

CHAPTER 301.

S. F. No. 409.

An act authorizing and directing the county commissioners of certain counties to reduce the compensation and number of officers and other employes of such counties and regulating the same and conferring certain duties upon certain officers of such counties in connection therewith, and prescribing a penalty for violation thereof, and repealing all acts and parts of acts inconsistent therewith.

Reducing county officials and salaries.

	95 C 301	517
	71-M	126
95 C 301	72-M	379
74-NW 280	73-M	382
75-NW 8		
76-NW 223		
70-NW 224		

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

SECTION 1. That in all counties of this state having, according to the then last completed state or national census, a population of not less than one hundred thousand and not over one hundred and eighty-five thousand inhabitants, it shall be the duty of the board of county commissioners thereof, in the month of December, A. D. one thousand eight hundred and ninety-six, and every five years thereafter, to fix, by resolution of such board adopted by a majority vote thereof, the monthly salary or compensation of every officer thereof, including all officers elected by popular vote, and without regard to whether their offices were established by the constitution or otherwise, or whether the same in their nature are executive, legislative, or judicial, except judges and their appointees and clerk of the district court, and by like resolution to fix the aggregate amount to be paid to the deputies, clerks, and assistants in each of said offices respectively. And in the month of December, A. D. one thousand eight hundred and ninety-eight, and every five years thereafter, it shall be the duty of said board to fix by like resolution the monthly salary or compensation of the clerk of the district court of such county, and the aggregate amount to be paid to the deputies, clerks and assistants therein.

100,000 to 185,000 population.

Commissioners to fix salaries.

And such resolution shall not take effect until the first day of January after their adoption.

SEC. 2. That there shall not be allowed or paid to any such officer, after the adoption of the resolution relating to his office, a greater monthly salary or compensation than shall equal the sum of four thousand dollars per annum, nor shall there be allowed or paid, in the aggregate, to the clerks, employes or assistants in, under or about, any of such offices in any calendar month a greater amount than nor less than three-fourths of the lowest aggregate amount which has actually been paid during the same calendar month to

Maximum amounts.

such clerks, employes and assistants, or their predecessors in the same position, in the same office, at any time during the period of two years prior to the adoption of such resolution.

*Provided*, however, that such board may allow the county auditor such additional sum, not exceeding nine hundred dollars per annum, as in their judgment, may be just, in view of the increased duties imposed by this act.

Number of  
employes to be  
fixed.

SEC. 3. That it shall be the duty of such board, in each of said counties, at the same meeting at which such compensation is fixed, to fix by like resolution, the maximum number of persons who shall be employed in, under or about, each of said offices thereof, or who shall constitute any board thereof, during the several calendar months of each year thereafter specifically;

*Provided*, however, that such number shall in no case exceed nor be less than three-fourths of the lowest number actually employed in such office through the same calendar month at anyone time within two years prior to the adoption of such resolution, except in the office of the county assessor.

Assessor's  
office.

SEC. 4. That it shall be the duty of said board at said meeting by like resolution to fix the maximum number of persons to be employed in, under or about the office of the county assessor during each calendar month thereafter in each of the odd-numbered years, and in each calendar month thereafter in each of the even-numbered years respectively.

*Provided*, however, that the highest number of employes allowed in, under or about said office of assessor for any calendar month of any even-numbered year thereafter shall not exceed nor be less than three-fourths of the lowest number actually employed therein through the same calendar month of any even-numbered year within two years prior to the adoption of such resolution, and that the highest number allowed therein or under or about the same during any calendar month of any odd-numbered year thereafter shall not exceed, nor be less than three-fourths of the lowest number actually employed therein through the same calendar month of any odd-numbered year within two years prior to the adoption of such resolution.

No interference  
within the  
limit.

SEC. 5. Nothing herein contained shall operate to prevent any elective officer of any such county from designating, within the limitations aforesaid and existing provisions of law, the persons who shall serve as deputies, clerks or assistants, in his office, not exceeding the number designated by such resolution nor the respective amounts to be paid to each or any of such

deputies, clerks, or assistants, within the aggregate limit allowed to his office by the terms of such resolutions as aforesaid.

*Provided*, that no one deputy or assistant shall receive a compensation at a rate exceeding fifteen hundred dollars per annum.

SEC. 6. That within five days after the adoption of such resolutions, it shall be the duty of the county auditor of such county to furnish to each of the officers of such county a certified copy thereof, or of so much thereof as affects the salary, compensation and number of employes of their respective offices, including his own, and within five days after the receipt of such resolution, or part thereof, by such officer it shall be the duty of said officer to file in the office of the county auditor of such county, a list, certified by him, of the respective deputies, clerks and assistants whose services he desires in his office for the balance of said year, together with the respective amounts to be paid to such deputies, clerks, and assistants within the number, and aggregate limit of amount allowed by said resolutions, and on or before the tenth day of January following, and annually thereafter, a like list covering the then current calendar year.

Auditor to notify officer of action of commissioner.

SEC. 7. That on or before the first day of May, one thousand eight hundred and ninety-five, and of every fifth year thereafter, it shall be the duty of every officer of every such county, except the judges and their appointees and clerks of the district court, to file with the county auditor of such county a statement duly subscribed and sworn to by him, showing,

Report by officers on or before May 1.

First, the number of persons employed in his office during each calendar month within a period of two years prior to the date of such statement according to the records of his office.

Second, the specific amount paid to each employe in said office during each of said months last specified, and the names of the employes receiving the same, and the aggregate amount of such salaries or compensation according to such records; and no payment shall be made to any such officer or to any employe or assistant in his office after said first day of May one thousand eight hundred and ninety-five, until such statement shall be so filed; and it shall be unlawful for any such officer to collect from any person or corporation after said first day of May one thousand eight hundred and ninety-five, until such statement is so filed by him, any fees or emoluments whatsoever on or before the first day of May, A. D. one thousand eight hundred and ninety-seven, and of every fifth year thereafter, it shall be the duty of

the clerk of the district court of every such county to file with the county auditor thereof a like statement relating to his office; and it shall be unlawful for him to collect from any person or corporation after said last mentioned date until such statement is so filed by him, any fees or emoluments whatsoever.

If there are no records in the office of any such officer, showing the facts aforesaid, and he shall so state under oath to the county auditor, it shall then be the duty of the board of county commissioners to ascertain the same by the best evidence obtainable, and to that end they shall have authority to examine under oath any past or present officer or employe of said county.

Monthly reports.

SEC. 8. That on the first secular day of August next following the filing of such statement or affidavit and of each month thereafter, it shall be the duty of each county officer of any such county except judges and their appointees of the district court, to file with the county auditor a statement under his hand and seal of office, if he have one, and if not, then a statement, duly verified, by him, showing in addition to his own name and salary, the names of each of the deputies, clerks and assistants in his office who have served therein during the preceding month and the amount of compensation to which each is entitled therefor, whereupon such statements shall be filed, acted upon, allowed and the amount due thereunder, within the limits hereinbefore provided, paid, in the same manner as other employes of said county are now paid.

Changes in employes.

SEC. 9. That nothing herein contained shall operate to prevent any such officer from making any change in the personnel of the assistants, clerks, or employes of his office, when in his opinion the public interest requires such change, to the same extent as now allowed by law, but in every such case it shall be the duty of such officer forthwith to file a certificate with the county auditor showing such change and when the same is to take effect whereupon the name of the person substituted shall be placed upon the roll of employes in said office in place of the person so removed, and like action shall be taken in the case of death or resignation.

Reductions.

SEC. 10. That such board, by like action, may from time to time, and as often as they deem proper, make such further reductions in the compensation or number of such officers, clerks, assistants and employes, including boards as aforesaid, or any of the same, except officers elected by popular vote, as in their opinion the public interest shall require, but they shall have no power to increase or restore any such compensation,

nor shall they have power, except by unanimous vote of the whole board after not less than one month's publication of the proposed resolution therefor, to restore for any calendar month or months, any such officers, assistants, clerks or employes previously dispensed with for such calendar month or months.

But nothing herein contained shall operate to authorize, by any vote whatsoever, an increase of the force of any office beyond the lowest limit existing therein during the same calendar month at any time during the period of two years prior to the passage of the resolution affecting such office, as aforesaid.

SEC. 11. Whenever, according to the then last state or national census, the population of any county of this state which now has a population of less than one hundred thousand, shall acquire not less than that number, such county shall at once become subject to the provisions of this act, and whenever, according to such census the population of any county shall exceed one hundred and eighty-five thousand inhabitants, or fall under one hundred thousand inhabitants the provisions of this act, at the expiration of ninety days from the final filing of the enumeration of such county, shall no longer apply thereto.

Counties growing in and out of this act.

SEC. 12. That from and after the dates hereinbefore respectively provided no salary, compensation or emolument shall be paid out of any county treasury of any such county to any officer or employe thereof in any other manner than as herein provided.

No salaries outside of this act.

SEC. 13. That any officer who shall willfully fail or neglect for five days to perform any of the duties by this act imposed upon him shall be, for every such offense, deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not less than thirty days nor more than six months, and in every prosecution hereunder evidence of the failure or neglect for the period aforesaid shall be prima facie evidence that the same was willfully done.

Penalty for neglect.

SEC. 14. And all acts and parts of acts, whether general or special, and whether by the terms thereof said acts provide that any act amending, affecting or repealing the same, must refer specifically to the act so to be amended, affected or repealed, in so far as such acts or parts of acts are inconsistent with any of the provisions of this act, be and the same are hereby repealed.

Repealing clause.

Provided, however, nothing contained in this act shall be construed to affect or change in any manner whatsoever the salary, fees, perquisites or other com-

Present incumbents to go free.

compensation of any officers of said counties heretofore mentioned during the terms of said respective officers, nor shall the provisions of this act apply to any of said officers until after the expiration of their present respective terms of office.

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

Approved April 25th 1895.

## CHAPTER 302.

S. F. No. 416.

County roads.

95 C 302

97 - 357

95 C 302

83-NW 177

95 C 302  
131 - 01

May build  
roads.

95 C 302  
90-M - 325

Petition—bond

95 C 302  
09 - - 18

Viewers—engi-  
neer.

Survey.

*An act enabling owners of land to lay out and construct public roads, prescribing the powers and duties of county commissioners and other officers relating thereto, and providing for the drainage and repair of the roads, constructed under this act.*

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

SECTION 1. That the board of county commissioners of any county in the State of Minnesota may at any session of such board cause any road to be constructed within their county wherever they shall deem such road to be of public benefit or utility.

SEC. 2. That before the board of county commissioners of any county shall establish any road there shall be filed with the auditor of said county a petition, signed by the owner or owners of more than one-fourth of the land which would be liable to be assessed for the expense of the construction of the same, giving a general description of the proposed starting point, route and terminus of said road; and one (1) or more of such petitioners shall give a bond, with good and sufficient sureties, payable to the county, to be approved by the auditor, conditioned to pay all expenses in case the board of county commissioners shall fail to establish said proposed road.

It shall be the duty of the board of county commissioners at their first general or special meeting held after such petition shall have been filed with the auditor, to appoint one (1) of their number, together with two (2) resident freeholders of said county not interested in the construction of the proposed road and not of kin to any parties interested therein, as viewers, and also a competent civil engineer to survey said proposed line of road as herein provided.

SEC. 3. The county auditor of said county shall thereupon issue to said viewers a certified copy of said