

Copies of record with certificate and seal,	50
For every succeeding page,	10
Examination of record,	10
Producing record for examination of person (other than officers of some court of record,)	10
Appointment of auditors,	50
Fees per day for said auditors,	5 00
Fees for jurors and inquisitors per day,	1 00
Mileage allowed to jurors (calculated per mile,)	08
For holding a special term for any purpose,	1 00

And in all other cases where services are performed by said judges, they shall be entitled to a reasonable allowance to be regulated by fees for services of like nature herein specified; *Provided*, That the parties shall have the right to appeal if they feel that such charges are exorbitant.

Appeal granted, if fees charged are exorbitant.

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

CHAP. XXI.—An Act to provide for the Election of Registers of Deeds and to define their duties and powers.

Nov. 1, 1849.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota*, That at the first general election in each and every county organized for county purposes, and every two years thereafter, there shall be elected a register of deeds, who shall also be clerk of the board of commissioners in each county, and shall continue in office for the period of two years and until his successor is duly elected and qualified.

Register of deeds, election of every two years—clerk of commissioners.

SEC. 2. Every register of deeds, before he enters upon the duties of his office, shall take and subscribe an oath before the clerk of the district court or judge of probate of his proper county, to support the constitution of the United States and the provisions of the act of Congress organizing the Territory of Minnesota, and faithfully and impartially to perform the duties of his office as prescribed by law, to the best of his abilities, which said oath shall be endorsed on the certificate of his election or appointment, recorded in a book kept for the purpose in his office, and filed in the office of the clerk of the district court of the county, or if there is no such officer, with the clerk of the district court of the county to which his county may be attached for judicial purposes. He shall also give a bond, with good and sufficient securities, in the penal sum of one thousand dollars, to be approved by the board of commissioners of his proper county, conditioned that he will faithfully and impartially fulfil the duties of his office.

Oath of office endorsed on the certificate of his election and recorded and filed, bond in \$1000.

SEC. 3. It shall be the duty of every register of deeds, at the expiration of the term for which he was elected or appointed, on application by his successor duly elected or appointed, and qualified as aforesaid, to deliver over promptly all books, records, papers, and other property pertaining to his office; and if any person, on such application shall refuse to surrender up all books, records, and other property and papers belonging to said office, he shall forfeit and pay to the use of the proper county, fifty dollars for each and every day he shall so refuse, to be recovered before any court in the Territory having competent jurisdiction, for the recovery of which fine his official bond may be put in suit.

Successor of duty of predecessor, and failure of to be fined, etc., books, papers, etc.

SEC. 4. Every register of deeds shall keep a book, each page of which shall be divided into seven columns, in the following form, viz:

Date of reception.	Grantor.	Grantee.	Where situated.	To whom delivered after record.	Fees received.	Remarks.
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Form of book, duty of register of deeds and endorsement of papers recorded by him.

The register of deeds shall enter in the said book all deeds and other instruments left to be recorded, and all copies left as cautions or notices of liens, in the order in which they are received, noting in the first column the day, hour, and minute of reception, and the other particulars in their appropriate columns. In the last column he will note the kind of instrument, and the book and page in which it is recorded. He shall also certify upon every instrument recorded by him, 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.

Books to be kept to enter deeds, mortgages, etc. -- separate books for deeds, mortgages, and other instruments.

Sec. 5. The register of deeds shall also keep suitable books, and shall record at large and in full, word for word, any instrument left with him for record, keeping separate books for deeds, mortgages, and other instruments.

Deputies appointed, oath endorsed and recorded, register responsible for acts of deputy and may remove him.

Sec. 6. The registers of deeds in the several counties of this Territory, are hereby authorized to appoint deputy registers, who shall be appointed in writing, and shall, before entering on the duties of their office, take and subscribe an oath, faithfully to perform the duties of their office, which oath shall be endorsed on the appointment and recorded in the office of the register of deeds. The registers of deeds shall be responsible for the acts of their deputies, and may revoke their appointments at pleasuro.

Register, clerk of commissioners, and attend the meetings thereof, keep minutes of proceedings, attest orders, reports of receipts and disbursements, duplicate and statement, collector, register's compensation.

Sec. 7. The said registers of deeds shall attend the meetings of the board of commissioners of their respective counties, and do and perform all the duties imposed by law on the clerk of said board, shall keep fair books, wherein shall be entered the minutes of the proceedings of the board and all accounts of the county, shall attest all orders issued by the board for the payment of money, and enter the same in numerical order in a book to be kept for that purpose, and shall copy into books the reports of the treasurer of the receipts and disbursements of their respective counties; and whenever the duplicate shall be put into the hands of the collector, it shall be the duty of said register of deeds to send a statement of the sum wherewith such collector stands charged to the county treasurer, and the said register of deeds shall receive such compensation, not exceeding three dollars per day, during the sittings of said board, as may be by said board deemed reasonable, and also such compensation as the board may deem proper for extra services authorized by law, or directed by the said board, which shall be audited by the board at each regular session thereof, the clerk filing a bill of items, which shall be regulated by the act concerning costs and fees.

Elections, register to give notices to sheriff, form of, etc.

Sec. 8. The register of deeds shall, at least fifty days previous to any general election, and at least twenty days previous to any special election, make out and deliver to the sheriff of his county, three written notices thereof for each election precinct, said notices to be, as nearly as circumstances will admit, as follows, viz:

Notice is hereby given, that on the Monday, the          day of          next, at the house of         , in the town (district, or precinct) of         , in the county of         , an election will be held for the following officers, viz: (here name the officers to be elected,) which election will be opened at nine o'clock, A. M., and will continue open until four o'clock, P. M., of the same day. Dated at         , this          day of         , A. D.         .

A. B., Register of Deeds.

Sec. 9. On the twentieth day after the close of any election, or sooner, if all the returns be received, the register of deeds, taking to his assistance two justices of the peace of his county, shall proceed to open the returns from said election, and make abstracts of the votes in the following manner: the abstract of votes for delegate to Congress shall be on one sheet; the abstract of votes for members of the Legislative Assembly shall be on one sheet; the abstract of votes for county officers shall be on another sheet; and it shall be the duty of the register of deeds to make out forthwith a certificate of election for each of the persons having the highest number of votes for members of the Legislative Assembly and county officers respectively, and it shall be the duty of the register of deeds to place forthwith in the hands of the sheriff of his county, such certificates of election, whose duty it shall be to immediately deliver such certificates of election to such persons as may be entitled to the same: *Provided*, That when a tie shall exist between two or more persons for the Council or House of Representatives, the register of deeds shall give notice thereof to the sheriff of the county, who shall advertise another election, giving at least ten days' notice.

Elections, returns of, register and two justices to open abstracts and form of certificates to sheriff to be given to those elected, when a tie how to proceed.

Sec. 10. It shall be the duty of the register of deeds of each county, on receipt of the election returns of any general or special election, to make out and deliver to the proper persons, when called for, a certificate, under the seal of the board of commissioners, stating therein the compensation to which such judges and clerks of election may be entitled to receive for their services, allowing to the judges and clerks two dollars per day for their services and ten cents for every mile travelled, computing the distance by the most usually travelled route, to the person carrying and delivering the returns at the register of deeds' office.

Judges and clerks of election, fees of—duty of register upon receipt of the election returns, etc.

Sec. 11. It shall be the duty of the register of deeds, where two or more persons may have received an equal and the highest number of votes, for one and the same county office, to give notice to the several persons so having the highest and an equal number of votes, of the time they may attend at his office, at which time, and at his office, the register of deeds shall proceed publicly to decide, by lot, which of the said persons shall be duly elected; and the said register of deeds shall make out and deliver to the person thus declared duly elected a certificate of his election.

Register, duty of when a tie vote, notice of, decide by lot.

Sec. 12. The register of deeds, immediately after making out abstracts of the votes given in his county for delegate to Congress at any general or special election, shall forward a copy thereof, certified and sealed with the seal of the board of county commissioners, by mail, to the Secretary of the Territory, at the seat of government: *Provided*, That when there is no mail route from the seat of justice of any county to the seat of government of the Territory, then it shall be the duty of the said clerk, to carry, or employ some proper person to carry, the said abstracts to the office of the Secretary of the Territory; for which service the person so carrying the said abstracts shall receive ten cents for every mile so travelled in going to or returning from the seat of government of the Territory, to be computed by the most usually travelled route.

Delegates to Congress elected, duty of register to certify to the Secretary of the Territory, provide, and mileage allowed.

Sec. 13. When two or more counties are united in one council or representative district, the register of deeds of the county or counties last established, shall, within twenty days after the day of election, attend at the office of register of deeds of the senior county, and there, in conjunction with the register of deeds of the senior county or counties, shall compare the votes given in the several counties composing such council or representative district; and said register of deeds

When two or more counties united—duty of register of senior and junior counties—members of council and house—certificate issued to person elected.

shall immediately make out a certificate of the election of the person or persons having the highest number of votes in such counties for a member of the council or of the house of representatives of the Legislative Assembly, which certificate shall be delivered to the person entitled to it, on his application to the register of deeds of the senior county, at his office.

Vacancy in council or house, by death or otherwise--register to notify the Governor--vacancy in comm'r--sh'ff to have notice--sh'ff--deputy sh'ff.

Sec. 14. When any vacancy shall happen in the office of member of the council or house of representatives of the Legislative Assembly, by death, resignation or otherwise, it shall be the duty of the register of deeds of the proper county, as soon as he shall be informed thereof, to notify the Governor of such vacancy; and when any vacancy shall happen in the board of commissioners, he shall notify the sheriff of the county of such vacancy, and when a vacancy shall happen in the office of sheriff, the said register shall notify the deputy sheriff thereof.

Assessment rolls filed, duty of register in making out statement of taxes, and deliver to treasurer and one with precept to collector--duty of collector, and to make return thereof on first Monday of January.

Sec. 15. It shall be the duty of the register of deeds, within fifteen days of the acceptance and filing by the board of commissioners of the assessment rolls of the county assessors, to make out a certified statement of the amount of taxes assessed, and deliver the same to the county treasurer, and also to make a duplicate or transcript of the roll or rolls aforesaid, and deliver the same, together with a precept in the name of the United States, under his hand and the seal of the board of commissioners, directed to the collector of his county, commanding him to collect the taxes charged in such transcript, by demanding payment of the persons charged therein, and making sale of the goods and chattels or the tracts of land or lots mentioned in said transcript, if necessary, and that he pay over the moneys collected by him by virtue of said precept as therein directed, and return such precept, together with the transcript of the roll aforesaid and accounts of his acts thereon, to the board of county commissioners, on or before the first Monday in January next ensuing the date thereof.

Repealing section.

Sec. 16. So much of all laws now in force as are inconsistent with the provisions of this act, are hereby repealed.

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

Nov. 1, 1849.

CHAP. XXII.—An Act to authorize the election of County Treasurers and to define their duties.

Treasurer--election of--term of office.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota,* There shall be elected at the annual election in each county in this Territory organized for county purposes, by the qualified voters of said counties, some suitable person, being a resident of the same county, to be the county treasurer, to continue in office for one year, and until his successor is elected and qualified.

Oath and bond--certificate of oath, filed and recorded, bond approved by comm'rs.

Sec. 2. The county treasurer, before he enters on the duties of his office, shall take an oath to support the constitution of the United States and the provisions of the act organizing the Territory of Minnesota, which oath shall be taken before the clerk of the district court or judge of probate, and subscribed and certified on the back of the certificate of his election, and filed and recorded in the office of the register of deeds, and shall give a bond for the faithful discharge of the duties of his office, with sufficient sureties, in such sums as the board of commissioners shall direct, which bond shall be approved by the said board.

Sec. 3. In case of a vacancy in said office of county treasurer, by death, resignation or otherwise, it shall be the duty of the board of