

REVISED LAWS OF MINNESOTA *94*

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
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CHAPTER 7.

COUNTIES AND COUNTY OFFICERS.

CHANGE OF BOUNDARIES:

380. Change—New counties.

Prior laws.—This section, and the following sections relating to the creation and organization of new counties, are a continuation of the statutes upon the subject, and not new, independent enactments. State ex rel. Ruesswig v. McDonald, 101 Minn. 349, 112 N. W. 278.

382. Proclamation by governor—But one proposition submitted.

Cited in State ex rel. Ruesswig v. McDonald, 101 Minn. 349, 112 N. W. 278.

386. Canvass by state canvassing board.

Cited in Swedback v. Olson, 120 N. W. 753.

387. Effect of proclamation.

Proceedings to test legality.—The court may in its discretion permit private suit in the nature of quo warranto to determine the validity of proceedings for the creation of a new county, without the consent of the Attorney General; but leave will be granted only in exceptional cases. State ex rel. Ruesswig v. McDonald, 101 Minn. 350, 112 N. W. 278.

[388—]1. **Abolishment of commissioner district by change of boundaries—Vacancy, how filled.**—That in all cases when a change in the boundaries of any county shall have heretofore resulted or shall hereafter result in the abolishment of any commissioner's district or districts in said county, by the removal of all the territory of such district or districts from the original county or otherwise, or in a vacancy or vacancies in the board of county commissioners of said original county, for the filling of which provision is not otherwise made by law, and when in such case said board of county commissioners shall be left with less than five members or with an even number of members, the governor may, and shall forthwith, upon the passage and approval of this act, in existing cases, and upon the issuance of his proclamation declaring such change in future cases, appoint a member or members of sufficient number to complete a board of five commissioners for said county, or, if said board after the change of boundaries shall have been left with more than five members, to complete a board consisting of an odd number of members, and shall designate in his appointment the name of the retiring commissioner succeeded by each commissioner appointed by him. ('07 c. 5 § 1)

Historical.—“An act to regulate the composition and proceedings of boards of county commissioners of counties from which territory has been detached by change of boundaries.” Approved January 29, 1907.

[388—]2. **Same—Commissioner at large—Qualification.**—Each commissioner so appointed by the governor shall be chosen from the county for which he is appointed, shall not be a resident of any township which already has a member on the board, and shall be known as a “commissioner at large.” The appointment shall at once be communicated to the county auditor of said county, who shall immediately notify the appointee; and the latter may and shall qualify as such commissioner, in the manner required as to other commissioners in the same county, at any time within five days after notice of his appointment. His failure so to do shall be deemed a refusal of the office, and the governor may and shall thereupon appoint another commissioner at large in his stead, and similar proceedings shall be had as before until the vacancy shall be filled. ('07 c. 5 § 2)

[388—]3. Same—Duties of auditor—Meeting of board.—Immediately upon the appointment and qualification of such commissioner or commissioners at large the county auditor shall give notice in writing, delivered personally or by mail, to each of the commissioners in said county, including such commissioner or commissioners at large, of a meeting of the board, which shall be held not less than five or more than ten days thereafter, and, together with such other business as may then come up for attention, any business which may have been required by law, or by previous proceedings, to be transacted by the board of said county at a meeting held after such change of boundaries became effective and before the vacancies thereby caused were filled, and which shall not have been then transacted, may and shall be disposed of at the meeting so held after the qualification of such commissioner or commissioners at large, and shall have like effect and validity as if accomplished at the prior meeting referred to; and further proceedings required to follow the commissioners' action on such matters shall be taken within the times or on the dates provided by law, or within such reasonable time thereafter as will permit of the notice required by law and of the earliest possible adjustment of affairs to the usual routine. ('07 c. 5 § 3)

[388—]4. Same—Redistricting of county—Subsequent election—Terms—Contest.—That at least six months before the general election in said county held next after the appointment and qualification of the said commissioner or commissioners at large, unless less time shall intervene between such appointment and qualification and said election, in which event the action herein provided for shall be taken at the first meeting after such commissioners shall have qualified, the board shall proceed to redivide their county into commissioners' districts, five in number, and to be numbered from "1" to "5", unless otherwise provided by law; and at the next general election held in said county after such redistricting, commissioners shall be elected from each of said districts, the member from each odd numbered district to hold for the term of two years, and the member from each even numbered district to hold for the term of four years, and thereafter all commissioners, except those elected or appointed to fill vacancies for unexpired terms, shall be elected for the term of four years. Provided, that if, upon such redistricting, any new district shall cover the same territory as any one of the old districts, the commissioner elected from such old district shall continue to act as commissioner from the new district for the remainder of the term for which he was elected: provided further that, in case a contest or other litigation shall be pending involving the legality of the change of boundaries of said county, the redistricting herein provided for shall not be made until after such contest or other litigation has been finally determined in favor of such change of boundaries. And in such event, if the term of any commissioner at large shall expire before the county is redistricted, his successor shall be elected by the voters of the entire county, whose term shall be four years, unless sooner ended, as in this act provided for or otherwise. ('07 c. 5 § 4)

[388—]5. Same—Boundaries restored after contest—Termination of office—Former commissioner.—That if, as the result of a contest or other litigation involving the change of boundaries of any such county, it shall follow, after the appointment or election of any commissioner or commissioners at large, that the territory detached from said county by the change of boundaries shall, by final determination of the courts, be restored to it, the term of office of all such commissioners at large shall at once terminate upon the election or appointment and qualification of a commissioner

for the district of the former commissioner whose place on the board is occupied by him; and, if the term for which such former commissioner was elected shall not have expired, he may and shall, within thirty days after the final determination restoring his district to the county, qualify as required by law and hold his office for the remainder of his term, otherwise the vacancy shall be filled by appointment as in other cases. ('07 c. 5 § 5)

390. Records transcribed.—All records in the office of the register of deeds affecting real estate transferred under this chapter from one county to another shall be transcribed by the register of deeds of the county to which such transfer is made, and the said register of deeds shall receive such compensation therefor as the board of commissioners of the county to which said records are transmitted shall fix. In like manner and with like effect the county auditor shall transcribe from the auditor's office such records and documents as the county board shall direct, for which he shall receive 6 cents per folio. Such transcribed records shall have the same effect, for all purposes, as the originals. (R. L. § 390, as amended by Laws 1907, c. 136, § 1.)

393. County indebtedness—County buildings.

Where new county is dissolved.—Where the attempt to create a new county out of a portion of the territory of an existing county results in the organization of a de facto corporation, which is subsequently dissolved in proceedings for that purpose, the original county is not liable for debts contracted by the de facto corporation during its existence. *George D. Barnard & Co. v. Polk County*, 98 Minn. 289, 108 N. W. 294.

CHANGING COUNTY SEATS.

396. Petition for change—Procedure.

Notice to voters.—In mandamus proceedings to compel the board to determine a dismissed petition, the court exceeded its authority in commanding the board to convene on a date named to determine the merits of the petition, without further requiring notice to the voters as required by this section, and to this extent the judgment was invalid on its face. No valid certificate that a proper petition has been filed can be issued by the board until after a hearing duly had, pursuant to such notice. *Kaufer v. Ford*, 100 Minn. 49, 110 N. W. 364.

See note under section 398.

397. Form of notice.

See note under section 398.

398. Duties of county board.

Jurisdiction.—After a petition has been filed with the auditor, the county commissioners alone have jurisdiction to determine whether it has been lost and the proceedings withdrawn and abandoned. Such petition having been filed, the auditor is required to issue the notice, and cannot be enjoined from so doing by reason of the fact that the petition had been taken from his office and could not be found. The filing of a second petition for the same purpose does not confer jurisdiction upon the commissioners to consider it until it shall have been determined by that body that the petition had been lost, or that the proceedings under the first one had been withdrawn and abandoned. *Evenson v. O'Brien*, 106 Minn. 125, 118 N. W. 364.

POWERS AND DUTIES.

409. Powers.—Each organized county is a body politic and corporate, and as such empowered to act for the following purposes:

1. To sue and be sued.
2. To acquire and hold real and personal property for the use of the county, and lands sold for taxes as provided by law; and to purchase and hold for the benefit of the county real estate sold by virtue of judicial proceedings, to which the county is a party.
3. To sell, lease and convey any real or personal estate owned by the county, and to give contracts or options to sell, lease or convey any such real or personal estate, and make such order respect-

ing the same as may be deemed conducive to the interests of its inhabitants; provided, no sale, lease or conveyance of any such real estate, nor any contract or option therefor shall be valid, unless a resolution fixing a time for considering same and setting out the terms and conditions thereof, shall be published in the official proceedings of the county commissioners at least thirty days and not more than sixty days prior to the time it shall have been voted upon; provided further, before causing the publication of any such resolution, the commissioners may require a satisfactory bond to be furnished by the person or persons desiring such sale, a lease, conveyance, contract or option, conditioned to abide by the terms thereof, if granted to him or them; provided further, if at the time so fixed any more favorable proposition or propositions shall have been filed with the auditor affecting the same property and accompanied with like satisfactory bond, all propositions may be at that time considered, and the one most favorable to the county accepted; provided further, that in no case shall any such lands be disposed of, without there being reserved to the county any and all iron ore and other valuable minerals in and upon the same, with right to explore for, mine and remove same, nor shall such minerals and mineral rights be disposed of, either before or after disposition of the surface rights, otherwise than by mining lease, in similar general form to that provided by section 2491 of the Revised Laws of Minnesota for 1905 for mining leases affecting state lands, such lease to be for a term not exceeding fifty years, and to be issued on a royalty basis, royalty to be not less than 25 cents per ton of 2,240 pounds, and to fix a minimum amount of royalty payable during each year, whether mineral is removed or not, provided further, prospecting options for such mining leases may be granted for periods not exceeding one year, such options to require among other things, periodical showings to the county board of the results of exploration work done.

4. To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers. (R. L. § 409, as amended by Laws 1907, c. 310, § 1.)

Historical.—"An act to amend section 409 of the Revised Laws of Minnesota for 1905, defining the powers of counties." Approved April 23, 1907.

The number of the section appears as "400" in the title of the act as printed in the official publication:

412. County buildings.

Cited in *Wall v. St. Louis County*, 105 Minn. 403, 117 N. W. 611.

Repair of courthouse.—The reasonable expense of making repairs on a courthouse is not unlawful, though the amount, added to other expense, exceeds the statutory limit of the taxing power of the county. *Upton v. Strommer*, 101 Minn. 97, 111 N. W. 956.

414. County, how named in suits.

Appeal by county.—An appeal from a judgment against a county board, in an action involving its official powers and duties, can only be taken or authorized by the action of the board. *State ex rel. Erb v. Johnson*, 98 Minn. 17, 107 N. W. 404.

415. Claims against county—Appeal.

Cited in *State ex rel. Devine v. Peter*, 120 N. W. 896.

417. Appeal to Supreme Court—Counterclaim.

G. S. 1894, § 645, cited in *State ex rel. Fitzgerald v. Foot*, 98 Minn. 467, 108 N. W. 932.

418. Enforcement of judgments.

Judgment, how paid.—The treasurer of Ramsey county was not, by G. S. 1894, § 646, authorized, without an order or warrant of the auditor, to pay a judgment against the county upon presentation of a certified copy of the judgment and a voucher for the payment thereof. *State ex rel. Fitzgerald v. Foot*, 98 Minn. 467, 108 N. W. 932.

COUNTY BOARD.

419. Composition.

See sections [388—]1 to [388—]5.

Counties under special laws.—Sp. Laws 1871, c. 73, and other special acts in reference to the board of county commissioners of Ramsey county, were not repealed by the Revised Laws. State ex rel. Seng v. Peter, 101 Minn. 462, 112 N. W. 866.

422. Tie determined by lot.

Cited in In re Lannon, 120 N. W. 1082.

[422—]1. **Counties under special law—Board of five.**—In any county in the state of Minnesota wherein by special law the county board consists of but four members, such board, at any regular session, and not later than the regular session thereof appointed, to be held in July, 1908, shall divide said county into five commissioner districts, numbered consecutively, each of which said districts shall be bounded by town or ward lines, be composed of contiguous territory, and contain, as nearly as practicable, an equal population. ('07 c. 38 § 1)

Historical.—“An act to provide for a county board of five members in all counties of the state wherever by special law such board now consists of but four members, and to repeal certain special laws and all other laws inconsistent herewith.” Approved March 13, 1907.

By section 3 of said act, Sp. Laws 1875, c. 82, entitled “An act to regulate the election and fixing the term of office of county commissioners in the county of Carver,” and all other special laws inconsistent therewith, are repealed.

By section 4, the act took effect January 1, 1908.

[422—]2. **Same—Election of commissioners.**—There shall be elected at the next general election in each such county a commissioner from each even numbered district for the term of two years, and one from each odd numbered district for the term of four years, and thereafter said commissioners shall be elected for the term of four years, except that elections or appointments to fill vacancies shall be for the unexpired term only, and thereafter the election and appointment of county commissioners in such counties shall be governed by the General Laws of the state of Minnesota. ('07 c. 38 § 2)

423. Salaries.—Each commissioner shall receive from the county, in full payment for all his services, an annual salary as follows: In counties whose assessed valuation does not exceed two million five hundred thousand dollars, the sum of one hundred twenty-five dollars. In counties whose assessed valuation is more than two million five hundred thousand dollars and does not exceed seven million dollars, the sum of one hundred seventy-five dollars. In counties whose assessed valuation is more than seven million dollars and does not exceed twenty million dollars, the sum of two hundred fifty dollars. In counties whose assessed valuation is more than twenty million dollars and does not exceed one hundred million dollars, eight hundred dollars. In counties whose assessed valuation is more than one hundred million dollars, one thousand two hundred dollars. And said one thousand two hundred dollars shall be in full for all services upon the county and other boards and committees, and all traveling and other expenses within the county. Except as otherwise provided, commissioners shall also receive ten cents per mile travel each way for every mile necessarily traveled in attending the meeting of the board, or in discharge of official duty under the direction of the board; but no commissioner shall receive mileage for attending more than twelve sessions of the board in counties whose assessed valuation does not exceed one hundred million dollars; provided, that where any district includes a city of the third class having more than five

thousand inhabitants, the salary of the commissioner therein shall be fixed by the county board at its first meeting in each year, but shall not exceed two hundred fifty dollars. (R. L. § 423, as amended by Laws 1907, c. 204, and Laws 1909, c. 388, § 1.)

Historical.—"An act to amend section 423, Revised Laws 1905, as amended by chapter 204, General Laws, 1907, relating to salaries of county commissioners." Approved April 22, 1909.

Section 2 repeals inconsistent acts.

See Laws 1909, c. 46, "An act to amend section 423, Revised Laws 1905, as amended by chapter 204 of the Laws of Minnesota for the year 1907, relating to salaries and expenses of county commissioners." Approved March 5, 1909.

See, also, sections [423—]1 to [423—]3.

[423—]1. **Salary and mileage in counties having not less than 35,000 or more than 75,000 inhabitants.**—County commissioners in counties of not less than thirty-five thousand or more than seventy-five thousand inhabitants shall receive three dollars, per day for each and every day necessarily occupied in the discharge of their official duties while acting on any committee under the direction of the board, and 10 cents a mile each way for every mile necessarily traveled in attending such committee work. The commissioners of such counties shall be entitled to mileage of 10 cents per mile each way for every mile necessarily traveled for attending meetings of the board, not to exceed twelve meetings in any one year. ('07 c. 206 § 1)

Historical.—"An act relating to the salary and compensation of county commissioners in counties of not less than 35,000, nor more than 75,000 inhabitants." Approved April 22, 1907.

See section 423.

[423—]2. **Compensation in counties having 150,000 and less than 200,000 inhabitants.**—That in any county of this state which now, or may hereafter have a population of one hundred fifty thousand inhabitants or over but less than two hundred thousand inhabitants, the county commissioners thereof shall receive as compensation seven hundred and fifty dollars per annum, and no more, payable in monthly installments out of the county treasury of such county upon warrants of the county auditor thereof, and which amount shall be in full for all services of every nature and in any capacity of such county commissioners. ('05 c. 318 § 1)

Historical.—"An act entitled an act to provide for the compensation of county commissioners in counties which now, or may hereafter have a population of 150,000 inhabitants or over, but less than 200,000 inhabitants." Approved April 19, 1905.

Section 2 repeals inconsistent acts.

See section 423.

[423—]3. **Certain expenses in counties having 75,000 and less than 150,000 inhabitants.**—In any county in this state having at any time a population of more than 75,000 and less than 150,000 by the then last preceding state or national census, whether the compensation of the county commissioners thereof is fixed by special law, or otherwise, such commissioners shall, in addition to the amount now or herein provided, be reimbursed for all amounts actually and necessarily paid and expended by them for travel or otherwise in the performance of their duties within such county (excepting expenses incurred at the county seat during the sessions of the board) not exceeding the sum of two hundred dollars for any commissioner in any one year. Before allowance of any amount for disbursements a sworn statement setting forth in detail the amount of such disbursements and specifically when and where or to whom and for what each item was incurred or paid, shall be filed with such board, and take the same course as other bills against such county. ('05 c. 146 § 1)

Historical.—"An act providing for the reimbursement of county commissioners for expenses actually and necessarily paid and expended by them for travel

or otherwise in the performance of their duties, excepting expenses incurred at the county seat during the sessions of the board, in counties of the state having at any time a population of more than 75,000 and less than 150,000 inhabitants." Approved April 11, 1905.

See section 423.

424. Meetings—Quorum.

Vacancy—Powers of board.—A board was composed of five members, each representing a district; but one member had failed to qualify, and no steps had been taken to fill the vacancy. The power of filling such a vacancy not having been vested in the board, four members may exercise the legislative powers. *Swedback v. Olson*, 120 N. W. 753.

425. Vacancies filled by board.

Removal.—The board has no power to remove the county superintendent. It can only fill the office after it has been vacated in proper judicial proceedings, or by the act of the incumbent. *State ex rel. Young v. Hays*, 105 Minn. 399, 117 N. W. 615.

426. Vacancy in board.

Cited in *Swedback v. Olson*, 120 N. W. 753.

428. Publication.—The board shall cause the official proceedings of its sessions to be published in some newspaper printed and published in its county, which publication shall be let annually by contract to the lowest bidder, at the first regular session of the board in January of each year. The board may reject any offer, if, in its judgment, the public interests so require, and may thereupon designate a paper without regard to any rejected offer. Provided, that in counties whose population exceeds 50,000, the proceedings may be published in one daily and one weekly newspaper at their respective county seats. If the official newspaper of the county shall cease to exist for any reason, except by consolidation with another newspaper, the county board shall have authority to designate another newspaper for the remainder of the year. (R. L. § 428, as amended by Laws 1907, c. 447.)

430. Offices and supplies for county officials.

Cited in *Wall v. St. Louis County*, 105 Minn. 403, 117 N. W. 611.

431. Appropriation for expenses.—At its regular meetings in January and July the board may appropriate from the county revenue fund a sum not exceeding three hundred and fifty (\$350) dollars to pay incidental expenses of county officers incurred for postage and necessary express and telephone charges, and the mileage and per diem of town officers making election returns and for such other purposes as the county board may lawfully direct, to be paid on the warrant of the county auditor upon the presentation of a properly itemized and verified bill, except in cases where the county auditor considers the sum charged excessive, in which cases he shall file the bill if requested by the person presenting same, for action of the board at its next meeting. Provided, that no county officer or any other person presenting a claim on the incidental fund shall receive more than fifteen dollars therefrom at any one time. (R. L. § 431, as amended by Laws 1907, c. 390, § 1.)

433. Annual statement.—Annually on the first Tuesday after the first Monday in January such board shall make a full and accurate statement of the receipts and expenditures of the preceding year, which shall contain a full and correct description of each item, from whom and on what account received, to whom paid, and on what account expended, together with an accurate statement of the finances of the county at the end of the fiscal year, including all debts and liabilities, and the assets to discharge the same, and within thirty days thereafter shall cause the same to be posted at the courthouse door, and at two other public places in the county and published for three successive weeks in some newspaper therein, which in counties having over seventy-five thousand population

shall be a daily. At its meetings in July and January of each year it shall examine and count all the funds in the treasury, examine the accounts and vouchers of the auditor and treasurer, and make a written certificate of the condition of the treasury, showing the amount, kind and character of the funds therein, and all other matters in connection therewith, and file the same with the auditor. (R. L. § 433, as amended by Laws 1907, c. 205, § 1.)

434. General powers of board.

Subd. 1.—Cited in State ex rel. Devine v. Peter, 120 N. W. 896.

Subd. 13.—Cited in Minnesota Canal & Power Co. v. Pratt, 101 Minn. 197, 112 N. W. 395, 11 L. R. A. (N. S.) 105.

[434—]1. **State conference of charities, etc.**—Every board of county commissioners shall have the power to designate annually one of its members to attend the state conference of charities and correction, and shall have the power to appropriate from the county funds to pay the reasonable expense incurred by such commissioner in attending such conference. ('05 c. 262 § 1)

Historical.—“An act to authorize boards of county commissioners to be represented at state conference of charities and correction.” Approved April 18, 1905.

See R. L. § 5504.

[434—]2. **Maintaining water in certain lakes.**—When the whole of any navigable lake is situated in a single county, the county board, in order to improve navigation thereon or to promote the public health or welfare, may appropriate not exceeding in any one year, the sum of three hundred dollars for erecting and maintaining sufficient dams or embankments upon and along the shores of such lake to keep and maintain the water in such lake at its natural and usual height and level. The money so appropriated shall be expended under the direction of such county board. ('07 c. 104 § 1)

Historical.—“An act authorizing county boards in certain counties to appropriate moneys to build dams and embankments to keep and maintain water in certain navigable lakes at natural height and level.” Approved April 4, 1907.

[434—]3. **Exhibits at state fair.**—The board of county commissioners of any county in the state is hereby authorized and empowered to appropriate out of the general revenue fund of said county, such a sum of money, not exceeding five hundred dollars annually, as they may deem advisable for the purpose of assisting to maintain an exhibit of the products of said county at the Minnesota state fair. (Laws 1907, c. 99, § 1, as amended by Laws 1909, c. 26, § 1.)

Historical.—“An act to authorize counties having not less than forty per cent of uncultivated land to appropriate money to be used for the purpose of maintaining an exhibit at the state fair.” Approved April 4, 1907. Laws 1907, c. 99, as amended by Laws 1909, c. 26.

[434—]4. **Same—Appointment of person to supervise—Compensation.**—The county commissioners of any county appropriating money as provided in section 1 [434—3] shall, at the same meeting, or some subsequent meeting, appoint a suitable person who shall be a resident of said county to supervise and have full charge of said exhibit and of the disbursement of said appropriation. The compensation of said person shall be fixed by the county commissioners at the same meeting at which said person is appointed, such compensation to be paid out of the appropriation made for said exhibit. ('07 c. 99 § 2)

[434—]5. **Same—Appropriation, how paid—Bond.**—Said appropriation shall be paid in auditor's warrant to the person in charge of said exhibit upon said person filing a good and sufficient bond with said auditor in double the amount of said appropriation, conditioned that he shall properly disburse such appropriation for the purpose intended, and make true account thereof to the board of county commissioners of said county, as provided in section 4

[434—6]. Said bond shall have two free-hold sureties and be approved by said auditor. ('07 c. 99 § 3)

[434—]6. **Same—Statement to board.**—Said person shall render a detailed statement to the board of county commissioners of all expenditures made by him in maintaining such exhibit, which statement shall be rendered not later than November 1st of the year in which said exhibit is made. If said statement shall show that any part of said appropriation is unexpended, such balance shall be paid into the treasury of said county. Upon the approval of said report by the board of county commissioners, said person shall be relieved and discharged from all liability under the bond hereinbefore provided for. ('07 c. 99 § 4)

[434—]7. **Change of name of county—Petition—Notice.**—The board of county commissioners of any county in this state may change the name of such county upon a petition signed by a number of the legal voters of said county equal to fifty-five per cent of the votes cast at the last preceding general election, and shall adopt the new name suggested in such petition as the official name of such county. Such petition shall be filed with the county auditor and it shall be the duty of the auditor thereupon to give public notice of the filing of such petition by publishing the same in the official newspaper of the county, and said petition shall be taken up and considered at the next meeting of said board of county commissioners, held not less than thirty days after the date of such notice. ('05 c. 238 § 1)

Historical.—"An act to authorize the board of county commissioners of any county in this state to change the name of such county." Approved April 18, 1905.

See R. L. § 5504.

[434—]8. **Same—Order of board.**—The prayer of said petition being granted, the board shall make a formal order to that effect, which shall be filed with the auditor, and thereupon the official name of said county shall be the one so adopted. ('05 c. 238 § 2)

[434—]9. **Tuberculosis sanatorium.**—That the board of county commissioners in any county of this state shall have the power to establish and maintain a public sanatorium for the treatment and care of persons afflicted with tuberculosis. ('09 c. 347 § 1)

Historical.—"An act to enable counties to establish and maintain public tuberculosis sanatoria." Approved April 21, 1909.

[434—]10. **Same—County sanatorium commission.**—Upon the decision to establish and maintain a public tuberculosis sanatorium under this act, the county commissioners shall appoint a commission consisting of three members, at least one of whom shall be a licensed physician. These members shall be chosen with reference to their special fitness for such office, and their appointments before becoming effective shall be approved by the state board of health. Under the first appointment one member shall be chosen for one year, one for two years, and one for three years; and thereafter one member shall be chosen each year to serve for a period of three years. This commission shall be known as the "county sanatorium commission." Its members shall serve without compensation or financial benefit, but shall be entitled to reimbursement for all actual expenses in connection with their official duties. Said sanatorium commission shall have full charge and control of all moneys received for the credit of the sanatorium fund and for the construction of any sanatorium building, its location, erection and maintenance, and shall make such regulations concerning the same as may seem to it advisable. It shall appoint and employ a competent superintendent and other necessary help. The superintendent shall be the secretary of the commission, and one mem-

ber of the commission shall be designated by it as its president. The members of said commission shall qualify by subscribing to and taking the usual oath of office, and shall hold office as indicated above or until their successors are appointed and approved and have qualified. ('09 c. 347 § 2)

[434—]11. **Same—Counties may unite.**—Two or more counties may unite in acquiring, establishing, equipping and maintaining such sanatorium, and in such case such commission shall be composed of three members chosen from the county in which said sanatorium is to be located, as provided for in section 2 [434—10], and two members shall be chosen in like manner from each of the other counties interested. ('09 c. 347 § 3)

[434—]12. **Same—Appropriation—Tax levy—Fund.**—A county or counties wishing to provide a sanatorium as indicated in section 1 [434—9] may, through its county commissioners, appropriate not to exceed twenty thousand dollars for the establishment and equipment of same. Such commission shall determine by resolution each year prior to July 1st, the amount of money necessary for the equipment and maintenance of the sanatorium the following year, and a certified copy of such resolution shall be forthwith forwarded to the county board, and such board shall at its regular meeting in July, include such amount in its annual levy of county taxes (unless after due hearing such amount be determined to be unreasonable and unnecessary in which event such amount may be reduced accordingly by said board). But in no case shall the amount of such levy in any one year exceed four-tenths of one mill on the dollar of assessed valuation. Such amount when collected shall be credited to the sanatorium fund. In case two or more counties unite in establishing such sanatorium then such commission shall in its annual resolution or budget apportion the same between or among such counties and designate the amount to be so raised by each county and shall in like manner forward to the county board of each county a certified copy of such resolution and such county board shall then proceed to levy such proportion in the same manner as previously designated in this section. All moneys received for such sanatorium shall be deposited in the treasury of said county or counties to the credit of the "Tuberculosis Sanatorium Fund," and shall not be used for any other purpose, and shall be drawn upon by the proper officials of said county or counties upon the properly authenticated vouchers of the sanatorium commission. ('09 c. 347 § 4)

[434—]13. **Same—Moneys, how paid—Annual statement.**—No money shall be paid from such fund except on orders signed by the president and secretary of such commission, which orders shall be drawn upon the county treasurer or treasurers of such county or counties. The sanatorium commission shall annually file with the auditor or auditors of such county or counties a full itemized statement of all receipts and disbursements. ('09 c. 347 § 5)

[434—]14. **Same—Charges, how fixed—Admission of patients.**—The commission shall fix the amount to be charged for the care, treatment and maintenance of each patient. When a patient is unable to pay such charges and has no kindred legally liable therefor, such patient may be admitted without charge, or the commission may fix a charge according to the patient's ability to pay. Any individual outside of a county or counties maintaining a tuberculosis sanatorium may apply for treatment; or any city, village or county may apply on behalf of its charges, and the same may be provided for under a stipulated agreement by the party or municipality to pay a weekly sum designated by the sanatorium commission. ('09 c. 347 § 6)

[434—]15. **Same—Patients, how admitted.**—Any inhabitant of such county or counties maintaining a tuberculosis sanatorium, who is afflicted with tuberculosis, whether in the incipient or advanced stage, is eligible for care in the sanatorium and may apply for admission thereto; or any licensed physician, visiting nurse, charity worker, humane officer or health officer may apply on behalf of such individual; and the superintendent, after examining the facts of the case, may admit such person to the sanatorium for care, treatment and maintenance. ('09 c. 347 § 7)

[434—]16. **Same—Gifts, donations, etc.**—The sanatorium commission is empowered to accept as a trust any gift, donation or funds from any other source, whether subject to the special provisions of the donors or not, and such gifts, donations or funds shall be placed to the credit of the "Tuberculosis Sanatorium Fund" in the treasury of the county in which the sanatorium is located, and shall be disbursed as provided for under section 5 [434—13]. ('09 c. 347 § 8)

[434—]17. **Fish hatcheries in counties having 275,000 inhabitants.**—In all counties in this state now having or which shall hereafter have a population of two hundred seventy-five thousand or more inhabitants, the boards of county commissioners are hereby authorized and empowered to locate, equip, develop and maintain within their county a fish hatchery for the propagation and cultivation of fish, and the same shall be known as the county fish hatchery of such county. ('09 c. 219 § 1)

Historical.—"An act to provide for the establishment and maintenance of fish hatcheries in counties in this state now having or which shall hereafter have a population of two hundred seventy-five thousand or more inhabitants, and empowering and authorizing the board of county commissioners to acquire a site therefor." Approved April 17, 1909.

[434—]18. **Same—Land, how acquired.**—That any board of county commissioners of any of the counties aforesaid is hereby authorized and empowered, as soon as practicable after the passage of this act, to acquire by gift, lease, purchase or condemnation in the name and on behalf of said county, any real property, lands, premises, right-of-way or easement, public or private, that may be necessary, convenient or proper for the establishment and equipment and development of a fish hatchery and grounds and for the purpose of receiving and conducting to and from said hatchery waters necessary or desirable for the use of said hatchery, in such manner as the said board of county commissioners may deem fit; and in case the owner of any real property, land or premises, and the said board of county commissioners cannot agree as to the value of the premises taken or so to be taken for any such use, the value thereof and the price so to be paid therefor shall be determined by the appraisal of three competent disinterested persons, residents of such county commissioned to ascertain the amount to be paid by said board of county commissioners to the owner or person interested, such appraisers to be appointed on application of the said board of county commissioners by the judges of the district court within and for such county, according to the provisions of chapter 41, of the Revised Laws of 1905, so far as reasonably applicable, which said law shall apply to and govern proceedings under this act. ('09 c. 219 § 2)

[434—]19. **Same—Management and control.**—That the board of county commissioners of any such county shall have full management and control of said fish hatchery and for that purpose are hereby authorized and empowered to hire such help as may be necessary to establish and care for said fish hatchery. ('09 c. 219 § 3)

[434—]20. **Same—Annual appropriation.**—For the purpose of carrying out the provisions of this act, the board of county commissioners of any such county is hereby authorized and empowered to make an annual appropriation of not more than five thousand dollars per year. ('09 c. 219 § 4)

[434—]21. **Improvement of navigable lakes in counties having 275,000 inhabitants.**—That whenever there exists, in any organized county in the state of Minnesota now or hereafter having a population of two hundred and seventy-five thousand inhabitants or more, a navigable lake, or lakes, which is, or are, wholly or for the greater part thereof within the territory or limits of said county (and which is, or are, not, either wholly or in part, within the corporate limits of any city in said county), the board of county commissioners of said county is hereby authorized and empowered to appropriate each year, from the revenue fund of said county, such sums for public improvements on, in or about said lake or lakes, as in the opinion of said board may be necessary. Provided, that the total amount of said sum or sums so appropriated during any year shall not exceed the sum of twenty-five thousand dollars. Provided, further, that the question of population shall be determined by the official census next preceding any appropriation made under the provisions of this act. ('09 c. 356 § 1)

Historical.—"An act authorizing appropriations by boards of county commissioners in counties now or hereafter having a population of two hundred and seventy-five thousand inhabitants or more, for public improvements in or about navigable lakes." Approved April 22, 1909.

Section 2 repeals Laws 1903, c. 74, as amended by Laws 1905, c. 62, so far as inconsistent with section 1. Laws 1903, c. 74, was not among the acts of that year repealed by R. L. § 5546.

[434—]22. **Extension of streets in counties having 200,000 inhabitants.**—That in any county of this state having 200,000 inhabitants or over, or which may hereafter have 200,000 inhabitants or over, the county commissioners thereof are hereby authorized and empowered to extend any street or avenue beyond the city or village limits of any city or village in such county to connect with any road or highway in any adjoining county, which extension, however, shall not exceed one mile in length; and said county commissioners are given full power to change, alter, improve or repair such extension of road within such county, and to appropriate such sum or sums of money from the county treasury of such county as they may deem advisable therefor; provided, that in no case shall the location of such road wherewith such extension shall be connected, be changed at the point where the same now cross the county line between such county and such adjacent county or counties. ('07 c. 173 § 1)

Historical.—"An act giving county commissioners in counties of 200,000 inhabitants or over supervision over certain public highways or roads therein." Approved April 12, 1907.

435. County morgue.

Cited in *Manley v. Scott*, 121 N. W. 628.

436. Same.

Morgue keeper.—The county board of Hennepin county has power to employ a morgue keeper and to contract with him for one year, during which time he may only be discharged for causes which will justify the county in refusing to carry out the contract. The board may, on the last day of the year, employ a keeper for one year therefrom, notwithstanding two new members will qualify thereafter. *Manley v. Scott*, 121 N. W. 628.

[437—]1. **Aid to hospitals in counties having 25,000 inhabitants or less.**—The board of county commissioners in any county in this state containing twenty-five thousand inhabitants, or less, is hereby authorized to appropriate from the general revenue fund of such county a sum not exceeding one thousand dollars to aid in the

construction of a hospital within such county, but no appropriation shall be made for more than one hospital in any such county. ('09 c. 210 § 1)

Historical.—"An act to authorize county commissioners in counties containing twenty-five thousand inhabitants, or less, to appropriate money to aid in the construction of hospitals in certain cases." Approved April 17, 1909.

[437—]2. **Same—Bond from hospital—Charges, etc.**—Before any appropriation shall be made in any county under the provisions of this act the board of county commissioners of such county shall require a bond on the part of the authorities of such hospital in a sum of at least double the amount of the appropriation, with sureties to be approved by such board, and conditioned that such hospital shall be operated in a first class manner for at least ten years, or for such further time as such board may require, and that the authorities of such hospital shall receive, at such price or compensation as may be fixed and agreed upon by and between such board and the authorities of such hospital at or before the time of the giving of such bond, all patients who may be a charge or dependent upon such county. ('09 c. 210 § 2)

438. Claims to be itemized and verified.

Cited in *Megaarden v. Hennepin County*, 102 Minn. 134, 112 N. W. 899.

To what claims applicable.—G. S. 1894, § 687, contemplates such claims only as can be itemized, and it has no application to a claim for damages for failure to perform a statutory duty as by refusal of the council of a city to levy a special tax to pay for street improvements for which it contracted. *City of Mankato v. Barber Asphalt Paving Co.*, 142 Fed. 329, 73 C. C. A. 439.

439. Verification.

Cited in *Megaarden v. Hennepin County*, 102 Minn. 134, 112 N. W. 899.

440. Auditing of claims.

Cited in *State ex rel. Devine v. Peter*, 120 N. W. 896.

442. Assessors and overseers of roads.—The board of each county, any part of which is not organized into towns, shall at its meeting in January in each year divide such unorganized territory into one or more assessment and road districts, and appoint a qualified person residing therein as assessor for each district, and another as overseer of roads therein, each of whom shall possess the powers and perform the duties of a town assessor and town overseer of roads respectively. Each shall hold his office for the term of one year. The compensation of any such assessor or overseer of roads shall be fixed by the county board, not exceeding four dollars per day. (R. L. § 442, as amended by Laws 1909, c. 250, § 1.)

[442—]1. **Counties having assessor—Annual appropriation.**—That any county in the state of Minnesota now or hereafter having a county assessor, in addition to all powers now possessed by such county, is hereby authorized and empowered each year to appropriate sufficient money to defray the expense of making a proper assessment of all property in such county for the purpose of general taxation. ('09 c. 217 § 1)

Historical.—"An act to authorize any county in the state of Minnesota now or hereafter having a county assessor to appropriate sufficient money to defray the expense of assessing all property in such county for the purpose of general taxation." Approved April 17, 1909.

[442—]2. **Advertising time when taxes become delinquent.**—That the board of county commissioners of any county in the state may, by resolution, direct the county treasurer to publish in one or more newspapers published in said county, a notice in the form of a display advertisement, informing taxpayers of the approaching time when real and personal taxes will become delinquent and when penalties will accordingly attach, which resolution shall also fix the maximum amount that shall be paid for such advertisements; provided, however, that not more than the sum of one hundred dollars

shall be paid in any one year for such advertisements in any such county. ('09 c. 307, § 1)

Historical.—"An act authorizing the board of county commissioners of any county to direct the county treasurer to advertise in one or more newspapers the time real and personal property taxes will become delinquent." Approved April 21, 1909.

[442—]3. **Same—Duty of treasurer—Expense.**—Upon the passage of any such resolution it shall be the duty of the county treasurer to prepare and have published such notice as may be appropriate and have the same published using such space in such newspapers as will comply with the terms of such resolutions, and the expense thereof shall be allowed by the board of county commissioners and paid out of the county treasury as other claims against the county. ('09 c. 307 § 2)

ORGANIZATION OF TOWNS.

451. Towns, how organized.

See section [451—]1.

[451—]1. **Same—Number of petitioners.**—Whenever a majority of the male resident freeholders of any one, two, three, four or five congressional townships containing in the aggregate not less than twenty-five male freeholders who are legal voters, petition the county board to be organized as a town, such board shall forthwith proceed to fix and determine the boundaries of such new town and name the same; and shall make and file with the auditor a full report of its proceedings in relation to the establishment thereof. For the purposes of the act the words "male freeholders" shall be construed to include any male person who is a legal voter in any such town occupying real estate therein under the homestead or pre-emption laws of the United States or under contract of purchase from any person or corporation or from the State of Minnesota. (G. S. 1894, § 914, as amended by Laws 1905, c. 143, § 1.)

Historical.—"An act to amend section nine hundred fourteen of the General Statutes of the year eighteen hundred and ninety-four, relating to the organization of towns." Approved April 11, 1905.

G. S. 1894, § 914, was G. S. 1866, c. 10, § 1 (repealed by R. L. § 5818), and was embodied in R. L. § 451. So far as the amended section differs from said section 451, it is to be construed, by virtue of R. L. § 5504, as amendatory or supplementary.

452. Formation and alteration of towns.

Apportionment of indebtedness.—Where two towns were organized from territory within the limits of an existing town, in an action by the parent town against one of the new towns to enforce the liability created by Laws 1895, c. 227, to contribute pro rata to the indebtedness of the old town, the other town was not a necessary party defendant, and separate actions might be maintained against each. *Town of Kettle River v. Town of Bruno*, 106 Minn. 58, 118 N. W. 63.

456. **Apportionment of funds—Taxes—Debts.**—In case of the division or partition of any town, the funds in its treasury, and undistributed township taxes, shall be apportioned to the town or towns to which the portions thereof shall be attached, or to the new town or towns established, to the extent the same are collected from the territory so attached or established into a new town. All taxes collected after the division or partition of such town shall, when collected, be paid to the town in which the property upon which the taxes are collected, is located; but, taxes levied for the payment of outstanding bonds shall be paid to the town issuing such bonds, until such time as the same are paid. And whenever any such board shall have heretofore or shall hereafter divide or partition any such town, such board shall also apportion to the several parts thereof that portion of the debts of the town represented by outstanding orders or otherwise, and also the property thereof

as may seem to it right and proper, and said apportionment when so made shall be binding upon the parts affected, but shall be subject to review by the district court. (R. L. § 456, as amended by Laws 1909, c. 123, § 1.)

Historical.—"An act amending section 456, Revised Laws 1905, relating to the duties of the county board when towns are divided or partitioned and authorizing such board to apportion funds, credit and outstanding claims of such towns." Approved March 27, 1909.

[457—]1. **Change of name of town—Petition—Notice.**—The board of county commissioners of any county in this state may change the name of any town within such county upon a petition signed by a number of the legal voters of such town equal to fifty-five per cent. of the votes cast in such town at the last preceding general election and the new name suggested in such petition shall be adopted as the official name of such town. Such petition shall be filed with the county auditor and it shall be the duty of the auditor thereupon to give three weeks' published notice of the filing of such petition by publishing the same in the official newspaper of the county, and said petition shall be taken up and considered at the next meeting of said board of county commissioners, held not less than thirty days after the date of publication of such notice. ('07 c. 88 § 1)

Historical.—"An act to authorize the board of county commissioners of any county in this state to change the name of any town within such county." Approved April 3, 1907.

[457—]2. **Same—Order of board—Duty of Auditor.**—The prayer of said petition being granted, the board shall make a formal order to that effect, which shall be filed with the auditor, and thereupon the official name of such town shall be the one so adopted. The auditor shall, within twenty days after any such change of name of town, transmit by mail to the state auditor an abstract of all the proceedings and orders of the county commissioners relative to such change of name. ('07 c. 88 § 2)

COUNTY AUDITOR.

481. Election—Term.

As to counties having 275,000 inhabitants, see sections [601—] 11, [601—] 12, [601—] 23, [601—] 28 to [601—] 30.

484. Action on bond.

G. S. 1894, § 710, cited in *National Surety Co. v. State Savings Bank*, 156 Fed. 21, 84 C. C. A. 187, 14 L. R. A. (N. S.) 155.

487. Deputies.

As to counties having 275,000 inhabitants, see section [601—] 12.

488. Clerk of county board.

G. S. 1894, § 716, cited in *State ex rel. Fitzgerald v. Foot*, 98 Minn. 467, 108 N. W. 932.

[488—]1. **Transcribing records—Effect of copies—Compensation.**—Whenever it shall be made to appear to the satisfaction of the board of county commissioners of any county in this state that any book or books of record in the office of the county auditor of such county, through age, injury, use, or other cause, have become unfit for record purposes, and because of such condition are liable to destruction, it shall be the duty of the auditor of said county to make a transcript of such records in suitable books to be provided by the county for that purpose. When such transcripts have been completed the same shall be compared with the original record, and the said auditor shall duly certify, under his hand and seal at the end of each book that the records therein contained to date of signature are true and correct transcripts of the original records. Such

transcripts shall then have the same force and effect as the original records.

For the transcribing of such records the county auditor shall be allowed such amounts for extra help as to the board of county commissioners may seem just, proper and necessary, such extra help to be hired by him at his discretion as to their appointment and the rates of their compensation, respectively, and paid by his warrants on the county treasury. ('05 c. 295 § 1)

Historical.—"An act to provide for the renewal of certain records and for perfecting of certain records in the office of county auditor." Approved April 19, 1905.

See R. L. § 5504.

490. Account with treasurer.

G. S. 1894, § 718, cited in State ex rel. Fitzgerald v. Foot, 98 Minn. 467, 108 N. W. 932.

491. Disbursements—Warrant.

G. S. 1894, § 719, cited in State ex rel. Fitzgerald v. Foot, 98 Minn. 467, 108 N. W. 932.

492. Salary—Clerk hire.

As to counties having 275,000 inhabitants, see sections [601—] 11, [601—] 12, [601—] 23, and [601—] 28 to [601—] 30.

For repeal of special laws fixing the compensation of auditor of Wright county, see Laws 1907, c. 30.

[492—]1. Salaries in counties having 150,000 inhabitants—Deputies, clerks and assistants.—That in all counties in this state that now have or may hereafter have, according to the last completed state or national census, a population in each of not less than one hundred and fifty thousand inhabitants, the salary of the county auditor shall be and is hereby fixed as at the rate of four thousand five hundred dollars per annum, and in all such counties the auditor shall appoint and employ one chief deputy who shall be paid at the rate of one thousand eight hundred dollars per annum; one deputy and commissioner's clerk, who shall be paid at the rate of one thousand eight hundred dollars per annum; one deputy and bookkeeper who shall be paid at the rate of eighteen hundred dollars per annum; one chief clerk and draughtsman, who shall be paid at the rate of one thousand five hundred dollars per annum; one deputy and one settlement clerk, who shall be paid at the rate of one thousand two hundred dollars per annum each; three counter deputies, who shall be paid at the rates of one thousand one hundred dollars per annum each; five general clerks, who shall be paid at the rate of one thousand dollars per annum each; which above named salaries shall be payable out of the county treasury in equal monthly installments except as hereinafter provided. Provided, that any such county auditor shall have authority to command and employ, without additional compensation to that of such deputy or other employé's usual compensation and when, and as often and to such extent as said county auditor may deem proper, the services of any deputy or other employé in said county auditor's office for any work of said office, whether or not such work be the usual work of such deputy or other employé, or be partly or wholly the usual or proper function of some other deputy or employé. And provided, further, that any such county auditor may, during any year, at his discretion and as often and for as long as he sees fit, reduce the number of said five general clerks, and that the salary amounts which may be so saved, together with whatever has been saved, during such year through necessary vacancies among the other deputies, clerks and assistants of said county auditor's office, may to any extent needful in said county auditor's judgment, be used in the same year by him in hiring extra clerks, at the same rate of pay respectively as each of said general clerks,

for any of the regular work of his office when the same is greater or more hurried than is common throughout the year: (Laws 1905, c. 206, § 1, as amended by Laws 1907, c. 295, § 1.)

Historical.—"An act to regulate the hiring and employment of deputies, clerks and assistants in the offices of county auditors in all counties in the state of Minnesota, having or which may hereafter have a population in each of not less than one hundred and fifty thousand inhabitants, and to fix the salaries that shall be paid to the county auditors and certain of their deputies, clerks and assistants in such counties." Approved April 17, 1905. Laws 1905, c. 206, as amended by Laws 1907, c. 295 (approved April 22, 1907). Laws 1905, c. 206, § 2, repeals inconsistent acts.

See R. L. § 5504.

[492—]2. **Same—Additional help.**—In each of said counties the board of county commissioners may, by resolution, authorize the county auditor of such county to appoint and employ such help additional to what is provided for elsewhere in this act as may to such board at any time or times seem just, proper and necessary in carrying on the work of such county auditor's office, and the board shall in such authorizing resolution fix the rate of compensation payable out of the county treasury to be allowed to such extra help and limit the amount to be expended under such resolution. ('05 c. 206 § 2)

[492—]3. **Additional clerk hire in certain counties.**—The auditor of each county of this state having, or which may hereafter have, a population of over 100,000 and less than 200,000 inhabitants, shall appoint and employ such deputies, clerks and other employees as may be necessary for the proper performance of the duties of his office, and at such reasonable compensation as may be fixed and determined by such auditor, and approved by the board of county commissioners, but the total amount to be paid to, or used for such deputies, clerks and other employees, shall not exceed in any one year the total sum of \$22,000. And such salaries shall be payable in equal monthly installments out of the county treasury. ('09 c. 71 § 2)

Historical.—"An act fixing and regulating the appointment and compensation of deputies and clerks in the offices of county treasurer and county auditor in counties having, or which may hereafter have, a population of over 100,000 and less than 200,000 inhabitants." Approved March 12, 1909.

For section 1, see section [527—]6, post. Section 3 repeals all inconsistent acts, whether general or special.

[492—]4. **Additional clerk hire in certain counties.**—That in counties having a population of not less than thirty-two thousand and not more than forty thousand inhabitants and an assessed valuation of not less than eleven million five hundred thousand dollars nor more than fifteen million dollars, and where the auditor and the auditor's clerks' salaries are now governed by special law, the county commissioners may grant annually an additional sum not exceeding seven hundred dollars for clerk hire. ('05 c. 259 § 1)

Historical.—"An act to authorize county commissioners to grant additional salary to county auditors for clerk hire in certain cases." Approved April 18, 1905.

See R. L. § 5504.

[492—]5. **Additional clerk hire in certain counties.**—That in counties having a population of not less than 30,000 and not more than 40,000 inhabitants, and an assessed valuation of not less than \$12,000,000 nor more than \$15,000,000 as assessed in 1908, and where the auditor and the auditor's clerk's salaries are now governed by special law, the county commissioners may grant annually an additional sum for clerk hire not exceeding twelve hundred dollars in counties having a population of less than seven thousand and a taxable valuation of less than two million dollars, the auditor shall be allowed for clerk hire one-third of one mill on each dollar of assessed valuation. Provided, however, this act shall not

apply to any county wherein the salary of the county auditor for clerk hire is provided for by chapter 423 or 424, Special Laws of 1891. ('09 c. 393 § 1)

Historical.—"An act to authorize county commissioners to grant additional salary to county auditors for clerk hire in certain cases." Approved April 22, 1909.

[492—]6. **Additional clerk hire in certain counties.**—That in counties having a population of not less than twenty-seven thousand inhabitants where the annual salary of the county auditor is arbitrarily fixed by special law at twelve hundred dollars or less, the county commissioners may grant such county auditor an additional sum not to exceed six hundred dollars annually. ('09 c. 72 § 1)

Historical.—"An act to amend section 1 of chapter two hundred ten of the General Laws of the State of Minnesota for 1903, to authorize county commissioners to grant additional salary to county auditors in certain cases." Approved March 15, 1909. Laws 1903, c. 210, was not among the laws of that year repealed by R. L. § 5546.

[492—]7. **Clerk hire in certain counties.**—In each county of this state containing 75 or more congressional townships of land and having an assessed valuation of more than five million dollars, the county auditor thereof shall be allowed for clerk hire, for the year 1907, and for each year thereafter, one-fourth of one mill on each dollar of assessed valuation, not exceeding six million dollars; one-sixth of one mill on each dollar on all sums in excess of six million dollars and not exceeding twelve million dollars; and on all sums in excess of twelve million dollars, one-twentieth of one mill on each dollar; to be paid in the manner provided by the laws of this state relating to the payment of clerk hire allowed county auditors. ('07 c. 207 § 1)

Historical.—"An act to determine the amount to be allowed for clerk hire in the offices of county auditors, in counties of this state containing seventy-five or more congressional townships of land, and having an assessed valuation of more than \$5,000,000." Approved April 15, 1907.

[492—]8. **Same—Not to apply in certain counties.**—This act shall not apply to any such county having a population of more than forty thousand, nor to any county where such clerk hire is now fixed by special law. ('07 c. 207 § 2)

[492—]9. **Additional clerk hire in certain counties.**—In each county of this state containing fifty and not over eighty congressional townships of land, and having an assessed valuation of more than four million dollars, the county auditor thereof shall be allowed for clerk hire for the year 1909, and for each year thereafter, one-fourth of one mill on each dollar of assessed valuation, not exceeding six million dollars; one-sixth of one mill on each dollar on all sums in excess of six million dollars and not exceeding twelve million dollars; and on all sums in excess of twelve million dollars, one-twentieth of one mill on each dollar, to be paid in the manner provided by the laws of this state relating to the payment of clerk hire allowed county auditors. ('09 c. 310 § 1)

Historical.—"An act to determine the amount to be allowed for clerk hire in the offices of county auditors, in counties of this state containing fifty and not over eighty congressional townships of land and having an assessed valuation of more than \$4,000,000." Approved April 21, 1909.

[492—]10. **Same—Act not to apply to certain counties.**—This act shall not apply to any such county having a population of more than forty thousand, nor to any county where salaries of county officials is now fixed by special law. ('09 c. 310 § 2)

[492—]11. **Additional clerk hire for auditor and treasurer in certain counties.**—That in all counties whose auditors and treasurers receive salaries under special laws the county board in counties in which such salary is fixed at thirteen hundred dollars or less

shall and in other counties in which such salary is fixed by special law may allow the county auditor three hundred dollars for clerk hire, and such further sum as the county board may allow not exceeding six hundred dollars per annum, and may allow the county treasurer a sum not exceeding five hundred dollars for clerk hire per annum. ('07 c. 118 § 1)

Historical.—"An act to provide for clerk hire of county auditors and county treasurers whose salaries are fixed by special law." Approved April 8, 1907.
Section 2 repeals inconsistent acts.

COUNTY TREASURER.

494. Election—Term.

As to counties having 275,000 inhabitants, see sections [601—] 21 to [601—] 23, [601—] 28 to [601—] 30.

498. Receipt and payment of money—Duplicate receipts.

G. S. 1894, § 727, cited in *State ex rel. Fitzgerald*, 98 Minn. 467, 108 N. W. 932.

499. Board of auditors.—The chairman of the county board, the county auditor and clerk of the district court in each county shall constitute a board of auditors; the chairman of the county board shall be chairman, and the clerk of the district court shall be clerk of said board of auditors, and the board shall meet on the call of the chairman or of any two members of said board; and it shall be the duty of such board to carefully examine and audit the accounts, books, and vouchers of the county treasurer, and count and ascertain the kind, description, and amount of funds in the treasury of such county, or belonging thereto, at least three times in each year, without previous notice to the treasurer. They shall make report thereof, and of their acts and doings in the premises, to the county board, at its next meeting thereafter, and publish the result in at least one newspaper in the county. Such board of auditors shall also witness and attest the transfer and delivery of accounts, books, vouchers, and funds by each outgoing treasurer to his successor in office, and report the same to the county board at its next meeting, thereafter. (R. L. § 499, as amended by Laws 1909, c. 22, § 1.)

500. Funds, where deposited.—All county funds, as soon as received, shall be deposited by the county treasurer in the name of the county in one or more banks designated by the board of auditors, who, before designating such depository, shall advertise in one or more newspapers published in its county, or if, in its opinion, the public interests require, in other counties, for at least two weeks for proposals. Such proposals shall state what security will be given to said county for the funds so deposited, and what interest allowed on monthly balances, on condition that such funds, with accrued interest, shall be held subject to draft and payment at all times on demand. Any such proposal shall also state what interest will be allowed on moneys deposited for any certain or definite period of time, naming such period, on the condition that such funds with accrued interest shall be held subject to draft and payment at the expiration of said period of deposit. If, after making such designation, such board deems the surety given insufficient, it may require a new bond, or if, in its opinion, the public interests require, may vacate, revoke or modify any such designation, and again advertise and designate a depository. The amount deposited in any bank shall not exceed the capital stock and permanent surplus thereof. (R. L. § 500, as amended by Laws 1907, c. 352, § 1.)

502. Bonds of depositaries.—Every bank or banker, before being designated as a depository, shall deposit with the county treasurer a bond, to be approved by the county board, in at least double

the amount to be deposited, payable to such county, and signed by not less than five resident freeholders as sureties: who shall in the aggregate qualify for the full penalty named in such bond. Provided, that any county in which there is no such bank or banker may be exempt from the foregoing provisions which relate to depositing its funds, if, in the judgment of the board of auditors and the county board, such deposit would be detrimental to its interests. Provided that in cases where the bond furnished by said depository is that of a surety company authorized to do business in the state of Minnesota, the amount of such bond need not be more than the amount to be deposited in such depository. (R. L. § 502, as amended by Laws 1909, c. 124, § 1.)

See section [54—] 1.

503. Proposals by banks.—All bonds of depositories shall be given for the term of two years from the date of their approval by the county board, and renewed every two years thereafter; but in counties having no depository, boards of auditors may advertise for proposals and designate depositories at any time when required by the public interests. (R. L. § 503; as amended by Laws 1909, c. 104, § 1.)

510. Exemption from liability.

G. S. 1894, § 739, cited and applied in Board of Com'rs of Itasca County v. Miller, 101 Minn. 294, 112 N. W. 276.

527. Salaries—Clerk hire.

As to counties having 275,000 inhabitants, see sections [601—] 21 to [601—] 23, [601—] 28 to [601—] 30.

For provision for additional clerk hire in certain counties, see section [492—] 11.

[527—]1. Salary of treasurer in counties having 150,000 and not more than 250,000 inhabitants.—The county treasurer of each county of this state having, or which may hereafter have, a population of 150,000 or over, and not more than 250,000 inhabitants shall be paid a salary of \$4,500 per annum. ('07 c. 139 § 1)

Historical.—“An act fixing the salaries of county treasurers in counties having or which hereafter may have a population of 150,000 inhabitants or over, and not more than 250,000 inhabitants, and providing help and compensation therefor in county treasurers' offices in such counties.” Approved April 10, 1907.

Section 5 repeals inconsistent acts.

[527—]2. Same—Deputies, clerks, etc.—Salaries.—The county treasurer of each such county shall appoint and employ one chief deputy who shall be paid the sum of \$2,000 per annum; one deputy who shall have charge of the statement department and settlements in said office, who shall be paid the sum of \$1,200 per annum; eight clerks who shall be paid the sum of \$1,000 per annum each; one cashier or teller who shall be paid the sum of \$1,500 per annum; one accountant or bookkeeper who shall be paid the sum of \$1,500 per annum. He may also employ such other additional help as the business of his office may require during the months of February, April, May, June, July, October and November in each year. Provided, that no such other person, so employed, shall be paid compensation greater than at the rate of \$100 per month, and that the entire compensation for such extra help shall not exceed \$3,000 in any one year. Any of the said \$3,000 appropriated for such extra help remaining unexpended in any one year shall be turned back to the general fund. (Laws 1907, c. 139, § 2, as amended by Laws 1909, c. 358, § 1.)

[527—]3. Same—How paid.—The salary and compensation of the county treasurers of such counties and of the appointees and employees in their said offices shall be paid monthly in equal instalments. ('07 c. 139 § 3)

[527—]4. Same—Last census to govern.—For the purposes of this act, population may be proved by the last preceding census, either national or state. ('07 c. 139 § 4)

[527—]5. Salary of treasurer in certain counties.—In all counties having a population of twenty-seven thousand or over, and where the salary of the county treasurer is arbitrarily fixed at one thousand dollars or less, by special law, the county commissioners shall grant such county treasurers in addition to said sum, provided by said special law, the sum of eight hundred dollars annually, payable in monthly installments. ('09 c. 73 § 1)

Historical.—"An act to amend section one of chapter one hundred twelve of the General Laws of the State of Minnesota for 1901, providing for additional compensation for county treasurers in certain cases." Approved March 15, 1909. Laws 1901, c. 112, is not among the laws of that year repealed by R. L. § 5544.

[527—]6. Deputies, clerks, etc., in counties having over 100,000 and less than 200,000 inhabitants—Compensation.—The treasurer of each county of this state having or which may hereafter have a population of over 100,000 and less than 200,000 inhabitants, shall appoint and employ such deputies, clerks, and other employees as may be necessary for the proper performance of the duties of his office, and at such reasonable compensation as may be fixed and determined by such treasurer, and approved by the board of county commissioners, but the total amount to be paid to, or used for such deputies, clerks and other employees, shall not exceed in any one year the total sum of \$15,000, and such salaries shall be payable in equal monthly installments out of the county treasury. ('09 c. 71 § 1)

See note under section [492—]3.

[527—]7. Additional clerk hire in certain counties.—In all counties where the annual salary of the county treasurers is arbitrarily fixed by special law at two thousand five hundred dollars, and the clerk hire fixed at not to exceed five hundred dollars the county commissioners are hereby authorized to allow five hundred dollars as clerk hire to such county treasurers in addition to the five hundred dollars allowed by special law, making a total of not to exceed one thousand dollars, for such clerk hire. ('09 c. 139 § 1)

Historical.—"An act to authorize county commissioners to grant additional clerk hire to county treasurers in certain cases." Approved April 3, 1909.

Counties under special laws.—For additional clerk hire in counties where auditors and treasurers receive salaries under special laws, see section [492—]11, ante.

REGISTER OF DEEDS.

530. Election—Term.

As to counties having 275,000 inhabitants, see sections [601—]15, [601—]16, [601—]28 to [601—]30.

533. Reception books.—Every register of deeds shall keep two books, to be denominated, respectively, the grantor's and grantee's reception book, each page of which shall be divided into seven columns, in the following forms:

Date of Reception, Year, Day, Hour and Minute	Grantor	Grantee	Where Situated	To Whom Delivered after Record	Fees Received	Book and Page Recorded and Kind of Instrument
Date of Reception, Year, Day, Hour and Minute	Grantee	Grantor	Where Situated	To Whom Delivered after Record	Fees Received	Book and Page Recorded and Kind of Instrument

The register shall enter in each of said books, in the order and manner aforesaid, as soon as the same are received, all deeds and other instruments left, and all copies left, as cautions or notices of liens, authorized by law to be recorded. The pages of each of the said reception books shall be lettered in alphabetical order, a con-

venient number of consecutive pages being allotted to each letter of the alphabet, and every entry made in said book shall be made in the grantor's reception book under the initial letter of the grantor's surname, and in the grantee's reception book under the grantee's surname, and all such entries shall appear upon said book consecutively and in the order as to time in which the instruments were received. He shall make an entry in the record immediately after the copy of every instrument recorded specifying the time of the day, month and year when the same was recorded. (R. L. § 533, as amended by Laws 1907, c. 442, § 1.)

[533—]1. Numerical register and reception book.—The board of county commissioners of any county in this state wherein the register's office keeps a deed index and mortgage index are hereby authorized to combine the reception books required by section 533 of the Revised Laws of 1905 as amended by chapter 442 of the Laws of 1907 and the consecutive index book required by section 539 of the Revised Laws of 1905, said record book to be designated the Numerical Register and Reception Book, each page of which shall be divided into nine columns in the following form:

NUMERICAL REGISTER AND RECEPTION BOOK — COUNTY, MINNESOTA.

No. of Instrument.	Date of Reception				GRANTOR	GRANTEE	Where Situated	Section	Township	Range	To Whom Delivered After Reception	Where Recorded		Kind of Instrument	Fees Rec'd	
	Year	Mo.	Day	A. M. P. M.								Book	Page			

The register shall make the entries in said book in accordance with the requirements of section 539 of the Revised Laws of 1905 and of section 533 of the Revised Laws of 1905 as amended by chapter 442 of the Laws of 1907. ('09 c. 226 § 1)

Historical.—"An act to authorize the board of county commissioners of the counties of this state to combine the reception books required by section 533 of the Revised Laws of 1905, as amended by chapter 442 of the Laws of 1907, and the consecutive index book required by section 539 of the Revised Laws of 1905." Approved April 19, 1909.

534. Tract index books.—Every county board may procure at the expense of its county, and keep in the office of the register of deeds, suitable books, substantially bound, arranged in numerical order, and so ruled that opposite to the description of each section of land or sectional lot, and town, city or village lot and block, shall be a blank space, of a convenient size, in which shall be entered the letters or numerals indicating the volume of the records referred to, designating deeds by the letter "D," and mortgages by the letter "M," or by using red ink for mortgages and black ink for deeds, and other records by appropriate initials or abbreviations, together with the page of the volume upon which every record affecting the title to the whole or any part thereof may be found. For each necessary entry or description made in such books prior to the making of such tract index, the register shall receive from the county a fee of two cents. Such tract index shall be kept as one of the records in the office of the register of deeds, and such register shall note therein a like minute of every instrument affecting the title to any land which shall be filed for record, to be made opposite to each parcel of land the title to which may be affected by such instrument. Instead of causing a tract index to be made, the board may purchase any existing tract index or abstracts; and thereafter the register shall make the appropriate entries therein. In either such case the register shall receive a fee of ten cents for indexing the first description and each town, city or village lot affected, and

two cents for each subsequent description, town, city or village lot affected; for indexing therein each transfer of deeds and mortgages, and other instruments, the same to be paid by the person presenting the same for filing, for recording or discharging an instrument on the margins of records, and shall make abstracts for persons demanding the same. (R. L. § 534, as amended by Laws 1907, c. 442, § 1.)

[534—]1. **Transcribing tract indexes in counties having less than 75,000 inhabitants.**—That in counties having a population of less than seventy-five thousand inhabitants, now having tract indexes, to have such tract indexes transcribed, compared with the original records, and checked back, whenever the necessity therefor appears. ('05 c. 51 § 1)

Historical.—“An act authorizing the board of county commissioners in counties having a population of less than seventy-five thousand inhabitants, now having tract indexes, to have such tract indexes transcribed, compared with the original records, and checked back, and to provide payment therefor.” Approved March 21, 1905.

See R. L. § 5504.

[534—]2. **Same—Register to supervise—Compensation.**—The work provided for in section one [534—1] of this act shall be performed under the supervision of the register of deeds of the county. The person or persons performing the work shall receive as compensation therefor a sum not exceeding two cents for each description so transcribed, compared with the original records and checked back. ('05 c. 51 § 2)

[537—]1. **Transcribing sheriff's certificates filed prior to May 10, 1862.**—The register of deeds in any county in the State of Minnesota is hereby authorized and directed to transcribe in appropriate records to be provided for such purpose all certificates now on file in his office, and which were filed prior to May 10, 1862, made by sheriffs upon sales of real estate on mortgage foreclosures, judgments and executions. ('05 c. 329 § 1)

Historical.—“An act to authorize the transcribing of certain records in the office of the register of deeds in counties in this state and fixing the compensation therefor.” Approved April 19, 1905.

See R. L. § 5504.

[537—]2. **Same—Compensation.**—The register of deeds shall receive as compensation therefor the sum of one dollar and seventy-five cents for transcribing each of such certificates, and twenty-five cents each for comparing and certifying all such certificates, filed prior to May 10, 1862, and not heretofore compared and certified, to be paid out of the county funds, and shall be allowed by the board of county commissioners of such county upon the completion of said work. ('05 c. 329 § 2)

[537—]3. **Same—Records as evidence.**—The recording of such certificates shall have the effect of a record of the same from time to time when they were filed in such register of deeds' office and shall be prima facie evidence of the facts therein set forth. ('05 c. 329 § 3)

[537—]4. **Transcribing certain instruments in counties having over 100,000 inhabitants.**—The register of deeds in each county in the state of Minnesota, having a population of over one hundred thousand inhabitants, is hereby authorized and directed to transcribe, in appropriate records to be provided by the county for such purpose, and to appropriately index all instruments affecting: Lists of lands selected by railroad companies under grants from the United States or the state of Minnesota; and all instruments affecting: Condemnation proceedings; Awards of damages in condemnation proceedings; Building line easements; Easements

for slopes; Easements for electric light and telephone poles; now on file in his office and which have not heretofore been recorded. ('09 c. 153 § 1)

Historical.—"An act authorizing the transcribing and recording of certain instruments and records in the office of the register of deeds in counties of this state, having a population of over one hundred thousand inhabitants, fixing the compensation for the recording thereof, and providing the effect to be given to such records as evidence." Approved April 7, 1909.

[537—]5. **Same—Effect of transcription.**—The transcribing of such instruments shall have the effect of a record of the same from the time such instruments were filed in such register of deeds' office, and such records shall be prima facie evidence of the facts therein set forth, and of the contents of the original instruments so recorded. ('09 c. 153 § 2)

[537—]6. **Same—Duty of register.**—It is hereby made the duty of the register of deeds in any such county to record at length in suitable books to be provided by the county for such purpose, all instruments hereafter received by him either for filing or recording, and he shall receive the same fees therefor as are allowed for the recording of other like instruments. ('09 c. 153 § 3)

538. Consecutive numbering—Fees.

Priority determined by numbering.—The priority of liens is determined presumptively by the order in which the instruments are numbered by the register. *Wolf v. Edmonston*, 99 Minn. 241, 109 N. W. 233, 116 Am. St. Rep. 411; *Edmonston v. Wilbur*, 99 Minn. 495, 110 N. W. 3.

539. Consecutive index.

See section [533—]1, ante.

540. Deputies.

As to counties having 275,000 inhabitants, see section [601—]16.

[541—]1. **Record of farm names.**—The owner of farm lands in the state of Minnesota may designate a specific name of his farm lands and the said name together with a description of said farm lands, according to the government survey thereof, may be filed with the register of deeds of the county wherein the said lands or a part thereof are situated, and the said name together with the description of said lands shall be recorded by the register of deeds in a book to be provided for such purpose, upon payment of a fee of fifty cents therefor, but no two names so designated and recorded shall be alike in the same county. ('09 c. 154 § 1)

Historical.—"An act to provide for the registration of names of farms, designating the descriptions thereof." Approved April 7, 1909.

[545—]1. **Fees in certain counties.**—In all counties of this state now containing or that hereafter shall contain 60 or more organized congressional townships and containing a population of not less than 45,000 and not more than 75,000, and in which the salary of the Register of Deeds is fixed by law at \$1,500 per annum, such Register of Deeds shall charge and collect the same fees as are now provided for by law except that for entering or recording any deed or other instrument he shall charge the sum of five (5c) cents per folio to be paid when the same is left for record. ('05 c. 154 § 1)

Historical.—"An act regulating the fees to be charged by the register of deeds and fixing compensation for clerk hire in offices of register of deeds in certain cases." Approved April 12, 1905.

See R. L. § 5504.

[545—]2. **Same—Allowance for clerk hire.**—In any such county the county commissioners may allow a sum not to exceed \$2,500.00 per annum for clerk hire in said register of deeds office. At the end of each month the register of deeds shall furnish each of the clerks and deputies employed in his office with a certificate showing the compensation such clerk or deputy is entitled to for such

month and upon the presentation of said certificate the county auditor shall issue to such clerk or deputy his warrant upon the county treasurer for the amount thereof. The allowance for clerk hire shall in all cases be for actual services rendered. At the first meeting of the county commissioners of such county after the passage of this law the said county commissioners shall fix the amount to be allowed for such clerk hire for the remainder of the year 1905 and shall annually thereafter at the first meeting in January fix the amount to be allowed for such clerk hire during said year. ('05 c. 154 § 2)

[545—]3. **Same—Salary of register.**—That this act shall in no way affect or modify any existing law regulating the salaries of register of deeds in such counties, but that the same shall be and remain as now fixed by law, and all fees collected by the register of deeds of such counties shall be turned into the county treasury of said county as now provided by law. ('05 c. 154 § 3)

[545—]4. **Salary in certain counties.**—In all counties containing a population of twenty-seven thousand inhabitants and over, where the salary of the register of deeds is arbitrarily fixed at one thousand dollars, or less, by special law, such register of deeds shall hereafter receive in addition to said sum provided by said special law, the sum of five hundred dollars annually, payable in monthly installments. ('09 c. 77 § 1)

Historical.—"An act to authorize county commissioners to grant additional salary to registers of deeds, in certain cases." Approved March 18, 1909.

SHERIFF.

546. Election—Term.

As to counties having 275,000 inhabitants, see sections [601—] 7 to [601—] 10, [601—] 28 to [601—] 30.

549. Powers and duties.

As to counties having 275,000 inhabitants, see section [601—] 8.

551. Failure to pay over money.

Excuse for failure.—In proceedings under this section, the facts found did not justify the conclusion that respondent unlawfully failed to pay over money in his hands as sheriff on the demand of appellant without any reasonable excuse. *Hull v. Chapel*, 74 N. W. 156, 71 Minn. 408, followed. *Roche v. Dunn*, 97 Minn. 529, 106 N. W. 965.

559. Deputies.

As to counties having 275,000 inhabitants, see sections [601—] 9, [601—] 10.

561. Deputies attending court.

As to counties having 275,000 inhabitants, see section [601—] 10.

562. Compensation of jailers.

As to counties having 275,000 inhabitants, see section [601—] 9.

[562—]1. **Counties having 200,000 and not more than 275,000 inhabitants—Salary.**—The salary of the sheriff of any county in this state now or hereafter having not less than 200,000 nor more than 275,000 inhabitants, is hereby fixed at \$6,000 per annum in lieu of the fees which may be provided for by other statutes than those relating to taxation, and in determining at any time to which counties this act is applicable, reference shall only be had to the state census then last taken. ('09 c. 361 § 1)

Historical.—"An act to fix and provide for the salaries of the sheriffs of counties now or hereafter having not less than 200,000 nor more than 275,000 inhabitants, to fix and provide for the number of the deputies and other employees of any such sheriff, their salaries, the duties to be performed by them, their appointment and removal, and the payment of the expenses incurred by him or them." Approved April 22, 1909.

[562—]2. **Same—Deputies, etc.—Salaries.**—He shall appoint a chief deputy, a bookkeeper and an assistant bookkeeper, both of

whom shall also be deputies, and a stenographer, and the salary of the chief deputy is hereby fixed at \$2,000 per annum; that of the bookkeeper at \$1,500 per annum; that of his assistant at \$900 per annum, and that of the stenographer at \$720 per annum; and he shall also appoint four other deputies as outside deputies, the salaries of two of whom are hereby fixed at \$1,500 per annum, and they shall each be required, in addition to the services to be performed by them for that compensation, to pay their own traveling expenses within the county while in the performance of official duties assigned to them as such deputies; the salary of one other of whom, who shall be required, in addition to the services to be performed by him for that compensation, to pay his own traveling expenses within any such city while in the performance of official duties assigned to him as such deputy, is hereby fixed at \$1,200 per annum, and the salary of the other of whom is hereby fixed at \$1,300 per annum, and it shall be his duty in addition to whatever other duties may be required of him as such deputy to care for all insane persons in the custody of the sheriff and attend with them upon the sessions of the probate court in and for any such county. ('09 c. 361 § 2)

[562—]3. **Same—Court room deputies—Salaries.**—He shall also appoint at least as many additional deputies, to be known as court room deputies, as there may be judges of the district court in and for any such county, whose duty it shall be, in addition to such other duties as may be required of them as such deputies, to attend upon the sessions of the said district court, and also another deputy, who shall, in addition to such other duties as may be required of him as such deputy, have charge of the juries at criminal trials conducted in the said district court, and the salary of each of the aforesaid deputies is hereby fixed at \$1,000 per annum. ('09 c. 361 § 3)

[562—]4. **Same—Jailers, etc.—Salaries.**—In any such county in which any such sheriff may be in charge of a county jail, he shall also appoint a matron thereof, whose salary is hereby fixed at \$720 per annum; a chief jailer, whose salary is hereby fixed at \$1,200 per annum, and six assistant jailers, the salary of each of whom is hereby fixed at \$900 per annum, and the said chief jailer and each of his said assistants shall also be deputies. ('09 c. 361 § 4)

[562—]5. **Same—Power of removal—Salaries, how payable—Revolving fund.**—Whenever the power of appointment is conferred upon any such sheriff in and by the terms of this act, there is also herein and hereby conferred the power of removal, and the salaries hereinbefore fixed and provided for shall be paid out of the county treasury in equal monthly installments, and any such sheriff shall also be allowed and paid the actual expenses necessarily incurred by him or any of his said deputies, other than the outside deputies hereinbefore required to pay their own traveling expenses; as other claims against the county are allowed and paid, and there is hereby created a revolving fund of \$1,000 for that purpose, to be set aside and retained by him out of the fees received by him after this act shall take effect in any such county, any part or all of which said fund may be used and employed by him in meeting the expenses aforesaid, but he shall render monthly accounts to the proper authorities of any such county of his use of the said fund and replenish the same upon the allowance and payment of his claims for the said expenses from time to time, covering the remainder of the fees collected by him in lieu of which his said salary has so hereinbefore been fixed and allowed, into the county treasury. ('09 c. 361 § 5)

[562—]6. **Counties having less than 2,500 square miles and less than 35,000 inhabitants—Salary.**—In each county less than twenty-five hundred square miles in area, now or hereafter having a population of less than thirty-five thousand inhabitants, according to the then next preceding state or federal census, the sheriff shall receive an annual salary and his expenses for official services rendered by him for his county in lieu of fees, as hereinafter provided. ('09 c. 470 § 1)

Historical.—“An act to provide salaries for the sheriffs of certain counties for certain of the services rendered by them to and paid for by their respective counties in lieu of fees, and to provide for the payment of their expenses in such cases, and the compensation of their deputies.” Approved April 23, 1909.

Section 8 repeals inconsistent acts other than special laws. See Laws 1907, c. 245. “An act to provide for allowing sheriffs of certain counties, salaries instead of fees for services rendered to and paid for by counties, to fix the amount and manner of payment thereof, to provide for the payment of expenses of sheriffs and their deputies in such cases and to provide a basis upon which such salaries shall be fixed.” Approved April 19, 1907.

[562—]7. **Same—Classification of counties.**—All such counties now or hereafter so having a population of less than ten thousand inhabitants, shall be known as counties of “Class A”; those having ten thousand or more, but less than fifteen thousand, shall be known as counties of “Class B”; those having fifteen thousand or more, but less than twenty thousand, shall be known as counties of “Class C”; those having twenty thousand or more, but less than twenty-five thousand, shall be known as counties of “Class D”; those having twenty-five thousand or more, but less than thirty thousand, shall be known as counties of “Class E”; those having thirty thousand or more, but less than thirty-five thousand, shall be known as counties of “Class F.” ('09 c. 470 § 2)

[562—]8. **Same—Salaries fixed—Expenses.**—The several sheriffs of all such counties shall, in lieu of fees therefor, receive a yearly salary, payable monthly, on the first day of each month, out of the county revenue fund, on warrants drawn by the county auditor upon the county treasurer, in full of their compensation for all official services rendered by them and their deputies for their respective counties; other than those required of them by the tax laws of this state, where the county is not required to pay for such service, as follows: Sheriffs of the counties of “Class A,” \$800; sheriffs of the counties of “Class B,” \$900; sheriffs of the counties of “Class C,” \$1,000; sheriffs of the counties of “Class D,” \$1,100; sheriffs of the counties of “Class E,” \$1,200, and sheriffs of the counties of “Class F,” \$1,300, but the said several sheriffs shall also be allowed the expenses necessarily incurred by them in the performance of their official duties for their said respective counties, which shall be allowed and paid in the same manner as other claims against such counties are paid and allowed, except that the expenses incurred by them in performing the services required of them in connection with insane persons by the probate code shall be allowed and paid as therein provided. All claims for livery hire shall state the purpose for which such livery was used and have attached thereto a receipt for the amount paid for such livery, signed by the person to whom paid. ('09 c. 470 § 3)

[562—]9. **Same—Increase of salary—Appeal.**—Whenever it shall appear to the county board of any such county, upon a showing made by a sheriff thereof, that the salary herein provided for is inadequate for the services performed by such sheriff for such county, the county board may increase the amount of such salary in any just and reasonable sum, but any person aggrieved by their action in the premises may appeal to the district court within thirty days thereafter by filing notice thereof with the county auditor and the clerk of that court, which shall, upon eight days

notice to the chairman of the county board, whether in term time or during vacation, hear any such appeal and summarily determine the amount of salary to be paid any such sheriff during the remainder of his term of office, and enter an order fixing the same, a copy of which shall be filed with the county auditor forthwith. ('09 c. 470 § 4)

[562—]10. Same—Jailors, etc.—Compensation.—The salaries hereinbefore provided for are not to be held to include the salaries of jailors or matrons or the pay of deputies whose attendance is required at terms of court, nor the compensation allowed the sheriffs for the board and care of prisoners, as these various items are now or may hereafter be provided for by law, and whenever because of any riot or industrial strike, in the opinion of the sheriff, require the appointment of other deputies, the number so to be appointed and the compensation to be allowed each one so appointed shall be fixed and determined upon by the district court, upon the application of any such sheriff, by an order to be filed with the clerk of that court, and each such deputy so appointed shall be paid the amount of compensation provided for in and by the terms of any such order in the manner that deputies in attendance upon the terms of that court are paid. ('09 c. 470 § 5)

[562—]11. Same—Compensation for certain services.—For all services rendered by such sheriffs or their deputies for which payment is not made out of the county revenue fund, the same fees and compensation shall be allowed them as is otherwise provided by law. ('09 c. 470 § 6)

[562—]12. Same—Counties under special laws.—The provisions of this act shall not apply to any county wherein the subject matters of this act are now provided for by special laws. ('09 c. 470 § 7)

COUNTY ATTORNEY.

563. Term—Bond.

As to counties having 275,000 inhabitants, see sections [601—] 13, [601—] 14, [601—] 28 to [601—] 30.

573. Compensation.—In all counties in which the compensation of the county attorneys is not fixed by special law the salary of the county attorney shall be as follows: In counties whose population, according to the last completed state or national census, is less than forty-five thousand, the salary of the county attorney shall be fixed by the county board not exceeding two thousand dollars per year; if dissatisfied with the amount so fixed, any county attorney may appeal to the district court within thirty days by filing with the auditor a notice thereof. The court, either in term or vacation, and upon eight days' notice to the chairman of the board, shall hear such appeal and summarily determine the amount of such salary for the term of office by an order, a copy of which shall be filed with the auditor. In counties whose population is forty-five thousand and less than seventy-five thousand, the salary shall be two thousand five hundred dollars per year, which shall be paid monthly by the county, which provision of this act shall not apply to counties having more than seventy-five thousand inhabitants. This act shall take effect and be in force from and after its passage. (R. L. § 573, as amended by Laws 1909, c. 313, § 1.)

As to counties having 275,000 inhabitants, see sections [601—] 13, [601—] 14, [601—] 28 to [601—] 30.

574. Contingent fund—Expenses.—The county board may set apart yearly a sum not exceeding one thousand dollars as a contingent fund for defraying necessary expenses not especially provided for by law, in preparing and trying criminal cases, conduct-

ing investigations by the grand jury, and paying the necessary expenses of the county attorney incurred in the business of the county. All disbursements from such fund shall be made upon written request of the county attorney by auditor's warrant, countersigned by a judge of the district court. Any balance remaining at the end of the year shall be transferred to the revenue fund. (R. L. § 574, as amended by Laws 1909, c. 233, § 1.)

Historical.—"An act to amend section 574, Revised Laws 1905, as amended, relating to contingent fund of county attorneys and providing for the payment therefrom of the necessary expenses of the county attorney incurred in the business of the county." Approved April 17, 1909.

Section 2 repeals inconsistent acts. R. L. § 574, was amended by Laws 1907, c. 339.

[574—]1. Salary of attorney in counties having 100,000 and not more than 200,000 inhabitants.—The salary of the county attorney in each county in this state, having or which may have hereafter a population of not less than one hundred thousand inhabitants and not more than two hundred thousand inhabitants shall be three thousand six hundred dollars per annum. ('07 c. 192 § 1)

Historical.—"An act fixing and regulating the salaries and compensation and help of the county attorney and assistant county attorney, and providing for the appointment of the latter in counties having or which may hereafter have a population of not less than one hundred thousand inhabitants and not more than two hundred thousand inhabitants." Approved April 15, 1907.

Section 5 repeals inconsistent acts.

Section 3 provides that "nothing in this act contained shall be deemed or construed to in any manner amend or modify or repeal any of the provisions of chapter 322 of the General Laws of 1905, except that the assistant county attorney therein mentioned and provided for shall be hereafter known and designated as the second assistant county attorney."

Laws 1905, c. 322, "An act to provide for an additional assistant county attorney in counties having a population of 75,000 and not more than 150,000 inhabitants." Approved April 19, 1905, was repealed by Laws 1909, c. 326.

See sections [574—]3, [574—]4.

[574—]2. Same—Assistant attorney—Salary.—The county attorney of each of said counties, with the approval of one of the judges of the district court in and for said county, shall appoint an assistant, who shall be an attorney duly admitted to practice law in all of the courts of the State of Minnesota, and who shall hold his office as such assistant county attorney for the full period of time for which the county attorney under whom he is appointed has been elected, and the person so appointed shall take the official oath of office and execute a bond in all respects the same as the county attorney is by law required to execute, and said assistant county attorney shall thereupon be fully authorized and empowered to do and perform at the direction of the county attorney, any and all the duties pertaining to such office of county attorney, as fully and completely as the county attorney himself may do or perform; and said assistant shall be known and designated as first assistant county attorney, and such first assistant shall be paid a salary of two thousand dollars per annum, payable in equal monthly installments, in the same manner as other county officials. ('07 c. 192 § 2)

[574—]3. Same—Additional assistant.—In every county of this state having a population of one hundred thousand and not more than two hundred thousand inhabitants, the county commissioners of such county shall at the first regular meeting after the adoption of this act, and at the first meeting of said board after the election of a county attorney in said county hereafter, appoint an additional assistant county attorney, who shall be an attorney duly admitted to practice law in all courts of the state of Minnesota, for the full period of time for which the county attorney under whom he is appointed has been elected. The person so appointed

shall take the usual oath of office and execute a bond, in all respects the same as the county attorney is by law required to execute; and said additional assistant county attorney shall thereupon be fully authorized and empowered to do and perform, at the direction of the county attorney, any and all duties appertaining to the office of said county attorney as fully and completely as the county attorney of said county himself may do and perform. ('09 c. 322 § 1)

Historical.—"An act to provide for an additional assistant county attorney in counties having a population of 100,000 and not more than 200,000 inhabitants." Approved April 21, 1909.

[574—]4. Same—Salary and expenses of additional assistant.—Such additional assistant county attorney shall receive a salary of one thousand two hundred dollars (1,200) per annum, payable in equal monthly installments out of the county treasury of said county upon warrant of the county auditor of said county. He shall also receive all actual and necessary traveling expenses, not exceeding in any one calendar year the sum of three hundred dollars. Said traveling expenses shall be allowed by the county upon duly verified itemized bills in the same manner as other claims against the county. ('09 c. 322 § 2)

[574—]5. Same—Stenographer—Salary.—That the county attorney in such counties shall be entitled to the sum of not more than four hundred dollars, a year for one or more stenographers to do the necessary stenographic and typewriting work in the office of such county attorney and first assistant county attorney, and said stenographer or stenographers shall receive a salary or salaries, such proportion of said sum of four hundred dollars per year as the county attorney shall direct, which salary or salaries, shall be payable in equal monthly installments, out of the county treasury of such county, provided that the total amount of said salary or salaries shall not exceed the sum of four hundred dollars for each year. ('07 c. 192 § 4)

See note under section [574—]1.

[574—]6. Second assistant in counties having 150,000 and not more than 200,000 inhabitants—Salary.—That all counties in this state, that now have or may hereafter have, according to the last completed national census, a population of not less than one hundred and fifty thousand and not more than two hundred thousand inhabitants, the county attorney is hereby authorized to appoint an additional assistant, who shall be known as the second assistant county attorney, and whose salary shall be fixed and is hereby fixed at eighteen hundred dollars per annum, which salary shall be payable out of the county treasury in equal monthly installments. ('07 c. 116 § 1)

Historical.—"An act authorizing the appointment and fixing the salary of an assistant county attorney in all counties in the state of Minnesota, having a population of one hundred and fifty thousand inhabitants and not more than two hundred thousand inhabitants." Approved April 8, 1907.

[574—]7. Clerk and stenographer in counties having 150,000 and not more than 200,000 inhabitants—Salaries.—In all counties of the State of Minnesota having, according to the then last completed state or national census, a population of not less than one hundred fifty thousand and not more than two hundred thousand inhabitants, the county attorney is hereby authorized to appoint a chief clerk in said county attorney's office whose salary shall be fifteen hundred dollars per year, which salary shall be payable in equal monthly installments out of the county treasury of such county; and said county attorney is hereby authorized to appoint one stenographer in said county attorney's office, whose salary shall be seven hundred dollars per year, which salary shall be payable in equal monthly installments out of the county treasury of

such county. (Laws 1901, c. 375, § 1, as amended by Laws 1905, c. 140, § 1.)

Historical.—"An act to amend chapter three hundred seventy-five of the General Laws of the State of Minnesota for the year one thousand nine hundred one, entitled 'An act to amend section one of chapter eighty-one of the General Laws of the State of Minnesota for the year one thousand eight hundred ninety-nine, entitled "An act to fix the amount of money allowed the office of county attorney in all counties of the State of Minnesota having a population of one hundred thousand (100,000) and not more than one hundred eighty-five thousand inhabitants, for clerk hire and to provide for the appointment of such clerks."'" Approved April 11, 1905.

Section 3 repeals inconsistent acts.

Laws 1899, c. 81, and Laws 1901, c. 375, were repealed by R. L. §§ 5543, 5544. Laws 1905, c. 140, is to be construed, by virtue of R. L. § 5504, as amendatory or supplementary.

[574—]8. **Same—Census to govern.**—Whenever, according to the then last state or national census, the population of any county in this state, which now has a population of less than one hundred fifty thousand inhabitants, shall acquire said population of one hundred fifty thousand inhabitants, 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 two 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. ('05 c. 140 § 2)

COUNTY SURVEYOR.

575. Term—Bond.

As to counties having 275,000 inhabitants, see sections [601—] 19, [601—] 20, [601—] 28 to [601—] 30.

576. Deputies—Surveys, records, etc.

As to counties having 275,000 inhabitants, see section [601—] 20.

577. **Compensation.**—Except as hereinafter provided, the compensation of county surveyors or their deputies shall be four dollars per day while employed in the performance of their respective duties, including the time necessarily spent in traveling to and from the field of their labor, together with all their necessary expenses, payable by the party or parties who employs the surveyor. The surveyor shall receive one dollar and fifty cents for platting each survey in each section over which his survey extends in the county record book of survey, and fifteen cents per folio for recording and indexing of the surveyor's descriptive field notes; but in no case shall he receive or charge to exceed two dollars and fifty cents for platting and recording the plats and records of the survey of any one section, and the surveyor's fees for platting and recording the surveys shall be paid by the county in which the respective lands are situated and the surveys of the same are kept. Such records shall be public records and open at all reasonable times to inspection by any person. The county board shall, at the expense of the county, provide for the county surveyor all proper and necessary books for keeping such records. Such county record book of survey shall be kept in the office of the register of deeds of the county. Provided, that the board of county commissioners of any county may, in their discretion, fix a higher compensation than four dollars per day, but not to exceed five dollars per day for any public work. (R. L. § 577, as amended by Laws 1909, c. 303, § 1.)

As to counties having 275,000 inhabitants, see sections [601—] 19, [601—] 20, [601—] 28 to [601—] 30.

581. Surveyors in certain counties—Salary—Duties—Assistants.

See section [581—] 1.

[581—]1. Surveyor in counties having 150,000 and not over 200,000 inhabitants—Salary—Expenses.—That in every county in the state which now has or that may hereafter have, according to the last completed state or national census, at least one hundred fifty thousand, and not over two hundred thousand inhabitants the county surveyor shall receive from such county a salary of two thousand five hundred dollars per annum in full payment for all services performed, and in addition thereto the county surveyor shall be allowed and paid from the county treasury his actual traveling expenses, not to exceed five hundred dollars in any one year for himself and deputies necessarily incurred in the performance of his services, payable in equal monthly installments out of the county treasury. (Laws 1903, c. 53, § 1, as amended by Laws 1905, c. 282, § 1.)

Historical.—"An act to amend chapter 53 of the General Laws of 1903, entitled 'An act entitled an act relating to the duties of the county surveyor and the number and compensation of his deputies and assistants in counties having a population of at least one hundred and fifty thousand, and not over two hundred thousand inhabitants.'" Approved April 13, 1905.

Laws 1903, c. 53, was repealed by R. L. § 5546; its provisions in part being incorporated in section 581. So far as Laws 1905, c. 282, is inconsistent with said section 581, it is to be construed, by virtue of section 5504, as amendatory or supplementary.

CORONER.

582. Election—Term.

As to counties having 275,000 inhabitants, see sections [601—] 24, [601—] 25, [601—] 28 to [601—] 30.

598. Deputies.

As to counties having 275,000 inhabitants, see section [601—] 25.

SUPERINTENDENT OF SCHOOLS.

599. Election—Term.

See State ex rel. Young v. Hays, 105 Minn. 399, 117 N. W. 615, cited in note under section 425.

600. Compensation—Expenses.

As to traveling expenses, see section [601—] 2, and note thereunder.

[601—]1. Assistant superintendent in counties having 225,000 inhabitants—Salary.—The county superintendent of schools, in each county of this state, having, or which may hereafter have, a population of two hundred and twenty-five thousand (inhabitants) inhabitation or more, shall appoint and employ and (an) assistant to be known as assistant county superintendent of schools, who shall be paid the sum of fifteen hundred dollars per annum, to be paid monthly in the same manner as other county officials are paid. ('05 c. 190 § 1)

Historical.—"An act to authorize the appointment of assistant county superintendents of schools in counties of 225,000 or more population and fixing their salaries; and to repeal inconsistent laws." Approved April 15, 1905.

Section 2 repeals inconsistent acts.

See R. L. § 5504.

[601—]2. Traveling expenses.—The county board of each county of the State of Minnesota shall audit and if found correct allow duly itemized and verified claims of the county superintendent of schools for actual and necessary traveling expenses, incurred and paid by him or his assistant in the conduct of his official duties as county superintendent of schools. ('07 c. 33 § 1)

Historical.—"An act to authorize the payment from county funds of certain expenses of county superintendents of schools." Approved March 8, 1907.

Section 2 repeals inconsistent acts, general or special. It seems that the various provisions regulating traveling expenses contained in sections 600, [601—] 3, and [601—] 3, are superseded by this act.

[601—]3. **Traveling expenses and clerk hire in counties having 45,000 and not more than 75,000 inhabitants, and more than 250 districts.**—In all counties of this state containing a population of not less than 45,000 and not more than 75,000, and in which said counties there are now or shall hereafter be more than 250 school districts, the county commissioners may allow and pay the necessary traveling expenses incurred in the visiting of schools in such county by the superintendent of schools and the assistant superintendent of schools of said county, and for necessary clerk hire in the office of the superintendent of schools providing that in no one year shall the amount so allowed and paid exceed the sum of \$800; provided further, that bills for such services and expenses shall be allowed and paid from the revenue fund of such county upon duly verified and itemized bills as other claims against such county are paid. ('05 c. 156 § 1)

Historical.—"An act providing for the payment of traveling expenses and clerk hire of superintendents and assistant superintendents of schools in certain cases." Approved April 12, 1905.

See R. L. § 5504.

As to traveling expenses, see section [601—]2, and note thereunder.

[601—]4. **Same—Not to affect salary and compensation.**—That this act shall in no way affect or modify the existing laws regulating the salary and compensation of the superintendent of schools or assistant superintendent of schools of such county. ('05 c. 156 § 2)

[601—]5. **Traveling expenses and team in counties where salary does not exceed \$1,400.**—That in all counties in this state where the salary of the county superintendent of schools does not exceed the sum of fourteen hundred dollars per annum, the board of county commissioners is hereby authorized to allow such superintendent a reasonable sum for traveling expenses and expenses of keeping one team, but the expenses so allowed shall not in the aggregate, exceed the sum of two hundred and fifty dollars in any year. The provisions of this act shall apply to counties where the compensation of the superintendent is fixed by special act, as well as when the same is established by general law. ('05 c. 182 § 1)

Historical.—"An act to authorize county commissioners to allow the county superintendent of schools certain expenses in cases where the salary of the county superintendent of schools does not exceed fourteen hundred dollars per annum." Approved April 15, 1905.

By section 3 it is enacted that nothing in the act shall be construed to repeal Laws 1903, c. 200 (providing for traveling expenses and team in certain counties), or Laws 1903, c. 398 (providing for traveling expenses in certain counties). Both said chapters were repealed by R. L. § 5546.

See R. L. § 5504.

As to traveling expenses, see section [601—]2, and note thereunder.

[601—]6. **Same—Teachers' institutes—Expenses.**—The county superintendent may hold county institutes for teachers in different parts of the county not to exceed five such institutes in any one year, and the county commissioners shall allow bills for personal expenses for said county superintendent in holding such institutes not to exceed the sum of fifty dollars in any one year. ('05 c. 182 § 2)

OFFICERS IN COUNTIES HAVING 275,000 INHABITANTS.

[601—]7. **Sheriff—Salary.**—The salary of the sheriff of each county of this state having, or which may hereafter have, a population of 275,000 inhabitants or over, shall be four thousand five hundred dollars per annum. ('07 c. 372 § 1)

Historical.—"An act fixing and regulating the salaries, compensation, duties and help of county officers in counties having, or which may hereafter have, a population of 275,000 inhabitants or over." Approved April 23, 1907.

Section 25 repeals inconsistent acts.

[601—]8. **Same—Duties.**—The sheriff shall perform all the duties and services now, or which may hereafter be required by law to be performed by him, and in addition shall serve all papers, post all notices named by law to be served or posted in behalf of the state or of the county for which he is elected, including all papers to be served or notices to be posted by the board of county commissioners, the county auditor, or by any other county officer. ('07 c. 372 § 2)

[601—]9. **Same—Deputies and employés—Duties—Salaries.**—The sheriff shall appoint and employ one chief deputy, who shall be paid the sum of eighteen hundred dollars per annum; one jailer, who shall be paid twelve hundred dollars per annum; two outside deputies, who shall be paid eighteen hundred dollars per annum each, and each of whom shall be required, in addition to the services to be performed for such compensation, to keep and maintain a team, and to pay his own traveling expenses within said county while in the performance of his official duties assigned to him as such; one outside city deputy to attend to the service of criminal and other process, who shall receive a salary of twelve hundred dollars per annum; and one other deputy, who shall receive a salary of twelve hundred dollars per annum; one deputy for the care of the insane, and such other duties as the sheriff may require of him, who shall receive a salary of thirteen hundred dollars per annum; one assistant jailer, who shall receive a salary of one thousand dollars per annum; one night watchman, who shall receive a salary of nine hundred dollars per annum; one bookkeeper, who shall receive a salary of twelve hundred dollars per annum; one deputy, who shall have charge of juries, who shall receive a salary of nine hundred dollars per annum; one stenographer, who shall also be a deputy sheriff, and shall receive a salary of one thousand dollars per annum; one matron, who shall receive a salary of six hundred dollars per annum; one cook, who shall receive a salary of seven hundred dollars per annum; one additional night watchman, who shall receive a salary of nine hundred dollars per annum. ('07 c. 372 § 3)

[601—]10. **Same—Court room deputies—Salaries—Expense fund.**—The sheriff shall also appoint and employ as many court room deputies as there are district court judges in and for said county, who shall attend the courts of said judges and perform such other duties pertaining to the sheriff's office as the said sheriff may require, and the compensation of each of said deputies shall be nine hundred dollars per annum. For all services rendered by the sheriff he shall be allowed and paid from the county treasury his actual expenses necessarily incurred by him in the performance of such services. That an expense fund of five hundred (500) dollars be set aside out of the first five hundred (500) dollars received as fees from and after the passage of this act, to be used by the sheriff to meet the current monthly expenses of the office, the money so used to be replaced in said fund at the end of each month, when such expense is allowed. ('07 c. 372 § 4)

[601—]11. **Auditor—Salary.**—The salary of the auditor of each county of this state having, or which may hereafter have, a population of 275,000 inhabitants or over, shall be four thousand five hundred dollars per annum. ('07 c. 372 § 5)

[601—]12. **Same—Deputies and clerks, etc.—Salaries.**—The auditor shall appoint and employ one chief deputy, who shall be paid the sum of two thousand dollars per annum; one deputy and commissioners' clerk, who shall be paid the sum of eighteen hundred dollars per annum; one chief clerk and draftsman, who shall be paid the sum of seventeen hundred dollars per annum; and in

addition thereto shall make all maps and drawings required by the register of deeds for use in his office; one deputy and bookkeeper, who shall be paid the sum of fifteen hundred dollars per annum; one chief counter deputy, who shall be paid the sum of fourteen hundred dollars per annum; nine general clerks, who shall be paid the sum of one thousand dollars per annum each; three counter deputies, who shall be paid the sum of twelve hundred dollars per annum each; one deputy and settlement clerk, who shall be paid the sum of fourteen hundred dollars per annum; one stenographer, who shall be paid the sum of eighty dollars per month. ('07 c. 372 § 6)

[601—]13. **Attorney—Salary.**—The salary of the county attorney of each county of this state having, or which may hereafter have, a population of 275,000 inhabitants or over, shall be four thousand five hundred dollars per annum. ('07 c. 372 § 7)

[601—]14. **Same—Assistants, etc.—Salaries.**—The county attorney shall appoint and employ one assistant, known as first assistant county attorney, who shall be paid the sum of twenty seven hundred dollars per annum; one assistant, who shall be known as second assistant and attorney for county commissioners, who shall receive a salary of twenty four hundred dollars per annum; one assistant, who shall be known as third assistant, who shall receive a salary of nineteen hundred dollars per annum; one assistant, who shall be known as the fourth assistant, who shall receive a salary of sixteen hundred dollars per annum; one stenographer, who shall receive a salary of nine hundred dollars per annum. ('07 c. 372 § 8)

[601—]15. **Register of deeds—Salary.**—The salary of the register of deeds of each county of this state having, or which may hereafter have, a population of 275,000 inhabitants or over, shall be four thousand dollars per annum. ('07 c. 372 § 9)

[601—]16. **Same—Deputies and clerks—Salaries.**—The register of deeds shall appoint and employ one chief deputy, who shall be paid eighteen hundred dollars per annum; one second deputy, who shall be paid twelve hundred dollars per annum; one indexer, who shall be paid one thousand dollars per annum; one chief comparer, who shall be paid one thousand dollars per annum; two assistant comparers and indexers, who shall be paid seven hundred and twenty dollars per annum each; one vault clerk, who shall be paid nine hundred dollars per annum; one general clerk, who shall be paid one thousand dollars per annum. ('07 c. 372 § 10)

[601—]17. **Clerk of court—Salary.**—The salary of the clerk of court of each county of this state having, or which may hereafter have, a population of 275,000 inhabitants or over, shall be four thousand dollars per annum. ('07 c. 372 § 11)

[601—]18. **Same—Deputy clerks—Salaries.**—The clerk of the district court in counties having, or which may hereafter have, a population of 275,000 inhabitants or over, shall appoint and employ fifteen deputy clerks of said court, whose duties shall be designated by said clerk and who shall be paid the following salaries: One deputy clerk, who shall be paid a salary of eighteen hundred dollars per annum; one deputy clerk, who shall be paid a salary of fifteen hundred dollars per annum; one deputy clerk, who shall be paid a salary of thirteen hundred dollars per annum; four deputy clerks, who shall each be paid a salary of twelve hundred dollars per annum; eight deputy clerks, who shall each be paid a salary of one thousand dollars per annum. ('09 c. 33 § 1)

Historical.—“An act to provide for the appointment and regulating the duties and salaries of deputy clerks of the district court in counties having, or

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COUNTIES AND COUNTY OFFICERS.

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which may hereafter have, a population of 275,000 inhabitants or over." Approved February 27, 1909.

By virtue of section 3, which repeals inconsistent acts, this section supercedes Laws 1907, c. 372, § 12.

[601—]18a. Same—Salaries, how paid.—The above salaries shall be paid monthly in the same manner as county officials are now paid, and the same shall be in full compensation for all services rendered by said deputy clerks in their capacity. ('09 c. 33 § 2)

See note under section next preceding.

[601—]19. Surveyor—Salary and expenses.—The salary of the county surveyor of each county of this state having, or which may hereafter have, a population of 275,000 inhabitants or over, shall be twenty five hundred dollars per annum; and in addition thereto the county surveyor shall be allowed and paid from the county treasury his actual expenses necessarily incurred in the performance of his services. ('07 c. 372 § 13)

See note under section [601—]7.

[601—]20. Same—Deputies and clerk—Salaries, etc.—The county surveyor shall appoint and employ two deputies, who shall be paid the sum of fourteen hundred and fifty dollars per annum each, and each of whom shall be required, in addition to the services to be performed for such compensation, to keep and maintain a team and to pay his own traveling expenses within said county while in the performance of his official duties assigned to him as such; one clerk, who shall be paid the sum of one thousand dollars per annum. ('07 c. 372 § 14)

[601—]21. Treasurer—Salary.—The salary of the county treasurer of each county of this state having, or which may hereafter have, a population of 275,000 or over, shall be paid four thousand five hundred dollars per annum. ('07 c. 372 § 15)

[601—]22. Same—Deputies, clerks, etc.—Salaries.—The county treasurer shall appoint and employ one chief deputy, who shall be paid the sum of two thousand dollars per annum; one deputy, who shall have charge of the statement department of said office, who shall be paid the sum of fifteen hundred dollars per annum; one transfer deputy, who shall be paid the sum of twelve hundred dollars per annum; one statement file clerk, who shall be paid the sum of eleven hundred dollars per annum; one assistant statement file clerk, who shall be paid the sum of one thousand dollars per annum; one payment credit clerk who shall be paid the sum of one thousand dollars per annum; two statement clerks, who shall be paid the sum of seven hundred and twenty dollars per annum each; one cashier (or teller), who shall be paid the sum of twelve hundred dollars per annum; one receipt deputy, who shall be paid the sum of twelve hundred dollars per annum; one assistant receipt deputy, who shall be paid the sum of one thousand dollars per annum; one payment listing clerk, who shall be paid the sum of one thousand dollars per annum; one bookkeeper, who shall be paid the sum of twelve hundred dollars per annum; one inheritance tax clerk, who shall be paid the sum of twelve hundred dollars per annum; one settlement clerk, who shall be paid the sum of eleven hundred dollars per annum; one assistant settlement clerk, who shall be paid the sum of one thousand dollars per annum; one correspondent clerk, who shall be paid the sum of nine hundred dollars per annum; which above named salaries shall be payable out of the county treasury in equal monthly installments, except as hereinafter provided. Provided, that any such auditor or county treasurer shall each have authority to command and employ the deputies or other employes of his office without additional compensation to that of such deputy or other employe's usual compensation,

and when and as often and to such extent as either said county treasurer or auditor may deem proper, the services of any deputy or other employé in said county treasurer's or auditor's offices, for any work of either of said offices, whether or not such work be the usual work of such deputies or other employés or be partly or wholly the usual or proper function of some other deputy or employé. And, provided further, that either the county treasurer or auditor may, during the year, at his discretion and as often and for as long as he sees fit, reduce the number of clerks in his office, and that the salary amounts which may be so saved, together with whatever has been saved during such year, through necessary vacancies among any other deputies, clerks and assistants of either county treasurer's or auditor's office, may to any extent needful in either case, be used in the same year by hiring extra clerks, at not to exceed the same rate, for any of the regular work of his office when the same is greater or more hurried than is common throughout the year. ('07 c. 372 § 16)

[601—]23. Additional help for treasurer and auditor—Compensation.—In each of said counties the board of county commissioners may by resolution, authorize the county treasurer or auditor of such county to appoint and employ such help additional to what is provided for elsewhere in this act, as may to such board at any time seem just, proper and necessary in carrying on the work of such offices, and the board shall in such authorized resolution fix the rate of compensation payable out of the county treasury to be allowed to such extra help and limit the amount to be expended under such resolution. ('07 c. 372 § 17)

[601—]24. Coroner—Salary.—The salary of the county coroner of each county of this state having, or which may hereafter have, a population of 275,000 inhabitants or over, shall be four thousand dollars per annum. ('07 c. 372 § 18)

[601—]25. Same—Deputies and help.—The county coroner shall appoint such deputies and employ such help as may be necessary for the carrying on of the work in said office, said help shall be paid by the coroner out of the salary received by him as such county coroner, set forth in section 18 [601—24] of this act. ('07 c. 372 § 19)

[601—]26. Judge of probate—Salary.—The salary of the judge of probate of each county of this state having, or which may hereafter have, a population of 275,000 inhabitants or over, shall be four thousand five hundred dollars per annum. ('07 c. 372 § 20)

[601—]27. Clerk of probate court—Deputy and clerks—Fees.—The judge of probate shall appoint and employ one clerk of probate court, who shall be paid the sum of twenty-five hundred dollars per annum; one deputy clerk who shall be paid the sum of eighteen hundred dollars per annum; three general clerks who shall be paid the sum of one thousand dollars per annum; one inheritance tax clerk who shall be paid the sum of twelve hundred dollars per annum, and one competent stenographer, who shall be paid the sum of eighteen hundred dollars per annum, the duties of which stenographer shall be to act as secretary to the judge in all matters pertaining to his official duties; such secretary shall give bond to the state in the sum of five hundred dollars to be approved by the judge appointing him, conditioned for the faithful and impartial discharge of his duties as such secretary. The judge of probate and clerk of probate court shall charge the same fees for his services as are now or may hereafter be allowed by law, and such fees so charged and collected in said office shall be paid in

to the county treasury. (Laws 1907, c. 372, § 21, as amended by Laws 1909, c. 301, § 1.)

[601—]27a. **Salaries, how payable.**—All salaries and increase in salaries provided for in this act, whether in number or amount, shall be paid out of moneys in the county treasury not otherwise appropriated. ('09 c. 301 § 2)

[601—]28. **Same—When payable—To be in full.**—The above named salaries and compensation of the county officials, deputies, clerks and employés, shall be paid monthly in the same manner as county officials are now paid, and the same shall be in full compensation for all services rendered by said county officers, deputies, clerks and employés, respectively, in their capacity. ('07 c. 372 § 22)

See note under section [601—]7.

[601—]29. **Additional help—Compensation.**—The board of county commissioners in counties of this state having, or which may hereafter have, a population of 275,000 inhabitants or over, shall appoint and employ such additional help for the respective offices as to them may seem just and proper in the carrying on of the work in said offices, and fix the compensation to be paid therefor. ('07 c. 372 § 23)

[601—]30. **Increase in salaries.**—All increase in salaries, either in amount or number herein provided for, shall be paid out of any moneys in the county treasury not otherwise appropriated. ('07 c. 372 § 24)

COUNTY BUILDING COMMISSION IN CERTAIN COUNTIES HAVING OVER 100,000 INHABITANTS.

[601—]31. **How constituted—Officers.**—That in all counties in this state now having, or which may hereafter have, a population of over 100,000 inhabitants, and in which the building used for court house purposes is not owned jointly or in common with any city for city hall purposes, there shall be and hereby is created a commission known and designated as County Building Commission, which commission shall be constituted as follows: The chairman of the board of county commissioners, the auditor of the county and the treasurer of the county. The chairman of the board of county commissioners shall be president of said commission, the county auditor shall be secretary of said commission, and the county treasurer shall be the treasurer of said commission. The secretary shall keep all of the records and accounts of said commission, and the treasurer shall keep a correct account of its receipts and expenditures. ('09 c. 111 § 1)

Historical.—“An act to provide for the care and control of county court houses in all counties having a population of over 100,000 inhabitants and in which the building used for court house purposes is not owned jointly or in common with any city for city hall purposes.” Approved March 25, 1909.

Section 6 repeals all inconsistent acts, whether general or special.

[601—]32. **Powers and duties.**—The commission hereby created shall have the entire care of all of the completed portions of said court house and of the completed grounds surrounding the same, and it shall have power to assign unassigned rooms in any part of said building, with entire control of any room or rooms in said building not permanently assigned to any official use, and of all halls, corridors and stairways, and of all boiler and machinery rooms. It shall also have the care and control of all engines, boilers, machinery, elevators, and all mechanical and electrical appliances of every nature in said building and of the grounds surrounding

said building or connected therewith. It shall cause all of the occupied portions of said building to be properly heated, lighted, cleaned and kept in repair for public use, and it shall have full authority to appoint any and all employees necessary to properly perform the duties hereby devolved upon such commission, with authority to fix the compensation of such employees and remove any thereof at its pleasure. Nothing herein contained shall be construed to interfere in any manner with the powers and duties of any court house commission that may be engaged in the completing and furnishing of such building as provided by chapter 223, General Laws 1907. ('09 c. 111 § 2)

For Laws 1907, c. 223, see sections [601—]36 to [601—]43, post.

[601—]33. Monthly statements of expenses—Duties of auditor and treasurer.—Said commission shall at the beginning of each calendar month render a detailed statement to the county auditor of all its expenses necessarily incurred for the purposes contemplated by this act during the last preceding month, and it shall thereupon be the duty of the county auditor to forthwith draw cash warrants upon the county treasurer for the amount of the account so rendered by said commission. And it shall be the duty of the county treasurer to forthwith pay to the parties properly entitled thereto the several amounts specified in said account so rendered. Said monthly account, before presentation to said county auditor, shall be certified by each member of said commission as being just, true and necessarily incurred. ('09 c. 111 § 3)

[601—]34. County board.—The board of county commissioners of any such county having a county building commission, shall have nothing to do with the care of any such court house nor with the control of any portion of said building not specifically assigned for official use. ('09 c. 111 § 4)

[601—]35. Annual statement—Tax levy.—It shall be the duty of said commission on or before the first day of July of each year to prepare a detailed statement of the estimated expenses of such commission for the ensuing year and transmit the same to the board of county commissioners of said county at its next regular meeting thereafter. And it shall then be the duty of such board of county commissioners to levy a tax at its proper meeting, sufficient to meet such estimated expenditures. ('09 c. 111 § 5)

BOARD OF COURT HOUSE COMMISSIONERS IN COUNTIES HAVING 75,000 INHABITANTS.

[601—]36. New court house—Powers of county board.—Whenever in any county of this state now or hereafter, having a population of more than 75,000 inhabitants, the county commissioners thereof shall, by appropriate resolution, declare that the existing court house of said county is inadequate for its needs and that a new structure is necessary for the purposes of a court house, for county officers and for jail purposes, or for one or more of said uses, and fixing a sum in their judgment sufficient to cover the cost of a new building and equipment for such uses adequate to the needs of the county, then and thereupon, the county auditor of such county shall, immediately upon the passage of such resolution, forward to the chairman of such board of county commissioners a certified copy thereof, and thereafter all the proceedings with reference to the erection, construction, completion and furnishing of such building or buildings shall be governed by the provisions of this act. ('07 c. 223 § 1)

Historical.—“An act to provide for the creation of a board of court house commissioners to contract for and superintend the erection, construction, com-

pletion and furnishing of a court house and jail in any county of this state having at any time a population of over 75,000 inhabitants." Approved April 17, 1907.

Section 9 repeals inconsistent acts.

Said act repealed by implication "An act to provide for the creation of a 'board of court house commissioners' to contract for and superintend the erection, construction and furnishing of any new court house and to approve the selection of a site therefor in counties of this state having at any time a population of over seventy-five thousand inhabitants when the need for such building and the limits of the expenditure to be made for the erection, construction and equipment thereof shall have been determined by the board of county commissioners of such county." Approved April 17, 1905 (Laws 1905, c. 232).

See section [601—]32.

[601—]37. Board of court house commissioners, how appointed and constituted—Qualification.—Immediately upon receiving a certified copy of such resolution, the chairman of said board of county commissioners shall proceed to appoint five men, legal voters of said county, three of whom shall be, at the time of their appointment, members of the board of county commissioners of such county, and not more than one of such members shall be resident within any one city or municipality, and not more than three of such members shall be resident within any one city or municipality in such county, who shall constitute, upon accepting their appointment and upon taking the oath hereinafter provided, a board of court house commissioners, whose duties and obligations shall be those fixed and imposed by the provisions of this act. Each commissioner, before entering upon the duties of his office, shall file with the county auditor a written acceptance of such appointment and shall take and subscribe an oath before one of the judges of the district court of the district in which such county is situated, that he will faithfully and honestly perform the duties of his said office and will support the constitution of the United States and of the State of Minnesota, as one of said commissioners, and that he will not knowingly permit any fraud, dishonest practice or cheating by any contractor or other person doing work or performing in or about the erection or furnishing of any public building contemplated by this act, nor will he knowingly permit any such fraud, dishonest practice or cheating by any person or persons whomsoever. ('07 c. 223 § 2)

[601—]38. Organization and rules—Records—Secretary and employés—Salaries and compensation.—Such board shall organize at a meeting which may be called by any three members on five days' notice in writing, to the remaining members. At such meeting such board shall adopt rules for their own government and shall elect a president from their own number. The records of such board shall be public records kept in duplicate, one copy in the office of the county auditor and one copy at such other place as such board shall from time to time designate. All cancelled vouchers and paid bills audited by said board and paid out of the county treasury shall, after such payment, be public records and shall be preserved in the office of the county auditor. Such board shall keep books of account, showing all receipts and disbursements authorized by such board, and the general character thereof. Upon the completion of the work of any such board the duplicate records to be kept as aforesaid, together with the books of account and all other valuable papers and memoranda of such board, shall be deposited with and preserved by the county auditor of the county as a part of the public records thereof. The board may employ competent persons to perform the clerical work of such board, and may also employ a secretary whose duties shall be to perform such portion of the work of such board as is ministerial in its nature and such as may be from time to time fixed by such board, and the

secretary may perform said clerical duties if so determined. The salary or salaries of the person or persons so employed may be fixed by the board and when so fixed shall be by such board reported to the county auditor, and paid in monthly installments from the county treasury in the same manner in which other county salaries are paid. A majority of such board shall constitute a quorum, and three votes shall be necessary to authorize any contract requiring the expenditure of money. The members of such board shall receive no compensation for their services, but shall be reimbursed, their expenses necessarily paid or incurred in the discharge of their duties. ('07 c. 223 § 3)

[601—]39. **Term—Vacancies.**—Each of said commissioners shall hold said office until a suitable building for the purposes above set forth shall have been built and fully completed and furnished as herein provided, and in case of a vacancy occurring in said board said vacancy shall be filled by appointment in the same manner as the original appointments were made. ('07 c. 223 § 4)

[601—]40. **Duties and authority.**—It shall be the exclusive duty of said board to superintend the erection and construction of the court house or county building so to be erected for the needs of such county, to furnish and equip the same, to choose the architect therefor and the superintendent of construction, if one is deemed necessary by them, to let all contracts for such erection or construction, to purchase all material and employ all workmen except where the work and material shall, under the provisions of this act, be let by contract, and in general to have full authority within the limits fixed by this act; to bind the county in and about the construction, erection and furnishing of said building, but the price at which the contract for such construction shall be let by said board of court house commissioners shall not exceed the amount fixed by the board of county commissioners of such county in their said resolution as the proper cost of the same, and no steps shall be taken toward such erection and construction until the site for said building has been determined in the manner provided by this act. ('07 c. 223 § 5)

[601—]41. **Award of contracts—Bills, how sworn to and audited—Warrants—Appeal from allowance.**—The said board of court house commissioners shall let by contract to the lowest responsible and acceptable bidder or bidders, the contract or contracts for the erection and construction of such building or buildings after notice given in such manner as said board may direct, for the purpose of securing competitive bids; the board, however, to have power and discretion to reject any and all bids. Any work subsequently found necessary and not incurred in such general contracts, may be let by other contracts or completed by day labor or otherwise under the direction of said board, and the furnishing and equipping of said building, after completion, may be contracted for in such manner as to such board of court house commissioners may seem best, but, where practicable, such board shall endeavor to procure competitive bids therefor. All bills and obligations incurred by the board, in any way connected with the erection, construction, furnishing and completion of such court house and jail, and the improving of the grounds shall be sworn to in like form and manner as are other bills against the county, and shall be audited and approved by such board by resolution thereof, stating the name of the party in whose favor each such bill is allowed, the nature of the claim and the amount of the same. The county auditor shall issue to the persons named in any such resolution at

the expiration of ten days from the filing of the duplicate record of such resolution in the office of said auditor warrants or orders upon the county treasurer for the respective amounts so audited and allowed, which warrants or orders shall, upon presentation, be paid by the county treasurer out of any funds then in his hands available for such purpose, to the person in whose favor the same may be drawn, or to his lawful assignee in writing. When the same are so paid, such warrants or orders shall be received by the person receiving such payment, in which form that the same shall operate, as a voucher to the county from the person so paid. Such payment may be made either in cash or by check of the county treasurer. At any time within ten (10) days from the date of the passage of any resolution and the filing of the duplicate record thereof, as herein provided, with the county auditor, allowing or disallowing any claim presented under this act, an appeal may be taken from such allowance or disallowance to the district court of the county in the same manner and with like effect as in the case of appeals from the allowance or disallowance of bills against said county allowed or disallowed by the board of county commissioners thereof. ('07 c. 223 § 6)

[601—]42. **What buildings included.**—In no county in this state, having at the time a population of more than seventy-five thousand inhabitants, shall there be any new structure or building for the purpose of a court house, county office or county jail, or for one or more of such purposes erected or constructed or a site selected or acquired therefor, save and except in the manner provided. ('07 c. 223 § 7)

[601—]43. **Increase of cost of buildings—Duty of county board.**—The board of county commissioners of such county may from time to time increase the amount first fixed by them as the cost of said proposed building or buildings with the same force and effect as if such increased sum was the amount first fixed by the resolution passed prior to the appointment of such board of court house commissioners. As soon as the board of county commissioners are notified in writing by said board of court house commissioners that a contract has been let, requiring or that will require, the expenditure of more money than is then in the hands of the county treasurer available for such purpose, it shall be the duty of said board of county commissioners to forthwith provide at their next regular meeting for the obtaining of such necessary funds in the manner provided by law. ('07 c. 223 § 8)

AUDITOR'S COUNTY EXAMINER IN COUNTIES HAVING 100,000 INHABITANTS AND 5,000 SQUARE MILES.

[601—]44. **How appointed.**—In any county of this state having at any time a population of more than 100,000 inhabitants and an area of more than 5,000 square miles, it shall be the duty of the county auditor of such county to appoint a person of suitable qualifications and character, a resident of said county, for the term of two years, whose title shall be "Auditor's County Examiner," and whose duties and compensation shall be as fixed by this act. Such appointment before becoming effective shall be approved by the board of county commissioners. ('09 c. 108 § 1)

Historical.—"An act to provide for a county examiner of townships, villages, cities, school districts, and charitable and benevolent institutions in counties of this state having at any time a population of more than 100,000 inhabitants and an area of more than 5,000 square miles." Approved March 25, 1909.

Section 8 repeals inconsistent acts. This act superseded "An act to provide for an inspector of the books, papers, accounts, bills, vouchers and other documents or property of townships, villages, cities and school districts in counties

of this state having at any time a population of more than 100,000 and an area of more than 5,000 square miles." Approved April 9, 1907 (Laws 1907, c. 131).

[601—]45. **Oath and bond.**—Such person so appointed shall qualify by taking and filing with said auditor the usual oath of office, and shall also file in like manner a bond in the penal sum of \$5,000, conditioned upon the faithful performance of his duties as such examiner, which bond shall be approved by the board of county commissioners and shall run to the county and be for the benefit of the county and of any and all persons who may suffer loss or damage by reason of the wilful failure of such examiner to faithfully discharge his official duties. ('09 c. 108 § 2)

[601—]46. **Salary and expenses.**—The salary of such examiner shall be \$2,500 per annum, to be paid from the county treasury in monthly installments as other county salaries are paid. In addition to such salary such examiner may be allowed by the county board his actual and necessary traveling expenses, not including board or lodging, as may be incurred by him in the performance of his official duties. ('09 c. 108 § 3)

[601—]47. **Duties of examiner.**—It shall be the duty of any examiner appointed under the provisions of this act to make, during each year of his office, a full, thorough and complete examination of the affairs of each township, village, city, school district and charitable and benevolent institution maintained or sustained wholly or partly by public contributions, in his said county, with reference to the method of keeping the books thereof and the accuracy of such books so kept, with reference to the mode of auditing and paying the bills thereof, with reference to the legal or illegal nature of the charges made for services rendered and supplies furnished to the same, with reference to the character and amount of any and all assets and securities held by the officers thereof, with reference to the character and amount of any commissions, percentage or charges for services exacted by such officers without warrant of law, with reference to the bonded or other indebtedness thereof, the purposes for which it was contracted and proceeds thereof expended, with reference to the method and place of keeping the funds thereof and the safety of the place of deposit of any such funds, and, in general, with reference to any matter or thing which concerns the proper conduct of the public business of any such township, village, city, school district, or charitable or benevolent institution maintained or sustained wholly or partly by public contribution as aforesaid. He shall also, in all cases which seem to require it, instruct the officials of any such township, village, city or school district in the proper method of conducting the public business in his charge with such criticisms and suggestions as to the law applicable thereto as will tend to secure uniformity in the conduct of public business throughout said county. His investigation, examination and report concerning such charitable and benevolent institutions shall be confined to the funds received from public contributions and to the disposition made of such funds by such institutions. ('09 c. 108 § 4)

[601—]48. **Duties of officers of municipalities, institutions, etc.—Penalties—Powers of examiner.**—To enable such examiner to perform the services herein required of him, the various officers and employes of any township, village, city, school district or charitable or benevolent institution maintained or sustained wholly or partly by public contributions, whose affairs he shall be hereunder directed to examine, shall afford all reasonable and needed facilities therefor, and it is hereby made the duty of any and all such officers, officials and employes to make returns and exhibits to the

said examiner under oath in such form and at such time or times as he shall prescribe; and each and every person so required who shall refuse or neglect to make such return or exhibit or to give such information as may be required by said examiner shall be guilty of felony, and shall be liable on conviction to a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment in the state prison for a period not exceeding one year; and if any person, in making such exhibit or giving such information, or offering any statement required under this act, on his oath, shall knowingly swear falsely concerning the same, he shall be deemed guilty of perjury and punished accordingly. And the said inspector shall have full power and authority for the purposes herein named to administer oaths, to examine any of the books, papers, accounts, bills, vouchers or other documents or property of any such township, village, city, school district, or charitable or benevolent institution maintained or sustained wholly or partly by public contributions, and any official or officials thereof and the custodian or custodians of any of the funds thereof. ('09 c. 108 § 5)

[601—]49. Supervision of auditor—Reports.—Said examiner shall at all times be under the supervision of said county auditor and shall maintain his office in connection with the office of the county auditor, and shall make to said auditor monthly reports in detail of all the work done by him or examined by him during the preceding month, calling particular attention to any errors, irregularities, or criminal acts or omissions of any officer or body of officers, or private individual, of which he has become cognizant in the course of his official duties or otherwise. He shall in like manner furnish a duplicate of such report to the county attorney of said county, and neither said auditor nor said attorney shall make said report public, nor shall anyone be entitled to inspect said reports, as public documents, until not less than five days have elapsed after the adjournment of the next grand jury which convenes after the filing of said reports. ('09 c. 108 § 6)

[601—]50. Criminal proceedings—Books, etc., for grand jury—Penalty.—It shall be the duty of any examiner appointed under this act, upon the discovery by him of any act or practice on the part of any public officer or body of officers of any township, village, city, school district, or charitable or benevolent institution maintained or sustained wholly or partly by public contributions, in his county, which is criminal in its nature, to report the same to the grand jury of his county at their session next following any such discovery, together with all data obtained by him with reference thereto and the names of any and all persons cognizant of any facts pertinent thereto. It is hereby made the duty of any and all persons having in their possession books, papers, documents or other material which in the opinion of such examiner should be presented to such grand jury, to furnish and entrust the same to the said examiner for such purpose, and any person refusing or failing so to do shall be deemed guilty of felony and shall be liable on conviction to a fine not exceeding one thousand dollars or imprisonment in the state prison for a period not exceeding one year. ('09 c. 108 § 7)

[601—]51. Publication of reports.—At the end of each official year of said examiner, all of the previous monthly reports which have then become public documents shall be published in pamphlet form for free distribution among the inhabitants of said county, which publication shall be ordered by the county board, and the cost of which publication shall be paid out of the county treasury. ('09 c. 108 § 9)

**LICENSE INSPECTOR IN COUNTIES HAVING 150,000
AND LESS THAN 200,000 INHABITANTS.**

[601—]52. **License inspector, how appointed.**—The board of county commissioners of any county in this state which now or may hereafter have a population of one hundred and fifty thousand inhabitants or over, but less than two hundred thousand inhabitants, may, when they deem it expedient and necessary to the enforcement of the liquor license laws of this state, appoint one county license inspector, who shall hold his office during the pleasure of said board. ('05 c. 298 § 1)

Historical.—“An act creating the office of county license inspector in counties which now or may hereafter have a population of one hundred and fifty thousand (150,000) inhabitants or over, but less than two hundred thousand (200,000) inhabitants, and defining his duties and compensation.” Approved April 19, 1905.

See R. L. § 5504.

[601—]53. **Duties and powers.**—It shall be the duty of such license inspector to use due and diligent effort in enforcing the laws in reference to the licensing and selling of intoxicating liquors in all parts of said county not within an incorporated city or village. It shall be his duty to procure evidence and make complaint to the proper magistrate or court of all persons selling liquors without being duly licensed under the laws of this state outside of incorporated cities and villages. He shall make report of all his doings when called upon to do so by the board of county commissioners. The said license inspector is hereby invested with all the powers of a constable under the statute as well as at common law, so far as proceedings in criminal actions are concerned. ('05 c. 298 § 2)

[601—]54. **Oath and bond.**—The said license inspector shall take the oath of office prescribed for officers of this state and give a bond with two or more sureties running to the board of county commissioners to be approved by them, in the penal sum of five hundred dollars, conditional for the faithful performance of the duties of said office. ('05 c. 298 § 3)

[601—]55. **Salary.**—The salary of such license inspector shall be fixed by the board of county commissioners at the time of his appointment in such sum not exceeding seventy-five dollars per year, as such board shall elect, and such salary shall be payable out of the county treasury. ('05 c. 298 § 4)

MISCELLANEOUS PROVISIONS.

602. **Offices at the county seat.**—Every county auditor, treasurer, register of deeds, clerk of district court, sheriff, judge of probate, and court commissioner shall keep his office at the county seat. Provided, that in any county where general terms of the district court are established and held at a place other than the county seat at such county, the court commissioner may have his office at such other place. Provided, further, that in any county the judge of the district court may make an order which will permit such court commissioner to have his office at some other place than the county seat of such county. (R. L. § 602, as amended by Laws 1909, c. 447, § 1.)

608. **Bonds recorded and forwarded to secretary of state.**—Official bonds of county officers when approved by the county board, and their oaths of office and the bonds and oaths of their deputies, except register of deeds, shall be filed and recorded in the office of register of deeds and when recorded shall be forwarded by such

register to the secretary of state as soon as recorded. Such secretary shall submit all such bonds to the attorney general for approval as to form and execution, who, if he finds the same satisfactory, shall endorse his approval thereon and thereupon the secretary of state shall file the same in his office for the use of all parties interested. (R. L. § 608, as amended by Laws 1909, c. 115, § 1.)

614. Records to be public.

Cited in *Nixon v. Dispatch Printing Co.*, 101 Minn. 309, 112 N. W. 258, 12 L. R. A. (N. S.) 188.

617. Officials not to be interested in contracts.

Curative.—See Laws 1909, c. 186, legalizing certain contracts made with officials.

619. Contracts in counties of more than two hundred thousand.

See section [619—] 1.

[619—]1. **Same—Emergency.**—In case of an emergency arising from breakage, damage or decay in any county property of any such county that cannot be allowed to wait for the time required to advertise for bids as herein required then such repairs may be made without advertising for bids, provided, however; such work is authorized by a majority of the board of county commissioners, and such action shall be ratified and recorded in the official proceedings of said board at their next meeting. ('05 c. 189 § 1)

Historical.—“An act to amend section 4, chapter 50 of the General Laws of Minnesota for the year 1902, relating to advertising for bids and the letting of contracts in excess of one hundred dollars by county commissioners in all counties having 225,000 inhabitants or over.” Approved April 15, 1905.

Laws 1902, c. 50, by its terms applied to counties having 200,000 inhabitants or over. It was repealed by R. L. § 5545, but its provisions were embodied in section 619. So far as Laws 1905, c. 189, differs from said section 619, it is to be construed, by virtue of section 5504, as amendatory or supplementary.

620. Actions against counties.

Claims against county.—When a board has deliberately acted on a claim and allowed or disallowed it, it cannot in the absence of fraud or mistake and notice of hearing, set aside its decision and take other action thereon. *State ex rel. Devine v. Peter*, 120 N. W. 896.

CHAPTER 8.

TOWNS AND TOWN OFFICERS.

POWERS—DUTIES—LIABILITIES.

625. Powers of town meetings.— * * *

6. To vote money for the repair and construction of roads and bridges, and determine the amount thereof to be assessed as labor tax, and to vote such sums as they deem expedient for other town expenses, including the construction and maintenance of docks and breakwaters. (R. L. § 625, subd. 6, as amended by Laws 1909, c. 350, § 1.)

Subd. 3.—The electors may ratify the action of counsel in bringing to judgment a claim of the town, although such counsel were directed to bring the action by a town board without authority of law. *Town of Partridge v. Ring*, 99 Minn. 286, 109 N. W. 248.

[625—]1. **Certain towns to have certain powers of villages.**—Any township in this state having therein a platted portion on which there resides 1,200 or more people shall have and possess the same power and the same authority now possessed by villages in this state under the laws of this state in so far as such powers