

## CHAPTER 147.

AN ACT ESTABLISHING THE OFFICE OF DISTRICT ATTORNEY IN AND FOR THE TWELFTH (12th) JUDICIAL DISTRICT, AND TO DEFINE THE DUTIES OF SUCH DISTRICT ATTORNEY.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. At the general election in one thousand eight hundred and eighty-one (1881), and every fourth (4th) year thereafter, a District Attorney in and for the Twelfth (12th) Judicial District of the State of Minnesota shall be elected by the electors of the said judicial district, as the same shall at such times be constituted.

SEC. 2. Such District Attorney shall at the time of his election be a resident and elector of said Twelfth (12th) Judicial District, and shall reside therein during his continuance in office.

SEC. 3. The term of office of such District Attorney shall commence on the first (1st) [day] of January next succeeding his election, and continue for four (4) years, and until his successor is elected and qualified.

SEC. 4. Such District Attorney, before he enters upon the duties of his office, shall take and subscribe the oath required by law, which oath shall be endorsed on his certificate of election, and shall also execute a bond to the State of Minnesota in the penal sum of five thousand dollars (\$5,000), with one or more sufficient sureties, to be approved by the judge of District Court of said Twelfth (12th) Judicial District, conditioned that he will faithfully and impartially discharge the duties of District Attorney of the Twelfth (12th) Judicial District, and pay over without delay to the County Treasurers of the respective counties in said Judicial District all moneys which may come into his hands by virtue of his office, to any of said counties belonging, which bond, together with his oath of office, shall be deposited in the office of the Secretary of State.

SEC. 5. The votes cast at any election for such District Attorney shall be counted, returned and abstracted in the same manner as by law the votes cast for members of Congress are provided to be counted, returned and abstracted, and the same shall, within twenty (20) days after such election, be canvassed by the State Canvassing Board, as provided for the canvassing of votes cast for members of Congress, and all the provisions of law in regard to the canvassing of votes cast for members of Congress and certificate of election to such member elected, shall be applicable to the canvassing of votes cast for such District Attorney, and to the issuance of a certificate of election in such cases.

Election.

District attorney must reside in district.

Term of office.

Oath of office

Votes—how counted and returned.

SEC. 6. It shall be the duty of said District Attorney to attend upon all terms of the District Court in all the counties in said Judicial District at which criminal business shall be transacted, to attend before the Grand Jury of the different counties composing said Judicial District and examine witnesses in their presence, to give them advice in legal matters before them, to issue his subpoena to bring in witnesses before them, or before any court before which he is conducting a criminal prosecution, to draw all bills of indictments and all presentments found by the Grand Jury of any county contained within the Twelfth (12th) Judicial District, and with the assistance of the County Attorney of the proper county, to prosecute all such presentments and indictments to their final determination in the District Court in and for the different counties composing the Twelfth (12th) Judicial District, and to prosecute on behalf of the State, all criminal prosecutions appealed to District Court in the different counties composing said Twelfth Judicial District. It shall also be the duty of such District Attorney, upon the request of the examining magistrate, when a copy of a complaint is furnished him, to attend at the preliminary examination of persons accused of homicide. It shall further be the duty of said District Attorney to give opinion and advice to the County Attorneys of the different counties composing the Twelfth (12th) Judicial District in relation to the official duties of any of the county officers of said counties, and in relation to all prosecutions for crime upon the written request of such County Attorney, presenting in writing a full statement of facts upon which such such opinion is desired.

Duties of district attorney.

SEC. 7. All powers and duties by law conferred upon County Attorneys in connection with the indictment and prosecution of persons accused of crime in District Court shall, in said Twelfth (12th) Judicial District, be taken and considered to apply with equal force to said District Attorney, and in all such cases such District Attorney shall be the senior prosecuting officer; *Provided*, that said District Attorney shall at all times be entitled to call upon the County Attorney of the proper county to assist him, either before the Grand Jury in drawing indictments, or in the prosecution of all criminal cases before the District Court.

SEC. 8. It shall be the duty of the respective Clerks of Court of the different counties composing the Twelfth (12th) Judicial District in which terms of court are held, immediately after examination or recognizances taken by magistrates in their respective counties have been to such Clerk certified and returned under chapter one hundred and six (106), General Statutes of one thousand eight hundred and sixty-six (1866), to inform said District Attorney of the same, and furnish him with a copy of the complaint upon which the party is recognized, and if so required by said District Attorney, to furnish him also with a copy of the evidence ad-

Duties of clerks.

duced before the magistrate on such examinations on behalf of the State.

No fee to be received from prosecutor.

SEC. 9. Said District Attorney shall receive no fee or reward from or on behalf of any prosecutor or other individual for services in any prosecution to which it is his duty to attend.

Salary of district attorney—how paid.

SEC. 10. Said District Attorney shall receive a salary of two thousand dollars (\$2,000) per annum, to be paid in the first instance quarterly by the State Treasurer upon warrants drawn by the State Auditor, and which amount shall by the State Auditor be apportioned between the different counties composing the Twelfth Judicial District, on bases of the assessed property valuation of said counties, and be charged against the said different counties according to such apportionment, and by the State Treasurer be collected from the County Treasurers [of said different counties], in the same manner as State taxes are by him collected from said counties; and such proportion of such District Attorney's salary shall by the respective County Treasurers be paid on the draft of the State Treasurer, in the first instance out of any moneys belonging to said county in the hands of such County Treasurer, *provided* that the amount so paid shall be charged to and finally paid out of the general revenue fund of said county.

Judge may appoint competent person to act as district attorney.

SEC. 11. Whenever the said District Attorney, by reason of sickness or other cause cannot attend upon any term of said District Court, or is prevented from performing his duties as such District Attorney, or is desirous of assistance in the performance of the duties of his office, the Judge of the District Court in and for said District, may by an order filed in the office of the Clerk of the District Court in and for any county in said Judicial District, appoint a competent person to act as Deputy District Attorney, and such Deputy District Attorney, upon taking and subscribing the oath of office required by law, shall be authorized to perform all the duties by this act conferred on said District Attorney, and to act for said District Attorney. *Provided*, that said Deputy District Attorney shall receive no compensation for his services, save and except such amount as the Court upon application shall allow, said amount to be paid him by said District Attorney out of said District Attorney's salary, and not otherwise.

Vacancy—how filled.

SEC. 12. In case of a vacancy in the office of said District Attorney, by death, resignation or removal, the District Judge of the Twelfth (12th) Judicial District shall, by his order, duly filed in the office of the clerk of the District Court in and for the county in which said Judge then resides, appoint a suitable and competent person to fill said vacancy, and a certified copy of such order shall be to such person delivered, and shall be his certificate of appointment to said office. Such person shall thereupon, and before entering upon the duties of his office, take and subscribe the oath and

execute the bond prescribed by section four (4) of this act, and shall hold the said office for the unexpired term of his predecessor, and until his successor is elected and qualified.

SEC. 13. It shall be the duty of the Governor of the State of Minnesota, after the passage of this act, and before the tenth (10th) day of March A. D. one thousand eight hundred and eighty-one (1881), to appoint a suitable and competent person residing in the Twelfth (12th) Judicial District to the said office of District Attorney, which person so appointed shall, on or before the first (1st) day of April, A. D. one thousand eight hundred and eighty-one (1881), take the oath of office and execute and file the bond hereinbefore required of said District Attorney, and shall immediately thereupon enter upon the performance of the duties of the office of such District Attorney, and shall hold such office until the first (1st) day of January, A. D. one thousand eight hundred and eighty-two (1882), or until his successor has been elected and qualified: and the person so appointed shall receive the same salary as hereinbefore prescribed for such District Attorney: *provided*, that such salary of said person so appointed shall only commence to run from said April first (1st), one thousand eight hundred and eighty-one (1881).

Governor shall appoint.

SEC. 14. None of the provisions of this act shall apply to the county of Meeker, and for each and all of the purposes of this act the said county of Meeker shall be considered as forming no part or parcel of the Twelfth (12th) Judicial District.

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

Approved February 14, 1881.

## CHAPTER 148.

AN ACT TO PREVENT DEBTORS FROM GIVING PREFERENCE TO CREDITORS, AND TO SECURE THE EQUAL DISTRIBUTION OF THE PROPERTY OF DEBTORS AMONG THEIR CREDITORS, AND FOR THE RELEASE OF DEBTS AGAINST DEBTORS.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. Whenever the property of any debtor is attached or levied upon by any officer, by virtue of any writ or process issued out of a court of record of this State, in favor

*amend  
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