

No officer to receive orders for less than that for which they call, a violation thereof punished by indictment and fine.

SEC. 10. No treasurer, or other county officer, or person doing county business, shall, either directly or indirectly, purchase or receive in payment, exchange or in any way whatever, any county order, or any claim against his county, during the period for which he may be elected, for a less amount than that expressed on the face of such order or demand against the county; and any person offending against the provisions of this section, on conviction thereof, upon indictment or presentment, shall be fined for every such offense in any sum not exceeding two hundred dollars.

Licenses or otherwise, collected by Treasurer—compensation for services.

SEC. 11. The county treasurer shall receive all taxes for licenses, or otherwise belonging to the county, and shall have for his services two per centum for all moneys received and paid out for the county, excepting money arising from the sale of lots at a county seat, in which case he shall receive no more than one per cent. for both receiving and paying out the same.

Treasurer's office—where held—deputy appointed—oath, &c., may be removed.

SEC. 12. The county treasurer shall hold his office at the county seat, and may appoint, in writing, a deputy, for whose acts he shall be responsible, and who shall take an oath for the faithful performance of the duties of his office, which oath shall be subscribed and certified on the back of the appointment and filed and recorded in the office of the register of deeds; and the said deputy may be removed at the pleasure of the treasurer, and such removal noted on the record of his appointment in the office of the register of deeds.

Treasurer—further duties of.

SEC. 13. The county treasurer, in addition to the duties required by the provisions of this act, shall do and perform such other duties as now are or may hereafter be required by law.

Repealing section.

SEC. 14. So much of any law of the late Territory of Wisconsin as contravenes the provisions of this act is hereby repealed.

When act takes effect.

SEC. 15. This act shall take effect from and after its passage.

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

Oct. 31, 1849.

CHAP. XXIII.—An Act authorizing the election of Sheriffs and defining their duties.

Sheriff elected and term.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, There shall be elected by the qualified voters in each and every organized county, a sheriff, who shall hold his office for two years and until his successor shall be elected and qualified.

Sheriff to be collector of taxes.

SEC. 2. The sheriff of each county shall also be collector of taxes in his county, and perform all and singular the duties required by law to be performed by sheriffs and tax collectors respectively.

Bond to the commissioners in \$5,000—approved—condition of bond and filed—oath and filed.

SEC. 3. Every person elected or appointed to the office of sheriff, shall, before he enters on the duties of said office, enter into bonds to the board of county commissioners of his county, in the penal sum of five thousand dollars, with two or more sureties, to be approved by the board of commissioners, and the approval endorsed thereon, conditioned that the said sheriff shall well and faithfully in all things perform and execute the duties of sheriff and collector of taxes, according to law, during his continuance in office, without fraud, deceit or oppression; which bond shall be filed in the office of register of deeds of his proper county. He shall also take an oath to support the constitution of the United States and the provisions of the act of Congress organizing the Territory of Minnesota, and faithfully and diligently to perform the duties of sheriff and tax collector during his continuance in office; and said oath shall be subscribed to and certified on the back of his certificate of election, and filed and recorded in the

office of register of deeds of the county for which said sheriff is elected.

SEC. 4. All persons duly elected sheriff in this Territory, shall be qualified, as prescribed by law, at the regular session of the board of county commissioners in January next succeeding the day of their election.

Sh'rif, who is qualified.

SEC. 5. The sheriff of each county shall, as soon as may be after he has qualified, appoint under his hand and seal some proper person deputy sheriff, who is hereby empowered to do and perform all the duties devolving on the sheriff of the county; and the sheriff shall be responsible for the acts of his deputy, and may remove said deputy at pleasure; and in case of the death or removal of any deputy sheriff, the sheriff shall forthwith appoint another person to the office. But no deputy sheriff shall enter upon the duties of his office until he has taken an oath to support the constitution of the United States and the provisions of the organic act of the Territory of Minnesota, and to perform the duties of his office faithfully, impartially, and to the best of his ability, which oath shall be subscribed on the back of his appointment and filed and recorded in the office of the register of deeds of the proper county.

Dep'ty sheriff appointed - oath - certified and filed.

SEC. 6. Every sheriff shall have the custody of the jails and prisons of his county, and the prisoners in the same; and shall appoint keepers thereof for whose conduct he shall be responsible, and whom he may remove at pleasure; and no sheriff or deputy sheriff can hold any other civil office, except marshal and deputy marshal, nor be allowed to practise law in any court of which they are officers.

Jail, sh'rif to have the custody of and may appoint keepers - sh'rif or dep'ty not hold another civil office except marshal and dep'ty marshal - nor practise law.

SEC. 7. It shall be the duty of the sheriff to keep and preserve the peace in their respective counties, for which purpose they are empowered to call to their aid such persons or power of their respective counties as they may deem necessary; they shall also pursue and apprehend all felons; they shall execute all warrants, writs, and other process from a justice of the peace, or the clerk of the district court, which shall be directed to them by legal authority; they shall attend at the sessions of the district court and of the board of county commissioners; they shall serve or post up all notices they may receive from the board of commissioners or from the register of deeds; they shall give notice of a special election when notified by the register of deeds, and shall notify the board of commissioners when any vacancy happens in the office of register of deeds; shall collect the county revenue, and pay over to the county treasurer all sums so collected, and take his receipt therefor; which receipt shall be a sufficient voucher for the board of commissioners to cancel the amount of such assessment roll charged in their books against said collector; and shall keep his office at the county seat, and shall generally do and perform all and singular the duties which are, or hereafter may be authorized by law to be performed by sheriff or tax collector.

Sh'rif to keep the peace - may call for the posse comitatus - execute all warrants, writs, &c., from justice or district court directed to them, attend sessions of courts and board of comm'rs - post up notices of elections, &c., general duties prescribed.

SEC. 8. In case of the office of sheriff becoming vacant by death, resignation or otherwise, it shall be the duty of the deputy sheriff to give notice thereof to the board of county commissioners of the proper county, who shall forthwith appoint some suitable person to be sheriff of the county during the unexpired term, or until the next general election.

Vacancy, how filled.

SEC. 9. Every sheriff to whom any writ shall be delivered in the county where it is to be executed, shall, if required by the person delivering the same, give to such person a certificate under his hand, without charge, wherein the names of the parties and the day of delivering the writ shall be mentioned.

Writs - sheriff to give certificate of, &c.

SEC. 10. If any sheriff shall fail to settle with and pay over to the board of county commissioners, according to law, any money which

he may have collected or received, belonging to such county, or shall neglect or refuse to pay over any money he may have collected by virtue of any execution or process, or shall willfully neglect his duties to the injury of said board or any person or persons, it may be lawful for the said board of commissioners, or such person or persons entitled to receive the same, or may have been injured as aforesaid, to proceed against such sheriff in a summary way, before the district court, by motion, by giving such sheriff three days' notice of such application, and recover the amount due or damage done, with twenty per cent. damages thereon for such neglect, and shall have execution therefor with costs, and may proceed against such sheriff and his securities for such delinquency upon his bond of office: *Provided*, That in all such cases, if the sheriff shall pay or satisfy the amount claimed by the party prosecuting, with costs, under the direction of the court, before final judgment, or in any subsequent prosecution before inquest found, all further proceedings on such bond or judgment shall be stayed by the court.

Sheriff failing to pay over money by him collected, may be proceeded against in a summary way before the district court by motion, notice, twenty per cent. damages, &c., provided may pay before judgment, &c.

Settlement with county for taxes, &c., collected, at April session of officers.

Sec. 11. It shall be the duty of each and every sheriff in this Territory, to make a settlement with the board of county commissioners of his county for the taxes and moneys by him collected, or due the county, at the April term of such board annually, and as often thereafter as he shall be required by the board of commissioners.

Fees--prohibited from asking or demanding illegal and forfeiture for violation of law.

Sec. 12. No sheriff or other officer, by color of their office, shall, directly or indirectly, ask, demand or receive for any services or acts by them performed in pursuance of any duty of their office, any greater or more fees than are allowed by law, on pain of forfeiting for such offence to the party aggrieved treble the amount so demanded or received, together with costs of suit.

Sales of property--sh'ff prohibited from purchasing--and void, &c.

Sec. 13. No sheriff shall become the purchaser, nor procure any person to become the purchaser for him, of any property, real or personal, by him exposed to sale by virtue of any execution or other process; and all such purchases made by any sheriff, or by any other person in his behalf, shall be absolutely null and void.

Writs in hands of sh'ff going out of office or tax list--may collect same.

Sec. 14. Every sheriff going out of office at the expiration of his term, and having any writ of *fieri facias*, or fee bill, which he may have levied but not collected, or any tax list uncollected, shall be and is hereby authorized to proceed on and collect such execution, fee bill or tax list, in the same manner as if his office had not expired.

Sheriff's and jailor's, duty of, to receive felons, &c. and safely keep them--punished--no jail--sh'ff to employ means to retain criminals &c.

Sec. 15. Sheriffs and jailors shall receive from any constable or other officer, without charge, and safely keep in prison all felons indicted or taken in the fact, who shall be taken by any constable or other officer, and shall not, of their own authority, let out of prison any person in their custody by virtue of any process for any felony, or upon any condemnation or committal by special order of any court or justice of the peace, upon pain of being punished by fine and imprisonment: *Provided*, That if there shall be no jail for the confinement of prisoners in the county, or the jail shall be insufficient, it shall be the duty of the sheriff, with the approbation of the judge of the district court, to employ such means as may be necessary for the safe keeping of all prisoners committed to his custody.

Fees--sheriff allowed and prescribed, &c.

Sec. 16. Each sheriff shall receive the following fees for the collection of the county taxes: Four dollars for every one hundred dollars by him collected, and the same proportion for less sums, to be retained by him in making payment, and credited therefor in his settlement with the board of county commissioners; three per centum commission where goods are distrained, and taxes, commission and charges paid before sale; five per centum commission on sales of distress and charges for keeping property distrained, together with the tax and

charges out of the moneys received therefrom ; on sales of real estate three per centum on the amount for which the same is exposed to sale, and twenty-five cents for each certificate of sale under this act, which are to be added to and estimated in the sum for which any tract of land or lot, or part thereof, shall be sold.

SEC. 17. So much of any law now in force as contravenes the provisions of this act is hereby repealed.

APPROVED October the thirty-first, one thousand eight hundred and forty-nine.

Repealing section.

CHAP. XXIV.—An Act to provide for laying out Territorial Roads in the Territory of Minnesota and for other purposes.

Nov. 1, 1849.

Be it enacted by the Legislative Assembly of the Territory of Minnesota, That all Territorial roads to be hereafter located and established within this Territory shall be viewed, surveyed, and established, and returns made thereof, agreeably to the provisions of this act, within one year from the passage of the act by which said road or roads may be granted or authorized to be laid out respectively.

Roads located, viewed, and surveyed, and return thereof in one year.

SEC. 2. The commissioners appointed to locate and establish any Territorial road, shall cause the same to be correctly surveyed and marked from beginning throughout the whole distance, by blazing trees in the timber, by setting stakes in the prairies, eighty rods apart, and properly marked. They shall establish mile posts, which shall be marked with a marking iron in regular progression of numbers of miles from the beginning to the termination of said roads, and shall also establish posts at every angle in said roads, marking as aforesaid upon the same and upon a tree in its vicinity, if any there be, the bearing from the true meridian of the course, beginning at said angle post, set as herein directed, and note the bearing and distance of two trees in opposite direction, if there be any in the vicinity, or any other landmark from each angle and mile post.

Commissioners to locate roads appointed, duty of.

SEC. 3. The commissioners and surveyor of each road shall make a certified return of the survey and plat of the whole length of each and every road so laid out, specifying in said return the width, depth, and course of all streams, the position of all swamps and marshes, and the face of the country generally, noting when timber and when prairie, and the distance said road shall have been located in each county.

Returns of survey, plat, etc. made.

SEC. 4. Said return and plat shall be signed by a majority of the commissioners and the surveyor of said road, and forwarded to the Secretary of the Territory within thirty days after the view and survey of the same, to be by him recorded and preserved. They shall also, within sixty days, deposit in the office of the clerk of the board of county commissioners of each county through which said road shall have been laid out and established, a copy of the return and plat as aforesaid of so much of said road as may be laid out and established in said county, to be there recorded as aforesaid.

Secretary of the Territory, return of roads to be made in thirty days, in sixty days a copy of plat filed with clerk of commissioners.

SEC. 5. All Territorial roads authorized to be laid out by any law of the Territory, and not yet commenced, shall be laid out in the manner prescribed in this act, and the commissioners shall comply with all the requisitions herein contained ; and further, the established width of all Territorial, town, and county roads, shall be sixty-six feet, and the line run by the surveyors shall be the centre of the road, unless otherwise described in the return.

Roads, width of sixty-six feet.

SEC. 6. When any road shall have been located and established agreeably to the provisions of this act, the same shall be and forever remain a public highway, and shall be worked on by the counties