

ment of the Territory shall have the custody of said seal, and all such matters and things as issue under the said seal shall be entered on record in the office of the Secretary of the Territory.

SEC. 3. Encircling the seal of the supreme court shall be engraven the words "seal of the supreme court of the Territory of Minnesota;" and encircling the seals of the several district courts shall be the words "seal of the district court of the county of _____, Minnesota;" and the seal of the several courts of probate shall have engraven thereon the words "seal of the court of probate, county of _____, Minnesota Territory;" and the seal of the board of county commissioners shall have engraven thereon the words "seal of the board of county commissioners, county of _____, Minnesota Territory."

Supreme court seal, what to have engraven on--district court seal--probate court seal--comm'r's seal, etc.

SEC. 4. The seals mentioned in the third section of this act may contain such devices, emblems and mottoes as may be thought proper by the said Secretary; and the said Secretary shall as soon as the said seals are obtained by him dispose of the said seals as follows: The seal of the supreme court shall be placed in the custody of the clerk of the supreme court. The seal of the several district courts of this Territory shall be placed in the custody of the clerk of the district court of the proper county. The seals of the several courts of probate shall be placed in the custody of the judges of probate. And the seals of the several boards of county commissioners shall be placed in the custody of the clerks of the said boards respectively.

Sec'y may put such devices as he may think proper on seals and make certain disposition of said seals.

SEC. 5. When any district or probate court shall be unprovided with a seal, the judges of said court may authorize the use of a temporary seal, or of any device as such seal.

Courts unprovided with seal the judge thereof to authorize the use of temporary seal.

SEC. 6. The said Secretary is hereby authorized and required to pay such sum of money for the seals mentioned in this act, and the necessary presses for the same, as may be necessary and proper.

Sec'y authorized to pay for the seals.

APPROVED the first day of November, one thousand eight hundred and forty-nine.

CHAP. XVIII.—An Act fixing the time of the annual meeting of the Legislative Assembly.

Oct. 27, 1848.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That the annual meeting of the Legislative Assembly of this Territory shall hereafter be begun and held in the capitol, at the seat of government of this Territory, on the first Wednesday in January of each year; *Provided,* That nothing herein contained shall be so construed as to compel the meeting of the Legislature on the first Wednesday in January, eighteen hundred and fifty.

The annual meeting of the legislature, where held and when to take place--proviso excepting for the year 1850.

APPROVED the twenty-seventh day of October, one thousand eight hundred and forty-nine.

CHAP. XIX.—An Act organizing a board of County Commissioners in each county in this Territory.

Oct. 27, 1848.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, There shall be and hereby is organized in each county in this Territory, (except those now in the Indian territory attached to other counties for judicial purposes) a board of county commissioners, to consist of three qualified electors, any two of whom shall be competent to do business, to be elected by the qualified electors of the sev-

Commissioners of county--to consist of three, two to form a quorum--to be elected and duty of, etc., except, etc.

eral counties respectively as hereinafter prescribed, who shall transact the business of their respective counties, and hold their office for three years.

Comm'rs, three elected at the first election, and term of service of each, and at the annual elections thereafter, one shall be elected for three years--two having the same vote, the sheriff with the probate judge shall determine, etc.

Election precincts, if three in county, one commissioner only to be in service from one of said precincts at a time.

Comm'rs elected, certificate and oath of office, before whom & how certified--what authority--to take his seat after first Jan. next succeeding his election--certificate and oath to be filed with the clerk of said board.

Comm'r failing to discharge his duty subject to indictment and fine--may resign in writing, and laid before the board when.

Board of comm'rs a body corporate--duty generally, specified--how to declare and be declared against--and may conduct business in like manner as an individual.

Sec. 2. At the first election of commissioners in any county in this Territory after its organization, there shall be elected three commissioners; and the person having the highest number of votes shall serve for the period of three years; the person having the next highest number of votes shall serve two years; and the person having the next highest number of votes shall serve one year; and at each annual election thereafter there shall be elected one commissioner in said county to serve three years, or until his successor is duly elected and qualified. *Provided*, That if at said first election two or more persons shall have an equal number of votes, their grade shall be determined by lot by the sheriff, in presence and under the direction of the judge of probate for the county.

Sec. 3. Where there are three or more election precincts in any county in this Territory, there shall not be more than one commissioner from any precinct serving in said board at the same time.

Sec. 4. Each person elected as a commissioner shall, on receiving a certificate of his election, take an oath to support the constitution of the United States, and the organic act of this Territory, faithfully and impartially to discharge the duties of his office as such commissioner, before the clerk of the district court, or any other person authorized to administer an oath, which oath being certified on the back of such certificate under the hand and seal of the person administering the same, shall be sufficient authority for such commissioner to take his seat with and act as a member of the board at any meeting of said board after the first day of January next succeeding his election; and the said certificate and qualification as aforesaid shall be filed and remain in the office of the clerk of the said board.

Sec. 5. If any county commissioner, after qualifying as above, shall neglect or refuse to do his duty in office as prescribed by law, the person so offending shall on conviction thereof by indictment before the district court of the proper county, be fined in any sum not exceeding two hundred dollars. *Provided*, That nothing herein contained shall prohibit any county commissioner from resigning his said office at any time during the period for which he may have been elected; said resignation to be in writing and laid before the board at a stated or special session thereof.

Sec. 6. The county commissioners thus elected and qualified shall be considered a body corporate and politic by, and under the name and style of the "Board of Commissioners of _____," (naming the county,) and as such by and under such name and style may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto in any court, either in law or equity, and do and transact all business on behalf of their respective counties that may be assigned them from time to time by law; and in all cases where their respective counties may have been injured, or may hereafter be injured in their goods, chattles, lands, tenements, rights, credits, effects or contracts, such commissioners shall and may by and under their corporate name and style, without setting out their individual names, bring any suit or suits, action or actions, either in law or equity, which may be best calculated to obtain redress for any such injury, in the same way and manner that private individuals might or could do, and may in like way and manner by and under their corporate name and style be sued by any person or persons having any manner of claims against such county.

Sec. 7. The said board of commissioners are hereby authorized

to hold extra sessions in case they may think the business of the county requires the same; and ten days notice from any two of the commissioners to the third shall be considered a sufficient call for said extra session. *Provided*, That no such extra session shall exceed three days.

Sec. 8. The commissioners shall each receive two dollars per day for each and every day they may be necessarily employed in transacting the county business, and ten cents per mile for every mile travelled in going to and returning from the meetings of said board, or in the discharge of any official duty, to be computed by the most usually travelled route.

Sec. 9. When two only of the members shall be present at the meeting of the board, and a division shall take place on any question, it shall be postponed to a subsequent meeting.

Sec. 10. The board of commissioners shall meet at the county seat in their several counties for the purpose of transacting such business as may devolve upon or be brought before them, on the first Mondays in January, April, July and October in each and every year. *Provided*, That if the district court is in session on any of the before mentioned days, the commissioners shall meet on the Monday preceeding. But no session shall be continued for a longer period than six days.

Sec. 11. The register of deeds of each organized county shall be clerk of the board of county commissioners, and shall attend the meetings of the board of commissioners, and keep a record of their proceedings, and do such other business as he shall be required by law to do.

Sec. 12. The commissioners of each county respectively shall have and use a common seal for the purpose of sealing their proceedings, and copies of the same, when signed and sealed by said commissioners, and attested by their clerk, shall be good evidence of such proceedings in the trial of any cause in any court in this Territory.

Sec. 13. The several boards of county commissioners are authorized and required: First, to provide for the erecting and repairing of court houses, jails, and other necessary public buildings for the use of the county. Second, to lay out, discontinue or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto. Third, to license ferries and fix the rates of ferriage, to grant grocery and other licenses authorized by law to be by them granted. Fourth, to fix the amount of the taxes to be assessed, according to the provisions of the law, and cause the same to be levied and collected. Fifth, to examine and settle all accounts of the receipts and expenditures of the county. Sixth, to have the care of the county property, and the management of the county funds and business, except in cases otherwise provided for; and they shall have no other powers except such as are or may be given by law.

Sec. 14. The commissioners aforesaid, at their session in January in each and every year, shall elect one of their number to preside at the meetings of the board, and he shall sign all documents requiring the signature of the board, and the signature of such person as chairman of the board of county commissioners shall be as legal and binding as if the entire board had affixed their names. *Provided*, That in case the said chairman so elected shall be absent at any session of the board, all documents requiring the signature of the board shall be signed by both the members present.

Sec. 15. The board of county commissioners at their annual meeting in January shall select from the poll list of the different precincts of their respective counties, or the counties attached thereto

Sessions, may hold extra--ten days notice by two to the third--extra session not longer than three days.

Compensation to comm'r. per diem and mileage allowed.

A division when only two present, the question postponed.

Session of, on first Monday of Jan., Apr., July and October of each year--when court to be in session on either of the days specified meeting to take place on preceeding Monday--session not to be longer than six days.

Register of deeds to be clerk--duty of.

Comm'r's to use an official seal, and effect of, etc.

Comm'r's, general specification in this section of the duty of, etc.

President of the board to be elected in January of each year, and to sign as chairman, and effect of, etc. Absence of chairman provided for.

Annual meeting in January to select grand and petit jurors, 50 of the first and 72 of the latter --- certified, signed and delivered to the clerk--- proviso, as to not being able to select a sufficient number, etc.

Grand and petit jury list, not made at January session may be done afterwards.

Comm'r's duty in preparing the list of grand and petit jurymen.

January session, comm'r's to divide county into three districts, and assign an assessor to each---forms of assessors' rolls to be delivered to each---may, if a vacancy occur in assessor's office, appoint one, etc.

January session comm'r's to make a statement of the receipts and expenditures of the preceding year, and to be posted up at the court house door, and two other places, and published in a newspaper three weeks.

Commissioners to provide offices for sheriff, register of deeds, and clerk of district court, and stationery and books for certain officers named, and to provide desks, etc.

Commissioners may remove register of deeds, how and when, and when vacancy happens in the office by death, resignation, or otherwise, may fill such vacancy until the succeeding annual election.

for judicial purposes, last returned to the register of deed's office, and make out a list of fifty persons properly qualified, to serve as grand jurors; and another list of seventy-two persons properly qualified, to serve as petit jurors, which list shall be certified and signed by the chairman of the board, and attested by the register of deeds, and shall be forthwith delivered to the clerk of the district court. *Provided,* That if in any of the counties the county commissioners shall not be able to select the number required by this section for grand and petit jurors, they shall be authorized to select a less number, and the highest possible.

Sec. 16. If for any cause such list should not be made and delivered as aforesaid by the board of county commissioners at their annual meeting in January, it shall be their duty to make out and deliver the same as aforesaid at any regular or special session thereafter.

Sec. 17. In preparing such list, the said board of county commissioners shall select such persons only as they know or have good reason to believe are possessed of the qualifications by law required of persons to serve as jurors.

Sec. 18. It shall be the duty of the county commissioners at their annual session in January, to divide their respective counties into three districts, and shall assign a district to each of the assessors duly elected and qualified according to law, and cause blank forms of assessment rolls to be made out, and delivered to each of the said assessors; and whenever the office of assessor shall become vacant, or any person or persons elected to fill that office do not qualify previous to the said meeting of the board in January, the said board shall forthwith appoint some suitable person or persons, who shall qualify according to law, and hold their office until the next annual election and until their successors are qualified.

Sec. 19. At said session in January the commissioners shall make a fair and accurate statement of the receipts and expenditures of the preceding year, which statement shall contain a full and impartial description of each item, from whom and on what account received, and to whom and on what account expended, together with an accurate statement of the actual condition of the finances of the county at the end of the fiscal year, including all debts and liabilities of every description, and the assets and other means to discharge the same, and have the same set up at the court house door, and at two other public places in their respective counties, and published in some newspaper in their county, if there be one, for three successive weeks.

Sec. 20. It shall be the duty of the board of commissioners to provide offices for the sheriff, the register of deeds, and clerk of the district court, and also provide all books and stationery necessary for the use of the board and the office of register of deeds, county surveyors, and all books and stationery necessary for the use of the clerk of the district court, the probate court, and county treasurer, and also provide convenient desks for the preservation and security of the books and other documents in the several offices.

Sec. 21. It shall be the duty of the board of commissioners, whenever any register of deeds of their proper county, on presenting by the grand jury, shall be found guilty of misconduct in discharging his official duties, to remove him from office; and in case the office of register of deeds shall become vacant by death or resignation, or otherwise, the said board shall meet forthwith at the place where their next regular meeting would be held, and appoint some suitable person to perform the duties of the said office until the next annual election, or until his successor be duly elected and qualified.

Sec. 22. The board of commissioners of the several counties, at

the regular annual session in April preceding the general election, shall appoint three capable and discreet persons possessing the qualifications of electors, to act as judges of elections at the several precincts within their respective counties; and they shall, from time to time, fill any vacancies that may occur in the office of judges of election at any election precinct within their counties.

SEC. 23. It shall be the duty of the board of commissioners of the several counties, at their said meeting in April in each and every year, to establish precincts at such points in their respective counties as will be most convenient for the population; and they shall create new precincts from time to time, as the increase of the population may require; and whenever they shall be petitioned by the legal voters residing more than ten miles from an election precinct, for the establishment of a precinct in their vicinity, it shall be the duty of the board of commissioners to establish such precinct and appoint the judges of election: *Provided*, That no precinct shall be established within twenty days of any general, or ten days of any special election.

SEC. 24. The said board of commissioners shall, in the month of April in each year, publish, in some newspaper printed in the county, if there be one, and if not, by putting up notices in at least three public places within their county, a complete list of all the election precincts in their respective counties, and the names of the several judges of election in the several precincts.

SEC. 25. The board of commissioners, at their session in July in each year, shall receive and inspect the assessment roll returned by the assessors, and if it be found correct, it shall be accepted by the board in writing, signed by the chairman, and attested by the clerk, and cause the same to be filed in the office of register of deeds, where it shall remain as a matter of record, and shall be a guide for future assessors, so far as the same shall remain correct.

SEC. 26. The board of commissioners, at their session in July of each year, shall determine the rates of taxation upon the several subjects allowed to be taxed for county revenue, and enter such determination on record, and cause their clerk to calculate and carry out the amount of taxes opposite the specified property, one copy of which to be furnished the treasurer, and one copy with a precept to be delivered to the collector.

SEC. 27. So much of the laws now in force as contravene the provisions of this act are hereby repealed.

APPROVED the twenty-seventh day of October, one thousand eight hundred and forty-nine.

April session, commissioners shall appoint three judges of election for each precinct, and may fill vacancies as they occur.

April session... commissioners to establish precincts and increase them as the wants of the population may demand... upon petition of ten legal voters to establish a precinct and appoint judges... no precinct established within twenty days of a general, or ten days of a special, election.

Commissioners shall publish, in the month of April, a list of the election precincts and the names of the several judges of the several precincts... how to be published.

July session... commissioners to receive and inspect the assessment roll returned... if correct, accepted and signed... filed in the office of register of deeds and object of.

At July session commissioners to fix the rates of taxation upon the taxable objects, and have same recorded and cause their clerk to calculate and carry out amount of taxes... one copy of which to go to the treasurer, and one to collector with a precept. Repealing section.

CHAP. XX.—An Act concerning Courts of Record.

Nov. 1, 1849.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That the supreme court of this Territory shall have and exercise an appellate jurisdiction only, which shall extend to all matters of appeal, error, or complaint, from the decisions, judgment, and decree of any of the district courts in all matters, whether at law or in equity.

SEC. 2. That the supreme court shall have power to issue writs of quo warranto, mandamus, procedendo, prohibition, error, supersedeas, scire facias, injunction, certiorari, and all other manner of process, which shall or may be necessary for the full and perfect administration of right and justice throughout the Territory; but no writ of

Supreme court, jurisdiction of in matters of law and equity.

Writs may issue from the supreme court and to operate as supersedeas when, etc.