

**CHAPTER 232.**

[H. F. No. 771.]

AN ACT TO AUTHORIZE WILLIAM H. HARRINGTON TO CONVEY REAL ESTATE.

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

SECTION 1. William H. Harrington, the original proprietor of a part of the townsite of Hutchinson, in McLeod county, Minnesota, is hereby authorized and empowered to convey to school district No. two (2), known as the Independent School District of Hutchinson, the portion of the public park in said town site of Hutchinson, which lies between the lot formerly conveyed to said district No. two (2) by said Wm. H. Harrington and the lot conveyed by said Wm. H. Harrington to the Methodist church of Hutchinson.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 25th, 1887.

**CHAPTER 233.**

[H. F. No. 938.]

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF OLMSTEAD COUNTY TO PURCHASE A SET OF ABSTRACT RECORDS OF SAID COUNTY, AND TO APPOINT AN ABSTRACT CLERK, DEFINE HIS DUTIES, AND FIX HIS SALARY.

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

SECTION 1. The board of county commissioners of the county of Olmstead are hereby authorized and empowered at any time they deem proper, to purchase for said county a set of abstract books, showing an abstract of the title to the lands in said Olmstead county, as shown by the records in the office of the register of deeds, and may make payment for the same out of the moneys belonging to said county of Olmstead in the county treasury, or may issue orders bearing interest at a rate of not to exceed seven (7) per cent. per annum, and payable on or before two (2) years from the date of their issue, to be used for the purpose of making such purchase in whole or in part; *Provided, however,* that the amount of such orders shall not exceed five thousand (\$5,000) dollars.

SEC. 2. The board of county commissioners of said Olmstead county are hereby authorized and empowered, at any time they deem

proper, to appoint an abstract clerk, who shall hold his office during the pleasure of said board of county commissioners, and who shall receive such an amount for his services as shall be fixed by the said board of county commissioners, not exceeding fifteen hundred (\$1,500) per annum; such salary to be payable in monthly installments from the county treasury of said county of Olmstead; *provided*, that the register of deeds shall not be eligible to said appointment.

SEC. 3. Every abstract clerk, before entering upon the duties of his office, shall give bond to the state of Minnesota in the penal sum of two thousand (\$2,000), with two (2) or more sureties to be approved by the board of county commissioners of said county, and the approval endorsed thereon, conditioned that said abstract clerk shall, during his continuance in office, in all things perform and execute the duties of abstract clerk according to law, and that he will keep the abstract books of his said office posted and kept up daily, and in such manner as to show the full and perfect abstract of the title to any real property in the county of Olmstead, as shown by the record in the office of the register of deeds, which bond shall be filed and kept in the office of the county auditor of said county. Said abstract clerk shall also take an oath of office which shall be filed with said county auditor.

Sec. 4. It shall be the duty of said abstract clerk to perform all acts required of him by said board of county commissioners pertaining to the duties of said office, and shall also make out, under his certificate, and deliver to any person requesting the same, a full and perfect abstract of the title to any real property in said county of Olmstead, together with all incumbrances, liens, instruments, judgments and taxes, in any manner affecting such title as the same appears of record or on file in the office of the register of deeds, clerk of the district court, county auditor and judge of probate of said county, and for that purpose shall have free access without charge or expense, at all times, to all books, public records or papers in the office of the register of deeds, clerk of the district court, county auditor and judge of probate.

SEC. 5. The said abstract clerk of said Olmstead county shall have the sole and exclusive charge and custody of the abstract records of said county, and of all books and records required to be kept by him, and he shall exhibit said books and records in his official custody to any person demanding to see the same, free of charge; except as hereinafter provided.

SEC. 6. The board of county commissioners of said Olmstead county are authorized, and it is hereby made their duty, either as a board of commissioners or by some person appointed by them, at least once in each year, and as much oftener as said board may deem advisable, to cause an examination to be made of said abstract office as to its condition, the kind and number of abstract books kept, and whether the same are being properly and continuously posted, and as to the amount of fees received and paid over to the county treasury,

as in this act provided, and a written report of such examination shall be made and filed with the county auditor.

SEC. 7. The register of deeds of said county shall furnish free access to the office of the register of deeds, and to all books of records and papers therein contained, and desk room and room in the vault, if said board of commissioners so direct, for the use of said abstract clerk in the discharge of his duties, and shall afford all reasonable facilities and information to aid such abstract clerk in the discharge of said duties.

SEC. 8. The said abstract clerk shall demand and collect all sums that shall be due for abstracts made by him, and shall not deliver any abstract to any person until the same is paid for. He shall demand and collect such sums for abstracts made by him as may be fixed by said board of county commissioners, not exceeding twenty-five (25) cents for each transfer or instrument shown upon said abstract, and twenty-five (25) cents for his certificate thereto. Also, the said board of county commissioners may authorize and direct said abstract clerk to demand and receive such sum as said board shall deem reasonable for exhibiting said abstract records to any person demanding to see the same.

Said abstract clerk shall keep an accurate account of all moneys received by him for services performed as such abstract clerk, and on the last day of each month make and file with the county auditor of said county of Olmstead, a statement of said account duly verified by him, and he shall also, on the last day of each month, pay into the county treasury all moneys received by him as such abstract clerk, and take the receipt of the county treasurer therefor, and file the same with the county auditor of said county.

SEC. 9. Whenever the said board of county commissioners shall have appointed said abstract clerk as aforesaid, then and from that date the register of deeds of said county is hereby prohibited from having or keeping any abstract books, or books of indexes which do not belong to the county of Olmstead and are private property in the office of the register of deeds, nor shall said register of deeds authorize or permit any other person to have or keep any private abstract books or indexes in said registers of deeds office.

For any violation of this section, or section seven (7) of this act, by the register of deeds of said county, he shall be deemed guilty of malfeasance in office, and shall be subject to removal as now provided by law.

Said register of deeds shall maintain and continue the tract index now used in said registers office, but said register of deeds is hereby prohibited from making or furnishing any abstract of title of any lands in said county for compensation, after said board of county commissioners shall have appointed said abstract clerk.

SEC. 10. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 7th, 1887.