

CHAPTER V.

An Act to provide for the Election, and to define the Duties of County Attorneys for this State.

- SECTION. 1 Election of County Attorney—term of office—official oath—bond.
2. Duties of County Attorneys.
 3. County Attorney shall receive no fee from prosecutor.
 4. When Court may appoint County Attorney—how compensated.
 5. County Attorney to file statement of moneys received with County Auditor.
 6. Neglect to comply with the provision of preceding section, suit may be instituted.
 7. Salary of County Attorney.
 8. Repeal of former laws.
 9. District Attorney to perform duties of County Attorney till term of office expires.
 10. When Act to take effect.

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

lection of Coun-
ty Attorney—
term of office

SECTION 1. There shall be elected in each of the organized counties of the State, which now are, or may hereafter be organized for judicial purposes, at the general election next ensuing, and every two years thereafter, a County Attorney, who shall hold his office for the term of two years from the first day of January next succeeding his election, and such County Attorney shall, before he enters upon the duties of his office, take and subscribe an oath before any officer competent to administer the same, to support the Constitution of the United States, the Constitution of the State of Minnesota, and faithfully, impartially, and to the best of his abilities, discharge the duties of his office as County Attorney, and shall also execute a bond in the penal sum of one thousand dollars, to the Board of County Commissioners of the county for which he was elected, with one or more sufficient sureties, to be approved by said Commissioners, conditioned, that he will faithfully and impartially discharge the duties of County Attorney, and pay over without delay, to the County Treasurer all moneys which shall come into his hands, by virtue of his office, which bond, together with his oath of office shall be deposited in the office of the Clerk of the District Court of the proper county, for the protection and benefit of the county, or any party injured by the neglect of said Attorney.

SEC. 2. It shall be the duty of the County Attorneys of the several counties of this State, to appear in all cases where the county is a party, and prosecute and defend for the county, as the case may be, whether such case be civil or criminal; to give opinions and advice to the County Commissioners or any other officers of said county, upon request of such Commissioners or officers, upon all matters in which the county is or may be interested, or in relation to the official duties of any of said officers; to attend on all terms of the District Court for such county, and all other courts having criminal jurisdiction, and attend all preliminary examinations of criminals, when the magistrate before whom such examination is held, shall request his attendance, and such criminal is charged with a felony, or misdemeanor, and when said justice shall furnish him with a copy of the complaint, and attend before the Grand Jury of such county upon the special request of said jury, and examine witnesses in their presence; he shall give them advice in any legal matter before them, and issue subpoenas and process to bring in witnesses before them, or any magistrate before whom he is conducting an examination, and shall attend all coroners's inquests at the request of the coroner, and shall draw all bills of indictment and all presentments found by the Grand Jury of his county, and shall prosecute all such presentments and indictments to their final determination, and shall also prosecute or defend all other suits, proceedings, applications or motions, civil or criminal, in which the county or State is interested as a party.

Duties of County Attorneys

SEC. 3. No County Attorney shall receive any fee or reward from or on behalf of any prosecutor or other individual, for services in any prosecution or business to which it shall be his duty to attend, according to the provisions of this Act.

Shall receive no fees from prosecutor

SEC. 4. Whenever there shall not be a County Attorney for the county, or when the County Attorney is absent, at the session of the District Court for the county, it shall be the duty of the Court to appoint, if necessary, by an order to be entered in the minutes of the Court, some suitable person to perform for such term of Court the duties required by law to be performed by the County Attorney; and the person so appointed shall thereupon be vested with all the powers of such County Attorney, for that purpose, and the person so appointed shall receive a reasonable compensation for his service, to be allowed by the Board of Commissioners, and paid out of the treasury of such county.

District Courts may appoint Attorney—how compensated

SEC. 5. Every County Attorney in the State, on or before the first day of January in each year, shall make out and file in the office of the County Auditor, an account in writing, verified by his affidavit, to be filed with said account, of all moneys received by him during the preceding year, by virtue of his office, for fines, recognizances, forfeitures, penalties, or costs, and he shall specify in such account the name of the

Statement to be filed with County Auditor

person from whom he may have received such moneys, the particular amount paid by such person, and the cause for which each payment was made, and shall at the same time, or previously, pay over such money to the County Treasurer, and take a receipt and duplicate for the same, and file the duplicate with the County Auditor.

When suit may be bro't against Attorney. SEC. 6. When any County Attorney shall refuse or neglect to account for and pay over the moneys received by him, as required by the preceding Section, it shall be the duty of the County Auditor to cause a suit to be instituted upon the bond of such County Attorney, for the recovery of the money so received and unpaid by him, and for damages in failing to account.

Salary SEC. 7. Each County Attorney shall receive an annual salary of not less than fifty dollars, nor more than twelve hundred dollars, payable quarterly out of the County Treasury, and the amount within the above limitation shall be determined by the Board of County Commissioners at any regular or special session.

Statutes repealed SEC. 8. So much of the so-called Public Statutes of Minnesota as is contained between Section sixty-six (66) and Section seventy-five (75), inclusive, on pages one hundred and sixty-four (164) and one hundred and sixty-five (165), of the so-called Public Statutes, the same being found on pages sixty-nine (69) and seventy (70), from Section first, Article five (5), to Section nine (9) inclusive, of the Revised Statutes, be, and the same is hereby repealed.

District Attorneys to perform duties of County Attorneys SEC. 9. All persons who have been elected and qualified as District Attorneys under former laws, whose terms of office have not yet expired, shall continue to hold and exercise the duties of County Attorneys as herein provided, until their terms of office expire, and their successors are elected and qualified, and whenever the term "District Attorney" is used in any of the Statutes of this State, it shall be construed to mean County Attorney.

SEC. 10. This Act, shall take effect and be in force from and after its passage.

AMOS COGGSWELL,

Speaker of the House of Representatives.

IGNATIUS DONNELLY,

President of the Senate.

Approved, February sixth, one thousand eight hundred and sixty.

ALEX. RAMSEY.

SECRETARY'S OFFICE, MINNESOTA, }

February 6th, 1860. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

J. H. BAKER, Secretary of State.