in action brought against him and his bondsmen for damages by heirs of deceased person coming to his death due to negligent acts of sheriff while deceased was in his custody as prisoner. Op. Atty. Gen., Mar. 3, 1933.

It is not duty of county attorney to bring civil actions on behalf of school boards. Op. Atty. Gen., May 18, 1933.

County attorney does not owe duty to prosecute violation of malt liquor law consisting of sale of such liquor in village refusing to grant licenses. Op. Atty. Gen., Oct. 31, 1933.

County attorney need not advise township with reference to legal matters but may do so and charge therefor. Op. Atty. Gen., Dec. 22, 1933.

Offices of county attorney and special assistant United States attorney to assist in securing flowage easements are not incompatible. Op. Atty. Gen., Feb. 7, 1934.

County attorney cannot charge for his services in suing on bonds in bastardy proceedings. Op. Atty. Gen. (121b-11), May 31, 1935.

Attorney general will not advise with respect to legal authority of county board, made upon request of county attorney. Op. Atty. Gen. (124), May 9, 1936.

Duty of making determination as to whether criminal prosecution should be commenced rests upon county attorney and if conscientiously and fairly made is not subject to review either by attorney general or any other office. Op. Atty. Gen. (605b-33), Apr. 17, 1937.

County attorney is under no obligation to prosecute misdemeanor cases before justice of the peace except where duty is specifically imposed by law. Op. Atty. Gen. (121b), Aug. 23, 1937.

Village attorney is required to prosecute all violations of village ordinances before a justice of the peace, but is not obligated to prosecute violations of state laws or give aid, counsel and advice to justice of the peace. Id.

County welfare board need not submit for approval as to form and legality of claims against board, unless requested by board. Op. Atty. Gen. (125a-64), Nov. 10, 1937.

Whether prosecution should be instituted is within discretion of county attorney. Op. Atty. Gen. (494a-1), Mar. 21, 1938.

It is duty of county attorney to assist county board in proceeding to refinance bonds of county by giving his opinion and advice without extra compensation. Op. Atty. Gen. (37a), Apr. 25, 1938.

Attorney general does not tell the county attorney when he should or should not institute a prosecution, but it is duty of county attorney to prosecute such offenses as he believes reasonably certain of conviction. Op. Atty. Gen. (494a-2), July 29, 1938.

929. Not to receive fees—Prohibitions.

Laws 1935, c. 14. Offices of county attorney and village attorney not incompatible in counties having less than 5,000 population.

County attorney preparing complaint and warrant charging former bank officer with a bank embezzlement, could not ethically, after the criminal proceedings were dismissed by the Justice of the Peace on motion of the accused, appear as the bank's attorney in a civil law suit between the bank and accused. Op. Atty. Gen., July 18, 1931.

A county attorney is not by virtue of his office prevented from representing the contestant of a school election. Op. Atty. Gen., July 30, 1931.

County attorney may not represent taxpayer in action to stop levy of taxes exceeding statutory limit, but must represent county board. Op. Atty. Gen., Aug. 4, 1931.

Offices of county attorney and park district attorney are incompatible. Op. Atty. Gen. (358a-1), Feb. 5, 1935.

Offices of county attorney and city attorney are incompatible, though there are some rare instances where county attorney may be employed to represent city in a single case. Op. Atty. Gen., (358a-1), July 27, 1939.

930. Other attorney, when—

County cannot employ attorney to collect personal property taxes. Op. Atty. Gen., Aug. 20, 1929.

County board may employ attorney to assist county attorney in collecting personal property taxes. Op. Atty. Gen., Aug. 20, 1929.

County cannot deduct expense of collecting tax before distribution of tax collected. Op. Atty. Gen., Sept 28, 1929.

930-½. County attorney may appoint assistant—Bond—Compensation.

See notes under §935.

Assistant county attorney must be appointed by the county attorney subject to approval by the county board. Op. Atty. Gen., Aug. 14, 1931.

In absence of statute, county board has no legal authority to provide the county attorney with clerk hire. Op. Atty. Gen. (121a-4), July 20, 1936.

933. Render account—Pay over moneys.

It is necessary under §933 for county attorney to include in his report and turn over to county treasurer any fees collected under section 2214. Op. Atty. Gen. (779n), Jan. 22, 1937.

934. Contingent fund—Expenses.

A county attorney required to make investigations in connection with applications of mothers for county allowances is entitled to take expenses necessarily incurred out of his contingent fund. Op. Atty. Gen., Mar. 26, 1931.

A county attorney may use his own automobile and receive compensation therefor from the county out of his contingent fund or otherwise. Op. Atty. Gen., Mar. 26, 1931.

If a county attorney finds it necessary in the performance of his official duties to make a trip into a neighboring state he is entitled to be reimbursed for his actual expenses, payable from his contingent fund or allowed as a claim by the county board. Op. Atty. Gen., May 20, 1931.

Expenses of county attorney when acting upon order of juvenile court in proceeding for commitment of dependent, neglected or delinquent children, should be paid by juvenile court and not out of contingent fund. Op. Atty. Gen., Sept. 27, 1932.

County attorney may not legally charge against contingent fund actual expenses in investigating poor cases. Op. Atty. Gen., Feb. 25, 1933.

County attorney in counties where a contingent fund has been set aside by county board is entitled to reimbursement of traveling expenses in connection with investigations of mothers' pension cases. Op. Atty. Gen., Sept. 12, 1933.

County attorney is entitled to reimbursement for expenses in connection with traveling in his own car on county business, but there is no statute whereby county board may authorize mileage at rate of 5c per mile with 1c additional for extra passengers. Op. Atty. Gen. (121a-8), Apr. 3, 1934.

County attorney may not use his automobile in connection with his duties as county attorney and collect mileage therefor, notwithstanding that he is required to transport other officers and witnesses. Op. Atty. Gen. (121c-4), Aug. 1, 1934.

Traveling expenses of out of state witnesses may be paid from contingent fund of county attorney. Op. Atty. Gen. (196r), May 16, 1935.

In absence of statute, county board has no legal authority to provide the county attorney with clerk hire. Op. Atty. Gen. (121a-4), July 20, 1936.

Expenses of county attorney in attending meetings of county attorneys' association is a legal claim on contingent fund. Op. Atty. Gen. (121a-8), July 29, 1938.

Subject to approval of district court judge it might be possible to use part of contingent fund for purpose of procuring evidence in criminal matters. Op. Atty. Gen. (390a-1), Jan. 17, 1939.

Elected county attorney may not be reimbursed from contingent fund for expenses incident to attending county attorney's convention held prior to his taking office. Op. Atty. Gen. (121a-8), Feb. 17, 1939.

County attorney attending meetings of county attorney's association may put in claim for his expenses against his contingent fund, and if county has not set aside a contingent fund, claim may be put in against county in form of a regular bill. Id.

County attorney using his own automobile is entitled to actual expense, which may include gasoline and oil, etc., but allowance may not be based on rate of 5 cents or any other amount per mile. Id.

County commissioners of every county are urged to set aside a contingent fund in a reasonable amount, because no county attorney can efficiently carry on duties of this office without such fund. Op. Atty. Gen., (121a-4), July 28, 1939.

Any expenses of county attorney not especially provided for by law, including itemized work for clerk hire, mileage, and expenses in connection with criminal investigation or other county business, such as taking confessions, statements of defendants or witnesses, etc., may be filed a a claim against contingent fund and paid, if approved by district court. Id.

935-1. Salaries of county attorney and assistants in counties having population of 220,000 to 330,000.—The salary of the county attorney of each county of this state having a population of not less than 220,000 and not more than 330,000 inhabitants, shall be $6,000.00 per annum. Such county attorney shall appoint and employ one assistant known as first assistant county attorney, who shall be paid a salary of $4,000 per annum; one assistant known as attorney for the board of county commissioners, who shall be paid a salary of $4,000 per annum; one assistant known as second assistant county attorney, who shall be paid a salary of $3,200 per annum; one assistant known as third assistant county attorney, who shall be paid a salary of $2,400 per annum; one assistant to be known as fourth assistant County Attorney who

shall be paid the salary of $2,400 per annum; one attorney investigator who shall be paid the salary of $2,200 per annum; said investigator shall be a peace officer and shall have all the powers now possessed by any peace officer, police officer, sheriff or deputy sheriff, including the power to make arrests with or without warrants, such investigator shall be under the sole and exclusive jurisdiction of the county attorney; two stenographers who shall each be paid a salary of not to exceed $1,500 per annum; one information and advisory clerk who shall be paid a salary of not to exceed $1,500 per annum. ('27, c. 420, §4; '29, c. 339, §1; '31, c. 310, §1; Apr. 13, 1939, c. 214, §1.)

Editorial note.—This section, though perhaps intended to apply particularly to Ramsey County, is clearly valid as involving a reasonable and valid classification avoiding the constitutional objection to local and special legislation.

COMPENSATION OF COUNTY ATTORNEY AND APPOINTMENT OF ASSISTANTS IN PARTICULAR COUNTIES

Counties with 60 to 80 congressional townships and population of 45,000 to 75,000. Act Mar. 9, 1929, c. 69, fixes salary of county attorney at $2,400.

Counties having population of 28,000 to 30,000 and assessed valuation of $20,000,000 to $25,000,000. Laws 1929, c. 147, authorizes county board to fix salary at not less than $2,500 and not more than $4,500, and authorizes county attorney to appoint an assistant at salary not exceeding $1,000. Laws 1931, c. 110, changes population limitation to counties having not less than 34,000 and not more than 35,000, and legalizes payments made in 1929, 1930, and 1931.

Counties with 41 to 43 congressional townships and population of 25,000 to 30,000. Laws 1929, c. 161, §4, amends Laws 1925, c. 91, §15, and authorizes allowance of additional clerk with salary not to exceed $80 per month.

Acts July 15, 1937, Sp. Ses., c. 54, §2, amends Laws 1925, c. 91, §4, as amended by Laws 1933, c. 432, §3, by fixing the salary of the county attorney at $1,620, and not over $400 for clerk hire.

Counties with population of 400,000 or over. Laws 1929, c. 187, amends Laws 1921, c. 133, §10, as amended by Laws 1923, c. 419, as amended by Laws 1927, c. 184, by fixing salary of attorney inspector at $3,400, providing for one attorney secretary with salary at $2,100 providing for two stenographers at $1,760, and one chief inspector at $2,820 and three inspectors at $2,520.

Act Apr. 19, 1937, c. 291, effective Apr. 19, 1937, amends Laws 1929, c. 187, §10, to provide for three assistants to the county attorney at $3,100; assistant to act as attorney for the county board at $5,500; two stenographers at $1,760; two stenographers at $1,320; and three inspectors at $2,520 and traveling expenses.

Counties with population of 150,000 to 240,000 and area of more than 5,000 square miles. Laws 1929, c. 194, amends Laws 1925, c. 259, §3, by fixing salary of one investigator at $2,700.

Counties having population of 220,000 to 330,000. Laws 1929, c. 339, amends Laws 1927, c. 420, §4. Amended, Laws 1931, c. 310, §1; Laws 1939, c. 214.

Counties with population of 220,000 to 330,000. Laws 1931, c. 310, amending Laws 1929, c. 339, which amended Laws 1927, c. 420, §4, fixes salary of county attorney at $5,000; one assistant, $4,000; one assistant to be attorney for county board, $4,000; second assistant, $3,200; third assistant, $2,400; fourth assistant, $2,400; one investigator, $2,200; two stenographers, $1,500 each; information and advisory clerk, $1,500. Amended, Laws 1939, c. 214.

Counties having 44 to 45 congressional townships and assessed valuation of $12,000,000 to $18,000,000. Laws 1931, c. 192, amends Laws 1921, c. 437, §1, so as to apply the act to counties as above.

Act Apr. 12, 1937, c. 193, amends Laws 1921, c. 437, as amended, and provides that in counties having 44 to 45 townships, assessed value of $8,000,000 to $14,000,000, and population of 25,500 to 26,000, the county attorney shall receive a salary of $2,520.

Act Apr. 26, 1937, c. 491, amends Laws 1921, c. 437, as amended, to make salary of county attorney at $2,520.

Act Mar. 9, 1933, c. 76, §5, effective Jan. 1, 1934, provides that in counties with area of 35 to 55, inclusive, congressional townships, and assessed valuation of not more than $2,000,000, the county attorney shall receive $1,000 per annum, payable monthly. County board to fix clerk hire. See §§997-4a to 997-4h.

Act Mar. 19, 1937, c. 70, §5, effective July 1, 1937, amending Laws 1933, c. 76, fixes salary at $1,200.

Laws 1935, c. 81, amending Laws 1933, c. 76. Amended, Mar. 19, 1937, c. 70; Apr. 17, 1937, c. 278.

Act Mar. 20, 1933, c. 96, provides that in counties having 55,000 to 70,000 population and 35 to 45 congressional townships, the county board may fix the salary of county attorney at not to exceed $3,500, and require that fees be paid into general fund. Amended by adding §3-1, Laws 1935, c. 23. See §§997-4a to 997-4h.

Act Jan. 15, 1936, Sp. Ses. 1935-36, c. 27, amends Laws 1933, c. 96.

Act Apr. 1, 1933, c. 143, amends Laws 1929, c. 69, §1, to provide that salary of county attorney shall be $1,800 per annum. See §§997-4a to 997-4h.

Act Apr. 13, 1933, c. 219, §1, provides that in counties having 76 to 80 congressional townships and assessed valuation of $3,000,000 to $5,000,000, county attorney shall be paid $1,000 per annum and clerk hire not to exceed $600 per annum, fees to be paid into county treasury.

Act Apr. 11, 1933, c. 212, effective May 1, 1933, authorizes county board in counties having 50 to 70 congressional townships and assessed valuation, exclusive of moneys and credits, of less than $1,500,000, to fix salaries of county officers and require their fees to be paid into the county treasury.

Act Apr. 13, 1933, c. 219, §1, provides that in counties having assessed valuation of not more than $6,000,000 and population of not more than 12,500 the county board shall fix the salaries of subordinate county employees. This section seems to be invalid as not expressed in the title of the act. Section 2 authorizes the county board, in counties having assessed valuation, excluding moneys and credits, of $2,500,000 to $3,000,000, population of 9,000 to 10,000, and area of 29 to 31 congressional townships, to fix the salaries of all subordinate county employees.

Act Apr. 15, 1933, c. 284, §6, amending Laws 1921, c. 437, Laws 1927, c. 225, and Laws 1931, c. 192, provides that in counties having 44 to 45 congressional townships and assessed valuation, exclusive of moneys and credits, of $9,000,000 to $12,000,000, the county attorney shall receive $1,965 per year. See §§997-4a to 997-4h.

Laws 1933, c. 284. Amended. Apr. 12, 1937, c. 193.

Laws 1933, c. 284, §16, repeals Laws 1919, c. 224. See §§997-4a to 997-4h.

Act. Apr. 21, 1933, c. 432, §3, effective May 1, 1933, amends §4, of Laws 1925, c. 91, by making the salary of the county attorney $1,620 per year. See §§997-4a to 997-4h.

Laws 1933, c. 432. Amended. Apr. 14, 1937, c. 230.

Act Apr. 21, 1937, c. 329, provides that in counties having 14 to 16 townships, 8,400 to 8,600 population, the county attorney shall receive $700 per year for clerk hire commencing Apr. 1, 1937.

Act Apr. 21, 1937, c. 334, provides that in counties having 16 to 22 townships and a second class city within its limits the district judge shall fix the salary, not exceeding $720 in any year, of clerical help for the county attorney.

Act 23, 1937, c. 380, provides that in counties having 9,000 to 10,000 population and 38 to 40 townships, the county attorney shall receive $1,650 per year and 5 cents per mile, and clerk hire not to exceed $600.

Act Mar. 28, 1939, c. 88, provides that in counties having a population of 25,000 to 30,000, and 27 to 29 congressional townships, the county attorney, on order of the judge of the district court, may appoint clerical help at an expenditure of not more than $900 in any one year.

Act Mar. 31, 1939, c. 99, fixes the salary and expenses of county attorneys, and their deputies and clerks, in counties having 41 to 43 congressional townships, assessed valuation, exclusive of money and credits, of $6,000,000.00 to $12,000,000.00, and population of 25,000 to 30,000, and repeals Laws 1921, c. 437; Laws 1925, c. 91; Laws 1929, cc. 20, 161; Laws 1933, c. 432; Laws 1937, c. 230; Laws 1937, Sp. Ses., c. 54.

Salaries and clerk hire in counties having 50 to 70 townships and a valuation of $500,000 to $1,500,000 and population of 2,000 to 3,000. Laws 1939, c. 168.

Op. Atty. Gen., May 20, 1931; note under §934.

County board may fix salary of county attorney annually. Op. Atty. Gen., Jan. 17, 1933.

County board may reduce salary of county attorney, sheriff and county superintendent of schools annually during their term of office after having fixed salaries at beginning of term. Op. Atty. Gen., Feb. 14, 1933.

County attorney is not entitled to mileage for investigations as to mothers' pensions. Op. Atty. Gen., June 14, 1933.

County officers whose terms expire on first Monday of January are entitled to compensation for days of service rendered in month of January up to time that their successors qualify and take office. Op. Atty. Gen. (104a-9), Dec. 1 1934.

Laws 1933, c. 219, does not apply to Clearwater County and §1 thereof is not within title of act. Op. Atty. Gen. (104a-3), Feb. 5, 1935.

Where court on appeal affirmed order of county board fixing salary of county attorney, receptions of salary in subsequent year during the term were ineffective, and after end of term, county attorney may recover the amount of the reduction. Op. Atty. Gen. (121a-9), June 25, 1936.

Big Stone County is classified as having 20 full and fractional congressional townships. Op. Atty. Gen. (104a-9), Oct. 14, 1936.

Under Laws 1937, c. 380, county attorney may determine amount of clerk hire within $600 limitation provided, and county board has no authority with respect thereto. Op. Atty. Gen. (104a-3), June 7, 1937.

Section 2780-15 does not authorize an increase in salary of county attorney but merely enables county board to grant him extra compensation for legal services performed for county board of education in addition to sal-

ary limitations in §935. Op. Atty. Gen. (125a-13), July 22, 1937.

Where county board was under impression that it could not change salary of county attorney at beginning of new year and obtained written consent of attorney to reduction for the year, attorney was not entitled to refund of such voluntary reduction accepted by him. Op. Atty. Gen. (121a-9), March 22, 1939.

County board has power annually to fix salary of county attorneys. Id.

COUNTY SURVEYOR

936. Bond.

A county surveyor need not possess any qualifications for the office outside of being a legal voter, and §5697-2 does not apply to such officer. Op. Atty. Gen. (10a-3), Dec. 28, 1934.

Offices of county highway engineer and county surveyor are incompatible, and approval and filing of county highway engineer bond by one who has already qualified as county surveyor constitutes an election to vacate latter office. Op. Atty. Gen. (358a-7), Jan. 31, 1935.

937. Duputies—Surveys, records, etc.

Under Laws 1923, c. 441, county board was not authorized to allow claim for salary of deputy surveyor not provided for in budget or in appropriation. Op. Atty. Gen. (475b), Jan. 12, 1938.

County officer may not appoint person under 21 years of age as a deputy, but may appoint him as a clerk, though position requires a bond. Op. Atty. Gen. (126a-33), Dec. 19, 1938.

938. Compensation.

Counties with 41 to 43 congressional townships and 25,000 to 30,000 population. Laws 1929, c. 161, §4, amending Laws 1925, c. 91, §15, and authorizes allowance of additional clerk with salary not to exceed $80 per month.

Act Apr. 11, 1933, c. 212, effective May 1, 1933, authorizes county board in counties having 50 to 70 congressional townships and assessed valuation, exclusive of moneys and credits, of less than $1,500,000, to fix salaries of county officers and require their fees to be paid into the county treasury.

Act Apr. 13, 1933, c. 219, §1, provides that in counties having assessed valuation of not more than $6,000,000 and population of not more than 12,500 the county board shall fix the salaries of subordinate county employees. This section seems to be invalid as not expressed in the title of the act. Section 2 authorizes the county board, in counties having assessed valuation, excluding moneys and credits, of $2,500,000 to $3,000,000, population of 9,000 to 10,000, and area of 29 to 31 congressional townships, to fix the salaries of all subordinate county employees.

Act Apr. 21, 1933, c. 432, §7, effective May 1, 1933, amends §9 of Laws 1925, c. 91, by making the compensation of the county surveyor $10 per day while performing public work, with expenses. See §§997-4a to 997-4h.

Laws 1933, c. 432. Amended. Apr. 14, 1937, c. 230.

Laws 1933, c. 219, does not apply to Clearwater County and §1 thereof is not within title of act. Op. Atty. Gen. (104a-3), Feb. 5, 1935.

Expenses incident to attending surveyors and engineers convention may not be paid out of county funds. Op. Atty. Gen. (123f), Mar. 6, 1936.

941. Lost posts.

COMPENSATION OF SURVEYORS AND ASSISTANTS, APPOINTMENTS IN PARTICULAR COUNTIES

Counties having not less than 225,000, and not more than 330,000. Act Apr. 27, 1929, c. 422, amends Laws 1921, c. 207, which amended Laws 1913, c. 193, §1, and fixes salary of surveyor at $5,000 and actual expenses, fees collected to be turned into county treasury.

Counties having 44 to 45 congressional townships and assessed valuation of $12,000,000 to $18,000,000. Laws 1931, c. 192, amends Laws 1921, c. 437, §1, so as to make amended act to apply to counties as above.

Act Apr. 12, 1937, c. 193, amends Laws 1921, c. 437, as amended, and provides that in counties having 44 to 45 townships, assessed value of $8,000,000 to $14,000,000, and population of 25,500 to 26,000, the county surveyor shall receive $5 to 15 per day, and expenses and necessary help, while engaged in public work, to be fixed by the county board.

Act Apr. 26, 1937, c. 491, amends Laws 1921, c. 437, as amended without change as to county surveyor.

Act Apr. 15, 1933, c. 284, §8, amending Laws 1921, c. 437, Laws 1927, c. 225, and Laws 1931, c. 192, provides that in counties having 44 or 45 congressional townships and assessed valuation, exclusive of moneys and credits of $9,000,000 to $12,000,000, the county surveyor shall receive $5 to $15 per day as fixed by the county board while engaged in public work, and expenses, and compensation for services to private parties. See §§997-4 to 997-4h.

Laws 1933, c. 284, §16, repeals Laws 1919, c. 224. See §§997-4 to 997-4h.

Act Apr. 14, 1937, c. 230, effective May 1, 1937, amends Laws 1925, c. 91, §12, as amended and provides that in counties having 41 to 43 townships, and 25,000 to 30,000 inhabitants, the county engineer shall receive not exceeding $2,280 salary, 5 cents mileage, not more than $1,500 for clerk hire, all fees to be paid into the county treasury.

Act Mar. 31, 1939, c. 99, fixes the salary and expenses of county surveyors and engineers, and their deputies and clerks, in counties having 41 to 43 congressional townships, assessed valuation, exclusive of money and credits, of $6,000,000.00 to $12,000,000.00, and population of 25,000 to 30,000, and repeals Laws 1921, c. 437; Laws 1925, c. 91; Laws 1929, cc. 20, 161; Laws 1933, c. 432; Laws 1937, c. 230; Laws 1937, Sp. Ses., c. 54.

Big Stone County is classified as having 20 full and fractional congressional townships. Op. Atty. Gen. (104a-9), Oct. 14, 1936.

Under Laws 1923, c. 441, county board was not authorized to allow claim for salary of Deputy Surveyor not provided for in budget or in appropriation. Op. Atty. Gen. (475b), Jan. 12, 1938.

CORONER

942. Bond.

A coroner who is not a salaried officer can act on examining board at insane hearing. Op. Atty. Gen. (390b-2), July 6, 1936.

943. Shall act as sheriff, when.

Coroner is not entitled to additional compensation for acting as sheriff in a county operating under a special law which fixes compensation of sheriff on an annual salary basis. Op. Atty. Gen. (103a), May 8, 1935.

946. Inquest.

Law does not require any formal or written order of coroner to make an autopsy in case of an accidental or violent death. Kingsley v. F., 192M468, 257NW95. See Dun. Dig. 2599.

Under Chapter 272, Laws 1915, as amended by Chapter 404, Laws 1919, and modified by Chapter 280, Laws 1921, coroner of Hennepin county or a deputy coroner is required to investigate violent, mysterious, and accidental deaths, and may order an autopsy when and where he deems proper, but order directing an autopsy did not conclude plaintiff, and she had right to show that autopsy was unauthorized or that it was improperly made, and this being construction placed on statutes, it cannot be claimed that they are in violation of due process clause of state or federal constitutions, nor violative of constitutional provision prohibiting special legislation, nor are their titles defective. Id.

Sections 949, 951 and 953, require presence of body at inquest, and therefore impliedly authorize coroner, for purpose of holding an inquest, to exhume a body which had been buried prior to time necessity of inquest thereon became apparent. Sejrup v. S., 201M132, 275NW687. See Dun Dig. 2599a.

Coroners may hold inquest upon dead bodies only when they feel that such persons have come to their death by violence. Op. Atty. Gen. (103F), Jan. 23, 1935.

A coroner possesses considerable discretion in performance of his duties and is the only person that can hold an inquest, though mandamus might lie to compel him to hold an inquest in a proper case. Op. Atty. Gen. (103f), Jan. 29, 1935.

Coroner cannot hold inquests in deaths occasioned by violence on Fort Snelling Reservation unless there are civil persons, and not soldiers, who might be subjected to prosecution in state court, coroner having no jurisdiction if person committing crime is a soldier. Op. Atty. Gen. (103f), May 12, 1936.

Coroner has discretion to incur charges against county by conducting autopsy and having toxicological examination made of person dying suddenly. Op. Atty. Gen. (103i), Apr. 13, 1937.

Coroner is not authorized to hire men to search debris of burned hotel. Op. Atty. Gen. (103d), Feb. 28, 1939.

In cases of accidental drowning, no inquest is necessary, but it is probably best to have coroner sign death certificate, and in absence of coroner, a private physician called upon finding dead body, could not make a certificate because he was not in attendance at time of death. Op. Atty. Gen., (103f), July 11, 1939.

Right to exhume body after burial. 36MichLawRev1382.

949. Oath—Failure to appear.

Sejrup v. S., 201M132, 275NW687; note under §946.

950. Witnesses—Fees.

Physician performing autopsy for fee of $6 is entitled to additional fees as witness at inquest. Op. Atty. Gen., Nov. 8, 1933.

951. Oath of witnesses.

Sejrup v. S., 201M132, 275NW687; note under §946.

952. Testimony filed—Certificate—Fees.

Reduction of testimony to writing and filing with clerk of court is mandatory. Op. Atty. Gen., Sept. 13, 1929.

Coroner is entitled to fees provided for in §6995(2) and is not entitled to any fees whatever under §952. Op. Atty. Gen., Jan. 26, 1933.

Compensation of coroner for taking of testimony at inquest is 15 cents per folio of the written record, and he can not make any additional charge for services of stenographer. Op. Atty. Gen. (103l), May 8, 1939.

953. Inquisition—Form.

Sejrup v. S., 201M132, 275NW687; note under §946.

955. Person charged arrested.

Municipal court obtained jurisdiction under coroner's warrant and jury's verdict. State v. Puent, 198M175, 269 NW372. See Dun. Dig. 2433.

957. Deputies.

Mileage which coroner and his deputy are entitled to charge for necessary travel is governed by §6995 and not §254-47. Op. Atty. Gen. (103a), May 8, 1935.

County officer may not appoint person under 21 years of age as a deputy, but may appoint him as a clerk, though position requires a bond. Op. Atty. Gen. (126a-33), Dec. 19, 1938.

957-½. Salary of morgue keeper and assistant in certain counties.—In addition to such deputies and secretary as are authorized by law, the county coroner of any county now having or which may hereafter have a population of 400,000 inhabitants or over shall appoint and employ one morgue keeper, who shall be paid the sum of $2,400.00 per annum and who shall also be furnished free light, heat, gas and water necessary therefor and with the free use of suitable heated and lighted living quarters for himself and his family in the morgue building, and the coroner may also employ such assistance to the said morgue keeper as he may deem necessary at an aggregate expense of not exceeding $1,500.00 per annum. The said morgue keeper, assistance and upkeep of living quarters shall be paid out of any moneys in the county treasury not otherwise appropriated, except the upkeep of living quarters, semi-monthly in the same manner as county officials are now paid, and the same shall be in full compensation for all services rendered by said officers respectively in their several capacities. The said upkeep of living quarters and such light, heat, gas and water shall be paid for in such manner as the upkeep of other county buildings is paid for. (Act Apr. 13, 1933, c. 215, §1; Apr. 24, 1937, c. 389, §1.)

957-½a. Inconsistent acts repealed.—All Acts and parts of Acts, so far as the same are inconsistent with the provisions of this Act, are hereby repealed. (Act Apr. 13, 1933, c. 215, §2.)

957-3 Same—Expenses.

CORONERS IN PARTICULAR COUNTIES

Counties with area of over 5,000 square miles and assessed valuation of over $250,000,000. L. 1919, c. 294, §1, amended by Laws 1929, c. 205, and salary of coroner fixed at $3,000.

Counties having 44 to 45 congressional townships and assessed valuation of $12,000,000 to $18,000,000. Laws 1931, c. 192, amended Laws 1921, c. 437, §1 so as to apply the amended act to counties as above.

Act Apr. 12, 1937, c. 193, amends Laws 1921, c. 437, as amended, and provides that in counties having 44 to 45 townships, assessed value of $8,000,000 to $14,000,000, and population of 25,500 to 26,000, the coroner shall receive the salary and fees now prescribed by law; fees not to exceed $3,200.

Act Apr. 26, 1937, c. 491, amends Laws 1921, c. 437, as amended without change as to coroner.

Act Apr. 11, 1933, c. 212, effective May 1, 1933, authorizes county board in counties having 60 to 70 congressional townships and assessed valuation, exclusive of moneys and credits, of less than $1,500,000, to fix salaries of county officers and require their fees to be paid into the county treasury.

Act Apr. 13, 1933, c. 219, §1, provides that in counties having assessed valuation of not more than $6,000,000 and population of not more than 12,500 the county board shall fix the salaries of subordinate county employees. This section seems to be invalid as not expressed in the title of the act. Section 2 authorizes the county board, in counties having assessed valuation, excluding moneys and credits, of $2,500,000 to $3,000,000, population of 9,000 to 10,000, and area of 29 to 31 congressional townships, to fix the salaries of all subordinate county employees.

Laws 1933, c. 219, does not apply to Clearwater County and §1 thereof is not within title of act. Op. Atty. Gen. (104a-3), Feb. 5, 1935.

Act Apr. 15, 1933, c. 284, §9, amending L. 1921, c. 437, L. 1927, c. 225, and L. 1931, c. 192, provides that in counties having 44 or 45 congresssional townships and assessed valuation, exclusive of moneys and credits, of $9,000,000 to $12,000,000, the coroner shall receive the salary and fees now prescribed by law, with maximum of $2,880 per year. See §§997-4a to 997-4h.

Laws 1933, c. 284. Amended. Apr. 12, 1937, c. 193. Laws 1933, c. 284, §16, repeals Laws 1919, c. 224. See §§997-4a to 997-4h.

Act Mar. 28, 1939, c. 97, provides that in counties having an area of over 5,000 square miles and a population of over 150,000, the coroner shall receive a salary of $3,000 a year, amending Laws 1919, c. 294, §1, as amended by Laws 1929, c. 205, §1.

Act Mar. 31, 1939, c. 99, fixes the salary and expenses of coroners, and their deputies and clerks, in counties having 41 to 43 congressional townships, assessed valuation, exclusive of money and credits, of $6,000,000.00 to $12,000,000.00, and a population of 25,000 to 30,000, and repeals Laws 1921, c. 437; Laws 1925, c. 91; Laws 1929, cc. 20, 161; Laws 1933, c. 432; Laws 1937, c. 230; Laws 1937, Sp. Ses., c. 54.

Laws 1935, c. 176. In counties having more than 400,000 population coroner may appoint "clerk-stenographer."

Under Chapter 272, Laws 1915, as amended by Chapter 404, Laws 1919, and modified by Chapter 280, Laws 1921, coroner of Hennepin county or a deputy coroner is required to investigate violent, mysterious, and accidental deaths, and may order an autopsy when and where he deems proper, but order directing an autopsy did not conclude plaintiff, and she had right to show that autopsy was unauthorized or that it was improperly made, and this being construction placed on statutes, it cannot be claimed that they are in violation of due process clause of state or federal constitutions, nor violative of constitutional provision prohibiting special legislation, nor are their titles defective. Kingsley v. F., 192M468, 257 NW95. See Dun. Dig. 2599.

Big Stone County is classified as having 20 full and fractional congressional townships. Op. Atty. Gen. (104a-9), Oct. 14, 1936.

957-4. Employees in coroner's office in certain counties.—In addition to such deputies, secretary, morgue keeper and assistance to the morgue keeper as are now authorized by law the county coroner of any county now having or which may hereafter have a population of 400,000 inhabitants, or over shall appoint and employ a clerk who shall also be a stenographer and shall be designated as "clerk-stenographer," who shall be paid the sum of $1200.00 per annum out of any moneys in the county treasury, not otherwise appropriated in semi-monthly installments in the same manner as county officials are now paid, and the same shall be in full compensation for all services rendered by such clerk-stenographer. (Act Apr. 15, 1935, c. 176, §1.)

957-5. Inconsistent acts repealed.—All acts and parts of acts insofar as the same are inconsistent with the provisions of this act are hereby amended, modified or repealed as the case may be. (Act Apr. 15, 1935, c. 176, §2.)

Sec. 3 of Act Apr. 15, 1935, cited, provides that the act shall take effect from its passage.

SUPERINTENDENT OF SCHOOLS

958. Salary—Certain counties excepted.

County board was not authorized to include in a lump sum salary fixed for county superintendent of schools and his traveling expenses, but expenses could be allowed only upon presentation to board of itemized and verified claims. Van Loh v. W., 196M452, 265NW298. See Dun. Dig. 8689.

Board of county commissioners can legally reduce salary of county superintendent, provided they fix it as provided by this section. Op. Atty. Gen., Mar. 7, 1933.

County board may not cut salary of superintendent of schools below $12.50 for each organized school, including schools that have been consolidated. Op. Atty. Gen., Mar. 8, 1933.

County superintendent assuming office on the 7th of January was not entitled to pay for first week in that month, the retiring official being entitled thereto. Op. Atty. Gen. (399h), Jan. 14, 1935.

Law providing that superintendent of schools shall receive a minimum of $1,600 a year does not mean that if during a calendar year there are two different persons holding that position that each should receive that amount. Id.

Salary of county superintendent of schools cannot be reduced by county board to a sum below that provided by law. Op. Atty. Gen. (399h), Jan. 22, 1935.

This section has no application to clerk hire. Op. Atty. Gen., (162), Sept. 29, 1938.

959. Same—Certain expenses.

Cash prizes may not be given for perfect school attendance and library certificates, but money may be expended for certificates showing perfect attendance or doing meritorious work. Op. Atty. Gen., May 31, 1933.

Board may pay expenses of speakers for graduation exercises. Op. Atty. Gen. (107b-1), Sept. 10, 1937.

Expense incurred by county superintendent of education in purchase of class record books is a proper claim

against county, but expenditures for school officers and teachers manuals, clerk's order books, and receipts for retirement fund are not a proper claim against county. Op. Atty. Gen., (125B-27), August 10, 1939.

960. Assistants and clerks for County Superintendent of Schools in certain counties—Appointment, qualifications, and compensation.—In counties containing not less than 45 nor more than 74 schools the county superintendent may be allowed annually, such sum for clerk hire as the county board shall determine, not exceeding the sum of $500.00. In counties containing not less than 75 nor more than 124 schools the county superintendent may be allowed annually such sum for clerk hire as the county board may determine not exceeding the sum of $600.00. In counties having 125 schools, but less than 240, the county superintendent may be allowed annually such sum for clerk hire as the county board shall determine, not exceeding the sum of $650.00, and shall appoint one assistant, and in counties having 240 schools or more, he shall appoint two assistants, and the assistant or assistants shall give their entire time to their duties as such assistant superintendents, and shall serve during the pleasure of the superintendent. The salaries of assistants appointed to serve for full time shall be fixed by the county board. Assistants so appointed to serve for full time shall have had at least 18 months' experience in public schools, and be the holders of teachers' certificates equivalent to diplomas from a Minnesota normal school, except that in counties having two assistants, it shall be sufficient if one of them possesses the teaching experience and the certificate herein referred to. Any assistant at the time of his appointment may or may not be a resident of the county for which he is appointed. In each case the assistant county superintendent shall assist the superintendent in the performance of his general duties, as directed, and report to him. Clerk hire shall be paid to the persons actually rendering such clerical services, out of the county treasury, upon the order of the county auditor accompanied by a certificate of the county superintendent that the service has been rendered, and no allowance for such clerk hire shall be made or received in any case except for services actually rendered. ('11, c. 216, §3; G. S. '13, §1012; '27, c. 342, §1; Feb. 27, 1935, c. 22; Apr. 29, 1935, c. 353.)

Superintendent of schools of Morrison County was not authorized to appoint an assistant and county board cannot determine a salary for an assistant. Op. Atty. Gen., May 1, 1933.

Clerk hire in Clay county is limited to $600 per year. Op. Atty. Gen., (162), Sept. 29, 1938.

960-1. Same—Counties excepted.

Op. Atty. Gen., May 1, 1933; note under §960.

962. Traveling expenses.

Laws 1933, c. 432. Amended. Apr. 14, 1937, c. 230.

County board was not authorized to include in a lump sum salary fixed for county superintendent of schools and his traveling expenses, but expenses could be allowed only upon presentation ot board of itemized and verified claims. Van Loh v. W., 196M452, 265NW298. See Dun. Dig. 8689.

Payment of a flat sum per month for use by county officers and employees of their own automobiles in county business, irrespective of mileage travelled and without itemized verified claim, held illegal. Op. Atty. Gen., Mar. 31, 1930.

This section is modified by Laws 1931, c. 331, ante, §§254-47, 254-48, so as to limit allowance for use of automobile to seven cents per mile. Op. Atty. Gen., May 23, 1931.

If superintendent of schools hires a livery, she is entitled to be reimbursed by county for amount actually paid, provided it is usual and customary charge for such services. Op. Atty. Gen., Nov. 1, 1933.

963. Same—Teachers' institutes [Repealed].

Repealed. Laws 1925, c. 110, §6.

COMPENSATION OF SUPERINTENDENT OF SCHOOLS, ETC., IN PARTICULAR COUNTIES

Act Apr. 26, 1937, c. 491, amends Laws 1921, c. 437, as amended, to fix salary of superintendent at $2,040 and fees and clerk hire as prescribed by law.

Counties with 60 to 80 congressional townships and 45,000 to 75,000 inhabitants. Act Mar. 9, 1929, c. 69, fixes salary of superintendent at $2,400.

Counties with 41 to 43 congressional townships and 25,000 to 30,000 population. Laws 1929, c. 161, §4, amending Laws 1925, c. 91, §15, and authorizes allowances of additional clerk with salary not to exceed $80 per month.

Act Apr. 14, 1937, c. 230, effective May 1, 1937, amends Laws 1925, c. 91, §11, as amended, and provides that in counties having 41 to 43 townships, and 25,000 to 30,000 inhabitants, the superintendent of schools shall receive $1,704 salary and $900 clerk hire, 5 cents mileage and expenses according to Laws 1919, c. 473 [§959], all fees to be paid into the county treasury.

Counties having 44 to 45 congressional townships and assessed valuation of $12,000,000 to $18,000,000. Laws 1931, c. 192, amends Laws 1921, c. 473, §1, so as to apply the amended act to counties as above.

Act Apr. 12, 1937, c. 193, amends Laws 1921, c. 437, as amended, and provides that in counties having 44 to 45 townships, assessed value of $8,000,000 to $14,000,000, and population of 25,500 to 26,000, the superintendent of schools shall receive a salary of $2,040, and fees not exceeding $3,200, and clerk hire as now prescribed.

Act Mar. 9, 1933, c. 76, §8, effective Jan. 1, 1934, provides that in counties having area of 35 to 55 congressional townships and assessed valuation of not more than $2,000,000, the superintendent shall receive $1,200, in addition to fees allowed by law. Salary payable monthly. Clerk hire fixed by county board. See §§997-4a to 997-4h.

Act Mar. 19, 1937, c. 70, §8, effective July 1, 1937, amends Laws 1933, c. 76, but makes no change.

Laws 1935, c. 81, amending Laws 1933, c. 76. Amended. Mar. 19, 1937, c. 70; Apr. 17, 1937, c. 278.

Act Mar. 20, 1933, c. 96, provides that in counties having 55,000 to 70,000 population and 35 to 45 congressional townships, the county board may fix the salary of superintendent of schools at not to exceed $3,500, and require fees to be paid into the general funds. Amended by adding §3-1 Laws 1935, c. 23. See §§997-4a to 997-4h.

Act Jan. 15, 1936, Sp. Ses. 1935-36, c. 27, amends Laws 1933, c. 96.

Act Apr. 1, 1933, c. 143, amends Laws 1929, c. 69, §1, to provide that superintendent shall receive $2,000 per annum. See §§997-4a to 997-4h.

Act Apr. 11, 1933, c. 212, effective May 1, 1933, authorizes county board in counties having 50 to 70 congressional townships and assessed valuation, exclusive of moneys and credits, of less than $1,500,000, to fix salaries of county officers and require their fees to be paid into the county treasury.

Act Apr. 13, 1933, c. 219, §1, provides that in counties having assessed valuation of not more than $6,000,000 and population of not more than 12,500 the county board shall fix the salaries of subordinate county employees. This section seems to be invalid as not expressed in the title of the act. Section 2 authorizes the county board, in counties having assessed valuation, excluding moneys and credits, of $2,500,000 to $3,000,000, population of 9,000 to 10,000, and area of 29 to 31 congressional townships, to fix the salaries of all subordinate county employees.

Act Mar. 25, 1939, c. 85, provides that in counties having 16 to 18 townships, area of 500 to 600 square miles, assessed valuation, including money and credits of $8,000,000 to $11,000,000, and population of 17,000 to 19,000, the county superintendent of schools shall receive for clerk hire not less than $800 per annum.

Act Mar. 31, 1939, c. 99, fixes the salary and expenses of superintendents of schools, and their deputies and clerks, in counties having 41 to 43 congressional townships, assessed valuation, exclusive of money and credits, of $6,000,000.00 to $12,000,000.00, and population of 25,000 to 30,000, and repeals Laws 1921, c. 437; Laws 1925, c. 91; Laws 1929, cc. 20, 161; Laws 1933, c. 432; Laws 1937, c. 230; Laws 1937, Sp. Ses., c. 54.

Act Mar. 31, 1939, c. 110, provides that in counties having 16 to 18 townships, 500 to 600 square miles, assessed valuation, including money and credits, of $8,000,000 to $11,000,000, and population of 17,000 to 19,000, the superintendent of schools shall receive an annual salary of $2500.

Laws 1933, c. 219, does not apply to Clearwater County and §1 thereof is not within title of act. Op. Atty. Gen. (104a-3), Feb. 5, 1935.

Act Apr. 15, 1933, c. 284, §11, amending L. 1921, c. 437, L. 1925, c. 225, and L. 1931, c. 192, provides that in counties having 44 or 45 congressional townships and assessed valuation, exclusive of moneys and credits, of $9,000,000 to $12,000,000, the superintendent of schools shall receive $1,600 per year and fees, with maximum of $2,880, and clerk hire as now prescribed by law. See §§997-4a to 9974h.

Laws 1933, c. 284. Amended. Apr. 26, 1937, c. 491.

Laws 1933, c. 284, §16, repeals Laws 1919, c. 224. See §§997-4a to 997-4h.

Act Apr. 21, 1933, c. 370, amends Laws 1921, c. 492, §14, relating to compensation of deputies and supervisors appointed by the superintendent of schools in counties having population of over 150,000 and area of 5,000 square miles or more.

Act Apr. 21, 1933, c. 432, §8, effective May 1, 1933, amends §11 of Laws 1925, c. 91, by making the salary of the superintendent $1,704 per year, with not exceeding $780 for clerk hire, and 5 cent mileage. See §§997-4a to 997-4h.

Laws 1935, c. 205, §1. Counties having population of 220,000 to 330,000, county superintendent shall receive

$3,500 per year and stenographer not exceeding $1,080 per year.

Laws 1905, c. 190, repealed. Laws 1935, c. 205, §2.

County officers whose terms expire on first Monday of January are entitled to compensation for days of service rendered in month of January up to time that their successors qualify and take office. Op. Atty. Gen. (104a-9), Dec. 1, 1934.

Big Stone County is classified as having 20 full and fractional congressional townships. Op. Atty. Gen. (104a-9), Oct. 14, 1936.

Since Laws 1933, c. 166, fixing salaries of county superintendents of certain schools, fails to provide for any clerk hire, county superintendent may not proceed with petition under Laws 1939, c. 319, for additional clerk hire. Op. Atty. Gen. (399c), June 14, 1939.

ASSESSORS IN COUNTIES HAVING 200,000 AND LESS THAN 275,000 INHABITANTS

964. County assessors and deputies.

Laws 1935, c. 118. Compensation of assessors in counties having more than 450,000 population and valuation of more than $450,000,000.

967. Expenditures—Experts, etc.

This section authorizes the county to publish a manual giving rules and regulations with respect to making assessments, but such manual is for use of the employees in the assessor's office and not for the general public. Op. Atty. Gen., Apr. 30, 1930.

969-1. Appointment of county assessor in certain counties.—That in any county of this state which shall now or hereafter contain a city of the first class, which such city shall contain taxable property having an assessed valuation of more than 95% of the assessed valuation for taxation purposes of all property in any such county, which such county shall have a population of not less than 220,000 and not more than 330,000 inhabitants and which such county shall contain property of an assessed valuation of not more than $250,000,000 exclusive of moneys and credits, a county assessor shall be appointed on the 10th day of March or as soon thereafter as practicable of each odd numbered year by the majority vote of a board composed of the Chairman of the Board of County Commissioners, and the County Auditor of such county and the Comptroller of such city of the first class, which said county assessor shall hold office for a term of two years, and until his successor is appointed and qualified. (Act. Apr. 17, 1933, c. 316, §1.)

969-2. Assessor to be resident.—The said County Assessor shall be a resident freeholder and qualified elector of said county. (Act Apr. 17, 1933, c. 316, §2.)

969-3. May fill vacancies.—The said board, or a majority of them, shall have power to fill all vacancies in said office, occasioned by death, resignation, removal or other cause, for the unexpired term or otherwise and shall have power to remove such assessor from office at any time. (Act Apr. 17, 1933, c. 316, §3.)

969-4. Present laws effective.—All laws now applicable to any such county or counties pertaining to the powers, duties and bond to be furnished by such assessor and to the appointment and removal of assistant assessors and deputies shall remain in full force and effect. (Act Apr. 17, 1933, c. 316, §4.)

Sec. 5 of act Apr. 17, 1933, cited, provides that the act shall take effect from its passage.

COUNTY PURCHASING AGENT

969-11. County purchasing agent in certain counties; clerical assistance; office; rules and regulations.—In any county now or hereafter having a population of not less than fifty thousand nor more than seventy thousand inhabitants according to the last federal census, and consisting of not less than thirty-five nor more than forty-five congressional townships, the county board may by resolution duly adopted at a meeting of said board, appoint a county purchasing agent who shall act during the pleasure of the board and who shall have supervision under the direction of said county board, of the purchase and distribution of all merchandise and supplies used by any department of said county, up to the amount of Five Hundred Dollars ($500). The county board may allow such clerical help to such county purchasing agent as it shall deem necessary. The said county board may provide in the county court house a suitable store-room in which to store and from which to distribute said supplies and may prescribe such rules and regulations for the management of the work of said purchasing agent as it shall deem necessary. (July 14, 1937, Sp. Sess., c. 33, §1.)

969-12. Same—Compensation; curative.—The compensation of such purchasing agent and of any assistants shall be fixed by the county board by resolution, and upon receipt of any such resolution certifying the name, compensation, and date of appointment, it shall be the duty of the county auditor to enter the name of such purchasing agent and any assistants in the books of the office kept for recording the names of county officers and their employes and said county purchasing agent and his assistants shall be paid such compensation in the same manner as other county officials and employes are now paid, and the same shall be in full compensation for all services rendered to such county by such county purchasing agent and his assistants. Any services and acts rendered and performed by such purchasing agent and his assistants since January 1, 1937, are hereby approved and legalized and the county board is hereby authorized to compensate for the same. (July 14, 1937, Sp. Ses., c. 33, §2.)

969-13. Same—Oath; bond, cost of.—The county purchasing agent herein authorized to be appointed shall take the oath prescribed by law for public officials and file with the Register of Deeds for record a public bond running to the county, in the amount of One Thousand Dollars ($1,000), the reasonable premium for which bond, if paid to any corporate surety company, shall be paid by said county. (July 14, 1937, Sp. Ses., c. 33, §3.)

PUBLIC BUILDINGS OR WORKS IN MUNICIPALITIES

974-1. Public buildings or works in counties, etc.

The publication of the amount of the estimate as a part of the official proceedings of the county board does not do away with the necessity of publishing the total cost of the work. Op. Atty. Gen., Feb. 27, 1931.

Estimate for repair and construction of bridges of county need not be published in addition to its publication as a part of official proceedings of county board, in which case a publication of total cost of work after same has been completed by day labor is sufficient. Op. Atty. Gen., (642a-3), Sept. 13, 1938.

974-3. Same—Total costs published.

The publication of the amount of the estimate as a part of the official proceedings of the county board does not do away with the necessity of publishing the total cost of the work. Op. Atty. Gen., Feb. 27, 1931.

COUNTY WELFARE BOARD

974-11. County welfare boards established.—There shall be established in each county of the state a County Welfare Board which shall consist of five members, to be chosen as follows:

(a) Except in Counties which contain a city of the first class and Counties having a Poor and Hospital Commission, three members shall be chosen by the Board of County Commissioners, and at least one but not more than three shall be members of the Board of County Commissioners. Such members shall be residents of the County, shall hold office for the term of two years, and thereafter as each term expires a successor shall be appointed by the Board of County Commissioners for a like term of two years. Two members, one of whom shall be a woman, shall be appointed by the Board of Control from a list of residents, five men and five women, submitted by the Board of County Commissioners. One member shall hold office for the term of one year, and one for the

term of two years, and thereafter as each term expires a successor shall be appointed by the State Board of Control for the full term of two years from a list of five residents submitted by the Board of County Commissioners. When a vacancy occurs on the County Welfare Board by reason of the death, resignation or expiration of the term of office of a member of the Board of County Commissioners who is also a member of the County Welfare Board, the unexpired term of such member shall be filled by the appointment of another member of the County Board. Except to fill a vacancy and for the first year of its existence the term of office of each member of the County Welfare Board shall commence on the first Thursday after the first Monday in July, and shall continue until the expiration of the term for which such member was appointed or until a successor is appointed and qualifies. Provided, however, that if the Board of County Commissioners shall refuse, fail, omit or neglect to submit the list of residents to the Board of Control for appointment to the County Welfare Board by the Board of Control, as herein provided, or to appoint the three members to the County Welfare Board, as herein provided, by the time when the terms of such members commence, or, in the event of vacancies, for a period of thirty days thereafter, the Board of Control is hereby empowered to and shall forthwith appoint residents of said county to the County Welfare Board. Before the Board of Control shall fill any vacancy hereunder resulting from the failure or refusal of the Board of County Commissioners of any county to act as required herein, the Board of Control shall mail fifteen days' written notice to the Board of County Commissioners of its intention to fill such vacancy or vacancies unless the Board of County Commissioners shall act before the expiration of said fifteen day period. The members appointed immediately after this law goes into effect shall hold office from their appointment until the first Thursday after the first Monday in July, 1938.

(b) In any county containing a city of the first class operating under a home rule charter, wherein there is established in such city a Board of Public Welfare for administration of poor relief in such city only, the Board of County Commissioners shall be the County Welfare Board. In such counties the members shall be reimbursed by the county for expenses actually incurred in the performance of their official duties under the provisions of this act. In such counties the County Auditor shall be ex-officio secretary of said board, but shall have no voice in its proceedings. In such counties the system of caring for the poor in effect at the time of the passage of this act shall be continued, subject to all provisions of law relating thereto, except that, if such county is operating under the township system of caring for the poor, such towns, villages and cities of the third and fourth class therein may by resolution of its governing body, agree with the County Welfare Board that the latter shall supervise and administer the poor relief fund in such town, village or city. In any such county the powers and duties of such Board of Public Welfare shall not be affected by the provisions of this act. Such Board of Public Welfare in administering poor relief funds, granted by any state agency authorized so to do by law, shall comply with all standards of administration and procedure prescribed by such agency.

(c) In any county and any city of the first class within such county, which such city shall contain taxable property having an assessed valuation of more than 95 per cent of the assessed valuation for taxation purposes of all property in such county, the Board of Public Welfare shall be continued as the County Welfare Board and shall be appointed or elected as provided by Laws 1929, Chapter 371, as amended [§668 (3), note]. The said board shall receive such compensation and shall have and exercise all the powers as provided by the said act of 1929, as amended, in addition to any other and further powers granted herein and shall have and perform all of the additional duties referred to in Section 7 of this act [§974-17], except that the Executive Secretary of such board shall be appointed and his salary shall be fixed pursuant to Section 4 of this act [§974-14].

(d). That in any county in this state having a population of more than 200,000, and an assessed valuation of more than $250,000,000 and an area of over 5,000 square miles, the Board of Poor Commissioners shall be continued as the County Welfare Board and shall be appointed or elected as provided by Laws of 1907, Chapter 222, as amended [§§3196 to 3199]. The said board shall receive such compensation and shall have and exercise all the powers as provided by the said Act of 1907, as amended, in addition to any other and further powers granted herein and shall have and perform all the additional duties referred to in Section 7 of this act [§974-17].

(e) Any county now having a Poor and Hospital Commission, said Poor and Hospital Commission shall be the County Welfare Board. (Apr. 22, 1937, c. 343, §1; July 24, 1937, Sp. Ses., c. 90.)

County Welfare Board is a distinct and separate legal entity, and even in Hennepin county is a board separate and distinct from board of county commissioners, but since board has no specific authority to make and sign its own checks or warrants, proper practice would be for welfare board to authorize county auditor to issue warrants on its order, who would be authorized to issue county warrants based upon certified list of disbursements. Op. Atty. Gen. (125a-64), May 22, 1937.

County Welfare Board is not required to publish minutes of meeting, but listed disbursements are required to be published in county financial statement. Id.

County Welfare Board created by this act will assume functions and duties of old child welfare board. Op. Atty. Gen. (840a-11), May 24, 1937.

Physician as member of County Welfare Board may not be employed by board or purchase merchandise from one of its members. Op. Atty. Gen. (125a-64), June 12, 1937.

County Welfare Board assumes responsibility for operation and maintenance of poor farm and also relief to persons who have deeded their homes to county as security for relief to be issued in future. Op. Atty. Gen. (125a-64), June 23, 1937.

Of two members of county welfare board first appointed by board of control, one shall hold office for a term of one year and one for a term of two years. Op. Atty. Gen. (125a-64), July 23, 1937.

Vacancy caused by expiration of term of county commissioner is to be filled by appointment of another member of county board. Op. Atty. Gen., (125a-64), Nov. 30, 1938.

(a).

Board of control should appoint one woman and one man. Op. Atty. Gen. (125a-64), June 26, 1937.

974-12. Filing of oath of office.—Each member of the Board, other than those holding some other public office for which they have qualified, shall take the oath of office prescribed in Mason's Minnesota Statutes 1927, Section 6963, and file same in the office of the County Auditor of the county for which such member was appointed. No person shall be qualified to act as a member of said County Welfare Board until such oath has been filed. (Apr. 22, 1937, c. 343, §2.)

974-13. Per diem of members.—Except as herein provided in Section 1, Subdivisions (b) and (c) [§974-11 (b, c)], the members of the County Welfare Board shall receive, in addition to any salaries they may receive from any other source, from the state or county or any municipality, the sum of $3 per day for time actually spent in transacting the business of the Board not exceeding, however, a maximum of twenty-five days a year. Members shall be reimbursed by the county for expenses actually incurred in the performance of their official duties. (Apr. 22, 1937, c. 343, §3.)

Members of county welfare board may not be reimbursed more than five cents per mile for use of their cars. Op. Atty. Gen. (104a-8), Oct. 13, 1937.

974-14. Election of officers.—The County Welfare Board shall at its first meeting, and thereafter at its annual meeting on the first Thursday after the first

Monday in July of each year, meet and organize by electing a Chairman, a Vice-Chairman and a Secretary, except as provided in Section 1, Subdivision (b) [974-11 (b)], each of whom shall perform the customary duties of his office. Said Board shall appoint an Executive Secretary and such assistants and clerical help as it may deem necessary to perform the work of the Board. The appointment of said Executive Secretary shall be made in accordance with rules and regulations to be adopted by the State Board of Control and shall be chosen upon the basis of his experience, training and general qualifications for the work. His salary shall be fixed by the County Welfare Board subject to the approval of the County Board of Commissioners, except the salary of the Executive Secretary of the County Welfare Board appointed pursuant to Section 1, Subdivision (c) hereof [§974-11 (c)], which salary shall be approved by the Board of County Commissioners of any such county and the City Council of any city of the first class located within such county, and said County Welfare Board shall fix the salary of such other employes at it may hire.

Said welfare board shall require its executive secretary and such other of its employes as it may determine, to execute and file with it a bond conditioned as are other official bonds, to the state, with corporate sureties to be approved by it, in such amount as it may fix, not less than $1,000.00, and the premium thereon shall be paid by said board. (Act Apr. 22, 1937, c. 343, §4; Feb. 17, 1939, c. 19.)

State board of control has authority to require bond by executive secretary of county welfare board, amount to be fixed by county board, and bond to run to state of Minnesota. Op. Atty. Gen. (125a-64), July 28, 1937.

Bond of executive secretary of child welfare board cannot be paid for out of general funds of county. Id.

Executive secretary of county welfare may not be required to execute a fidelity bond, but it would not be unlawful for board of control to pass a resolution providing that it is desirable that such secretary give a fidelity bond to be filed as other bonds and paid for by county, and a bond so voluntarily given would be enforceable. Op. Atty. Gen. (104a-2), Aug. 25, 1937.

County may not pay premium on bond of executive secretary of county welfare board, nor cost of notary public commission. Op. Atty. Gen. (107b-3), Aug. 4, 1938.

State board of control has power to disapprove appointment of executive secretary. Op. Atty. Gen. (125a-64), Feb. 24, 1939.

974-15. County to provide offices.—The county, except as herein provided in Section 1, Subdivision (c) [§974-11 (c)], shall provide suitable offices for the County Welfare Board and its employes. (Apr. 22, 1937, c. 343, §5.)

974-16. Salaries, etc. to be paid by county.—The salaries, office, traveling and other necessary expenses of the County Welfare Board, including such amount as may be allowed in the discretion of the county board as compensation for cashing old age assistance and other welfare board checks, shall be paid by the county, except as provided in the 1938 Supplement to Mason's Minnesota Statutes of 1927, Section 974-11(c) and shall be subject to reimbursement out of state and Federal funds as may be provided by law. (Apr. 22, 1937, c. 343, §6; Apr. 22, 1939, c. 445, §1.)

County welfare board cannot purchase automobile. Op. Atty. Gen., (707a-7), Oct. 14, 1938.

974-17. Duties and powers of the board.—(a) After its establishment the County Welfare Board shall forthwith assume the powers, duties and responsibilities of the County Child Welfare Board, if any, existing in the county, and shall perform such duties as may be required of the County Child Welfare Board or by law or by the State Board of Control with regard to the enforcement of all laws for the protection of defective, illegitimate, dependent, neglected and delinquent children.

(b) The Couny Welfare Board, except as provided in Section 1, Subdivision (b) [§974-11 (b)], shall be charged with the duties of administration of all forms of public assistance and public welfare, both of children and adults, and shall supervise, in cooperation with the Board of Control, the administration of all forms of public assistance which now are or hereafter may be imposed on the State Board of Control by law, including aid to dependent children, old age assistance, veterans aid, aid to the blind, and other public assistance or public welfare purposes. The duties of the County Welfare Board shall be performed in accordance with the standards, rules and regulations which may be promulgated by the State Board of Control in order to comply with the requirements of the Federal Social Security Act and to obtain grants-in-aid available under said act.

(c) The County Welfare Board provided for in Section 1, Subdivision (b) [§974-11 (b)], shall be charged with the duties of administration of all forms of public assistance and public welfare within the purview of the Federal Social Security Act and which now are, or hereafter may be, imposed on the State Board of Control by law, of both children and adults, including aid to dependent children, old age assistance and aid to the blind. The duties of such County Welfare Board shall be performed in accordance with the standards, rules and regulations which may be promulgated by the State Board of Control in order to comply with the requirements of the Federal Social Security Act and to obtain grants-in-aid available under said act.

(d) The State Board of Control shall have the authority to adopt and enforce regulations concerning the use and publication of lists of public assistance recipients by county agencies in such form as necessary to comply with the requirements of the Federal Social Security Board. Provided, however, that this section shall in no wise interfere with the publication of the annual County Financial Statement. (Apr. 22, 1937, c. 343, §7; Apr. 22, 1939, c. 407.)

County Welfare Board may publish proceedings. Laws 1939, c. 165.

Judge of juvenile court will continue to exercise functions and duties imposed by §§8671 to 8689 until Laws 1937, ch. 438, become effective. Op. Atty. Gen. (335b), June 11, 1937.

In counties operating under county system of poor relief, county welfare board will administer all forms of poor relief, and there is some question whether or not act abolished town system. Op. Atty. Gen. (125a-64), June 23, 1937.

County investigator of old age assistance will be under welfare board. Op. Atty. Gen. (125a-64), June 23, 1937.

Management and control of county sanatorium is in sanatorium commission and not in county welfare board. Op. Atty. Gen. (556a), July 19, 1937.

County welfare board does not have responsibility or authority for hospitalization at university hospital. Op. Atty. Gen. (1001c), July 20, 1937.

Welfare board is not responsible for support of feebleminded, epileptic and insane persons receiving institutional care. Op. Atty. Gen. (125a-64), July 28, 1937.

Legislature did not intend to transfer to county welfare board in a county operating under town system responsibility of furnishing poor relief to dependent children committed to guardianship of state board of control, but county welfare board should cooperate with local relief authorities and see that such children receive adequate and proper care. Op. Atty. Gen. (339o-5), Aug. 2, 1937.

Certification of patients to Minnesota general hospital is to be made pursuant to §§4577 to 4589 and not by county welfare board. Op. Atty. Gen. (1001c), Aug. 24, 1937.

County welfare board assumes duties of local agent appointed pursuant to §4458, but guardian appointed pursuant to §§8646 and 8647 will continue to act until guardianship is terminated in usual manner. Op. Atty. Gen. (125a-64), Oct. 5, 1937.

Claims under §15 of old age assistance act should be executed by someone acting for county welfare board. Op. Atty. Gen. (521b-1), Oct. 11, 1937.

County physicians are to be appointed by county board and not by county welfare board. Op. Atty. Gen. (104b-7), Oct. 12, 1937.

County home and poor farm should be maintained and operated by county welfare board in counties operating under county system. Op. Atty. Gen. (125a-64), Nov. 5, 1937.

County physician is to be appointed by county board and not by county welfare board. Op. Atty. Gen. (104b-7), Nov. 22, 1937.

County welfare board has jurisdiction to enter into contract for hospitalization of indigent persons under poor relief laws, but not for hospitalization at Minnesota General Hospital or a hospital coming within Laws 1935, c. 359. Id.

County may pay state board of control for mental examination made at request of county welfare board. Op. Atty. Gen. (124a-64), Dec. 10, 1937.

Town system of poor relief was not abolished by establishment of county welfare board, and primary obligation to care for poor rests upon various municipalities, but county may extend necessary aid when municipality is unable to provide it, or refuses to provide it, and although responsibility for care of persons in need of hospitalization is upon county board, that board may designate county welfare board to act as its agent, except as to matters requiring exercise of judgment and discretion of county board. Op. Atty. Gen. (125a-27), Jan. 26, 1938.

Welfare board may pay incidental expenses in cooperation with state and federal government in connection with resettlement and national reemployment program. Op. Atty. Gen. (125a-64), Feb. 2, 1938.

Welfare board may retain osteopaths for osteopathic services to relief clients, but treatments given and services rendered must be in strict accordance with laws defining duties and authority of an osteopath. Op. Atty. Gen. (125a-64), Apr. 11, 1938.

Although primary obligation to care for poor rests upon various towns, cities, and villages in counties operating under township system, county welfare board may in proper cases extend necessary aid when municipality is unable to, or refuses to provide such aid, but municipality is not required to reimburse the county welfare board. Op. Atty. Gen. (125a-64), May 19, 1938.

"Clinical observation and treatment" is "hospital service and treatment" and responsibility for payment of cost in connection with university hospital service and treatment rests with county board and not with county welfare board or municipality in which person receiving such treatment has his place of settlement. Op. Atty. Gen. (1001c), May 19, 1938.

Welfare board may pay for expenses incurred for rent, light, salaries, janitor's salary, and maintenance and equipment for rural resettlement office, national reemployment service and seed loan office, but may not pay premium on bond of executive secretary of welfare board out of county funds. Op. Atty. Gen. (125a-64), July 19, 1938.

County under township system may levy tax for poor relief purposes, which must be expended by county welfare board. Op. Atty. Gen., (125a-64), Oct. 4, 1938.

County under town system of poor relief may levy taxes pursuant to its obligations under §3195-1 and §974-17 and §974-16, and administer aid received from state and federal government through the county welfare board, but does not have authority to make levies to defray cost of general poor relief. Op. Atty. Gen. (519j), March 8, 1939.

County welfare board and not board of county commissioners should administer county home and poor farm in counties operating under county system. Op. Atty. Gen., (339k), August 1, 1939.

974-18. To furnish estimates to county board.—On or before the first day of July each year the County Welfare Board, except any such board referred to in Section 1, Subdivisions (b) and (c), of this act [§974-11 (b, c)], shall submit to the County Board of Commissioners an estimate of the amount needed by it to perform its duties, including expenses of administration, and the County Board of Commissioners shall consider the estimates so submitted and, if approved, shall levy a tax as provided by law for said purposes. In the event said estimate is not approved, the County Board of Commissioners shall confer with the County Welfare Board and adjust a budget in accordance with the facts and levy a tax for the amount required.

In counties referred to in Section 1, subdivision (b) [§974-11 (b)], the estimate required shall not include poor relief in such counties or institutional requirements in any city of the first class located therein. The tax levy by the County Board of Commissioners in such counties shall be such as is required for categories of aid under the Federal Social Security Act, and shall be separate and distinct from other levies made by it. The governing body of any such city of the first class may annually levy a tax for poor relief as authorized by such home rule charter, on the real and personal property within the corporate limits of such city. Such tax levy and the proceeds thereof shall be subject to the same control and supervision as is imposed on any existing public welfare tax levy.

On the first day of July of each year the County Welfare Board referred to in Section 1, Subdivision (c) [§974-11 (c)], of this act, shall present its estimate of the amount needed by it to perform its duties, including expense of administration, to the Board of County Commissioners of any such county and the City Council of the city of the first class located in such county; the cost of all such relief, including the maintenance of any almshouse, sanatorium or hospital maintained by such county and city, shall be paid 72½% by such county and 27½% by such city. (Apr. 22, 1937, c. 343, §8.)

County welfare board need not submit for approval as to form and legality claims against board, unless requested by board. Op. Atty. Gen. (125a-64), Nov. 10, 1937.

After funds have been allocated to county welfare board for administrative purposes, county board of commissioners does not have authority to pass upon advisability or necessity of expenditures by welfare board for individual items of equipment used by such board. Op. Atty. Gen. (125a-64), Nov. 15, 1937.

Although funds are allocated to county welfare board by county board, administration of funds is thereafter vested in welfare board and county board has no authority to pass upon advisability or necessity of expenditures. Op. Atty. Gen. (125a-64), Feb. 2, 1938.

County welfare board is limited to amount allocated pursuant to this section in expending county funds. Op. Atty. Gen., (125a-64), Oct. 4, 1938.

974-19. County board to meet monthly.—The County Welfare Board shall meet and advise with the Executive Secretary at least once each month and said Executive Secretary shall report and be responsible to said County Welfare Board and shall be directed in his activities by said Board. The Executive Secretary shall be charged with the administration of the duties of the County Welfare Board and shall perform such additional duties as the County Welfare Board may designate. (Apr. 22, 1937, c. 343, §9.)

974-20. Inconsistent acts repealed.—All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. (Apr. 22, 1937, c. 343, §10.)

974-21. Effective July 1, 1937.—This act shall take effect and be in force from and after July 1st, 1937. (Apr. 22, 1937, c. 343, §11.)

974-22. County Welfare Board may publish expenditures.—The County Welfare Board may, with the approval of the Board of County Commissioners, publish monthly or quarterly, all expenditures, the publication of which are not prohibited by law. (Act Apr. 8, 1939, c. 165.)

PUBLIC BUILDINGS AND WORKS IN CERTAIN MUNICIPALITIES

Act Mar. 25, 1939, c. 79, authorizes the county board in counties having a population of 240,000 to 350,000, to regulate housing, within townships which consent to the application of the law. The act provides for no standards of regulation, and seems to be unconstitutional as a clear delegation of legislative power, and as local and special without any valid basis of classification.

MISCELLANEOUS PROVISIONS

976. To report fees.

Income of register of deeds from abstracts of title, certified by him as such officer, must be reported. Op. Atty. Gen., Aug. 30, 1929.

Fees for receiving applications for drivers' licenses under Laws 1933, c. 352, are not required to be reported under this section. Op. Atty. Gen., July 22, 1933.

Uncollected fees should be reported by register of deed in his verified statement. Op. Atty. Gen. (104b-7), Mar. 8, 1935.

979. Recording fees paid by county.

Expense of recording a town treasurer's bond should be paid by county. Op. Atty. Gen., May 1, 1933.

Executive secretary of county welfare may not be required to execute a fidelity bond, but it would not be unlawful for board of control to pass a resolution providing that it is desirable that such secretary give a fidelity bond to be filed as other bonds and paid for by county, and a bond so voluntarily given would be enforceable. Op. Atty. Gen. (104a-2), Aug. 25, 1937.

981. Bonds recorded and forwarded to secretary of state.

County officer may not appoint person under 21 years of age as a deputy, but may appoint him as a clerk, though position requires a bond. Op. Atty. Gen. (126a-33), Dec. 19, 1938.

987. Records to be public.

Probate judge must keep record of proceedings in insanity and juvenile matters. Op. Atty. Gen., Mar. 27, 1933.

Petition for change of county seat is open to public inspection while on file with county auditor. Op. Atty. Gen. (125a-19), Mar. 24, 1938.

990. Officials not to be interested in contracts.

A county treasurer has no duty in designating depository banks for county funds, nor in approving the depository bonds, and the fact that such treasurer owned a few shares of stock in a bank does not prevent that bank from becoming a de jure depository of county funds. Co. of Marshall v. B., 182M10, 234NW1. See Dun. Dig. 2263b, 2323(77), 2699.

Evidence held insufficient to sustain defense that consideration for note was illegal. Boeder v. T., 187M337, 245NW428. See Dun. Dig. 869.

County board improving a county aid road cannot purchase a strip of land from a county commissioner for a consideration similar to that being paid to other persons in the vicinity for similar strips of land. Op. Atty. Gen., Aug. 14, 1931.

A county is not authorized to pay rent to a surveyor for his use of instruments belonging to him personally. Op. Atty. Gen., Jan. 9, 1932.

One purchasing land containing gravel pit under contract for deed from county auditor and clerk of court, requiring money received for gravel to be applied on purchase price, could not submit a bid to county for gravel. Op. Atty. Gen., Aug. 9, 1932.

Section does not apply to a county road foreman. Op. Atty. Gen., June 6, 1933.

A county commissioner who is a veterinarian may not test cattle for tuberculosis on the county area plan, though carried out under livestock sanitary board. Op. Atty. Gen., July 12, 1933.

Probate judge owning newspaper is not prohibited from publishing citations, orders, etc., in his own newspaper where fees are paid by private individuals. Op. Atty. Gen., Feb. 6, 1934.

Foreigner who is himself an undertaker cannot contract with county for pauper burials. Op. Atty. Gen. (707a-7), May 2, 1934.

County board giving orders on merchants instead of cash to employees on relief rolls may not give an order on store of a commissioner. Op. Atty. Gen. (90b), July 24, 1934.

Member of board of poor and hospital commissioners appointed under Laws 1917, c. 187, as amended by Laws 1931, c. 60, is a county officer within the meaning of this section. Op. Atty. Gen. (104b-4), Aug. 13, 1934.

County board cannot enter into contract with oil company in which one of commissioners is a stockholder. Op. Atty. Gen. (707b-6), Jan. 11, 1935.

A license is not a contract and an alderman of a city may receive a license to sell intoxicating liquors, except that he cannot vote on his own application. Op. Atty. Gen. (218g), Feb. 15, 1935.

County health officer receiving no remuneration of any kind is not a county officer and be may receive compensation from county for operations upon poor relief patients and for hospitalization for them in hospital owned by him. Op. Atty. Gen. (707b-6), Apr. 16, 1935.

Mortuary partnership of which coroner is a member cannot handle funerals for those on poor relief and bill county therefor. Id.

County physician is a county officer and hospital in which he owned an interest is not entitled to contract with county or charge for services. Id.

A coroner who is not a salaried officer can act on examining board at insane hearing. Op. Atty. Gen. (390b-2), July 6, 1936.

This section has no bearing on question whether deputy sheriff is entitled to collect per diem fees for acting as guard to sheriff in transporting persons to state institutions. Id.

County coroner may not enter into contract with county for burial of pauper though he is compensated on a fee basis without any regular salary. Op. Atty. Gen. (90b), Apr. 20, 1937.

Physician as member of county welfare board may not be employed by board or purchase merchandise from one of its members. Op. Atty. Gen. (125a-64), June 12, 1937.

Law prohibits member of county welfare board from being directly or indirectly interested in a contract with county, *and does not forbid wife of a member of board* from being interested in such a contract, but there is always an issue of fact whether a member is interested in a contract entered into by wife. Op. Atty. Gen. (125a-64), July 29, 1937.

Public policy would render it improper for member of county welfare board to receive grants of benefits in way of old age assistance, aid to dependent children, aid to the blind, direct relief, or other direct benefits administered by county welfare board. Id.

County commissioner may not be employed by county board and be paid therefor. Op. Atty. Gen. (90b), Sept. 15, 1938.

County commissioner who is also member of county welfare board and stockholder in an incorporated general merchandise store may not enter into contract with store on behalf of county welfare board. Op. Atty. Gen., (358a-3), Nov. 30, 1938.

County treasurer may act as director of a national bank in his county wherein county deposits funds, but *members of county board of audit, consisting of chairman* of the board, clerk of court, and county auditor, may not be interested in depository. Op. Atty. Gen., (90B-2), July 21, 1939.

991. Contracts in certain counties.—In counties having less than seventy-five thousand population, no contract for work or labor, or for the purchase of furniture, fixtures, or other property, or for the construction or repair of roads, bridges, or buildings, the estimated cost or value of which shall exceed five hundred dollars, shall be made by the county board without first advertising for bids or proposals in some newspaper of the county. If for the purchase of property, or for work and labor, two weeks' published notice that proposals will be received, stating the time and place, shall be given. If for the construction or repair of roads, bridges, or buildings, three weeks' published notice shall be given, and also fifteen days' posted notice in the town where the construction is to be done. Such notice shall state the time and place of awarding the contract, and contain a brief description of the work. Every such contract shall be awarded to the lowest responsible bidder, shall be duly executed in writing, and the person to whom the same is awarded shall give a sufficient bond to the board for its faithful performance. If no satisfactory bid is received, the board may readvertise. Every contract made without compliance with the provisions of this section shall be void: Provided, that in case of the destruction of roads or bridges by floods or other casualty, or of unforeseen injuries to machinery in or connected with public buildings, where the public interests would suffer by delay, contracts for repairs may be made without advertising for bids. (R. L. '05, §618; G. S. 13, §1091; Jan. 9, 1934, Ex. Ses., c. 69; Feb. 20, 1935, c. 17; Feb. 3, 1939, c. 5.)

Counties having 75,000 to 225,000 population, must advertise for bids on all expenditures in excess of $500. Laws 1939, c. 246.

If accepted bidder refuses to sign contract for road work or furnish bond within a reasonable time, his deposit is forfeited, and county must readvertise for bids. Opp. Atty. Gen., Apr. 18, 1929.

Where county advertises for bids and enters into contract for road materias for one year, it cannot renew the contract for another year without again advertising for bids. Op. Atty. Gen., *Jan. 2, 1930.*

Advertisement for bids and contract should specify some definite quantity, more or less. Id.

Contract by county to purchase all the material it may need for a year is unauthorized. Id.

County desiring to equip new court house with furniture cannot treat each room as a unit and dispense with advertisement on the theory that cost of each room will be less than $500. Op. Atty. Gen., Jan. 7, 1930.

County may advertise for bids for the hauling of all gravel to be used by the county for a year, instead of advertising for each particular item of gravel required. Op. Atty. Gen., Apr. 2, 1930.

Where bids were opened at one meeting and all of them rejected, the board cannot at a subsequent meeting reconsider its former action and let the contract to the lowest bidder. Op. Atty. Gen., May 14, 1930.

Successful bidder for county printing would be required to do all printing except that provided for by particular statutes which contemplate a special advertisement for bids or which confer on particular officers the duty of contracting for publication. Op. Atty. Gen., June 3, 1930.

An agreement that landowner would furnish gravel at ten cents per cubic yard whenever the county needed it, made without advertising for bids, did not violate this section, though the county subsequently removed 8,000 cubic yards from the pit. Op. Atty. Gen., Aug. 5, 1931.

Where county having less than 75,000 inhabitants desires to turn in an old car as part of the purchase price of a new car, and the purchase price exceeds $500, this section is applicable and county must advertise for bids. Op. Atty. Gen., Feb. 3, 1932.

County may lawfully employ day labor to operate road graveling equipment owned by county on projects exceeding $500, but it cannot enter into contract covering work exceeding $500 without letting it to lowest bidder. Op. Atty. Gen., July 29, 1932.

Statute does not prevent county from hiring and leasing machinery, unless lease is disguised purchase. Op. Atty. Gen., July 29, 1932.

While hiring of equipment with operators by day is not employment of day labor, county may lawfully hire drivers on per diem basis to operate equipment leased by county. Op. Atty. Gen., July 29, 1932.

Where successful bidder for road work is unable to undertake work within required time, county must readvertise for bids, and may not award contract to second lowest bidder or to another contractor who has not bid but will do work for less than lowest bid. Op. Atty. Gen., Oct. 20, 1932.

Requirement of contractor's bond and check accompanying bid may not be waived. Op. Atty. Gen., May 25, 1933.

It is mandatory that contract be awarded to lowest responsible bidder. Id.

Where bids for construction of county aid road were submitted under advertisement but awarding of contract was restrained in suit by taxpayers, it was not necessary to re-advertise for bids after dismissal of action. Op. Atty. Gen., Aug. 2, 1933.

Laws Special Session 1933, c. 69, does not apply to Anoka County. Op. Atty. Gen., Feb. 13, 1934.

In constructing an addition to court house at a cost not to exceed $8500, labor may be done through ERA or relief labor, but county board must advertise for bids for material. Op. Atty. Gen. (107b-16), Sept. 29, 1934.

Insurance may be purchased without bids. Op. Atty. Gen. (125a-28), Jan. 8, 1935.

Statute does not require county purchasing wood lots to be used in furnishing employment to needy poor persons to advertise for bids. Op. Atty. Gen. (107b-15), Feb. 5, 1935.

Counties having less than 75,000 population were not relieved of requirements of this section as amended. Op. Atty. Gen. (707a-7), Feb. 26, 1935.

Where county does not have sufficient room in courthouse, county board may buy land and a building next door without a vote of the people or a call for bids, it having sufficient money on hand to make the purchase. Op. Atty. Gen. (125a-41), May 9, 1935.

A county may not lease an automatic coal stoker with option to purchase at end of term, though entire cost of stoker is to be paid out of moneys paid by the device. Op. Atty. Gen. (707b-3), June 13, 1935.

County board may employ physician for poor without letting work upon bids, and may change compensation from time to time, but cannot contract for a definite term at a definite salary. Op. Atty. Gen. (104b-7), Nov. 29, 1935.

All counties should advertise for bids, notwithstanding that they may have less than 75,000 population. Op. Atty. Gen. (707a-1), Feb. 15, 1936.

County need not forfeit deposit with bid by contractor who wished to withdraw after acceptance of a bid because of honest mistake in his estimate, if the bidder pays expenses of readvertisements. Op. Atty. Gen. (707a-3), June 27, 1936.

Under statute requiring three weeks' published notice of bids, time of opening bids should be not less than one week from date of last publication. Op. Atty. Gen. (125a-17), May 7, 1937.

In advertising for bids for bridge work, §2595, rather than §991 should be followed. Id.

As regards construction of courthouse as a PWA project with government aid, this section is superseded by §1918-56, as extended by Laws 1937, ch. 328. Id.

It is not necessary for a county to advertise for bids in purchasing a particular tract of land for gravel purposes. Op. Atty. Gen. (125a-41), July 30, 1937.

Contract for more than $500 without advertising for bids is void, but persons furnishing labor and materials is entitled to recover reasonable value. Op. Atty. Gen. (707a-1), Aug. 9, 1937.

Failure to comply with bid provision of statute renders contract void, but person doing work and furnishing materials may recover the reasonable value thereof. Op. Atty. Gen. (707a-7), Aug. 17, 1937.

Section relates only to work done by contract, and county board may have county road work done by day labor and hire necessary machinery at a stipulated rate per hour, though no purchase of materials in excess of $500 may be made without first advertising for bids, but contracts for construction in excess of $500 may not be made under guise of day labor work without first calling for bids. Op. Atty. Gen. (707a-1, Sept. 29, 1937.

In order to give employment to those out of work, county may draw individual contracts with truckers to haul gravel on county roads without calling for bids, if each contract is in fact a separate contract. Op. Atty. Gen. (412a-23), Jan. 26, 1938.

Blue Earth County is not required to advertise for bids on remodeling court house even though estimated cost exceeds $500. Op. Atty. Gen. (707a-7), Feb. 8, 1938.

County board may employ day labor to remodel court house without advertising for bids pursuant to PWA contract. Op. Atty. Gen. (707a-7), Feb. 8, 1938.

County or village may purchase land at sales held pursuant to Laws 1935, c. 386 (§2139-15). Op. Atty. Gen. (425c-10), May 4, 1938.

Counties must accept or reject bids as received and opened and may not allow bidder to change terms so as to permit allowance as to low items, where bids are conditioned on acceptance of combined projects. Op. Atty. Gen. (707a-10), May 11, 1938.

County board constructing county garage as a WPA project may employ day labor without advertising for bids. Op. Atty. Gen. (707a-17), Aug. 10, 1938.

Where cost of materials is less than $500 county board may purchase materials and construct additions to court house by day labor without advertising for bids, though total cost exceeds $500. Op. Atty. Gen., (125a-20), Aug. 20, 1938.

Mower County is not required to advertise for bids in purchasing material and employing day labor in connection with repair and construction of bridges. Op. Atty. Gen., (642a-3), Sept. 13, 1938.

Passage of Laws 1933, Ex. Sess., c. 69 and Laws 1935, Ex. Sess. c. 17, did not intend to eliminate requirement for advertising for bids. Op. Atty. Gen., (707a-7), Oct. 14, 1938.

County need not advertise for bids upon sale of used road machinery, but where used machinery is to be applied on purchase of new machinery of more than $500, it forms an integral part of purchase price of new equipment and should properly be subject of open and competitive bidding. Op. Atty. Gen. (707a-7), March 11, 1939.

992. Same—Counties of more than 200,000.

County desiring to purchase automobile must advertise for bids, it being improper to decide on particular make of car before bids are submitted. Op. Atty. Gen., Mar. 8, 1930.

993-1. Purchasing contracts in certain counties.—In all counties having a population in excess of 75,000 and less than 225,000, no contract for the purchase of supplies, materials or equipment, and no contract for work or labor or for the construction or repair of buildings, roads, bridges or other permanent improvements, the estimated cost or value of which shall exceed $500, shall be made by the county board, commission or agency having charge of any activity supported in whole or in part by taxes upon the taxable property of such counties without first advertising for sealed bids which shall be solicited by public notice inserted at least once in the official newspaper of the county at least ten calendar days before the final date of submitting bids. All bids shall be opened in public at a specified time and place and shall be read aloud and tabulated. All such contracts shall be let to the lowest responsible bidder, shall be duly executed in writing, and the person to whom the same is awarded shall give sufficient bond for its faithful performance and it shall be approved by resolution of the Board or commission and signed by its chairman. In case no satisfactory bid is received, the board, or commission, may readvertise. Every contract made without compliance with the provisions of this act shall be void; provided, that in case of an emergency arising from the breaking, damaging or decay of any county property of any such county, that cannot be allowed to wait for the time required to advertise for bids as herein required, and where the public health and safety would suffer by the delay, contracts for the purchase or repair may be made without advertising for bids. (Act Apr. 14, 1939, c. 246.)

994. Actions against counties.

One who has not appealed from the disallowance of his claim cannot thereafter, in the absence of fraud or mistake, bring suit thereon against the county. Suhr v. Co. of Dodge, 183M299, 236NW463. See Dun. Dig. 2296(10).

Section is not indefinite because of the expression therein making the right of action contingent upon the failure of the county board to act upon a claim "within the time fixed by law." Suhr v. Co. of Dodge, 183M299, 236NW463. See Dun. Dig. 2295.

The section is not invalid because of there being no provision in the statutes for notice to claimant of the disallowance of his claim. Suhr v. Co. of Dodge, 183M299, 236NW463. See Dun. Dig. 2295.

"Within time fixed by law." Op. Atty. Gen., Sept. 17, 1930.

County is not liable for negligent acts of its employees resulting in injury to others on highways of the county when the county is engaged in carrying on its governmental activities, such as constructing or maintaining a highway. Op. Atty. Gen., May 20, 1931.

Where county board disallowed bill presented by township asking for reimbursement under §3195, including items covering five years and part of another, and no appeal was taken, such board could not, after time for appeal had expired, consider separate bills for each year except for fraction of year not covered by first bill. Op. Atty. Gen., Apr. 4, 1932.

Where court order establishing judicial ditch imposed assessment upon counties benefited, and assessments were erroneously imposed on township later, and were paid, claim of township to reimbursement is one that must be presented to county board for allowance, and general rule is that statute of limitations does not begin to run against such a claim until it is presented and rejected by board. Op. Atty. Gen. (151a), Apr. 10, 1937.

997-1. Salaries not reduced.

See §8707-5.

This law is not effective in the absence of a determination by the district court determining the value of motor vehicle in the county in question. Op. Atty. Gen., Dec. 28, 1931.

997-2. Salaries of county officers in certain counties.—Whenever the salary or clerk hire of any county officer shall be decreased during the term for which he is or was elected because of a reduction in the assessed valuation of the county, the board of county commissioners are hereby authorized to fix said salary and clerk hire in an amount equal to that received prior to such reduction in the assessed valuation of the county. (Act Apr. 24, 1929, c. 313.)

County commissioners may not fix salaries at any other amount than received prior to reduction in assessed valuation. Op. Atty. Gen., Jan. 31, 1933.

Salaries of county auditor and county treasurer are regulated by assessed valuations as fixed by tax commission for preceding year and they may be raised or lowered during term. Op. Atty. Gen., Jan. 31, 1933.

"Any county officer" includes county commissioners. Op. Atty. Gen., Sept. 16, 1933.

Where salaries of certain commissioners were restored after reduction by fall in valuation, such commissioners should receive same reimbursement for their actual and necessary traveling expenses as they received previous to their reduction in salary. Op. Atty. Gen., Nov. 4, 1933.

Words "any county officer" include county commissioners. Op. Atty. Gen., Feb. 10, 1934.

In order to effectuate increase in salary pursuant to this section, some action by county board by way of a resolution is necessary, but board may not adopt a resolution which would be retroactive in effect, as where commissioners have already accepted a reduced salary. Op. Atty. Gen. (104a-9), Dec. 18, 1934.

It is not necessary in arriving at assessed valuation of property in a county for salary purposes to go behind assessed valuation as determined by tax commission, and lands to which state has acquired title through operations of rural credit department should not be included, while so-called $100 exemption of personal property should be included. Op. Atty. Gen. (104a-9), Dec. 27, 1934.

Sections 837(6) and 997-2 must be construed so as to be limited to salaries of county officers where reduction of assessed valuation occurs during term of office of a particular county officer or officers. Id.

997-3. All fees in certain counties to be paid in county treasury.—In all counties of this state having, or which may hereafter have, a population of 415,000 inhabitants or over, no elective county official who receives a stated salary shall have or retain any fees or revenue of any kind whatsoever whether such fees are received by reason of services rendered pursuant to the laws of this state or of the United States or whether such official acts as an agency of the county, state or of the United States in performing the services for which such fees are paid and all such fees collected by or paid to any such county official shall on the first Monday of each month be turned into the county treasury (and by him put into the general revenue fund of the county) and a correct statement thereof shall on said day be filed with the county auditor. The turning in and relinquishment of all such fees by any such county official to the county shall be a condition to be performed before he shall be entitled to or shall receive any compensation, salary or installment thereof whatsoever.

Such county official, as a part of the duties of his office, shall perform all the duties and collect all fees or licenses which like officials of other counties perform or collect upon a fee basis and the fees so collected shall be turned into the treasury of such county as a condition to the payment to such county official of any salary, compensation or installment thereof whatsoever.

In cases in which the laws of this state allow any such county official to delegate the collection of fees or the issue of licenses to some person or deputy outside the office of such county official, such county official shall not be liable for any malfeasance or failure to account for such fees or licenses if he shall have used reasonable and ordinary care and diligence in the selection or appointment of such agent or deputy. If he shall require surety bonds of such agent or deputy, the premiums thereof may be paid by such county official out of the fees or licenses collected. Such county official shall be allowed to pay to such agents or deputies the sums or commissions now or hereafter provided by law. (Act. Apr. 24, 1929, c. 341, §1).

County auditor cannot pay other than agents' commissions out of license moneys. Op. Atty. Gen., May 21, 1929.

997-4. Salary of county officers.—The county officials hereinafter named of any such counties shall receive as full compensation for all services of every kind and nature performed as such officials whether pursuant to the laws of this state or of the United States or of any home rule charter adopted pursuant to Article 4, Section 36, of the constitution of this state, stated annual salaries as follows; to-wit: county attorney, $7,000.00; auditor, $6,000.00, (provided that he may also receive, in addition, any sum not more than $500.00 which may be otherwise provided for services as a member of a municipal building commission); coroner, $4,500.00; clerk of the district court, $6,500.00; sheriff, $5,000.00; surveyor, $3,000.00; register of deeds and register of titles where the two offices are held by one person, $6,500.00; treasurer, $6,500.00; court commissioner, $3,500.00. Provided that in case this act cannot be held to apply to fees received by the clerk of the district court from the federal government, the salary of such district clerk shall be $4,000.00. Provided further that the court commissioner may retain fees which he may receive for performing marriage ceremonies without accounting for the same or turning them into the county treasury. (Act Apr. 24, 1929, c. 341, §2.)

Laws 1929, c. 374, relates to payment for road labor in counties having assessed valuation and area of over 5,000 square miles. It is omitted as local.

Act Apr. 15, 1933, c. 282, provides that in counties having assessed valuation, including moneys and credits, of $1,000,000 to $1,300,000, and population of 2,300 to 2,600, county warrants shall be validated, and that county board may transfer funds from one fund to another.

997-4a. Salaries of county officers in certain counties.—The annual salary of the county auditor, county treasurer and county commissioners, in all counties of this state, except as hereinafter provided, shall be the same amount as provided by law for the year 1931, regardless of any decrease in valuation, any change in population or any other factor on which such salary may have been based, provided, however, that where the salary now being paid to any county auditor or county treasurer is 20 per cent or more below the minimum amount herein provided, the same is hereby fixed at 90 per cent of said minimum amount for the year 1936. (Act Apr. 29, 1935, c. 349, §1; Jan. 18, 1936, Ex. Ses., c. 39, §1.)

The effect of Laws 1935, ch. 349, is to place the actual salaries to be paid after sum actually received by commissioners during year 1931, and where pursuant to Laws 1921, ch. 275, and Laws 1931, ch. 185, and Laws 1919, chs. 242 and 487, salary was reduced on April 17, 1931, because of change in population, salary received before April 17 should be added to that received after April 17, 1931, and the total fixes the compensation. Op. Atty. Gen. (1241), Aug. 7, 1935.

Where county board took advantage of §837 (6) and fixed salary of county auditor at the same amount as before reduction in valuation of property, for term of office beginning in 1931, a succeeding county auditor was entitled to benefits of this act on the basis of such fixed salary for 1931. Op. Atty. Gen. (22), Oct. 31, 1935.

Minimum amount herein provided means "amount provided by law for the year 1931," or the amount validly fixed as compensation for that year. Op. Atty. Gen. (22), Dec. 20, 1935.

Where salary of auditor was $2,500 in 1931 and was later reduced to $2,000, he was entitled to salary at rate of $2,500 per year for last half year 1935, and $2,250 for year 1936. Id.

In any county not coming under exceptions of §997-4c, salaries of commissioners should be on same basis as they received for year 1931 after July 1, 1935. Op. Atty. Gen. (104a-9), Feb. 19, 1936.

Under Laws 1929, c. 80; Laws 1933, c. 183; Laws 1935, c. 349; and Laws 1935, ex. sess. c. 39, annual salary payable to Todd County Commissioners is the same as that

paid in 1931, which was $600, but mileage is 5 cents per mile. Op. Atty. Gen. (124i), March 10, 1939.

997-4b. Minimum salaries.—In all counties of this state where the salaries of the county auditor, county treasurer and county commissioners are fixed by Laws 1933, Chapter 166 [§§200, 656, 837, 872, 904-2, 923, 2853, 8707, notes], the minimum salary of the county auditor shall be $2,100, together with all fees authorized by law to be collected by him, and the minimum salary of the county treasurer shall be $1,800, as county treasurer, and $300 as treasurer of unorganized school districts. The minimum salaries of the county commissioners shall be the same as provided by Laws 1933, Chapter 166. (Act Apr. 29, 1935, c. 349, §2; Jan. 18, 1936, Ex. Ses., c. 39, §1.)

997-4c. Not to affect certain officers.—The provisions of section 1, of this act shall not apply to any county where the salaries of county auditors, county treasurers or county commissioners are fixed by Laws 1933, Chapters 16, 46, 76, 96, 143, 281, 284 and 432 [§§200, 656, 837-1, 872, 904-2, 923, 935, 938, 941, 957-3, 962, 963, 1664-42, 8707, notes], or by any act heretofore passed by the 1935 Legislature, and provided, further, that it shall not apply to any county now having not less than 10 nor more than 12 organized townships and a population of not less than 15,000 nor more than 16,000 inhabitants, according to the United States census of 1930, nor to any county now having not less than 60 nor more than 63 full or fractional congressional townships and a population of not less than 33,000 nor more than 38,000 inhabitants according to the 1930 census. (Apr. 29, 1935, c. 349, §3; Jan. 18, 1936, Ex. Ses., c. 39, §1.)

997-4d. Application of act.—Except for the minimum amounts as herein provided, the salaries of county auditors, county treasurers and county commissioners shall be the same as otherwise provided by law. (Act Apr. 29, 1935, c. 349, §4; Jan. 18, 1936, Ex. Ses., c. 39, §1.)

Added. Laws 1935-36, Ex. Sess., c. 39, §4.

This act does not apply to county officers in county where salaries are fixed by other act at and prevails in case of any inconsistency. Op. Atty. Gen. (107b-14), Sept. 13, 1935.

997-4e. Provisions severable.—If any part, section or provision of this act shall be found to be unconstitutional or invalid by any court of competent jurisdiction, it shall not affect the remainder of this act. (Act Apr. 29, 1935, c. 349, §5; Jan. 18, 1936, Ex. Ses., c. 39, §1.)

997-4f. [Superseded.]

Superseded Jan. 18, 1936, Ex. Sess., c. 39, amending Laws 1935, c. 349, and omitting this section.

997-4g. Clerk hire for county auditors and county treasurers in certain counties.—There shall be allowed for clerk hire in the office of the county auditor and the county treasurer in all counties of the state an amount equal to that provided by law for the year 1931, and the amount allowed pursuant to Mason's Minnesota Statutes of 1927, Sections 837-1 and 872, which amounts have heretofore been approved by the public examiner and the attorney general. This act shall not apply to any county where such clerk hire is provided for by Laws 1933, Chapters 16, 76, 166, 281, 284 and 432, or by any act heretofore passed by the 1935 Legislature, provided, however, that the county board at its annual meeting in January of each year may revoke the authorization of the amount granted by it, or any part thereof under the provisions of Mason's Minnesota Statutes for 1927, Sections 837-1 and 872. (Act Apr. 29, 1935, c. 351, §1.)

Where minimum clerk hire of $85 per month was allowed county treasurer for many years under Laws 1927, c. 374, additional clerk hire may be given incumbent clerk by passage of resolution by the county board with approval of attorney general and public examiner. Op. Atty. Gen. (450c-1), Jan. 31, 1939.

997-4h. Clerk hire as otherwise provided by law.—Except as herein provided, the clerk hire allowance for such county auditors and county treasurers shall be the same as otherwise provided or fixed by law. (Act Apr. 29, 1935, c. 351, §2.)

997-4i. Salaries of county officers in certain counties.—In each county of the state now or hereafter having 100 or more full and fractional congressional townships and an assessed valuation including moneys and credits of not less than $4,000,000.00 nor more than $6,000,000.00 the following county officers shall receive yearly salaries as follows:

County Auditor	$2250.00
County Treasurer	1800.00
Judge of Probate	1400.00
County Commissioners	540.00
Registers of Deeds	1800.00

Provided however, that when the fees of the register of deeds are less than $1,800.00 the difference between the amount of fees so received and the sum of $1,800.00 shall be paid by the county, and provided further, that in event the fees so received are in excess of $1,800.00 the same shall be retained by the register of deeds. (Act Apr. 29, 1935, c. 361, §1.)

997-4j. Salary of clerk of court in certain counties.—The clerk of the district court in each of such counties shall receive in full compensation for all services rendered by him for said county, except in real estate tax proceedings, in lieu of the fees now provided by law, a yearly salary of $990.00. In said real estate tax proceedings, said clerk shall receive the sum of 15 cents for each description as set forth in Mason's Minnesota Statutes of 1927, Section 2125. (Act Apr. 29, 1935, c. 361, §2.)

Act Apr. 6, 1937, c. 156, provides that in counties having 16 to 20 townships and population of 7,500 to 8,500 and valuation of $4,500,000 to $8,000,000, the clerk of district court shall receive same salary as in 1931.

Act July 14, 1937, Ex. Sess., c. 14, amending Act Apr. 14, 1937, c. 226, provides that in counties having 13 to 17 townships and 7,500 to 9,000 population, clerk of district court shall receive minimum salary of $1,320.

997-4k. Traveling expenses for county board in certain counties.—Each member of the county board of such counties shall also receive his actual and necessary traveling expenses incurred in the performance of his official duties within his county, to be audited and allowed as other claims against the county. All claims for such expenses shall show clearly the nature of the services in which the same were incurred, and date of same, and all claims for expenditures amounting to one dollar or more, shall be accompanied by a receipt signed by the person to whom the money was paid, provided, when a member of such county board furnishes his own conveyance for necessary travel in the discharge of his official duties, he shall be entitled to charge at the rate of five cents per mile therefor. (Act Apr. 29, 1935, c. 361, §3.)

997-4l. County board to fix clerk hire in certain counties.—The clerk hire of county officers shall be fixed by the county board. (Act Apr. 29, 1935, c. 361, §4.)

Sec. 5 of Act Apr. 29, 1935, cited, repeals all inconsistent acts.

997-4m. Clerk hire in county offices including that of probate judge.—In all counties of this state where the amount of clerk hire now or hereafter provided by law for any county office, including the office of probate judge, shall be insufficient to meet the requirements of said office, the county officer in need of additional clerk hire shall prepare a petition and statement setting forth therein the amount of additional clerk hire needed and file the same with the county auditor, who shall present the same to the board of county commissioners at the next meeting of said board. If the board of county commissioners shall grant said petition by unanimous vote of all members elected to the board then the amount of additional clerk hire requested in said petition shall thereupon become effective for said office. Said board shall act on any such petition within 60 days from the time it has been filed with the county au-

ditor. If the board of county commissioners shall determine that the amount of additional clerk hire requested in said petition is excessive and more than is necessary for said office, it shall fix the amount of such additional clerk hire to be allowed, if any, and notify such officer thereof. If said county officer or any taxpayer of the county shall be dissatisfied with the decision of the board of county commissioners, he may, at his own expense, within ten days after the decision of said board, appeal to the district court. The district court, either in term or vacation and upon ten days notice to the chairman of the board of county commissioners, shall hear such appeal and summarily determine the amount of additional clerk hire needed by an order, a copy of which shall be filed with the county auditor. (Act Apr. 20, 1939, c. 319.)

County superintendent of schools may not proceed with a petition under this act where Laws 1933, c. 166, fixing salaries, failed to provide for any clerk hire. Op. Atty. Gen. (399c), June 14, 1939.

Act apparently applies only to those county attorneys who are already provided with clerk hire on a monthly basis by general or special act. Op. Atty. Gen. (121a-4), July 28, 1939.

997-5. Counties may fund indebtedness in certain cases.—Any county in this state having an assessed valuation of taxable property, inclusive of moneys and credits, of not more than $8,000,000, and having a net debt, as defined by Laws 1927, Chapter 131 [§1938-3], not exceeding $500,000, as of December 31, 1932, and having outstanding floating indebtedness incurred prior to January 1, 1933, represented by warrants issued against its revenue and/or poor fund and/or Road and Bridge Fund, aggregating in principal and accrued interest a sum greater than can be paid out of cash in said respective funds plus the amount of current taxes which have been levied for such purposes payable during the year 1933, and which floating debt exceeds $150,000 in principal and accrued interest, may fund or otherwise pay and discharge such indebtedness in the manner in this act provided; and in the event of the funding provisions of this act being resorted to, each and all of the provisions, conditions and limitations of this act shall apply and shall be controlling over those of any other act inconsistent herewith. (Act Apr. 17, 1933, c. 296, §1.)

997-6. Warrants validated.—Any and all such outstanding warrants which shall be funded in the manner authorized by this act, and which have been issued for any lawful purpose properly chargeable to such respective funds, are hereby declared to be valid and enforceable obligations of such county; provided that the validation hereby effected shall not affect any warrants, the validity of which is questioned in any litigation now pending. The determination by unanimous vote of the county board of such county that any such outstanding warrants have been issued and that bonds shall be issued for the purpose of funding the same in the manner herein provided for shall be final and conclusively binding upon such county. The county board is hereby authorized and empowered to issue the bonds of such county in an amount not to exceed the principal of such warrants and interest thereon accrued up to the date of such bonds, and not exceeding in any event $150,000, without submitting the question of such issue to the electors of such county and without regard to the amount of any and all other outstanding debts of the county, the proceeds thereof to be used solely for the purpose of taking up, paying, cancelling and retiring a like amount of principal and interest of such warrants. Said bonds shall be payable so that the first payment becomes due and payable not more than nine years from the date of issuance of such bonds and the last installment thereof shall become due and payable not more than twenty years from the date of the issuance of such bonds. They shall be sold in conformity with Mason's Minnesota Statutes of 1927, Section 1943, and shall be direct and general obligations of the county issuing the same. Nothing in this act shall be constructed to require that the full amount of such outstanding indebtedness shall be retired by the issuance and sale of such bonds, but if such bonds be issued and sold all valid outstanding indebtedness not retired thereby shall be paid from the proceeds of the taxes levied and payable during the year 1933 for such purposes. (Act Apr. 17, 1933, c. 296, §2.)

997-7 Tax levy to retire bonds.—The county board of any county issuing bonds pursuant to the authority of this act shall before the issuance thereof levy for each year until the principal and interest are paid in full a direct annual tax in an amount not less than ten per cent in excess of the sum required to pay the principal and interest thereof when and as such principal and interest become due, provided that in case such bonds are sold directly to the State of Minnesota, the levy shall be made according to law covering such sale. Such tax shall be irrepealable until all such indebtedness is paid, and after the issuance of such bonds no further action of the county board shall be necessary to authorize the extension, assessment and collection of such tax. The county auditor shall keep a register in which shall be entered a record of the aggregate amount of such bonds authorized, the aggregate amount issued, the purpose for which issued, the number, denomination, date and maturity of each, the rate of interest, and time of payment thereof, and place of payment of principal and interest, and the amount of taxes levied for the payment thereof in each year, and shall extend and assess the tax so levied. Nothing herein contained shall be construed as limiting the power of the county to levy taxes to pay the bonds issued hereunder, but the county board shall have the power, and it shall be its duty, to levy any taxes necessary to provide revenue to pay the full principal and interest of such bonds. (Act Apr. 17, 1933, c. 296, §3.)

997-8. Limitation of expenditures.—So long as any bonds issued pursuant hereto remain outstanding, unless a sum equal to the full principal and interest to maturity thereon be held in the sinking fund for the retirement thereof, the maximum amount of obligations incurred and expenditures made in any year shall not exceed $50,000 for revenue fund purposes nor $40,000 for poor fund purposes nor $30,000 for Road and Bridge purposes, and the county board is authorized to levy during such period only such amount of taxes for such purposes as will produce such sum. In the event that taxes levied for such purposes shall exceed such sum for said respective funds, the excess shall be carried over and go to reduce the taxes for the next ensuing year for such purposes. (Act Apr. 17, 1933, c. 296, §4.)

997-9. County board to determine revenues.—The county board shall annually, at its meeting in July, 1933, and at its meetings in January in each succeeding year, determine the amount of funds which will be available during the current year for revenue fund, poor fund and Road and Bridge Fund purposes from the proceeds of the tax levy made therefor in the preceding year and from other sources, if any, known to be due and payable into the county treasury for such purposes during such year, and shall thereupon at such meeting make and spread upon its minutes a definite budget of the expenditures made and to be made and indebtedness incurred and to be incurred for the purpose of such respective funds during such year, which expenditures and indebtedness shall in no case exceed the aggregate amount of revenues so determined to be available for such year. Such budget shall allot the sum authorized for each institution, department, division or purpose chargeable to such fund. As nearly as may be, a specific program of activities shall be determined upon and no

change shall thereafter be made which shall cause to be diverted to any other purpose any item so determined upon, except by unanimous vote of the county board at a regular meeting after at least three weeks published notice of a hearing thereon; provided, however, that at least ten per cent of the total sum authorized for each such fund shall be allotted to and carried as a reserve for emergencies, and such reserve for emergencies may be expended by the county board by unanimous action without such hearing for any purpose specified in said budget when the sum previously allotted to such purpose has been expended. (Act Apr. 17, 1933, c. 296, §5.)

997-10. County auditor to keep record of allotments.—The county auditor shall keep a record showing accurately the amount allotted to each item of the budget for each year and the amounts incurred and expended from time to time on account of each of such items, which records shall be presented and examined at each meeting of the county board and show the true condition of affairs at the date of such meeting. (Act Apr. 17, 1933, c. 296, §6.)

997-11. Provisions separable.—If any section, part or provision hereof be found unconstitutional such determination shall not affect the validity of the remaining provisions not clearly dependent thereon. (Act Apr. 17, 1933, c. 296, §7.)

Act. Apr. 17, 1933, c. 318, makes appropriation of $15,000 for each of two years, payable July 1, 1933, and July 1, 1934, to counties in which more than 35% of area is school, swamp, and university land. It is omitted as temporary.

Act. Apr. 17, 1933, c. 322, makes appropriation of $7,500 for each of two years, payable July 1, 1933, and July 1, 1934, to counties in which less than 25% of 1931 taxes were collected.

Laws 1935, c. 354. Legalizing of all municipal acts relating to relief.

Act Apr. 19, 1937, c. 300, legalizes salary payments in counties having 14 to 16 townships, assessed valuation of $4,600,000 to $4,800,000, and population of 9,000 to 10,000.

Laws 1937, c. 251, amends Laws 1903 c. 247, §2, respecting control and allocation of space in Hennepin county court house and city hall.

997-21. Tax relief for certain counties.—Any county in which the full value of all property which is exempt from local taxation, because taxes thereon are paid into the state treasury under the provisions of the gross earnings tax laws, exceeds the taxable value of all other non-exempt real and personal property, exclusive of moneys and credits, shall be entitled to receive from the state treasury such an amount annually as would be produced by computing a tax of one-fourth of the current tax rate for county purposes upon the full value of such property which is exempt from local taxation because of the provisions of the gross earnings tax laws. (Apr. 22, 1937, c. 344, §1.)

997-22. Shall make application to State Auditor.—Any such county desiring to take advantage of this act shall apply in writing therefor to the State Auditor, and such application shall contain the following facts:

(a) The valuation of the property in said county not subject to local taxation because the same is subject to taxation under the gross earnings tax law. Railroad valuation shall cover all railroad property located in said county except rolling stock, main tracks, and fills or bridges supporting the same.

(b) The value of all real and personal property, exclusive of moneys and credits, within any such county, subject to local taxation.

(c) The rate of taxation in mills for county purposes for the current and next preceding year.

(d) The total amount spent for all county purposes by any such county for the last preceding year, and an estimate of the expenses for the county for the current year.

The information called for in subdivision (a) shall be ascertained and certified, upon the request of any such county by the railroad and warehouse commission; and the information called for in subdivision (b), (c) and (d) shall be certified by the county auditor of such county. (Apr. 22, 1937, c. 344, §2.)

997-23. Auditor to fix amounts.—The State Auditor shall immediately consider said matter and determine whether or not any such county is entitled to aid under the provisions of this act, and if he finds that any such county is entitled to such aid, he shall determine the amount to which such county is entitled to within the limitations of this act and he shall draw his warrant upon the state treasurer in favor of any such county, for the amount to which it is entitled and deliver the same to such county, taking proper voucher or receipt therefor. (Apr. 22, 1937, c. 344, §3.)

997-24. Limit of payments.—That not more than $30,000.00 in the aggregate shall be disbursed in any one calendar year to all the counties entitled to aid under the provisions of this act, and in the event that said amount of $30,000.00 shall be insufficient to pay the full amount to which said counties shall be entitled annually hereunder, the State Auditor shall apportion the said sums pro rata to each of said counties. (Apr. 22, 1937, c. 344, §4.)

997-25. Purposes for which money may be expended.—Moneys received by any county under this act shall be used only for the purpose of

(a) Payment or providing for the payment of any bonded or other indebtedness of such county outstanding January 1, 1937.

(b) Any such revenue not required to pay or provide for the payment of any such indebtedness shall be used to cover and pay current operating expenses to reduce and replace tax levies on real and personal property. (Apr. 22, 1937, c. 344, §5.)

997-26. Appropriation.—For the purposes of carrying out the provisions of this act there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of $30,000.00 to be available for the year ending June 30, 1938, and the sum of $30,000.00 to be available for the year ending June 30, 1939. (Apr. 22, 1937, c. 344, §6.)

CHAPTER 8

Towns and Town Officers

POWERS—DUTIES—LIABILITIES

999. Corporate powers.

Where an organized township constructs and maintains a town telephone system, under §§5312 to 5316 and furnishes ordinary telephone service thereby to private residents of township, town is engaged in operating a public utility and is liable for negligence of its officers and agents in so doing. Storti v. T., 194M628, 261NW 463. See Dun. Dig. 9658.

Fact that township owned telephone system is also operated in part for governmental purposes, for protection from forest and prairie fires, promoting public welfare, public health, and public safety, and facilitating work of public improvements, does not exempt town from liability for negligence in operating a public utility. Id.

A town board may lawfully rent its road equipment to another town in the county. Op. Atty. Gen., Sept. 11, 1931.

Townships have no authority to expend public money to pay expenses of delegates to meetings of taxpayers' associations. Op. Atty. Gen., Mar. 18, 1933.

Liability of township for negligent damage to tile laid under road depends upon facts. Op. Atty. Gen., Nov. 4, 1933.