

H. F. No. 118.

CHAPTER 142.

Sixteenth judicial district.

An act fixing general terms of the district court in the several counties of the sixteenth judicial district.

Terms of court.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. The general terms of the district court in the several counties of the sixteenth judicial district, this state, shall hereafter be held each year as follows:

Big Stone county.

In Big Stone county on the third Tuesday in May and the last Tuesday in October;

Wilkin county.

In Wilkin county on the first Tuesday in June and the first Tuesday in December;

Stevens county.

In Stevens county on the third Tuesday in March and the third Tuesday in October;

Traverse county.

In Traverse county on the third Tuesday in June and the third Tuesday in November;

Grant county.

In Grant county on the fourth Tuesday in May and the second Tuesday in November, except when said second Tuesday of November shall be election day, in which case such term shall be held the Wednesday following such second Tuesday of November.

SEC. 2. All writs, recognizances, bonds, continuances and proceedings issued, made or returnable to the district court aforesaid in said counties, or any of them, as fixed by law prior to the passage of this act, shall be and the same hereby are made returnable to the terms of said courts as the same are prescribed by the provisions of this act.

SEC. 3. All acts and parts of acts inconsistent with this act or prescribing any other time of holding any of said general terms of court are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 9, 1893.

H. F. No. 292.

CHAPTER 143.

Organization of new counties.

An act to provide for the creation and organization of new counties and government of the same.

Be it enacted by the Legislature of the state of Minnesota:

Size and number of inhabitants.

SECTION 1. New counties may be created out of territory to be detached from one or more of the counties already organized, and the boundaries of such organized counties may be thereby changed, as hereinafter provided. But no new county so created shall contain less than four hundred square miles nor less than two thousand inhabitants; and no existing county shall, by the creation of any new county, be reduced in area to less than four hundred square miles nor so as to contain a population of less than two thousand inhabitants.

SEC. 2. Whenever there shall be presented to the secretary of state, not less than ninety days before the next succeeding general election, the petition of not less than fifteen per cent of the legal voters of each of the counties to be changed thereby according to the vote of said county or counties at the last preceding election, praying that certain territory shall be detached from any county or counties, and erected, created and organized into a new county, which petition shall contain what is hereinafter required, and have attached thereto the affidavit of the person or persons who procured the signatures to such petition, to the effect that the signers were, when they signed the same, actual residents and legal voters of the county that they, in such petition, represented themselves to be; said secretary of state shall at once file the same, and immediately notify the governor and state auditor of the receipt of the same, and they shall immediately meet and consider said petition, and if it is found to conform to law they, or a majority of them, shall so certify, and thereupon the governor shall, not less than sixty days before the next general election, issue his proclamation, attested by the secretary of state, declaring that such petition has been so filed and found to be conformable to law, and directing that the question of the creation of the proposed new county be submitted to the voters of the county or counties to be affected thereby, as provided by law, at the next succeeding general election; and upon the issuance of said proclamation the secretary of state shall record such petition and affidavit thereto attached, and certificate and proclamation, in his office, in a book to be provided by him for such purpose, and he shall cause a copy of such proclamation to be published in two of the daily newspapers in the capital city and in a newspaper printed and published at the county seat of the county or counties from which such new county is proposed to be created and having general circulation therein, at least four successive weeks before the general election at which such question is to be submitted; and he shall mail a certified copy of that proclamation to the auditor of the county or counties affected by such proposed new county. Where it is proposed to create a new county out of a portion of the territory of more than one county, it shall be necessary for separate petitions to be presented by the citizens of each of the counties from which such proposed new county is to be created. A copy of said petition so filed with the secretary of state shall also immediately thereafter be filed in the office of the county auditor of the county or counties out of which such new county is proposed to be created.

Petition of legal voters therefor

Consideration by governor, auditor and secretary of state.

SEC. 3. Such petition shall propose and specify (1) the territory which is to constitute the proposed new county and the boundaries thereof, the boundary lines of which

What petition shall specify.

shall be the United States government survey lines of townships, sections or subdivisions thereof, or the centre of the main channel of any meandered stream or the shore of any meandered lake, as may be necessary; (2) the name of the proposed new county; (3) the place and location which shall be the county seat of the same until changed as provided by law; (4) the names of five persons residing in different townships thereof, who shall be the first board of county commissioners; and such petition may be in the following form:

Form of petition.

To the Secretary of State of the State of Minnesota:

The undersigned legal voters of the county of (here insert name of county) pray that a new county may be created and be composed of the territory within the following boundaries, to-wit: (Here insert boundaries of proposed new county); and that (here insert name of village, borough, city or other place proposed) be the county seat thereof; and that (here insert name and residence of the five legal voters proposed) be and constitute the first board of county commissioners of said proposed county. These petitioners therefore pray that the proceedings required by law to organize said proposed county be had and complied with. Dated this day of, A. D. 18....

(Here add names of signers.)

Notice of election to be given.

SEC. 4. At the time of giving notice of the next general election to be held after the issuing of the said proclamation by the governor, it shall be the duty of the officers of the county or counties affected thereby, who are required to give notice of the election of officers therein, to give notice in like manner, that at said election a vote will be taken on the question of the creation of the proposed new county, or counties, stating and specifying in said notice the boundaries of said proposed county; the proposed location of the county seat and the name of such proposed county; and the ballots for such general election shall, for each pending proposition of the kind, have printed thereon the words: "For the creation and organization of the proposed new county of (here insert name of proposed county), yes—no;" and each elector voting on such proposition or propositions to create and establish such new county or counties shall mark a cross opposite the "yes" or "no" as provided in section thirty-four of chapter four of the general laws of 1891.

Special officers may be appointed to secure a legal registration.

SEC. 5. It shall be lawful for the board or council of the municipality named in such petition as the county seat of the proposed county or counties or of the county seat of the county or counties to be affected, and they are respectively hereby authorized to appoint, by certificate under their hand, a proper person or persons, not exceeding three, to attend upon such of the city, township or village boards and judges of election of any of

said counties as they may deem necessary; who shall have authority, and whose duty it shall be to witness the action of said township and village boards or judges of election, in receiving and preparing the register of the legal voters in either of the election districts of said county for the general election at which said proposition or propositions is to be voted upon and in conducting such election in either of the election districts. Said person or persons so appointed shall be sworn, and it shall be their duty to see that none but legal voters of the county are registered and allowed to vote at any of the several election districts of the county, and to use all lawful means in their power to prevent fraud and deceit thereat, and to cause to be prosecuted any and all persons found guilty of any fraud or deceit at any of such election districts. And it is hereby made the duty of the officers or judges of election of such election districts to allow such persons so appointed to be present at the making of such registry lists, or the holding of such elections, and to afford them all proper facilities to freely and fully witness the same and the canvass of the votes cast thereat and the preparation and sealing of the official returns thereof, and to make and deliver them an abstract of the vote on any such proposition if so desired.

SEC. 6. It shall be the duty of the judges of election in each election district or precinct of the county or counties where any such proposition is voted upon, to canvass, record and return the vote cast upon any such proposition in the same manner as votes cast at the general election are required to be canvassed, certified, recorded and returned by them, and to also, within five days, certify and return by registered letter to the secretary of state the number of votes cast for and against each proposition to create new counties that was voted upon in that district or precinct at that election.

Return of votes
by judges of
election.

SEC. 7. Such returns of the votes upon any and all such propositions to create new counties shall be canvassed by the county canvassing board of the proper county in the same manner as the votes for state officers are required to be canvassed, and a statement of the votes given for and against each of such propositions, giving the vote of each election district or precinct in the county thereon, shall be made, signed and certified, and transmitted to the secretary of state in the same manner as is required by general law, as to the votes cast for and against state officers in the several counties of the state.

Canvass of votes
by county canvassing board.

SEC. 8. All such returns of votes on any such proposition shall be canvassed by the state canvassing board at the same time that they canvass the votes for state, congressional or other officers cast at the same election; and such state canvassing board shall make and file with the secretary of state their separate certificate declaring the result of the vote in each case and upon each and every such proposition to create any new county or

Returns to be
sent to secretary
of state.

Returns to be
canvassed by
state board.

counties. In case all such returns have not been received from the proper county canvassing board, the state canvassing board may use the returns received from the judges of election of the election districts of the county which has not reported; but the proper county officers may notwithstanding be compelled to make return as herein required. Upon the making and filing of any such certificate to the effect that any such proposition has received a majority of the votes cast thereon in each county to be affected thereby it shall be the duty of the governor to, within ten days thereafter, issue his proclamation announcing that such proposition has received such a majority of the votes and declaring such proposition adopted; and the secretary of state shall cause such proclamation to be published for three successive weeks in two of the daily papers at the capital city of the state and transmit a certified copy thereof to the county auditor of the county or counties out of which said new county has been erected, who shall cause the same to be published three weeks in the official paper of the county, and to each of the persons elected as county commissioners in such new county. The secretary of state shall also file and record in his office in said book of such records the certificate of the state canvassing board, certifying that such proposition received a majority of the votes cast, together with the proclamation of the governor declaring the same to have been adopted; and a duly certified copy of this proclamation shall in all cases be received as full evidence of the legal and valid organization and existence of such county.

Proclamation to be issued by the governor.

Judicial status of new county.

SEC. 9. Upon the issuance of such proclamation by the governor declaring any such proposition to create a new county adopted, the new county named therein shall become and be one of the duly organized counties of this state; but the territory of the same for judicial purposes and the enforcement of the laws against crime, shall be deemed to belong to and be the territory of the county from which the same was detached until the officers of such new county have been elected, appointed and qualified as hereinafter provided.

Meeting of first board of commissioners.

SEC. 10. Immediately after the receipt of such certified copies of the proclamation of the governor declaring such proposition to create such new county adopted, the said persons so chosen as the first board of commissioners thereof, or a majority, shall meet at the place named as the county seat of such new county and qualify as the first board of county commissioners of such new county as provided by the general laws relating to county commissioners; and when so qualified said persons shall become and possess all the powers of county commissioners, as provided by the general laws of this state relating thereto. The said board of county commissioners when so qualified shall proceed at once to provide offices for county officers and furnish the same with proper fur-

niture and stationery, and to elect by a majority vote thereof, beginning with the county auditor, all the county officers of said county which are required by the general laws of the state; and such persons so elected as such county officers shall qualify as such as required by the general laws of the state relating thereto, and such officers when so elected and qualified shall possess all the authority and power conferred by the general law upon such officers, and shall hold their offices until their successors are elected or appointed and qualified as provided by general law. Said first board of county commissioners shall at their first meeting elect one of their number as clerk thereof to act as such until a county auditor is elected and qualified, as in this section provided.

SEC. 11. All organized and existing townships and school and road districts, the whole of which are included in the territory of any new county created and organized as herein provided, shall continue to be organized townships, school and road districts, and become and be a part of such new county; and the officers thereof shall continue to be such and shall hold their offices until their successors are elected, appointed or qualified, as the case may be; and all such townships, school and road districts, and the officers thereof, shall be subject to all general laws relating to the townships and such districts of the new county of which they have become a part. In case the boundary lines of any such new county shall divide any organized township, school or road district all such fractions of former townships shall be deemed to be unorganized territory, and it shall be the duty of the county commissioners of the county in which any such fractions are situated to attach such fractional parts of former townships to such adjoining townships in their county as they may determine to be best, and to continue such divided school district as a part of both counties, or attach the same to another district in the county, or create it a new district, as a majority of the resident voters thereof may petition, and they decide to be for the best interests of the people to be affected thereby.

Organized
township and
school districts.

SEC. 12. It shall be the duty of the register of deeds of any such new county, immediately after his so qualifying, to transcribe and copy into the records of his office from the records of the county where the same was formerly situate, all the records in the office of the register of deeds of that county, pertaining to all the property which has been detached therefrom and made a part of such new county, and he shall receive for such transcribing from such new county the sum of six cents per folio; and such records of such new county when so made shall be the legal records thereof and shall have the same effect in law as though the original instruments had been recorded in such register of deed's office of the county, and

Deed records to
be transcribed.

the same or certified copies thereof may be read in evidence in any court or before any tribunal as such records. If any such register of deeds shall neglect or fail to so transcribe such records the same may be done by his successor in office. In case it shall be deemed necessary by the board of county commissioners of such new county to do so, the county auditor of such new county shall copy and transcribe from the records of the county auditor's office of the county from which the same was detached, relating to such new county or to any of the townships, school districts or road districts which have become wholly or in part a part of such new county, and for such transcribing such county auditor shall also receive six cents per folio.

The officers of the county from which such records are to be so transcribed shall furnish the officers of such new counties all reasonable and proper facilities to enable them to so copy and transcribe such records.

Taxes within
the new county.

SEC. 13. The creation of any new county, as hereinbefore provided, shall not affect in any manner the collection of any unpaid tax upon any property within the territory of such new county, for the current expenses of the county from which the same was detached, or for township, school, road or other local taxes, or for any special tax levied prior to the filing of the copy of the petition for the formation of such new county in the office of the county auditor, as provided in section two of this act; and all such unpaid taxes shall be collected and payment thereof enforced by the officers of such county in the same manner and with the same effect as if the territory of such new county had remained and continued a part of the county from which the same was detached; and any and all moneys then remaining in or afterwards coming into the treasury of the county from which the same was detached or into the possession of any officer of such county belonging to any town or school or road district so made a part of such new county, shall be apportioned and paid over to such town or district in the same manner as should have been had the town or district remained within and a part of the county from which the same had been detached. But no tax shall be levied upon any of the property within the limits of any proposed new county after a copy of the petition filed with the secretary of state has been filed with the county auditor of the county as provided in section two for any indebtedness incurred after the filing of such copy petition, or for buildings or improvements made outside the limits of such new county except as herein-after provided.

Bonded or
floating indebtedness.

SEC. 14. When there is any bonded or other floating county indebtedness outstanding against any county out of which any such new county has been wholly or in part created, the same shall be paid by such old and new counties in proportion to their respective valuations (as

shown by the last general assessment) of their portions of the property of the county or counties out of which such new county was created. Provided: That in case any such county, out of which any new county has been in whole or in part created, possesses county buildings erected by the county, the same shall be appraised and the present value thereof to the county in which such buildings are situated shall be ascertained as herein-after provided, and such appraised value of said buildings shall be deducted from the amount of said bonded or floating indebtedness to be so apportioned, and the remainder of such indebtedness shall only be so apportioned between the several counties; and the amount of said remaining indebtedness (and which equals and represents the said appraised value of said county buildings) shall not be so apportioned among such several counties, but shall be wholly paid by the county which has and retains such county buildings. Such county buildings shall be appraised and their present value fixed and determined by three wholly disinterested persons, who shall be appointed by the governor; neither of whom shall be residents of or owners of taxable property in either of the counties interested, and who shall take an oath to honestly and impartially appraise and determine the present value of such county buildings, and they shall file their oath with the secretary of state; and when they have made their appraisal they shall state and certify to the same in writing over their respective signatures, and make and sign and file with the auditor of each of such counties one of said certificates of appraisal; and such appraisal, when so made and certified to, shall be final and conclusive and such certificate shall be such evidence of the same. In making such appraisal said appraisers shall consider the cost of such county buildings and allow for subsequent wear and depreciation thereof and determine the present value thereof to the county.

SEC. 15. The county commissioners of any such new county shall make provision for the payment of any such bonded or floating indebtedness by levy and taxation at the time fixed by law for so doing, and in the same manner as the county commissioners of the parent county or counties should have done; and for the purpose of meeting its proportion of such indebtedness which may become due before the same can be raised by levy and taxation, and for the purpose of providing necessary record books, furniture for county offices, official seals and other necessary county expenses, the county commissioners of such new counties are hereby authorized, after they have fully organized as herein provided, to issue the bonds of their respective counties, not exceeding in amount the sum of ten thousand dollars, to run for a period of not more than ten years, and bearing interest at the rate of not more than seven per cent per annum.

Provision for
payment of
same.

Terms of court.

SEC. 16. General terms of the district court shall be held in such new counties (until the time for holding the same is fixed by law) at such times in the year as shall be fixed by the judge of the judicial district in which the same may be situate.

No failure of officer to perform his duty to affect validity of organization

SEC. 17. No failure or refusal of any county officer to do any of the acts or things herein required of him to be done, or of the failure to make publication as herein required, shall affect the validity of the establishment of any such new county; and any officer who shall willfully neglect or refuse to perform the duties herein required of him shall be guilty of malfeasance in office, and may be removed therefor.

SEC. 18. This act shall take effect and be in force from and after its passage.

Approved April 1, 1893.

S. F. No. 199.

CHAPTER 144.

Reports of county officers.

An act to require all county officers to render a sworn report to the board of county commissioners of their respective counties of all fees, emoluments or gratuities received by them by virtue of their offices and providing for penalties for violations of the same.

Be it enacted by the Legislature of the state of Minnesota:

County officials to report all fees and emoluments.

SECTION 1. It shall be the duty of all county officials on or before the fifteenth of January in each year to make and file with the county auditor in their respective counties a statement in writing, under oath, showing the amount of all fees, gratuities and emoluments of whatever nature by them received as such county officials or in connection with the work of their respective offices for the calendar year next preceding the making and filing of such statement.

Reports to be presented to county board.

SEC. 2. The county auditor shall present all statements made pursuant to the provisions of this (act) to the board of county commissioners, at the regular or special meeting thereof held next after the fifteenth of January, together with a list of county officials whose reports have not been received by said county auditor, and thereupon it shall be the duty of said board to cause the county attorney to be notified as to such delinquents and of said county attorney to prosecute the same.

Penalty for neglect to report.

SEC. 3. Any county official who shall violate any provision of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars or more than one thousand dollars or by imprisonment in the county jail for not less than thirty days nor more than one year, or by both said fine and imprisonment, at the discretion of the court.