

CHAPTER CXCVII.

February 29,
1872.

An Act Limiting the Compensation of Certain Officers of Ramsey County Therein Named, and Prescribing Their Duties.

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

Fees vested in
county.

SECTION 1. That the fees, costs, percentages, penalties, allowances, and all other perquisites of whatever kind, which, by any law, the clerk of any court, probate judge, sheriff, either as such or as special master, commissioner or receiver in any case, treasurer, register of deeds, county attorney and auditor, in the county of Ramsey in this state, is or may hereafter be authorized to charge, receive and collect, for any official services rendered by him or them, shall hereafter be received and collected by the said officers respectively, to and for the sole use of the county treasury, as public moneys belonging to said county and not otherwise, and shall be accounted for and paid over as such, in the manner hereinafter provided.

SEC. 2. That it is hereby made the duty of the several officers named in the first section of this act to report to the county commissioners of their respective counties quarterly, during each year of their official term, a certified and sworn statement, in detail, of all the costs, fees, percentages, penalties, allowances and other perquisites of every kind charged in his office, whether taxed in any cause, matter or proceeding, or otherwise, and recoverable by him for any services rendered by him during the quarter next preceding the time of making such statement, showing the whole amount thereof, how much thereof has been received by him, how much thereof remains uncollected, the names of the persons from whom any of the same are due and the amount due from each, and the reason why the same has not been collected. *Provided however,* That the sheriff, clerk and probate judge shall not be required to report as to uncollected fees for costs in any suit, matter or proceeding which, at the time of making any such quarterly report, shall be pending and not determined by a final order or judgment, but all such uncollected fees or costs shall be reported in full in the next quarterly report, if the said suit, matter or proceeding shall have been determined by a final order or judgment, and, *Provided further,* That the treasurer shall not be required to report the fees, percentages, allowances or penalties receivable by him for collecting taxes that are charged upon the tax duplicate, until his settlement with the county auditor, but shall report the same to the county commissioners when made out; and that the county auditor shall not be required to report the fees receivable by him for services rendered by him and payable to him out of the county treasury, except by his annual settlement with the county commissioners as now provided by law.

Quarterly
returns.

SEC. 3. The judges of the court of common pleas and of the district court in said county, in joint session, shall, from time to time, fix the maximum compensation of all deputies, clerks, book-keepers and other assistants who may be employed by the treasurer, auditors, register of deeds, sheriff, probate judge and clerk, which compensation shall be paid to them monthly out of the county treasury, upon the warrant of the county auditor, and the number of deputies, clerks, book-keepers and other assistants of the officers named in the first section of this act, shall be determined by said officers respectively, subject to the approval of the said judges, and for no official act or duty shall any such deputy, clerk or book-keeper or other assistant receive, to be retained by himself, any additional fee, salary or com-

Judges to fix
compensation.

compensation other than that fixed and provided for in this section, and no officer shall receive or be paid, directly or indirectly, any part of such salary or compensation of such deputy, clerk, book-keeper or other assistants, or any fee or reward for appointing him to such position. The county commissioners shall allow and order to be paid as other claims against the county, all other reasonable expenses necessary to the proper discharge of the duties of any of the above named officers. *Provided however,* That the compensation of all deputies, clerks, book-keepers and assistants hereby authorized to be paid, shall be first paid out of the fees, costs, percentages, penalties or allowances collected by said officers, and accounted for and paid into the county treasury, with the exception of the expenses incurred in the office of county auditor.

Accounts to be kept.

SEC. 4. That each of said officers shall keep full and regular accounts, subject at all times to the examination of the county commissioners, of all sums collected by him on account of official fees, costs, percentages, penalties, allowances and other perquisites of whatever kind, and said books of accounts shall be a part of the records of their respective offices, and belong to the county, and shall be transmitted to their successors in office.

Salaries of officers.

SEC. 5. That after deducting from the whole amount of the fees, costs, percentages, penalties, allowances and perquisites, collected by each of said officers respectively, during each year, the amounts allowed and paid for the compensation of deputies, clerks, book-keepers and other assistants, and other necessary expenses of said officers, they each shall be allowed to receive an annual compensation for his services out of the costs, fees, percentages, allowances, perquisites and penalties collected by him, as follows: Clerk of the district court and common pleas courts, four thousand dollars; probate judge, two thousand dollars; sheriff, four thousand dollars; treasurer, four thousand dollars; auditor, three thousand dollars; register of deeds, three thousand dollars; county attorney, two thousand dollars; which sums shall be paid to them in quarterly installments out of the county treasury, upon the warrant of the county auditor, it being the intent and meaning of this act, to limit the maximum annual compensation from every source, of the officers named in the first section of this act, to the sums named in in this section, *provided,* that the county auditor, county attorney and probate judge, shall be entitled to receive the compensation herein provided, and the county auditor and probate judge, the expenses of their offices without reference to the costs, fees, percentages, allowances, perquisites and

penalties collected by them or either of them. And *provided further*, that after the expiration of the present terms of office for which the clerk of the court of common pleas and district court, the sheriff and county treasurer, have been respectively elected, the salaries of said officers shall be three thousand dollars each, per annum, and no more.

SEC. 6. That each of said officers named in the first section of this act, shall, at the end of each quarter, pay into the county treasury on the warrant of the county auditor, and account for, to the county commissioners, for the use of the county, all the fees, costs, penalties, percentages, allowances and perquisites of every sort, collected by him during said quarter; but if, in any quarter, there shall not have been collected a sufficient amount of fees, costs, percentages, allowances and penalties, by any officer, to pay to him the proportion due him for his own use as herein limited, he shall be entitled to receive the amount of any such deficiency out of collections made by him or his successor in office for him in any succeeding quarter or quarters, from the official costs, fees, percentage, allowances and penalties, earned and charged by him after deducting therefrom the amounts allowed for the compensation of his deputies, clerks, book-keepers and assistants, as hereinbefore provided. It shall be the duty of the sheriff, at the expiration of his official term of office or within ten days thereafter, to pay over to his successor in office all moneys that may be in his hands under any execution, order for sale or other legal process of whatever kind, or the proceeds arising from any sale of real or personal property by him previously made, and when he holds the same awaiting an order of court for confirmation of sale or distribution of proceeds.

Quarterly payments.

SEC. 7. Nothing in this act shall be so construed as to make the county or the county commissioners liable to any of the officers named herein, or their deputies, clerks, book-keepers or other assistants, for the payment of any salary or compensation, except out of the fees, costs, percentages, allowances and penalties, collected by any of these officers respectively, except as provided in section five of this act.

Construction of act.

SEC. 8. In case any officer named in this act shall fail to pay over into the county treasury, any money found to be due from him upon his settlement with the county commissioners under this act, for the period of thirty days after the same shall have been ascertained and found by them to be due, and notice given to him; or if any of the said officers shall, with intent to violate this act, fail to furnish the statements and reports herein required at the time and in the manner herein specified; or if the sheriff shall fail to pay over moneys to his successor in office, as provi-

Penalties.

ded in section six of this act; or if any of said officers shall willfully make any such report or statement false in any material matter, knowing the same to be so; or, if any of said officers shall willfully violate any of the provisions of this act, he shall, upon conviction upon indictment or information in the court of common pleas or district court of said county, be adjudged guilty of misconduct in office and shall be immediately removed therefrom, and in addition, forfeit all compensation to which he would be otherwise entitled, and be condemned to pay a fine for the use of the county, of not less than five hundred dollars or more than two thousand dollars, for the payment of which forfeiture and fine, as well as any amounts otherwise due from him in his official capacity, his sureties shall also be liable upon their bond, to be recovered in a civil action in the name of the state of Minnesota, for the use of the county in which he was an officer.

Liability of
sureties:

SEC. 9. The official bond required by law and taken from any officer named in this act shall be deemed and held to make the parties to the same liable for any violation, on the part of the officer for whom they are sureties, of any of the provisions hereof, and for the faithful performance of all the duties hereby required. *Provided*, That nothing herein contained shall in any manner affect or impair any rights or liabilities now existing, or that may exist prior to the first day of April, one thousand eight hundred and seventy-two, so far as relates to the county of Ramsey or any officer herein named; and that each officer herein named shall execute and file a new official bond, as required by law, with sureties to be approved by the board of county commissioners, prior to the first day of April, one thousand eight hundred and seventy-two; and *provided further*, that no county officer or officers mentioned in the first section of this act shall be accepted as a surety for any other of said officers.

Payment of
salaries, &c.

SEC. 10. It shall be lawful for the county commissioners to authorize the county auditor to draw his warrant upon the county treasury for such sums as they from time to time may think reasonable and necessary to pay the current salaries and official expenses of said auditor's and probate judge's office, and all moneys so drawn by said auditor and probate judge shall be fully accounted for in their quarterly account thereafter rendered to said commissioners, as provided in the second section of this act.

SEC. 11. For the first two years after this law goes into effect it shall be lawful for the officers severally named in the first section of this act to pay the salaries of the deputies, clerks, bookkeepers, and other assistants employed by

them, the compensation as fixed by the judges of the court of common pleas and of the district court, as provided in the third section of this act, out of the official fees, costs, percentages, penalties, allowances and other perquisites collected by them, and arising from and belonging to their respective offices; and for such payments they shall take proper vouchers or receipts, according to the form hereinafter provided; and in their quarterly settlements with the county commissioners, as provided in the second section of this act, said accounting officer shall be accredited with the full amount of said vouchers so paid by him during the quarter next preceding said settlement.

Salaries of
deputies, &c.

SEC. 12. The fees, costs, percentages, penalties, allowances and other perquisites paid into the county treasury by the officers named in the first section of this act, shall be by the treasurer credited to the respective officers from which they were derived, and kept as separate funds, to meet the expenses of said offices. *Provided*, that none of the salaries or expenses of one of said officers shall ever be charged to or paid out of the money placed to the credit of another of said officers.

Fees, &c., paid
into treasury,
how credited.

SEC. 13. Before the auditor shall issue a warrant upon the county treasurer to any deputy, clerk, bookkeeper or other assistant, for his compensation or salary, as prescribed in the third section of this act, and before any of the officers named in the first section of this act shall pay any deputy, clerk, bookkeeper, employee or other assistant his compensation or salary, as provided in the eleventh section of this act, said deputy, clerk, bookkeeper or other assistant shall sign a receipt, and verify the same by oath or affirmation attached; which receipt and oath or affirmation shall be in the following form:

Form of receipt

No. —.

Received of the (here recite the county or officer, as the case may be,) by (here insert the name of party receiving salary and compensation,) ——— dollars, in full for services as (here insert services), for ——— ending ———, 18—.

\$——. (Name of party receiving money.)

I hereby swear that I have rendered the services as herein stated, and I have received the full sum set forth in the above receipt for my own use and benefit, and that I have not paid, deposited or assigned, nor contracted to pay, deposit or assign, any part of such compensation for the use of any other person, nor in any way, directly or indirectly, paid or given, nor contracted to pay or give, any reward or compensation for any office, or the emoluments thereof.

(Name of party receiving money.)

Sworn to and subscribed before me this _____ day of _____, 18—.

_____,
Justice of the Peace.

And said receipt and oath or affirmation shall be preserved and filed by the auditor.

Fees allowed
by law charged
and advance
payment
required.

SEC. 14. The officers named in the first section of this act shall charge, assess, receive and collect the specific items of fees, costs, percentages and penalties that now are or hereafter may be authorized by law; and no civil action, proceeding or appeal shall be entered in the clerk's office of the said district or common pleas courts until the plaintiff, relator or appellant desiring such entry shall deposit with said clerk the sum of three dollars, as security for the clerk's fees in such action, proceeding or appeal, and out of which the said clerk shall satisfy the fees due from such party as they accrue, and whenever said sum is exhausted, but not before, the said clerk shall require as a condition of further entries for said party, an additional deposit of three dollars, for the purpose and application aforesaid, and the same amount on the same condition, for the same purpose and application, whenever such exhaustion occurs, and any balance remaining after the termination of the action, proceeding or appeal shall be returned to the party depositing the same, or to his attorney in the proceeding. The sheriff shall collect his fees at the time of the rendition of any service in any civil action or proceeding, and before he delivers or files his return, certificate or other evidence of his official action therein; and no deed or instrument of any kind shall be received or filed for record, or recorded by the register of deeds, until the fees allowed by law for filing and recording all such deeds and instruments are paid.

Designation of
word fees, &c.

SEC. 15. The words fees, costs, percentages, penalties, allowances and other perquisites in the first section of this act, as they relate to the sheriff, apply to and include turnkey's fees, and all allowances of jailor's fees, and all fees and allowances for services rendered the county and state, authorized to be charged for receiving and detaining prisoners in the county jail, or for any other service from whatever source derived, not, however, including the cost of feeding said prisoners.

Appointment
of deputies.

SEC. 16. Nothing in this act shall be construed as changing the existing laws of this state relating to the appointment and approval of any deputy, clerk, book-keeper or other assistant of any officers named in the first section of

this act, except as to limiting the number and compensation of each, as provided in the third section of this act.

SEC. 17. Whenever the net accumulated fund in the county treasury to the credit of any of the funds arising from the fees, costs, percentages, penalties, allowances or perquisites of the officers named in the first section of this act shall exceed two thousand dollars over and above the expenses of said offices, it shall be lawful for the county auditor, upon the order of the county commissioners, to transfer from said special fund to the general fund, for the use of the county, any sum that may have accumulated over and above the sum of two thousand dollars.

Disposition of funds.

SEC. 18. The county treasurer of said county shall, on or before the first Tuesday of each month, deposit all funds of whatsoever kind which he holds or shall receive, as county treasurer, from whatsoever source, except state and school funds, in such banks or banking houses in the city of St. Paul, as shall agree to pay the highest rate of interest per cent. upon the average monthly balances of the amount deposited, upon condition that said funds with accrued interest shall be held subject to draft and payment at all times on demand; *provided*, that the amount deposited in any bank or banking house shall not exceed the assessed capital stock of said bank or banking house, as shall appear upon the duplicate tax list; and *further provided*, that no bank or banking house shall be designated as a depository for said funds, without the approval of the board of county commissioners; and *provided further*, that said commissioners shall require of any bank or banking house so designated as security for the safe keeping of the county funds, to deposit with the county treasurer, bonds of the United States, or of the state of Minnesota or of the city of St. Paul, excepting therefrom, Minnesota state railroad bonds, in amount at least equal to the amount of said funds, said bank or banking house may be authorized to receive under the provisions of this act, which amount shall be fixed by said county commissioners, and the county treasurer shall keep such securities during the time they are so placed on deposit.

County funds, how deposited.

SEC. 19. This act shall take effect and be in force from and after the first day of April, A. D. one thousand eight hundred and seventy-two, and the fees, costs, percentage, allowances, penalties and other perquisites of whatever kind, of the officers herein named, remaining unpaid at the end of his official term, shall in no wise belong to or be the property of any such officer, except so far as is provided in the sixth section of this act; but shall

When act to take effect.

be collected by his successor in office, and shall be held as public money and property of the county, and shall constitute a part of the fund out of which the expenses and compensation of such successor in office shall be paid.

Approved February 29, 1872.

CHAPTER CXCVIII.

February 26,
1872.

An Act to Legalize the Acts of the Register of Deeds for Renville County, for the year 1871.

- SECTION 1. Acts of the register of deeds legalized.
2. When act to take effect.

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

SECTION 1. That all and singular the acts of the register of deeds in Renville county, for the year 1871, are hereby legalized and made valid to the same extent as if he had been a citizen of the United States.

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

Approved February 26, 1872.