

James C. Child
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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
MOSES SHERBURNE and WILLIAM HOLLINSHEAD, Esqrs.,
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five cents; for each additional parcel of land described therein, after the first, five cents. To the person taking and certifying the acknowledgment of the same, twenty-five cents. To said register of deeds, for a certificate of redemption, twenty-five cents.

For each additional parcel of land described therein after the first, five cents.

To the register of deeds, for a certificate of the sale of lands, seventy-five cents.

For each additional parcel of land described therein after the first, five cents.

The register of deeds or treasurer, granting such deed or certificate, shall include therein as many parcels of land bid off, owned or redeemed by any person, as he may desire, and the above fees shall be paid by such person.

To the printers who shall publish any notice of sale for taxes, for each lot or tract, ten cents for all the insertions.

To the printer who shall publish any notice of the time when the redemption of land sold for taxes will expire, for each lot or tract of land, twenty cents for all the insertions.

For drawing affidavit of publication, ten cents.

To the person taking and certifying the same, ten cents.

The fees of publication shall be apportioned equally upon the several parcels of land advertised, and all costs, charges and interest imposed by the provisions of this chapter, and paid upon any land, shall be a lien thereon until paid equally with the unpaid taxes.

CHAPTER 10.

RESIGNATIONS, VACANCIES, REMOVALS, &c.

SECTION	RESIGNATIONS	SECTION	SUPPLYING VACANCIES.
1.	Resignations to whom made.	6.	The governor may fill vacancies in certain offices.
	VACANCIES.	7.	County commissioners may fill vacancies in certain county offices.
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5.	Collectors and receivers of public moneys may be removed by governor.		

[Chapter 10, Revised Statutes.]

RESIGNATIONS.

(1.) SEC. I. Resignations shall be made as follows, to wit:

1. By the treasurer of the territory, auditor of the territory, attorney general, superintendent of common schools, and by all officers appointed by the governor, or by the governor by and with the advice and consent of the council, shall be made to the governor.

2. By all officers who hold their offices by election, to the officer or

Resignations to whom made.

officers respectively authorized by law, to order a special election to fill such offices respectively.

3. By all other officers holding their offices by appointment, to the body, board, or officer that appointed them.

VACANCIES.

(2.) SEC. II. Every office shall become vacant on the happening of either of the following events before the expiration of the term of such office. What events to create vacancy.

1. The death of the incumbent.
2. His resignation.
3. His removal.
4. His ceasing to be an inhabitant of the territory, or if the office be local, his ceasing to be an inhabitant of the district, county, city, or village, for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged.

5. His conviction of any infamous crime, or of any offense involving a violation of his official oath.

6. His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit such oath or bond, within the time prescribed by law.

7. The decision of a competent tribunal declaring void his election or appointment.

(3.) SEC. III. The governor shall also declare vacant the office of every officer required by law to execute an official bond, wherever a judgment shall be obtained against such officer for a breach of the condition of such bond. When governor to declare office vacant.

REMOVALS FROM OFFICE.

(4.) SEC. IV. The governor may remove from office, any sheriff, coroner, register of deeds, or district attorney, whenever it shall appear to him by competent proof, that either of such officers have been guilty of official misconduct or neglect, or have willfully violated the duties of their offices, giving to such officer a copy of the charges against him, and an opportunity to be heard in his defense. Governor may remove certain officers.

(5.) SEC. V. Any collector or receiver of public moneys, appointed by the legislature, or by the governor, by and with the advice and consent of the council, or of both branches of the legislature, except those officers for whose removal provision is otherwise made by law, may be removed by the governor, in case it shall appear to him, on sufficient proofs, that such collector, or receiver, has, in any particular, willfully violated his duty. Collectors and receivers of public moneys may be removed by governor.

SUPPLYING VACANCIES. (a)

(6.) SEC. VI. Whenever a vacancy shall occur, during the recess of the legislature, in any office which the legislature, or the governor, by and with the advice and consent of the council, or of both branches of the legislature, are authorized to fill by appointment, the governor, unless it is otherwise specially provided, may appoint some suitable person to perform the duties of such office for the time being. The governor may fill vacancies in certain offices.

(7.) SEC. VII. When, at any time, there shall be, in either of the offices of judge of probate, register of deeds, district attorney, sheriff, or County commissioners may fill vacancies in certain county offices.

(a) See sec. 4, art. 5, of the constitution.

coroner, no officer duly authorized to execute the duties thereof, some suitable person may be appointed by the county commissioners, to perform the duties of either of said offices for the time being.

Persons appointed to fill vacancies to qualify, &c.

(8.) SEC. VIII. Each of the persons appointed, in pursuance of either of the two last preceding sections, shall, before proceeding to execute the duties assigned them, qualify in the same manner as required by law of the officer in whose place he shall be appointed; and he shall continue to exercise and perform the powers and duties of the office to which he shall be so appointed, until such vacancy shall be regularly supplied, as provided by law.

CHAPTER 11.

COUNTY ROADS.

SECTION

1. County roads under supervision of commissioners.
2. Applications for laying out or altering roads, how made.
3. Proof of notice must accompany petition.
4. Upon petition and proof of notice, commissioners to appoint board of examiners.
5. Examiners to take oath; duties of examiners.
6. Examiners to report to commissioners, report what to contain.
7. Register of deeds, when to issue order for survey of roads; duty of surveyor.
8. Register of deeds to record plot of road, and notify supervisors to open same.
9. When road is vacated, owners of land may inclose the same.
10. County roads to be sixty-six feet wide.
11. Compensation of examiners.
12. When section line divides two counties, commissioners of either county may locate road.
13. Commissioners may cause to be opened a cartway.
14. If remonstrance be made; commissioners to deliver the same to surveyor; his duties.
15. Provides for the election of two road commissioners in each county.
16. Requires the commissioners to take an oath of office.
17. In connection with the county surveyors to constitute the board of road commissioners.
18. Upon application of twelve freeholders, they may lay out, alter or discontinue roads.
19. Manner of deciding upon applications.
20. Shall examine personally the roads, and hear reasons.

SECTION

21. Duties prescribed in laying out and altering, or discontinuing a road.
22. Required to record and describe all roads laid out.
23. Damages may be determined by agreement, not exceeding \$200.
24. When damages are not satisfactory, they may be submitted to a jury.
25. Bond for costs to be executed, and provisions governing the costs in certain awards of the jury.
26. Twelve disinterested freeholders to be summoned as the jury.
27. Jury to be sworn, view the road, hear the statements, and make their appraisal.
28. Mileage and jury fees.
29. Damages against the county to be presented to the county board, and paid out of county treasury.
30. Authority to alter roads.
31. Relates to the removal of fences obstructing roads laid out.
32. All roads to be surveyed within one year from the passage of the act granting them; and roads laid out to be completed in one year.
33. Trees may be planted on each side of public roads; damages for their injury.
34. Provisions of this act to be general.
35. Roads hereafter to be laid out, shall be in accordance with this act.
36. County commissioners authorized to appoint road commissioner when not elected.
37. Repeal of conflicting laws.
38. Roads previously located declared valid.
39. Act takes effect on passage.

An Act relating to County Roads. (a)

[Chapter 13, Revised Statutes.]

by C. W. ... 33-1860

County roads under supervision of commissioners.

(1.) SEC. I. All county roads shall be under the supervision of the board of county commissioners of the county, wherein the said roads are

(a) This chapter from the revised statutes is published, although the act of May 23, 1857, which follows, in a great measure supersedes it. They must be read together. The township act of 1858 seems to except state and county roads from its operation; of which see sec. 1, art. 23.—[Chap. 8, ante.]