

31700

THE  
REVISED STATUTES,  
OF THE  
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE  
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

---

PRINTED AND PUBLISHED PURSUANT TO LAW, UNDER THE SUPERVISION OF M. S. WILKINSON.

---

SAINT PAUL:

JAMES M. GOODHUE, TERRITORIAL PRINTER.

.....  
1851

such other manner as is provided for removing causes from the district to the supreme court, and: *Provided further*, That appeals may be taken from the decision of a judge of probate to the district court as in probate cases; in all which cases the party removing any such judgment or decision by writ of error or appeal, shall file in the proper court a bond to the opposite party in such sum, and with such sureties, as shall be prescribed by a judge thereof, conditioned for the payment of all costs that may be properly taxed against him.

SEC. 6. This chapter shall not be construed so as to impair in any way, the right of any person to contest any election in the manner otherwise provided by statute.

This chapter, how construed.

CHAPTER 7.

OF COUNTIES.

SECTION

1. Each county to be a body politic, and their powers as such.
2. Real and personal estate, when deemed property of the county.
3. County commissioners may appoint agents to sell real estate.
4. Counties may provide for court houses, jails, offices, &c.
5. If prisoner escape from insufficiency of jail, county liable.
6. Actions against a county, where to be commenced.

SECTION

7. Actions in favor of a county, where commenced; process, on whom served.
8. Actions between counties to be determined in the same manner as between individuals.
9. Name in which county shall sue and be sued.
10. Duty of clerk of board of county commissioners.
11. Suit by or against counties may be brought before justice of the peace.
12. Costs recoverable in all cases.
13. Execution against commissioners not to issue except in certain cases.

SEC. 1. Each county shall continue to be a body politic and corporate for the following purposes, to wit: To sue and be sued; to purchase and hold, for the public use of the county, lands lying within its own limits, and any personal estate; to make all necessary contracts, and to do all other necessary acts in relation to the property and concerns of the county.

Each county to be a body politic, and their powers as such.

SEC. 2. All real and personal estate heretofore conveyed, or which shall hereafter be conveyed by any form of conveyance, and duly acknowledged and recorded, to the inhabitants of any county, or to the county treasurer, or to any committee or other persons for the use and benefit of such county, shall be deemed to be the property of such county; and all such conveyances shall have the same force and effect as if they had been made to the inhabitants of such county by their respective corporate names.

Real and personal estate, when deemed property of county.

SEC. 3. The county commissioners, or other public officers having the charge and management of the county lands, may, by their order of record, appoint agents to sell any real estate of their county; and all deeds made in behalf of the inhabitants of the county by such agents under their proper hands and seals, and duly acknowledged and record-

County commissioners may appoint agents to sell real estate.

ed, shall be sufficient, to all intents and purposes, to convey all the right, title, interest, and estate whatever, which the county may then have to the lands so conveyed.

Counties may provide for court houses, jails, offices, &c.

SEC. 4. Each county may, at the common expense of the county, provide suitable court houses, jails, fireproof offices, and all other necessary public buildings for the use of the county.

If prisoner escape from insufficiency of jail, county liable.

SEC. 5. In case of the escape of any prisoner by reason of the insufficiency of the jail whereby the sheriff shall be made liable to any party at whose suit such person was committed, or to whose use any forfeiture was adjudged against him, the county shall reimburse all sums of money recovered of the sheriff by such party on account of such escape.

Actions against a county, where to be commenced.

SEC. 6. All actions, local or transitory, against any county, may be commenced and prosecuted to final judgment in the district court of the county against which the action is brought.

Actions in favor of a county, where commenced.

SEC. 7. Any action, local or transitory, in which any county shall be plaintiff, may be commenced and prosecuted to final judgment in the county in which the defendant in such action resides. When any action shall be commenced against any county, a copy of the summons shall be left with the clerk of the board of county commissioners, either during a session of the board, or so that a session shall intervene between the day of leaving a copy of such summons and the return day thereof. There shall always be ten days between the service and return of every such summons in all actions brought by or against every county. The inhabitants of the county so suing, or being sued, may be jurors or witnesses, if otherwise competent or qualified according to law.

Process, on whom served.

Actions between counties to be determined in the same manner as between individuals.

SEC. 8. Whenever any controversy or cause of action shall exist between any of the counties of this territory, or between any county and the territory, or an individual or individuals, such proceedings shall be had for the purpose of trying and finally settling such controversy, and the same shall be conducted in the like manner, and the judgment or decree therein shall have the like effect as in suits or proceedings between individuals and corporations.

Name in which county shall sue and be sued.

SEC. 9. In all suits or proceedings by or against a county, the name in which the county shall sue or be sued, shall be the board of commissioners of the county of (the name of the county,) but this provision shall not prevent other county officers, when authorized by law, from suing in their name of office for the benefit of the county.

Duty of clerk of board of county commissioners.

SEC. 10. In all legal proceedings against the board of commissioners of any county, the process shall be served on the clerk of the said board, and whenever such suit or proceedings shall be commenced, it shall be the duty of the said clerk forthwith to notify the district attorney of the county thereof, and to lay before the board of commissioners, at their next annual meeting, all the information he may have in regard to such suit or proceedings.

Suits by or against counties may be brought before justice of the peace.

SEC. 11. Any action in favor or against a county, which if prosecuted by or against an individual, could be prosecuted before a justice of the peace, may be prosecuted by or against such county in like manner before a justice of the peace.

Costs recoverable in all cases.

SEC. 12. In all suits or proceedings prosecuted by or against counties, or by or against county officers in their name of office, costs shall be recoverable as in suits between individuals.

Execution against commissioners not to issue, except in certain cases.

SEC. 13. When any judgment shall be recovered against the board of commissioners of any county or against any county officer in an action prosecuted by or against him in his name of office, where the same should be paid by the county, no execution shall be awarded or issue upon such judgment, except as herein provided; the same, unless re-

versed, shall be levied and collected as other county charges, and when so collected, shall be paid by the county treasurer to the person in whose favor such judgment was rendered, upon the delivery of a proper voucher therefor; but if payment be not made within thirty days after the time the collector of taxes is required by law to make his return of county taxes, next after the rendition of such judgment, then and in that event, execution may be issued on such judgment: *Provided*, That if at the time of the rendition of such judgment, there shall be sufficient funds belonging to the county in the treasury, it shall be the duty of the treasurer to pay the same upon application being made to him by the person in whose favor such judgment was rendered, his agent or attorney.

---

CHAPTER 8.

OF COUNTY OFFICERS.

- ARTICLE 1.—OF COUNTY COMMISSIONERS.
- ARTICLE 2.—OF REGISTERS OF DEEDS.
- ARTICLE 3.—OF COUNTY TREASURERS.
- ARTICLE 4.—OF SHERIFFS.
- ARTICLE 5.—OF DISTRICT ATTORNEYS.
- ARTICLE 6.—OF JUDGES OF PROBATE.
- ARTICLE 7.—OF COUNTY SURVEYORS.
- ARTICLE 8.—OF CORONERS.
- ARTICLE 9.—OF ASSESSORS.
- ARTICLE 10.—OF SUPERVISORS OF ROADS.
- ARTICLE 11.—OF CLERKS OF DISTRICT COURTS.
- ARTICLE 12.—MISCELLANEOUS PROVISIONS CONCERNING COUNTY OFFICERS.

---

ARTICLE I.

OF COUNTY COMMISSIONERS.

SECTION

- 1. Board of county commissioners organized, of whom to consist.
- 2. County commissioners, when elected, term of service.
- 3. One commissioner to be elected in a precinct.
- 4. Commissioners elected to take an oath of office.
- 5. Penalty for neglect of duty.
- 6. General powers and duties of county commissioners.
- 7. Commissioners may hold extra sessions not exceeding three days.
- 8. Compensation of commissioners.
- 9. Questions postponed in certain cases.

SECTION

- 10. Board of commissioners, when and where to meet.
- 11. Register of deeds to be clerk, duty of.
- 12. Commissioners to use an official seal.
- 13. County commissioners, general duties of.
- 14. To elect a chairman; chairman to sign all documents.
- 15. At the annual session in January, to select grand and petit jurors; proviso.
- 16. If jury list not made at January session, may be made at the session thereafter.
- 17. Duty of commissioners in preparing such list.
- 18. County commissioners to divide the county into assessment districts.