

GENERAL STATUTES

OF

MINNESOTA

1913

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or destroy such book with like intent, shall be guilty of a misdemeanor. (378)

630. Failure of candidate to file—No commission, etc., to issue—Every candidate for nomination or election to any elective office, or to the office of United States senator, who fails to make and file the verified statement of moneys contributed, disbursed, expended, or promised by him, or by any other person, committee, or organization for him, so far as he can learn, in the manner, within the time, and with the details required by law, or who enters upon the duties of any such office, or receives any salary or emolument therefrom, before he has so filed such statement, and every officer who issues a commission or certificate of election to any person before such statement shall have been so filed, shall be guilty of a gross misdemeanor. (379)

Cited (102-104, 112+1026, 12 Ann. Cas. 105).

631. Certain corporations not to contribute—Penalty—That it shall be unlawful for any corporation organized for pecuniary profit and are the subjects of public supervision to make a contribution of moneys from its corporation funds to any political committee or to any person for the purpose of aiding in carrying on any political canvass for the nomination or election of any person or persons to any office whatever. Any officer, stockholder, agent or employee of any such corporation who shall take part in or consent to the making of a contribution of moneys or of any other thing of value contrary to the provisions of this act, shall be deemed guilty of a felony and shall be fined not exceeding one thousand dollars or be imprisoned in the state prison not exceeding one year, or by both such fine and imprisonment, in the discretion of the court. ('05 c. 291 § 1)

See § 592.

CHAPTER 7

COUNTIES AND COUNTY OFFICERS

CHANGE OF BOUNDARIES

632. Change—New counties—The boundaries of counties may be changed by taking territory from a county and attaching the same to an adjoining county, and new counties may be established out of territory out of one or more existing counties, as hereafter provided; but no such new county shall contain less than four hundred (400) square miles, nor less than two thousand (2,000) inhabitants, nor shall it have an assessed valuation of less than four million dollars (\$4,000,000), and no existing county shall be reduced in area below four hundred (400) square miles, nor so as to contain less than two thousand (2,000) inhabitants, nor so as to have an assessed valuation of less than four million dollars (\$4,000,000). (R. L. § 380, amended '13 c. 337 § 1)

Control of legislature over subject absolute (43-500, 46+73; 66-536, 68+769). Title of 1893 c. 143 sufficient (67-352, 69+1083). Territory taken and left must be contiguous (69-202, 71+933). Cited (77-63, 79+655; 83-331, 86+352; 89-123, 94+226; 89-269, 94+879).

This and the following sections relating to the creation and organization of new counties, are a continuation of the statutes, and not new enactments (101-349, 112+278).

633. Petition—A separate petition for each county to be affected thereby, signed by voters therein equal in number to at least one-fourth of those voting in such county at the last preceding election, giving the residence of each signer, may be filed with the secretary of state, and a copy thereof with the auditor of each such county, not less than ninety days before any general election, praying for a change of county boundaries, or that a new county be established out of territory to be taken from one or more existing counties. If the petition is for a change of boundaries, it shall contain a description of the territory to be taken, the name of the county from which the same is to be detached, and the county to which such territory is to be attached. If for the establishment of a new county, the petition shall state the name of the proposed new county, a description of the territory to be in-

cluded therein, giving boundaries, the name and location of the proposed county seat, and the names and places of residence of the persons who shall constitute the first county board. (381)

66-519, 68+767, 69+925, 73+631, 35 L. R. A. 745, 67-352, 69+1083; 89-123, 94+226.

634. Proclamation by governor—But one proposition submitted—If it appears that each petition is signed by the requisite number of persons who are voters in each of the counties affected, of which latter fact the affidavits of the persons procuring the signatures thereto shall be prima facie evidence, the secretary of state shall notify the governor of the filing thereof, who, not less than sixty days before such election, shall issue his proclamation, reciting that such petitions have been so filed, the substance thereof, and directing that the question of such change of boundaries, or the establishment of such new county, as the case may be, be submitted to the voters of the counties to be affected thereby at such election; but in no case shall more than one proposition be submitted at the same election, except for mutual exchange of territory between counties. (382)

Prior to revision more than one proposition might be submitted (66-536, 68+769; 67-352, 69+1083; 69-202, 71+933; 89-123, 94+226; 89-269, 94+879).

Cited (101-349, 112+278).

635. Recording petition, etc.—Published notice—Upon issuance of such proclamation, the secretary of state shall record the petitions, affidavits, and proclamation, and shall cause three weeks' published notice of such proclamation to be given at the county seat of each county whose territory will be affected by the proposed change, and shall also transmit a certified copy of such proclamation, by mail, to the auditor of each such county. (383)

636. Notice of election—Ballots—The notice of the next general election of county officers shall specify that the question of forming such new county, or changing the boundaries of such existing counties, as the case may be, will be voted upon at such election, and shall state substantially the facts set forth in said petition. If the proposition be for a change of boundaries, the ballots shall have printed thereon the words: "For changing county boundaries. ^{Yes.}_{No.} If for the establishment of a new county, the words: "For a new county. ^{Yes.}_{No.} Each of said last two words, "Yes" and "No," shall be followed by a square in which the voter may make a cross to indicate his choice. (384)

66-536, 68+769.

637. Duty of judges of election and county canvassing board—The judges of election, in addition to the returns required in other cases, shall within twenty-four (24) hours after the canvass is completed, transmit to the secretary of state, by registered mail, their certificate of the number of votes cast for and against any proposition submitted; and the county canvassing board shall make return of said vote as in the case of votes for state officers, and such return shall also show the result of such vote for and against any proposition submitted, in such proposed new county, as well as in the entire county affected by such election. (R. L. § 385, amended '13 c. 422 § 1)

638. Duties of state canvassing board and governor, etc.—The state canvassing board shall canvass such returns at the time of canvassing the votes cast for state officers, and in the same manner; and they may resort to the returns received from the election judges for the correction of errors in the returns of the county canvassing board, and for supplying omissions therein. When the canvass is completed, such board shall make and file with the secretary of state its certificate, declaring the result of the vote; and, if such certificate shows that such proposition has received a majority of the votes cast thereon in each county to be effected thereby, and also has received a majority of the votes cast thereon in the territory forming the proposed new county, if the proposition was for the establishment of a new county, the governor, within ten days thereafter, shall issue his proclamation declaring the same adopted. The secretary of state shall record such certificate and proclamation in his office, and transmit a certified copy of the proclamation to the auditor of each county whose territory is affected thereby. Such auditor shall cause three weeks published notice thereof to

be given, and, if the proposition was for the establishment of a new county, shall serve a certified copy thereof on each of the persons elected as county commissioners of such new county. Such proclamation shall also be published with the general laws enacted at the next session of the legislature thereafter. (R. L. § 386, amended '13 c. 422 § 2)

107-420, 120+753.

639. Effect of proclamation—Upon the issuance of such proclamation, the proposed change of boundaries shall become effective, and, if the proposition was for the establishment of a new county, the same shall thereupon become duly organized; but the territory included therein shall remain attached for judicial purposes to the county from which it was taken, until the officers of such new county have been appointed and qualified as hereinafter provided. (387)

77-63, 79+655; 90-118, 95+591.

Suit in nature of quo warranto to determine validity of proceedings (101-350, 112+278).

640. County commissioners—Immediately after the service upon them of such copies, the persons chosen as commissioners shall meet at the place named as the county seat and qualify. Said board shall elect one of its members to act as clerk until the auditor shall have qualified. They shall then appoint the county officers, beginning with the auditor, and the persons so appointed shall qualify as required by law. (388)

89-269, 274, 94+879.

641. 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)

642. 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)

643. 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 be-

came 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)

644. 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)

645. 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)

646. Towns—School and road districts—The several towns, school districts, and road districts whose boundaries are unaffected by the change of county lines shall continue to be such in the new county, or county to which transferred, under the same officers as before. Fractions of such towns or districts as are divided by the changed county lines shall be reorganized by the county board of the county in which they are placed, or be attached to adjoining towns or districts, as the board shall deem best. (389)

647. 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 com-

pensation 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, amended '07 c. 136 § 1)
40-132, 41-156.

648. Levy and collection of taxes—No transfer of territory under the provisions of this act shall affect the collection of taxes levied at the date of the filing of the petition therefor, but all such taxes shall be collected by the officers of the original county, and all moneys then remaining in or afterwards coming into the treasury of such original county, or into the possession of any officer of such county, and belonging to any town, school, or road district in the territory transferred, shall be apportioned and paid over to such town or district in the same manner as if such town or district had remained a part of such original county. After the filing of the petition no county tax shall be extended, by or on behalf of the original county, upon any property within the territory proposed to be transferred, unless and until the proposed change shall have been rejected. (391)

649. New counties—Tax levy—That whenever a new county shall have been or may hereafter be created and organized out of territory embraced within the boundaries of one or more organized counties in the state, the county board of said newly created county, may, immediately upon the organization thereof, or at any time within ninety days thereafter, levy a tax for county purposes for the current year, subject to the limitations now provided by law, and the county auditor of the county shall forthwith extend the same upon the tax books of his office, and the same shall be due and payable from and after thirty days from the date of the levy thereof and shall be paid and collected, as other taxes for county purposes are now paid and collected, and any and all tax levies made for county purposes by the county board of the county or counties out of which said new county is created and organized, during the year immediately preceding the organization of said new county, so far as the same shall affect the territory embraced within the boundary of said new county, are vacated and any extension thereof is hereby declared void. ('11 c. 11 § 1)

650. Transfer of plats—Original plats of lands embraced in territory transferred to another county under the provisions of this chapter, on file or of record in the office of the register of deeds of the county from which such transfer is made, or certified copies thereof, shall be delivered by such register to the register of the county to which such territory is transferred, and by him filed and recorded. (392)

651. County indebtedness—County buildings—All territory so transferred shall continue liable for its proportion of the excess, if any, of the indebtedness of the original county above the value of its county buildings and of the balance of funds in its treasury. Such share shall be based upon the last assessment, and the value of the buildings, unless agreed upon by the respective county boards, shall be fixed by the sworn appraisal of three disinterested citizens, none of whom shall be a resident or taxpayer in either county, and who shall be appointed by the governor, upon the written application of the board of either county. The appraisal shall be in writing, subscribed and verified by at least two of such appraisers, and filed in the office of the secretary of state, and shall be final and conclusive. Within five days after the filing of such appraisal, the secretary of state shall transmit to the auditor of each of such counties a certified copy of such appraisal, application, appointment, and oath. (393)

83-331, 86-352; 100-479, 124-372.

Where attempt to create new county results in de facto corporation, which is dissolved, original county not liable for debts of de facto corporation (98-289, 108-294, 6 L. R. A. [N. S.] 791n).

652. County bonds—Payment and issue—The county board of the county to which such territory is transferred shall make provision for payment of

such indebtedness by levying a tax therefor at the time fixed by law for so doing; and, for the purpose of meeting any portion of such indebtedness which may become due before the same can be raised by taxation, and providing for the necessary county expenses, such board in any such new county may issue bonds of its county, with coupons attached, not exceeding in amount the sum of ten thousand dollars, to run for a period of not more than ten years, bearing interest at a rate not exceeding six per cent. per annum. (394)

83-331, 86+352; 109-479, 124+372.

653. Penalty if officer refuses to act—The validity of the establishment of any such new county shall not be affected by the failure or refusal of any county officer to do any of the acts or things required by this act, but any officer who shall refuse or willfully neglect to perform any duty herein required shall be guilty of malfeasance in office. (395)

89-269, 276, 94+879.

654. Counties and acts of officials legalized—Curative—That all counties in this state heretofore organized or attempted to be organized under chapter seven (7), Revised Laws of 1905, and now exercising the powers of bodies corporate, are hereby legalized as counties with all the rights, powers and privileges conferred upon counties within the state of Minnesota, with their boundaries and now actually organized, and all acts performed by any officer or officers of such counties within the scope of the laws of this state are hereby legalized. Provided, that nothing herein contained shall in any way affect any action or proceeding now pending. ('11 c. 269 § 1)

The provisions of R. L. 1905, c. 7, are included in chapter 7 hereof.

CHANGING COUNTY SEATS

655. Petition for change—Procedure—Whenever there shall be presented to the auditor of any county a petition substantially in the following form, to wit: "To the county board of the county of, Minnesota: The undersigned legal voters of said county pray that the county seat thereof be changed to (here designate the place)"—signed by legal voters of said county to a number equal to not less than sixty per cent. of the whole number voting therein at the last preceding general election, accompanied by affidavits of not less than two of the signers thereof stating that, to the knowledge of affiants, the signatures to such petition are genuine, were subscribed thereto within sixty days preceding the date of such affidavits, and that affiants are informed and believe that at the time of signing such petition the petitioners were legal voters of said county, and it appearing that the notice of intention to circulate the petition provided for in § 656 has been given, the auditor shall forthwith file such petition and affidavits, and make, seal, and file in his office an order for a special meeting of the county board to consider such petition, specifying therein the time of such meeting, which shall be between 9 o'clock a. m. and 5 o'clock p. m., and not less than fifteen nor more than twenty days after such filing. The auditor shall also cause a duplicate of such order to be served upon each member of said board, personally or by mail, not less than five days before the time specified therein for such meeting. (396)

1889 c. 174 constitutional (43-500, 46+73). Petitioner may withdraw his name. Effect of withdrawal on duty of auditor (59-351, 61+322; 66-266, 68+1081). Number voting at last election to be ascertained from poll lists (59-351, 61+322; 64-16, 65+956). Women electors to be excluded in computation (59-351, 61+322). But one petition allowable (67-360, 69+1097). Affidavit need not state that affiants are signers of petition (93-238, 101+71). Duty of auditor (59-351, 61+322; 92-429, 100+101).

No valid certificate that a proper petition has been filed can be issued by the board until after hearing duly had, pursuant to notice (100-49, 110+364).

See note under § 657.

656. Form of notice—When such order is filed, the auditor shall forthwith make, seal, subscribe, and file in his office a notice substantially in the following form, to wit: "To the legal voters of the county of (here name the county), Minnesota: Notice is hereby given that a petition is on file

in my office, signed by legal voters of said county to the number of (here state number as shown by the said petition and affidavits), praying that the county seat of said county be changed to (here designate the place), and that a special meeting of the county board will be held at (name the place of meeting), on the (state time), to consider said petition, at which time and place any legal voter of said county may appear, in person or by counsel, and be heard." The auditor shall cause two weeks' published notice of such meeting to be given in all the newspapers of the county, and also ten days' posted notice thereof in each organized town therein. Proof of publication and posting may be by the affidavit of any person having personal knowledge thereof, which affidavit shall be filed in the office of the auditor; and thereafter be prima facie evidence of the truth of the facts therein set forth. Two weeks' published notice of the intention to circulate such petition shall be given in one or more newspapers of such county, and two weeks' posted notice of such intention shall be given at the county seat. Proof of such publication and posting shall be made in like manner as in the case of notice of the special meeting of said board. (397)

106-125, 118+364.

Publication and posting jurisdictional (42-284, 44+64; 43-322, 45+614; 81-103, 83+483). Filing of affidavit of posting jurisdictional. Posting in village held necessary (90-406, 97+103). Publication in one newspaper of notice of intention to circulate petition sufficient (93-238, 101+71).

657. Duties of county board—At the time and place specified in the notice, proof of its service having been filed, the board shall meet to act on said petition, and shall inquire and determine which, if any, of the signatures to said petition are not genuine; and which, if any, of the signers thereof were not, at the time of signing the same, legal voters of said county; and which, if any, of the signatures thereto were not attached within sixty days preceding the filing thereof; and which, if any, of such signatures have been withdrawn. All such signatures shall be stricken from the petition and deducted from the count, and a list thereof certified by the board shall be filed forthwith with the auditor. Any competent evidence offered, bearing upon the matters committed to the determination of the board, shall be received; and, to that end, any voter of said county may appear in person or by counsel and be heard in respect to said matters, under such reasonable rules and regulations as the board may prescribe. (398)

43-322, 45+614; 64-16, 19, 65+956; 66-266, 269, 68+1081; 67-360, 69+1097; 90-406, 411, 97+103; 92-429, 100+101; 93-238, 101+71.

Jurisdiction of board to determine whether petition lost or proceedings abandoned. Second petition (106-125, 118+364).

658. Order fixing time of election—If the names of the legal voters of said county remaining affixed to the petition shall equal or exceed sixty per cent. of those voting therein at the last preceding general election, the auditor, upon the filing of such certificate, shall make, under his official seal, and file in his office, an order fixing the time of holding a special election upon the question of changing the county seat to the place designated in said petition, which shall not be less than twenty nor more than thirty days after filing said certificate. (399)

90-406, 412, 97+103; 92-429, 433, 100+101.

659. Notice—How served—Upon the filing of such order, the auditor shall cause two weeks' published notice of said election to be given in all the newspapers in said county, and ten days' posted notice in each town therein. Such notice shall be substantially in the following form: "To the legal voters of the county of (here name the county), Minnesota: Notice is hereby given that a special election will be held in the several election districts in said county on the (here insert the time), for the purpose of voting upon the question of changing the county seat of said county to (here designate the place)." The auditor shall also serve upon the clerk of each town, village, and city in such county, personally or by mail, a duplicate of such notice, not less than fifteen days previous to the time so fixed for holding such election. (400)

660. **Place of election—Notice**—Upon receipt of such notice, every such clerk shall cause ten days' posted notice of such election to be given in each election district in his town, substantially in the following form: "To the legal voters of the (here insert specifically the election district), in the county of (here name county), Minnesota: Notice is hereby given that a special election will be held at (here specify the place), in said election district, on the (here insert the time), for the purpose of voting upon the question of changing the county seat of said county to (here designate the place)." One copy of such notice, with proof of the posting, shall be filed by said clerk in his office. (401)

661. **Conduct of election**—As far as practicable, such election shall be conducted, and the votes cast, counted, returned, and canvassed, by the same officials and under the same provisions of law as in the case of general elections. The polls shall be opened at 8 o'clock a. m., and closed at 5 o'clock p. m. The ballots shall have printed thereon the words: "For changing the county seat to (here name the place). ^{Yes.}
_{No.}" —with a square opposite each of the words "Yes" and "No," in one of which each voter shall make a cross to express his choice. (402)

662. **Canvass—Certificate**—When the canvass is completed, the canvassing board shall forthwith make, subscribe, and file with the auditor a certificate setting forth the total number of votes cast at such election, the number cast in each election district in favor of and against such change, and the majority in each for or against the same, the number cast in favor of and against such change in the county, and the majority therein for or against the same. If fifty-five per cent. of all the votes cast at such election shall be in favor of such change, such board shall give two weeks' published notice of the result in all the newspapers of the county. Such notice shall state that from and after a date specified therein, which shall be not less than sixty nor more than ninety days after the election, the place so chosen shall be the county seat. (403)

64-16, 65+956.

663. **Elections only once in five years**—Whenever an election for a change of county seat shall have been held in any county, no subsequent election for the removal of the county seat shall be held therein, nor shall any notice of intention to circulate a petition for such change be published or posted, nor any such petition circulated, until after the expiration of five years; and no such subsequent election shall be ordered unless the petition for such change is signed by legal voters to the number of sixty per cent. of those voting in said county at the last preceding general election. (404)

64-16, 19, 65+956; 67-360, 69+1097; 92-429, 100+101.

664. **Duplicate petitions consolidated**—Whenever two or more such petitions shall be presented to the county auditor substantially at the same time, they shall be attached together, and thereafter constitute one petition. (405)

67-360, 69+1097.

665. **One place only voted for**—No election shall be called or held under the provisions of this chapter for voting upon the question of changing any county seat to more than one place at the same time, and all such elections shall be held, as far as practicable, at the place of holding the last preceding general election. (406)

666. **Failure to give notice**—Wilful failure or refusal by any owner or manager of any newspaper to publish any notice required by this chapter shall not affect the sufficiency of such notice, nor invalidate any of the proceedings thereunder. And failure to post any notice shall be disregarded unless it affirmatively appears that a sufficient number of voters were thereby prevented from voting to change the result. (407)

42-284, 44+64; 81-103, 83+483.

667. **Neglect of duty a misdemeanor**—Any county auditor or other official who shall wilfully neglect or refuse to perform the duties required of him by this chapter shall be guilty of a misdemeanor. (408)

POWERS AND DUTIES

668. **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 respecting 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 [5315] 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, amended '07 c. 310 § 1)

Nature of county defined (22-366; 23-40; 25-215; 30-96, 14+458, 44 Am. St. Rep. 185; 90-530, 97+422). Described as political corporation (36-430, 31+517); as public corporation (4-184, 130); as quasi municipal corporation (11-31, 12; 36-430, 31+517; 81-55, 83+495; 84-295, 87+775). Corporate powers limited to those expressly granted and such as are fairly implied as necessary to the exercise of those expressly granted (28-515, 11+91; 81-55, 83+495; 84-295, 87+775). Ultra vires contracts (37-141, 33+333, 5 Am. St. Rep. 830; 81-55, 83+495; 28-515, 11+91; 45-352, 47+1067; 84-295, 87+775). Cannot appropriate its property to private purposes (28-503, 11+73; 30-350, 15+375). Not liable for torts (30-96, 14+458, 44 Am. St. Rep. 185; 90-530, 97+422). May acquire and hold realty in satisfaction of claim (33-519, 24+291). Power to sell its realty unrestricted (16-151, 135; 28-503, 508, 11+73). May sue and be sued (14-67, 51; 22-97, 108).

669. **Conveyances to county—Effect**—All real and personal estate conveyed by any form of conveyance to any county or the inhabitants thereof, or to any person for the use and benefit of such county or its inhabitants, shall be deemed to be the property thereof; and all such conveyances shall have the same force and effect as if made to such county by its corporate name. (410)

670. **Powers, how exercised**—The powers of the county as a body politic and corporate shall only be exercised by the county board, or in pursuance of a resolution by it adopted; and deeds and other written instruments made

by the county shall be executed in its name by the chairman of such board and by the auditor as clerk thereof. (411)

57-434, 438, 59+488; 89-68, 93+1056.

671. County buildings—Each county shall provide at the county seat, and keep in good repair, a suitable courthouse, supplied with fireproof vaults, a suitable and sufficient jail, and other necessary buildings. (412)

28-515, 11+91; 56-540, 547, 58+150; 57-434, 438, 59+488.

Cited (105-403, 117+611; 109-328, 123+930).

Expense of making repairs on courthouse (101-97, 111+956).

672. Suits against counties—Service—Jurors—Service of summons or other original process in actions against a county shall be made upon the chairman or clerk of the board, either during a session of the board, or within ten days before the day appointed for one. The person served shall forthwith notify the county attorney of such service, and shall lay before the board at its next regular meeting all the information he may have regarding such action. In actions where the county is a party, its inhabitants, if otherwise qualified, may be jurors. (413)

14-67, 51.

County as party to warrant order directing treasurer to pay money turned over to him (116-101, 133+469):

673. County, how named in suits—In all actions and proceedings by or against a county, the name in which it shall sue or be sued shall be, "The county of" (insert name of the county); but this provision shall not prevent county officers, when authorized by law, from suing in their official names for the benefit of the county. (414)

New as to title of action. See 22-61; 22-97, 108; 89-68, 93+1056.

Appeal from a judgment against board (98-17, 107+404).

674. Claims against county—Appeal—When any claim against a county is disallowed by the board in whole or in part, a claimant may appeal from its decision to the district court by causing a written notice of such appeal to be filed in the office of the auditor within fifteen days after the decision appealed from was made, and giving security for costs, to be approved by the auditor, who shall forthwith notify the county attorney thereof. When any claim against a county shall be allowed in whole or in part by such board, no order shall be issued in payment of the same or any part thereof until after fifteen days from the date of the decision; and the county attorney may in any case, and if the amount allowed exceeds twenty-five dollars, upon request of seven taxpayers of the county, he shall, on behalf and in the name of such county, appeal from such decision to the district court, by causing a written notice of such appeal to be filed in the office of the auditor within fifteen days after the date of the decision, appealed from; and thereafter no order shall be issued in payment of any part of such claim until a certified copy of the judgment of the court shall be filed in the office of the auditor. Upon the filing of such notice of appeal, the court shall acquire jurisdiction of the parties and of the subject matter, and may compel a return to be made as in the case of an appeal from a judgment of a justice of the peace. (415)

Right to appeal unaffected by character of claim (32-138, 19+653). Claimant may waive appeal and sue (14-67, 51; 44-383, 46+678; 90-457, 463, 97+132). Practice on appeal by county attorney (15-324, 254). Constitutional (90-457, 97+132).

Cited (107-460, 120+896).

675. Proceedings on appeal—Within ten days after an appeal has been taken, the auditor shall, without charge, file in the office of the clerk of such court a certified copy of the claim, and a transcript of the record of the action of the board thereon, together with a copy of the notice of appeal, and the date of the filing thereof in his office. The proceeding shall be put upon the calendar for trial as an issue of fact at the next general term of the district court, beginning not less than ten days after the date of the appeal; and on or before the second day of such term the court shall direct pleadings to be made up as in civil actions, upon which the proceeding shall be tried, and all questions of law summarily heard and determined. Issues of fact shall be tried and judgment rendered and perfected as in civil actions, but

no execution shall issue thereon, except for the collection of a counterclaim or costs and disbursements in case of a judgment therefor against a claimant. (416)

15-324, 254; 46-162, 48+770.

676. Appeal to supreme court—Counterclaim—An appeal from the judgment of the district court may be taken to the supreme court, as in civil actions, within thirty days after the actual entry of the judgment. If no appeal is taken, a certified copy of the judgment shall be filed in the office of the auditor; and, if an appeal is taken, the determination of the supreme court shall be certified to the district court, and judgment entered in accordance therewith, and that judgment certified to and filed in the office of the county auditor. In either case, after such certified copy is filed, orders shall be drawn on the county treasury in payment of any judgment in favor of a claimant; and execution may issue out of the district court for the collection of any costs against a claimant: Provided, that in any case where costs are awarded against a claimant, and there is any allowance on the claim in his favor, the amount of such costs shall be deducted from such allowance, and in any case of an appeal the county may, in the district court, interpose, as a counterclaim, any demand which it has against such claimant, and have execution for the collection of any judgment in its favor. (417)

Limitation of time to appeal absolute (82-542, 85+550). Cited (12-388, 269).

G. S. 1894 § 645, cited (98-467, 108+932).

677. Enforcement of judgments—When any judgment is recovered against a county, or against any county officer, in an action prosecuted by or against him officially, where the same is to be paid by the county, no execution shall issue except as herein provided; but, unless reversed, the same shall be paid from funds in the treasury, if there be any available; if not, the amount thereof shall be levied and collected as other county charges, and, when so collected, shall be paid to the person in whose favor the judgment was rendered, upon the delivery of a proper voucher therefor. If payment is not made within thirty days after the time the treasurer is required by law to make settlement with the auditor next after the rendition of such judgment, execution may issue, but the property of the county only shall be liable thereon. (418)

14-67, 51; 98-467, 108+932.

COUNTY BOARD

678. Composition—Every county shall have a board of five commissioners who shall be known as the county board and whose terms of office shall be four years and until their successors qualify; but in counties having an area of over five thousand square miles and a population exceeding seventy-five thousand, the board shall consist of seven members. (419)

See §§ 641-645.

25-215, 220; 33-25, 27, 21+841; 65-243, 68+8; 75-547, 78+83; 77-43, 79+591.

Counties under special acts (101-462, 112+866).

679. Commissioner districts—Redistricting—Each county shall be divided into as many districts, numbered consecutively as it has members of the board. In all counties () such districts shall be bounded by town or ward lines, shall be composed of contiguous territory and contain as nearly as practicable an equal population. Counties may be redistricted by the county board after each state or federal census.

Provided that the county board shall not have authority or jurisdiction to redistrict a county unless said board shall cause at least three weeks published notice of its purpose to do so, stating the time and place of the meeting where the matter will be considered, to be published in the newspaper having the contract for publishing the delinquent tax notice for said county for the preceding year.

One commissioner shall be elected in each such district, who at the time of the election shall be a resident thereof, and the person so elected shall be entitled to hold said office only while he remains a resident of said commissioner district. (R. L. § 420, amended '13 c. 537 § 1)

45-313, 47+971; 65-243, 68+8.

680. Term of office—Bond in certain counties—In each new county, and in each county which shall be entitled to an increase of the number of commissioners, there shall be elected at the next general election a commissioner from each odd-numbered district for the term of two years, and one from each even-numbered district for the term of four years; and thereafter all 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, in counties having a population of more than one hundred and fifty thousand, every such commissioner, before he enters upon his duties, shall give bond to the state in the sum of ten thousand dollars, with a legally authorized surety company as surety, conditioned for the faithful performance of his official duties. Such bond shall be approved by a judge of the district court, and, together with his oath of office and certificate of election, be filed with the state examiner. The premium on such bond shall not exceed that prescribed by law for county treasurers, and shall be paid by the county. (421)

65-243, 68+8; 75-547, 78+83.

681. Tie determined by lot—If two or more persons have an equal and the highest number of votes for the office of county commissioner in any district, the auditor shall give notice, in writing, to such persons to attend at his office at a time specified, and he shall then and there, in their presence, publicly decide by lot which of them shall be declared elected. The person so selected shall be the commissioner from such district. (422)

Cited (107-453, 120+1082).

682. 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)

By section 3 Sp. Laws 1875 c. 82, and all other special laws inconsistent therewith, are repealed.

683. 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)

684. Salaries—Each commissioner shall receive from the county in full for all his services an annual salary as follows:

In counties whose assessed valuation does not exceed two million five hundred thousand dollars (\$2,500,000), the sum of one hundred and twenty-five dollars (\$125.00).

In counties whose assessed valuation is more than two million five hundred thousand dollars (\$2,500,000) and does not exceed six million dollars (\$6,000,000), the sum of one hundred seventy-five dollars (\$175.00).

In counties whose assessed valuation is more than six million dollars (\$6,000,000) and does not exceed twenty million dollars (\$20,000,000) the sum of two hundred and fifty dollars (\$250.00).

In counties whose assessed valuation is more than twenty million dollars (\$20,000,000) and does not exceed one hundred million dollars (\$100,000,000), the sum of eight hundred dollars (\$800) which amount shall be paid in lieu of all other charges or allowances, except that such commissioners may be allowed and paid in addition thereto their actual and necessary traveling expenses incurred and paid by them in the discharge of their official duties, provided, however, that the total aggregate amount of the traveling expenses of all the county commissioners of any such county which

may be so allowed and paid shall not exceed the sum of twelve hundred dollars (\$1,200) in any one year.

In counties whose assessed valuation is more than one hundred million dollars (\$100,000,000) the sum of twelve hundred dollars (\$1,200). And said twelve hundred dollars (\$1,200) shall be in full for all services upon the county and other boards and committees and all traveling and other expenses within the county. (R. L. § 423, amended '07 c. 204; '09 c. 388; '11 c. 374; '13 c. 308 § 1)

Previously amended by 1909 c. 46.

1913 c. 308 § 2, repeals inconsistent acts.

See 1905 c. 318 (providing compensation in counties having 150,000 and less than 200,000 inhabitants); 1905 c. 146 (providing for certain expenses in counties having 75,000 and less than 150,000 inhabitants).

See following section.

685. Compensation and mileage in counties having less than 75,000 inhabitants—The several members of the county boards of this state in counties containing less 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 ten cents per mile each way for every mile necessarily traveled in attending such committee work, and shall also be entitled to mileage of ten 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; and in addition, the chairman of the county board shall receive ten cents per mile each way for going to the county seat to sign warrants during recess of the county board. ('07 c. 296, amended '11 c. 283; '13 c. 456 § 1)

686. Meetings—Quorum—The board shall meet at the county seat for the transaction of business on the first Tuesday after the first Monday in January, and on the second Monday in July in each year, and shall hold such extra sessions as it deems necessary for the interests of the county. A majority shall constitute a quorum, and no business shall be done unless voted for by a majority of the whole board, but less than a majority may adjourn. Extra sessions shall be called by a majority of the board and the clerk shall give at least ten days' notice thereof to each of the commissioners. No session shall continue longer than six days. (424)

Session need not be continuous from day to day. Board may adjourn session to a date more than six days from its commencement (51-289; 53+635; 93-16, 21, 100+384, 1125). Majority vote essential (21-33, 38). Cited (63-53, 58, 65+128, 348; 47-237, 240, 49+865).

The power of filling a vacancy not being vested in the board, four members may act (107-420, 120+753).

687. Vacancies filled by board—Whenever a vacancy occurs in the office of county auditor, county treasurer, register of deeds, sheriff, county attorney, county surveyor, coroner, or county superintendent, the county board shall fill the same by appointment. For that purpose it shall meet at the usual place of meeting, upon one day's notice from the chairman or clerk, which shall be served personally upon each member in the same manner as a district court summons is authorized to be served. The person so appointed shall give the bond and take the oath required by law, and shall hold for the remainder of the unexpired term, and until his successor qualifies. (425)

15-198, 153; 29-398, 402, 13+181; 57-261, 59+190.

The board cannot remove county superintendent (105-399, 117+615).

688. Vacancy in board—Any vacancy in the office of county commissioner occurring more than thirty days before election shall be filled by a board of appointment, consisting of the chairman of the town board of each town, and the mayor or president of each city and village, in the commissioner district in which such vacancy occurs, which shall meet at the auditor's office for that purpose, upon three days' written notice given by such auditor and served personally: Provided that, if such commissioner district is wholly within the limits of an incorporated city or village, such vacancy

shall be filled by the council of such municipality. Absence from the county for six successive months shall be deemed to create a vacancy. (426)

65-243, 68+8.

Cited (107-420, 120+753).

689. Seal—Evidence of proceedings—The seal of the auditor shall be the seal of the board, and copies of its proceedings, authenticated as required by law, shall be prima facie evidence thereof in all cases. (427)

87-298, 92+3.

690. 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, amended '07 c. 447)

87-298, 92+3.

691. Chairman—Vice-chairman—Signatures—Such board, at its first session in each year, shall elect from its members a chairman and a vice-chairman. The chairman shall preside at its meetings and sign all documents requiring signature on its behalf, and his signature as chairman, attested by the auditor, shall be binding as the signature of such board. In case of the absence or incapacity of the chairman, the vice-chairman shall perform his duties. If both are absent from any meeting, all documents requiring the signature of the board shall be signed by a majority thereof and likewise attested. (429)

Chairman cannot contract independently of board (21-33, 38).

692. Offices and supplies for county officials—The board shall provide offices at the county seat for the auditor, treasurer, register of deeds, sheriff, judge of probate, clerk of the district court, and superintendent of schools, with suitable furniture therefor, and fuel for heating the same, also sates and vaults for the security and preservation of the books and papers belonging thereto, and shall provide necessary books and stationery for the use of such officers and the county surveyor, in counties having less than one hundred and fifty thousand inhabitants, not exceeding one hundred dollars in any one year, and in counties having a population of more than one hundred and fifty thousand shall furnish stationery and postage and all necessary office supplies, including letter-heads and envelopes for all county officers, and for the judges of the district court: Provided, that not more than one hundred dollars shall be appropriated for books, stationery, and furniture for any one office for any one year. (430)

57-434, 438, 59+488.

Cited (105-403, 117+611).

693. 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, amended '07 c. 390 § 1)

694. Damaged records transcribed—In case the records of any such offices shall be damaged so as to render any portion of them liable to become illegible, destroyed, or lost, such board shall provide suitable books, and cause such records to be transcribed, so that the new volumes will correspond, in designation, letter or number, and page, to the original records. The fees for such work shall be fixed by such board, and shall not exceed seven cents per folio for the whole work done. Printed record books shall be used whenever practicable for both original and transcribed records. (432)

695. 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, amended '07 c. 205 § 1)

22-97, 112; 24-459.

696. General powers of board—The county board of each county shall have power:

1. To examine and settle all accounts of the receipts and expenses of the county, and to examine, settle, and allow all accounts, demands, and causes of action against the same, and, when so settled, to issue county orders therefor, as provided by law.

2. To have the care of the county property, and management of the county funds and business, except in cases otherwise provided for, and to make such orders concerning the same as they deem expedient.

3. To erect, furnish, and maintain a suitable courthouse and jail, but no indebtedness shall be created for such purpose in excess of five mills on each dollar of assessed valuation.

4. To set off, organize, vacate, and change the boundaries of towns subject to the limitations hereinafter prescribed, designate the time and place of holding the first town meeting therein, and make all necessary orders for the disposition and preservation of the records of any town vacated.

5. To apportion, pro rata, according to the assessed valuation, among the several parts of a town divided by them, any funds of such town not raised or theretofore appropriated for a purpose inconsistent with such apportionment.

6. To apportion all uncollected taxes then levied or assessed for the benefit of any town divided by said board, and provide for the payment thereof when collected, pursuant to said apportionment, having due regard to the purpose for which such taxes were levied.

7. To transfer by unanimous vote any surplus beyond the needs of the current year in any county fund to any other such fund to supply a deficiency therein, except in counties having over seventy-five thousand inhabitants.

8. To appropriate to any county agricultural society of its county, which is a member of the state agricultural society, a sum of money not exceeding five hundred dollars annually, provided, that in any county in which two county agricultural societies are members of the state agricultural society any appropriation so made shall be divided equally between them.

9. To purchase or condemn land with such improvements, if any, as may

be thereon, for the purpose of holding thereon agricultural fairs and exhibitions and appropriate money in payment therefor, not exceeding the sum of five thousand dollars, and such county board may purchase or condemn land for holding such fairs and exhibitions thereon and appropriate money in payment therefor in excess of said sum of five thousand dollars when authorized so to do by a vote of the people; to accept and receive a donation or donations to be used to obtain lands for the purpose of holding thereon agricultural fairs and exhibitions and in such case and for such purpose, without being authorized by a vote of the people, to purchase or condemn lands not exceeding in value the amount of such donation or donations; to improve and erect structures thereon, for which purpose they may receive donations of money, materials or labor; and to lease such land from time to time to agricultural and other societies of similar nature and to establish reasonable rules and regulations under which such land may be used by all such societies in the county; provided, that all structures and improvements made on such land by societies using the same shall belong to the county.

All proceedings for the condemnation of such lands shall be had under the provisions of chapter 41, Revised Laws, 1905, and the several acts amendatory thereof and supplementary thereto.

10. When authorized by a vote of the people, to appropriate a sum not exceeding twenty-five hundred dollars to erect or aid in erecting on the court house grounds a monument or memorial hall to the Union soldiers of the Civil War: Provided that, where any post of the Grand Army of the Republic or any organized soldiers' memorial or monument association in any county shall undertake the erection of any such monument or hall within or upon any public park, public grounds, public school grounds or public cemetery within the county, said board may appropriate to aid in paying the cost thereof a sum not exceeding one-half of such cost without a vote of the people; but in no case shall the sum so appropriated exceed fifteen hundred dollars, and no part of any such appropriation shall be paid until such monument or hall is completed, and until proof thereof is presented to such board.

11. To authorize by resolution any person, company, or corporation to construct and maintain railway lines to be operated by other than steam power upon any public road outside of cities and villages not boulevarded or parked, for a period not exceeding twenty-five years, upon the terms as to use and occupation prescribed in such resolution; the use so granted not to interfere with the reasonable use of such road as a highway, and to cease in case of the vacation thereof, unless proceedings to condemn are taken within six months thereafter and diligently prosecuted: Provided, that such railway and its property shall be subject to taxation by such methods and at such rate as the proper authorities may from time to time prescribe in accordance with law.

12. To acquire by gift or purchase and improve not exceeding one acre of land within the county, for use as a park, site for a building, or other public purpose, and, when required by the public interest, to sell and convey the same. Such land may be paid for out of moneys in the county treasury not otherwise appropriated, or by issuing bonds of the county.

13. In counties having more than 200,000 population, and less than 275,000 population, to appropriate, not to exceed twenty-five thousand dollars in each year for the improvement of navigable lakes lying wholly or partly within such county.

14. To exercise such other powers as are or may be conferred upon them by law. (R. L. § 434, amended '11 cc. 89, 255; '13 cc. 94, 347, 478)

The provisions of R. L. 1905, c. 41, referred to in subdivision 9, are included in chapter 41 hereof.

Powers of board purely statutory. It has the powers expressly granted and such as are fairly implied as necessary to the exercise of those expressly granted. Acts in excess of authority void (24-459; 28-515, 11+91; 71-198, 73+845; 81-55, 83+495; 84-295, 87+775). No implied authority to issue bonds (57-434, 59+488). May act through agents (19-295, 252). County not liable for neglect of duty by (90-530, 97+422). County may ratify unau-

thorized acts of (67-412, 70+6, 64 Am. St. Rep. 424). Presumption as to validity of acts (56-432, 57+1070; 69-297, 72+123).

Subd. 1—Cited (107-460, 120+896).

Subd. 11—Cited 119-77, 137+395.

Subd. 13—Cited (101-197, 112+395, 11 L. R. A. [N. S.] 105).

697. 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)

698. 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)

699. 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)

700. Hospital—Acquisition of land—It shall be lawful for county boards of any county in this state to acquire by gift, purchase or condemnation proceedings instituted in the name of the county, lands in their county for hospital purposes for patients other than insane and to erect suitable buildings thereon and to improve and equip the same for such hospital purposes. ('13 c. 392 § 1)

701. Same—Buildings—Warrants or bonds—The county board of any such county is hereby authorized to erect and construct on lands so acquired, suitable buildings and to improve, equip and maintain the same for such hospital purpose and to pay for the same out of any moneys in the county treasury not otherwise appropriated or to issue therefor the warrants or bonds of said county in payment therefor, and may fix the time and terms of payment of such warrants or bonds and the amount of interest they shall bear. ('13 c. 392 § 2)

702. Same—Submission to voters—If a majority of the electors of any county voting upon the proposition at any election at which the question of erecting hospital buildings as provided for in this act has been submitted, shall vote in favor of such proposition, the county board shall thereupon proceed to erect said buildings and make such improvements as shall be necessary to fit the same for such hospital purposes. ('13 c. 392 § 3)

703. Same—Question, how submitted—Notice—Ballots—The question of erecting hospital buildings, as herein provided, shall be submitted upon a separate ballot to the qualified voters of any county at any general election. The election provided for in this act shall be called by resolution in writing of the board of county commissioners, passed by majority vote, which resolution shall distinctly state the time of the election, that a county hospital is proposed to be established, the proposed location thereof, the same to cost, including equipment, not to exceed the sum set forth in such resolution. Upon the passage of such resolutions the county auditor shall seasonably notify each town, city and village clerk in his county that the question of erecting hospital buildings shall be voted upon at the time stated in the resolution, such election to be controlled by the existing election laws.

The ballot to be used at such election shall be in the form following:

"For the erection of hospital buildings, including equipment, to be located (state location), at a cost not to exceed \$. (state

amount), pursuant to the resolution of the board of county commissioners passed (state date).

Yes
 No"

Electors desiring to vote in favor thereof shall make their cross mark thus (X), opposite the word "yes," and electors desiring to vote against the proposition shall make their cross mark thus, (X), opposite the word "No," and such votes shall be cast in the same manner as votes cast at such general election and shall be counted by the same officers, and returns made to the county auditor, and canvassed in like manner as the returns on county officers. ('13 c. 392 § 4)

704. Same—Duty of board, when hospital authorized—If upon such election in any county a majority of the electors voting upon such proposition shall vote in favor of erecting such hospital buildings, the county board shall forthwith proceed to erect such buildings as may be deemed proper, suitable and convenient, and equip the same to effectuate such purpose. ('13 c. 392 § 5)

705. Same—Operation of hospital—Superintendent—Powers of county board—Hospital board—The county board of any county having erected buildings for hospital purposes as herein provided may operate the same as such hospital and may appoint a superintendent thereof for a term to be fixed by the board of county commissioners, fix his salary, and may at pleasure remove such superintendent and may prescribe his powers and duties and may provide for the management and operation of such hospital, and shall have and are hereby vested with full power and authority to operate, control and manage the same, and in addition thereto, if the board of county commissioners shall determine that it is in the interest of the public so to do, may appoint a hospital board of not exceeding three members who shall serve without compensation, and who shall be resident freeholders of the county wherein such hospital is located, and may subject to the supervision of said board of county commissioners commit the care, management and operation of such hospital to such hospital board so created and may provide for the organization of such board, its duties and the duties of the members thereof, and such further regulation in reference thereto and to the management, operation and control of such hospital as may be proper, necessary or desirable or may lease and let unto responsible hospital association such hospital grounds and buildings upon such terms as they may deem advisable. Provided, that this act shall not be construed as authorizing or permitting any county board to erect any such hospital buildings or to pay for the same without first submitting the question to the vote of the people as herein provided, and no such erection of buildings or payment therefor shall be made unless a majority of the electors voting upon such proposition at any election vote in favor thereof. ('13 c. 392 § 6)

706. Aid to hospitals in counties having no county hospital—In any county in this state in which there is no county hospital, the county board of such county is hereby authorized and empowered to appropriate and pay from the general fund of said county as aid in the erection, construction and maintenance in such county of a hospital for the treatment of sick, diseased and injured persons, a sum not exceeding five thousand dollars (\$5,000), and preference shall always be given in the admission to such hospital of such patients as are in whole or in part public charges, and are sent thereto by the county board. ('13 c. 123 § 1)

707. 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)

708. 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)

709. 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)

710. 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 member 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)

711. 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 [710], and two members shall be chosen in like manner from each of the other counties interested. ('09 c. 347 § 3)

712. Same—Appropriation—Tax levy—Fund—A county or counties wishing to provide a sanatorium as indicated in section 1 [709] 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 reso-

lution 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)

713. 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)

714. 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)

715. 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)

716. 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 [713]. ('09 c. 347 § 8)

717. Tuberculosis sanatorium—Powers of board of county or boards of groups of counties—How established—Submission to voters—Sanatorium fund—Taxes—Bonds—The board of county commissioners of any county in this state or the boards of county commissioners in any group of counties in this state shall have and are hereby granted and given power with the advice and approval of the advisory commission of the Minnesota Sanatorium for Consumptives to establish and maintain as hereinafter provided, a sanatorium for the treatment and care of persons affected with tuberculosis, provided that said power so granted shall be exercised as follows:

a. Such sanatorium may be established by a majority vote of the commissioners of such county or a majority vote of the commissioners of each such group of counties whenever and in cases where the amount of the cost of construction to be paid by such county or group of counties shall not exceed such sum as may be raised by a tax levy of not to exceed one mill on the dollar of the taxable property of any such county or group of counties.

b. When the cost of constructing said sanatorium shall exceed the amount specified in sub-division "a" hereof or whenever it is necessary to issue the bonds of such county or any county in any such group of counties to defray the cost which such county or any of such counties are required to pay under the terms of this act, then and in all such cases the question of (1) whether such sanatorium shall be established (and when necessary) (2) whether such bonds shall be issued to defray any county's portion of the cost thereof, shall be submitted to the voters of such county or, if more than one, to the voters of each of such counties requiring a bond issue, and the sanatorium

shall not be established or bonds issued therefor unless a majority of the voters of such county, or, if more than one, of each such county voting thereon shall vote in favor of each proposition submitted to it or to them.

c. The board of county commissioners of any such county, or, if more than one, the board of county commissioners of any such counties shall have the power and authority in any case to submit the question to the voters of any such county or counties in the way and manner provided in this act and in the event that the cost which the county, or, if more than one, the counties will be required to pay for the erection of such sanatorium under this act shall be less than an amount equal to the amount which can be raised in any such county or counties by a tax levy of one mill on the dollar of the taxable property of each such county or group of counties and the commissioners of any such county or counties shall decide not to construct the same under the power herein contained, on a petition of not less than 5 per cent of the freeholders of such county or counties, such question shall be submitted to the voters of such county or group of counties and if a majority of the voters of such county or a majority of the voters of each county of such group of counties voting thereon vote in favor thereof then such sanatorium shall be erected hereunder and a tax levied if necessary to pay the cost which such county or counties are required to pay under this act, which tax shall be extended and collected as herein provided.

Provided, that any county or group of counties which has heretofore commenced proceedings to erect a sanatorium or taken any steps preliminary thereto may by a resolution of the board of county commissioners thereof, adopted by a majority vote of said board of county commissioners or each board of county commissioners, as the case may be, determine to proceed under the provisions of this act and may continue hereunder and complete such sanatorium and be entitled to all the provisions and benefits provided for in this act.

Provided, however, that the said sanatorium when so constructed shall in all respects conform to the requirements of this act.

The board of county commissioners of any such county, or the board of county commissioners of each of such group of counties, if more than one, erecting such sanatorium under the provisions of this act, may, by resolution, create a fund to be known at the "Sanatorium Fund"; and such funds may be raised by taxation at the time of deciding to erect such sanatorium under this act or at any time subsequent thereto, or if submitted to the people at the first meeting of the board of county commissioners, after the people of said county or counties shall have voted to erect the same, and the amount so determined by said board to be raised by taxation shall be levied by the county auditor in addition to all other taxes authorized by law, and shall be extended on the tax lists and collected as other county taxes; and this provision shall be construed to vest in the county commissioners of such county or counties, as the case may be, power to levy a tax to pay interest and principal of any bonds authorized hereunder as the same shall come due and become payable, and the said tax shall be levied, extended and collected in the same way and manner as other county taxes are levied, extended and collected, and shall be used for no other purpose, provided that no institution established under this act shall have less than twenty beds.

The question as to the establishment and maintenance of the sanatorium, or issuance of bonds therefor, may be submitted at a general or special election; if at the general election the notices of such election shall state that the questions will be voted upon and the provisions for taking such votes shall be made upon the blue ballots furnished therefor, as in the case of other questions, and the result shall be canvassed and returned in like manner; if at a special election, such election shall be ordered by resolution of the county board and the procedure for, at and after such election shall be substantially and as far as applicable the same as provided for in sections 399 to 403 inclusive, of the Revised Laws of 1905 [658-662], and the county auditor upon the passage of the necessary resolution, shall proceed as in said sections provided. If the proposition is to affect more than one county, then the necessary

action shall be taken by the county board and county auditor of each county affected. If funds are to be borrowed from the state, the procedure outlined herein shall be sufficient for that purpose, instead of those provided for in chapter 122, General Laws of 1907 [1879-1888].

If the bonding proposition should carry at any such election at which both propositions are voted upon, and the other proposition should fail to carry, no bonds shall be issued to provide money for the establishment or maintaining of a sanatorium until at some future election at which the question is properly submitted, and a majority of the votes cast upon the question shall have been in favor of the establishing and maintaining of such sanatorium. Where more than one county is involved the result of the vote on the question or questions submitted in each of said counties, shall be certified by the county auditor thereof to the county auditors of the other counties interested.

The amount of taxes to be raised in any one county for the construction of any such sanatorium hereunder, shall never exceed an amount equal to the amount which may be raised by a tax levy of one mill on the dollar of taxable property in such county. ('13 c. 500 § 1)

718. Same—County sanatorium commission—Powers—Superintendent— Upon the decision to establish and maintain a tuberculosis sanatorium under this act, the county commissioners of any county shall appoint a commission consisting of three members, residents of the county, 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 the appointment of said licensed physician before becoming effective shall be approved by the state board of health. Under the first appointment one member shall be chosen to hold office for one year, one for two years and one for three years, all from the first Monday of the next July following such appointment, and thereafter one member shall be chosen each year to serve for a period of three years commencing with the first Monday in July in each year respectively, and each appointee shall hold office until his successor is appointed and had qualified. This commission shall be known as the county sanatorium commission. Its members shall serve without compensation but shall be entitled to re-imbusement for all necessary expenses incurred by them in connection with their official duties.

Said county sanatorium commission shall have full charge and control, except as hereinafter provided, of all moneys received for the credit of the tuberculosis sanatorium fund hereinafter described and full charge and control of the location, establishing, and maintenance of any sanatorium building constructed under this act and shall make such regulations concerning the same as may seem to it advisable, but no site shall be secured and no buildings erected or equipped without the approval and consent of the advisory commission of the Minnesota Sanatorium for Consumptives, and before final action is taken the plans and specifications shall be submitted to the state board of health for approval as provided by section 2131, Revised Laws of 1905 [4640]. The state board of control, shall have full power and control over the construction and equipment of any such sanatorium whose establishment has been determined upon by said county sanatorium commission as hereinafter provided.

Said county sanatorium commission may when deemed necessary appoint and employ with the approval and consent of the advisory commission of the Minnesota Sanatorium for Consumptives a competent superintendent who shall employ other necessary help at a compensation to be determined by the county sanatorium commission. Said superintendent shall be the executive officer of the sanatorium and he shall act as secretary of the county sanatorium commission. One member of said commission shall be elected annually by the commission as its president. ('13 c. 500 § 2)

719. Same—Counties may unite—Commission, how composed—Two or more counties may unite in acquiring, establishing, equipping and maintaining such sanatorium and in such case said 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 [718] and two members shall be chosen

from each of the other counties interested by the county commissioners of each such county; under the first appointment one member shall be chosen to hold office for one year and one for two years from the first Monday of the next July following such appointment and thereafter one member shall be chosen each year to serve for a period of two years, commencing with the first Monday in July in each year and each appointee provided for in this section shall hold office until his successor is appointed and qualified. ('13 c. 500 § 3)

720. Same—Appropriation of funds—Bonds—Contribution of state—Duties of state board of control—Tax levy—Where counties unite—Disposition of moneys—A county or group of counties wishing to establish a sanatorium as indicated in section one [717] shall through the board or boards of county commissioners appropriate one-half the necessary funds in apportioned amounts as hereafter provided for the establishment, construction and equipment of the same and may issue bonds therefor in the manner provided by law for the issuance by counties of bonds for other purposes. The state treasurer shall pay out of the funds hereafter provided under this act one-half the cost of the erection and equipment of each such sanatorium including cost of site, which payment shall be made in the manner provided by law for the payment of expense incurred by the state board of control in the erection and equipment of public buildings; provided, that the amount contributed by the state towards the cost of the erection and equipment of each of such sanatorium including cost of site shall not exceed fifty thousand dollars (\$50,000.00). Whenever any such sanatorium has been erected and equipped said county sanatorium commission shall have full charge and control of the maintenance of the same, but may confer with the state board of control with reference thereto or respecting the purchase of supplies therefor whenever it desires so to do, and said state board of control shall aid in the securing of favorable contracts for the purchase of supplies when so called upon. Said county sanatorium commission shall determine by resolution each year prior to July 1st, the amount of money necessary for the maintenance of such sanatorium during the following year and a certified copy of such resolution shall be forthwith forwarded to the board or boards of county commissioners, and such board or boards may in their discretion at the regular meeting in July include the properly approved and apportioned amount in the annual levy of county taxes. In no case shall the amount of such levy in any one year exceed one mill on the dollar of assessed valuation. For the maintenance of each free patient treated in the sanatorium, the sum of five dollars (\$5.00) per week shall be paid to said county or group of counties by the state treasurer out of funds appropriated under this act, which payments shall be made monthly upon warrants of the state auditor, drawn upon the state treasurer, provided that the president and executive secretary of the advisory commission of the Minnesota Sanatorium for Consumptives certify that the institution has been properly conducted. In case two or more counties unite in a decision to establish a sanatorium, the county sanatorium commission shall apportion by resolution one-half the estimated total cost of site, erection and equipment and the estimated total cost of maintenance for the ensuing year between or among said counties, and designate the amount to be raised by each county, which said apportionment shall be based approximately upon the respective population of said counties as determined by the last previous federal or state census. When so apportioned said commission shall forward to the board of county commissioners of each county a certified copy of such resolution, and each county board shall then proceed to pay if it has funds available for that purpose or to make a tax levy for the amount apportioned to its county. All moneys collected or received for such sanatorium purposes except cost of site, erection and equipment shall be deposited in the treasury of said county or counties to the credit of the tuberculosis sanatorium funds, and shall not be used for any other purpose and shall be paid out in a manner provided by law for other county expenses by the proper officers of said county or counties upon the properly authenticated vouchers of the county sanatorium commission signed by the president and secretary thereof and all moneys collected or received to be used toward the payment of the cost of site, erection and equipment of such sanatorium shall be sent by each county treasurer to the

state treasurer to be placed to the credit of said sanatorium and shall be paid out in the manner as in this section provided for other payments toward cost of site, erection and equipment of said sanatorium. ('13 c. 500 § 4)

721. Same—Monthly reports—Duty of public examiner—Such county sanatorium commission shall file monthly on or before the fifteenth (15th) of each month with the state auditor reports of all its financial transactions for the preceding month and the public examiner shall examine all the books and accounts of said county sanatorium commission pertaining to its financial transaction at least twice a year and make report thereof to the governor. ('13 c. 500 § 5)

722. Same—Charges—Free patients—Nonresidents—The county sanatorium commission shall fix the amount to be charged for the care, treatment and maintenance of each patient.

When a patient is unable to pay said charges and has no kindred legally liable therefor from whom payment can be secured, said patient may be admitted without charge or a patient by whom or for whom continued payments cannot be made may become a free patient. Any individual, resident of the state, residing outside of a county or counties maintaining a tuberculosis sanatorium, may apply for treatment in any sanatorium established under this act, or any city, village, town or county may so apply on behalf of any of its charges, and such patient may be cared for therein upon payment of a weekly sum to be fixed by the county sanatorium commission, provided that the advisory commission of the Minnesota Sanatorium for Consumptives shall approve of the admission of such patient and the sum so fixed. ('13 c. 500 § 6)

723. Same—Residents, how admitted—Duties of superintendent—Any resident of a county or counties maintaining a tuberculosis sanatorium, who is afflicted with pulmonary tuberculosis, whether in the incipient or advanced stage, is eligible for care in such sanatorium and may apply for admission thereto, or anyone may apply on behalf of any such individual, and the superintendent shall when conditions so warrant admit said person to such sanatorium for care and treatment, it being the intention that applications for residents of a county or counties where a sanatorium is located shall have precedence over applications for non-residents, but preference shall always be given to patients in the most advanced stages of the disease. The superintendent of each county sanatorium shall keep lists of applications (resident and non-resident) numbered respectively in the order in which they are received. When the conditions warrant the admission of another patient, the superintendent shall give to the applicant who is first upon the resident list, or if there be no resident list then to the applicant who is first upon the non-resident list, an order for examination, directed to one of the county examiners of the state sanatorium to determine that said applicant is afflicted with tuberculosis. The fee for each examination by an examining physician shall be three dollars (\$3.00) payable out of the funds of the sanatorium for which the examination is made. ('13 c. 500 § 7)

724. Same—Gifts, donations, etc.—The county sanatorium commission is empowered to accept as a trust any gift, donation or funds from any 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 4 [720]. ('13 c. 500 § 8)

725. Same—Authority of advisory commission of Minnesota Sanatorium for Consumptives—Executive secretary and assistants—Expenses, how paid—The advisory commission of the Minnesota Sanatorium for Consumptives is authorized to employ in connection with the carrying out of the purposes of this act, an executive secretary, and such other assistants and office help as may be necessary. It shall fix their compensation, which together with the necessary office and traveling expenses, not to exceed ten thousand dollars (\$10,000.00) per annum, shall be paid by the state treasurer out of funds

appropriated under this act by the warrant of the state auditor. ('13 c. 500 § 9)

726. Same—Sanatorium established under Laws 1909, c. 347—Coming under act—Any county which has hitherto established, built and equipped or let the contract for building a sanatorium under the provisions of chapter 347, Laws of 1909 (§§ 709-716) may by resolution of its county commissioners make application to come under the provisions of this act and when the institution and the manner in which it is conducted meet with the approval of the advisory commission of the Minnesota Sanatorium for Consumptives the state auditor shall draw his warrants upon the state treasurer in favor of such county in the sum equal to five hundred dollars (\$500.00) for each bed provided for a patient in such sanatorium at the time such application is made and the state treasurer shall pay such warrant out of the funds in the state treasury provided for in this act. ('13 c. 500 § 10)

727. Same—Where sanatorium under Laws 1909, c. 347, has not been built—Coming under act—Any county or group of counties that has heretofore under chapter 347, General Laws of 1909 (§§ 709-716), levied a tax or otherwise provided for the establishment of a sanatorium which has not been built and equipped may by resolution of the proper board or boards of county commissioners come under the provisions of this act and receive the state aid herein provided for a county or counties that may hereafter comply with the provisions hereof by depositing in the state treasury for the credit of its county sanatorium one-half of the estimated cost of the site, erection and equipment thereof and the county treasurer or treasurers upon the adoption of such resolution shall forthwith forward such amounts to the state treasurer. ('13 c. 500 § 11)

728. Same—Counties having board of control of hospital and charitable funds—In all counties of this state now or hereafter having a board of control of hospital and charitable funds, the members of such board of control shall constitute such commission, and shall perform the duties prescribed by this act, as part of their duties as members of such board of control and without additional compensation. In such counties, the superintendent shall not be secretary of said board or commission, but the secretary of such board of control shall perform the duties imposed by this act upon the secretary of the county sanatorium commission without additional compensation. ('13 c. 500 § 12)

729. Same—"Sanatorium," etc., defined—Oath and bond of commissioner—Wherever in this act the words "sanatorium," "county sanatorium" or "county sanatorium commission" are used, the same shall apply to a sanatorium or commission whether the sanatorium in question is one for a county or a group of counties. Each member of a county sanatorium commission shall before entering upon his duties take the oath provided by law and give a bond to be approved by the board of county commissioners of the county wherein such member resides in the sum of five thousand dollars (\$5,000.00) to the state of Minnesota, conditioned as provided for in chapter 107, General Laws of 1909 [8233, 8234], which said bond shall be filed with the board of county commissioners of such county. ('13 c. 500 § 13)

730. Same—Acts repealed—All acts and parts of acts inconsistent with this act are hereby repealed, provided, however, that any county or counties that have heretofore established, built and equipped or contracted for building a sanatorium under the provisions of chapter 347, General Laws of 1909 (§§ 709-716) shall continue under said law until the provisions of section ten (10) [726] hereof have been complied with. ('13 c. 500 § 14)

731. Tuberculosis, preventing spread of—In case any town, district or county anti-tuberculosis society or association or other society or association organized and existing for the purpose of controlling the spread of tuberculosis in this state considers it necessary to secure the services of visiting nurse or nurses or to disinfect any building, room, residence, hotel or other place in such county infected with tuberculosis, such society shall report such fact to the county board and shall in such report recommend the course of action advisable to be adopted by the county board in relation

thereto and in accordance with the provisions of this act, and such county board shall at the next meeting of such board consider such report and recommendation and act on the same, and such county board is authorized and empowered to audit and allow bills for services rendered in carrying into effect the action of such board in relation thereto. ('11 c. 116 § 1)

732. Same—Appropriations—The county boards of the several counties of this state may appropriate money out of the general revenue fund of the county for the purpose of paying for the services of visiting nurses or other necessary medical attention or advice in preventing the spread of tuberculosis in such county or for the purpose of disinfecting any building, room, residence, hotel or other place in such county infected with tuberculosis. ('11 c. 116 § 2)

733. Public morgue in counties having 100,000 inhabitants—In every county having a population of one hundred thousand or over, not provided therewith, the board shall provide and equip a public morgue at the county seat, for the receipt and proper disposition, without charge to any one, of all dead bodies which are by law subject to a post mortem or coroner's inquest: Provided, that the cost of building and equipping such morgue shall not exceed the sum of twenty-five hundred dollars, nor its maintenance the sum of three thousand dollars in any year. (435)

Cited (108-142, 121+628, 29 L. R. A. [N. S.] 652n).

734. Same—Such morgue shall be under the control of the board, be maintained in a suitable building separate from any other business, and equipped with the best modern approved appliances for the handling and disposition of dead bodies. It shall not be connected in any manner with any undertaking establishment, and no person shall be employed in or about the same who is in any manner connected with or interested in the undertaking business. (436)

Employment of a morgue keeper (108-142, 121+628, 29 L. R. A. [N. S.] 652n).

735. Same—Every inquest, post mortem examination, or autopsy held by the coroner upon any corpse subject thereto within the county shall be held at such morgue; and every coroner and deputy coroner of any county having such a morgue is prohibited from holding any such inquest, examination, or autopsy at any other place within such county, except the residence of the deceased person, when the death occurred thereat, or from influencing, interfering with, or in any manner attempting to direct or designate the undertaker who shall take charge of or inter any corpse from such morgue. (437)

736. Demonstration farm—Assistance—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 two hundred dollars (\$200.00) annually, as they may deem advisable for the purpose of assisting to maintain a demonstration farm of said county under the supervision of the department of agriculture of the University of Minnesota. The expenses incurred by the department of agriculture in supervising said farm, and such other expenses as determined upon by the board of county commissioners in operating said farm, are to be paid out of said appropriation. ('11 c. 69 § 1)

737. Same—Experiment farm—Upon application from the board of county commissioners of any county in this state which owns and operates a farm of eighty acres or more, whether as a poor farm or otherwise, such farm may be designated by the board of regents of the state university as a county experiment farm under supervision of the department of agriculture of the University of Minnesota and the county board of such county is hereby authorized to appropriate out of the county revenue fund an amount not exceeding one thousand dollars annually for use in conducting experimental work on such farm. ('11 c. 69 § 2)

738. Same—Superintendent—Any county experiment farm designated under this act shall be operated and managed by a superintendent appointed by the county board under the direction and supervision of the Minnesota college of agriculture. ('11 c. 69 § 3)

739. **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. ('07 c. 99 § 1, amended '09 c. 26 § 1)

740. **Same—Appointment of person to supervise—Compensation**—The county commissioners of any county appropriating money as provided in section 1 [739] 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)

741. **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 [742]. Said bond shall have two free-hold sureties and be approved by said auditor. ('07 c. 99 § 3)

742. **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)

743. **County fairs in certain counties**—That in all counties in this state now or hereafter having a population of one hundred fifty thousand, and having not less than forty per cent of their area consisting of vacant and uncultivated lands, the county board may annually appropriate not to exceed two thousand (\$2,000) dollars to assist in the maintaining of a county fair, which fair shall be under the management and control of a county agricultural society. Such appropriation shall be made either to the treasurer of such society or to some other suitable person, but before such money is paid to such treasurer or other person, he shall file with the county auditor a satisfactory bond in double the sum of said appropriation, conditioned upon a faithful disbursing and accounting for all of said funds so appropriated. Said funds so appropriated shall be used solely for the purpose of obtaining, preparing and arranging exhibits and paying premiums to exhibitors. The treasurer or other person to whom said appropriation is paid shall within sixty days after the holding of any such aided annual fair, file with the county auditor his verified and detailed report showing the name and address of every person to whom any of said money was paid, together with the date of payment, and a full description of the purposes for which the money was so paid, and he shall attach thereto receipts and sub-vouchers for each payment so made, and shall return to the county treasurer all of the unexpended portion thereof. After said report, and receipts, and sub-vouchers have been audited by the county board and found to be correct, they may by resolution release said treasurer or other person, and his sureties, from all further liability under such bond. ('13 c. 271 § 1)

744. **Same—Sites and buildings**—The county board in any such county may also annually appropriate such further sum as it may desire not exceeding \$7,500, for the purpose of procuring a suitable site and the erection of a suitable county building thereon, to be used in connection with such county fair, but said site and said building shall be and remain the property

of such county, and such annual appropriation shall be used only for the purpose of so acquiring such site and building, and for the necessary care, repair, maintenance and up-keep thereof. ('13 c. 271 § 2)

745. Advertising agricultural resources in certain counties—The board of county commissioners of any county in this state having less than 200,000 inhabitants, may by unanimous vote appropriate annually out of the general revenue fund of such county, a sum of money not exceeding a sum equal to five cents per capita of the population of such county, according to the last census, either federal or state, of such county. Such sum so appropriated shall be paid to any incorporated development society or organization of this state which in the opinion of the board of county commissioners will use such money for the best interests of such county in advertising the agricultural resources of such county, and such other matter as may tend to a development of the county. ('13 c. 77 § 1)

746. 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)

112-117, 127+496.

747. Improving 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)

Section 2 repeals 1903 c. 74, as amended by 1905 c. 62, so far as inconsistent with section 1. 1903 c. 74, was not among the acts of that year repealed by § 9456.

748. Improving navigable lakes, etc., in counties having not less than 150,000 nor more than 225,000 inhabitants—That whenever there exists in any organized county in the state of Minnesota, now or hereafter having a population of not less than one hundred fifty thousand inhabitants, nor more than two hundred twenty-five thousand inhabitants, a navigable lake or lakes which is, or are, wholly, or as to the greater part thereof, within the limits of said county, the board of county commissioners of said county is hereby authorized and empowered to appropriate not to exceed the sum of ten thousand (\$10,000.00) dollars from the general revenue fund of said county, for public improvements on or about said lake or lakes, or on or about any stream emptying into such lake or lakes, or connecting one of such lakes with another of such lakes, by dredging or opening the channel of navigation in such lake or in such stream, or otherwise improving the same.

Provided, that the population of any county shall be determined by the official census next preceding any appropriation made under the provision of this act. ('13 c. 134 § 1)

749. Patrolling lakes in counties having not less than 200,000 nor more than 275,000 inhabitants—The chairman of the board of county commissioners of any county to which this act shall apply, may appoint and employ, during his pleasure, subject to the approval of the county board of such county, not more than two persons to police and patrol the lakes and waters

lying or being wholly or partly within said counties, between the 15th day of October and the 1st day of June, following. ('13 c. 195 § 1)

750. Same—Duties of patrols—It shall be the duty of said persons so employed to police and patrol under the directions of said chairman of the board of county commissioners, said lakes and waters, and the grounds, roads and property in the vicinity thereof. Said persons so employed shall keep and preserve the peace, and enforce the laws of this state in and about said places. Said persons shall be peace officers. ('13 c. 195 § 2)

751. Same—Salaries—Said persons so appointed shall be paid monthly upon the certificate of said chairman of said board of county commissioners, as other county officers are now paid, such salary or salaries as shall be, by resolution fixed by the board of county commissioners, not exceeding sixty dollars per month. Said salaries shall be paid from the county treasury of said counties. ('13 c. 195 § 3)

752. Same—To what counties applicable—This act shall apply to all counties of this state, now or hereafter having a population of not less than 200,000 and not more than 275,000 inhabitants. ('13 c. 195 § 4)

753. Fish screens in certain lakes—When the whole or major part of any navigable lake which has been stocked with fish by the United States government is situated in a single county, the county board thereof, in order to maintain such fish therein and prevent their escape therefrom, may erect and maintain, at the inlets and outlets thereof, screens necessary for such purpose, and such county board shall have power to appropriate from the county treasury all necessary moneys for the erection and maintenance of such screens; when such lake is situated in two or more counties, the county boards thereof may jointly provide for the erection and maintenance of such screens, the expense thereof to be borne equally between said counties, and such county boards shall have power to appropriate from the county treasury of their respective counties all necessary moneys for said purpose. ('13 c. 87 § 1)

Section 2 repeals inconsistent acts.

754. 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)

755. 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)

The provisions of R. L. 1905, c. 41 are included in chapter 41 hereof.

756. 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)

757. 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)

758. Reimbursement of peace officers—Whenever any sheriff, deputy sheriff, constable or other peace officer of this state shall hereafter receive physical injury, while in the discharge of his official duty as such peace officer, the county board, wherein such officer resides, may audit and allow bills for physicians' services, nurse and hospital expenses rendered necessary because of such injury and may appropriate money out of the revenue fund of the county for payment thereof. ('11 c. 268 § 1)

759. Observance of Memorial Day—The county board of each county in the state of Minnesota, in addition to all other powers now possessed by it, is hereby empowered and authorized to set apart, appropriate and expend or cause to be expended, in such manner as it may deem best, from the county revenue fund of such county, an amount not to exceed the sum of three hundred dollars, (\$300.00) annually for the purpose of aiding in the appropriate observance of Memorial Day on the thirtieth day of May in each year and in the annual commemoration of the noble and valiant deeds of the nation's soldier dead. ('11 c. 109 § 1)

760. Claims to be itemized and verified—No account, claim, or demand against any municipality for any property or services shall be audited or allowed by the board or officer authorized by law to audit and allow the same until it is reduced to writing, in items, and verified by the person claiming the same, or his agent, to the effect that such account, claim, or demand is just and true; that the money therein charged was actually paid for the purposes therein stated; that the property therein charged was actually delivered or used for the purposes therein stated, and was of the value therein charged, and that the services therein charged were actually rendered, and either that the same were of the value therein charged, or, if official, for which fees are prescribed by law, then that the fees charged therefor are such as are allowed by law; and in all cases that no part of such account, claim, or demand has been paid. But the provisions of this section shall not apply to any claim or demand for an annual salary or fees of jurors or witnesses, fixed by law. (438)

Not applicable when liability and amount due are fixed by law (88-346, 93+126). Not applicable to claim for damages for failure to perform statutory duty (142 Fed. 329, 73 C. C. A. 439). Compliance with this section condition precedent to action (67-1, 69+471; 83-512, 86+775; 90-457, 97+132). Statement held sufficient (90-1, 95+456). Verification by agent held sufficient (69-297, 72+123). Held not to prevent application of funds to satisfy attorney's lien (83-512, 86+775).

Cited (102-134, 112+899; 112-94, 127+452, 140 Am. St. Rep. 464).

761. Verification—The verification required by § 760 may be made before any officer authorized by law to administer oaths, or before any member of the board to which the account, claim, or demand shall be presented for audit, who may administer the proper oath in such cases. In case any such account, claim, or demand shall be made or presented by an administrator or executor on behalf of the estate of a deceased person, he shall not be required to verify the same, but may prove it otherwise to the satisfaction of the board. (439)

Cited (102-134, 112+899; 112-94, 127+452, 140 Am. St. Rep. 464).

762. Auditing of claims—Whenever any account, claim, or demand against any municipality shall have been verified in the manner prescribed in this subdivision, the board or officer to whom it shall be presented may receive and consider it, and allow or disallow the same, in whole or in part,

as shall appear just or lawful, saving to the claimant the right of appeal. (440)

Cited (107-460, 120+896; 112-94, 127+452, 140 Am. St. Rep. 464).

763. Accounts not itemized—Penalty—Every member of such board who shall audit and allow any claim required to be itemized, without the same having been first duly itemized and verified, shall be guilty of a gross misdemeanor. (441)

67-1, 4, 69+471.

Cited (112-94, 127+452, 140 Am. St. Rep. 464).

764. 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, amended '09 c. 250 § 1)

765. 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)

766. 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)

767. 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)

768. Election districts—Whenever any part of a county is not organized into towns, the county board, at their meetings in either January or July, upon the petition of not less than ten legal voters residing more than ten miles from the polling place in any established election district, shall create and establish out of such unorganized territory an election district, and designate a polling place therein at such point as will be most convenient for the persons so petitioning; but no such polling place shall be located within ten miles of any other existing polling place. (443)

67-119, 125, 69+699; 82-328, 333, 84+1002.

769. Judges of election—Such board, at its last session before an election, shall appoint judges of election for each district so established, and thereupon cause notice to be posted in at least three of the most public places in such county, containing a complete list of all such districts, with the names of the several judges of election therein. (444)

82-328, 333, 84+1002.

770. Justices and constables—In each election district so established there shall be elected at the general election two justices of the peace and two constables, whose term of office shall be two years. Any vacancy that may

occur in either of such offices shall be filled by appointment by such board. (445)

771. **Oaths and papers, where filed**—In counties not divided into towns, the official oaths and other papers required by law to be filed in the office of the town clerk shall be filed with the register of deeds. (446)

772. **Members of board—Offices—Contracts**—No commissioner shall be appointed or elected by the board of which he is a member to any office or position of trust or emolument, and no commissioner shall receive any money or other valuable thing as a condition of voting or inducement to vote for any contract of other thing under consideration by the board, or become a party to, or directly or indirectly interested in, any contract made by the board; and every appointment or election made and every contract or payment voted for or made contrary to the provisions of this section shall be void. Any violation of the provisions of this section shall be a malfeasance in office. (447)

773. **Section corners**—Whenever it shall be made to appear to the satisfaction of the board that the monuments established by the United States in its surveys of the public lands to mark section, quarter section, and meander corners have been destroyed or are becoming obscure, it may employ a competent surveyor to relocate and re-establish the same. Such surveyor shall mark each corner re-established by a sufficient iron or stone landmark, and make full and accurate notes and data from which his entire survey can be relocated, and shall file a certified copy of the same, and a map of the survey, in the office of the register of deeds. Such landmarks shall be prima facie evidence that the points where they are located are the section, quarter section, or meander corners, as the case may be, established by the original United States survey. (448)

774. **Township landmarks**—In every county containing a population exceeding five thousand, the board shall cause to be placed by a competent surveyor at the northeast corner of each congressional township a permanent landmark, which shall be either a stone not less than eight inches square and two feet long, or an iron post not less than two inches square and thirty inches long, having a head six inches square. Such landmark shall be embedded its full length in the ground, and have plainly cut or engraved on the top thereof letters and figures indicating the number of the section, township, and range. The expense of preparing and placing such landmarks shall be paid out of the county treasury, and the place where the same is located shall be prima facie the northeast corner of such township. Any person who shall remove, destroy, or deface any such landmark shall be guilty of a misdemeanor. (449)

775. **Questions submitted to vote—Ballot**—Whenever the county board is authorized to do any act, incur any debt, appropriate money for any purpose, or exercise any other power or authority, only when authorized to do so by a vote of the people, the question to be voted upon may be submitted at a special or any general election, by a resolution specifying the matter or question to be voted upon, and, if it is to authorize the appropriation of money, creation of a debt, or levy of a tax, shall state the amount thereof. Notice of such election shall be given as in the case of special elections, and, if the question submitted be adopted, the board shall pass an appropriate resolution to carry the same into effect. In all such elections the form of the ballot shall be: "In favor of (here state the substance of the resolution to be submitted), ^{Yes}
_{No}." —with a square opposite each of the words "Yes" and "No," in one of which the voter shall make a cross to indicate his choice. (450)

ORGANIZATION OF TOWNS

776. **Towns, how organized**—Whenever a majority of the legal voters of any congressional township containing not less than twenty-five 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. Towns thus formed shall be named in accordance with the expressed wish of a majority of its voters. If they fail to request a name, the board shall select one. (451)

See following section.
113-203, 129+381.

777. 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, amended '05 c. 143 § 1)

Historical—G. S. 1894 § 914, was G. S. 1866 c. 10 § 1 (repealed by § 9428), and was embodied in the preceding section. So far as this section differs from that section, it is to be construed, by virtue of § 9398, as amendatory or supplementary.

778. Formation and alteration of towns—The county board may alter the boundaries of towns, or partition any town among other towns within their respective counties, by attaching a part of one town to another, or by dividing one town and attaching the parts to other towns, or by forming a new town from the territory of one or more towns, or from territory not before included in a town, whenever it is made to appear necessary or expedient, by a petition for that purpose signed by not less than twenty legal voters residing within the territory to be affected. But no town shall be so formed, having less than thirty-six square miles, nor have its boundaries so changed as to reduce its territory below that area, unless after such division it shall have at least twenty-five qualified voters therein, and real estate valued at the last preceding assessment at thirty thousand dollars or more; and no town shall be divided or have any part detached therefrom so as to make its area less than thirty-six square miles, except upon the petition of at least two-thirds of the legal voters residing in one or both subdivisions or parts. (452)

Apportionment of indebtedness on division (80-357, 83+346; 87-347, 92+215; 106-58, 118+63). Apportionment of taxes (56-269, 57+659).

779. Notice of hearing—Before acting on any petition mentioned in § 778, the board shall cause thirty days' posted notice of the time of hearing the same to be given within the bounds of the territory proposed to be partitioned, altered, or formed into a new town. Such notice shall include a copy of the petition, and shall also be served on the clerk of each town whose territory may be affected: (453)

780. Action of board—If such application is granted, the board shall forthwith fix and determine the boundaries of such town or towns, and make and file with the auditor a full report of its proceedings in the matter. (454)

781. Record and report to state auditor—Each county auditor shall, within thirty days after any such town is organized, transmit by mail to the state auditor an abstract of such report, giving the name and boundaries of such town, and shall also record in a book kept for that purpose a full description of each such town. (455)

782. 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, amended '09 c. 123 § 1)

783. Towns with same name—If the state auditor, on comparing the abstracts of the reports from the several counties, finds that two or more towns have the same name, he shall transmit to the auditor of the proper county the name to be altered, and the county board shall at its next meeting thereafter adopt for such town a different name. When such name is adopted, the county auditor shall inform the state auditor, as before directed. (457)

784. 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).

785. 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)

ESTABLISHMENT OF SECTION LINES

786. Petition—Upon petition of any town board in the case of a township, or of at least two taxpayers in any section in the case of a section, filed with the county auditor, praying therefor, the county board may cause any such township or section to be surveyed or subdivided. (458)

787. Meeting—Notice—At its next regular meeting after such petition is filed, the board shall fix a time and place of meeting to consider the same, of which three weeks' published notice, containing the substance of the petition, a description of the lands to be affected, and the names of the owners thereof as they appear in the last tax duplicate, shall be given. Such notice shall also be personally served on each occupant of land to be affected by the survey. (459)

788. Hearing—Contract with surveyor—Upon the hearing of such petition, all parties interested may appear and be heard, and the board may grant or reject the application. If granted, it shall appoint a competent surveyor to make the survey, with whom a written contract for the performance of the work shall be made, secured by a sufficient bond executed by such surveyor and approved by such board. Two weeks' published notice of the appointment of such surveyor, specifying the date when the survey will be begun, shall be given. At the time so appointed, the work shall be begun, and shall continue without unnecessary delay until completed. (460)

789. Duties of surveyor—Evidence—Plat—Such surveyor shall keep complete and accurate field notes of all the work, giving dates, names of assistants, lengths and relative directions of all lines, a full description of the evidence by which corners are located, and full data by which the entire survey can be relocated. Distances shall be given in feet and decimals thereof. Substantial iron or stone monuments shall be planted at or near all gov-

ernment corners re-established, and the names of at least three resident witnesses must be given in such notes for each monument. He shall make a plat upon a strong linen paper, showing all the above-mentioned facts, so far as practicable, and also all tracts of land affected, with the name of the owner and acreage of each tract. Such plat shall have indorsed thereon the affidavit of the surveyor to the effect that such survey and plat are correct and accurate. (461)

790. **Plat as evidence**—If the board approve the plat, its certificate of approval, signed by the chairman, shall be indorsed thereon, and thereupon the plat and field notes shall be filed in the office of the register of deeds, and shall be prima facie evidence that the survey is correct. The surveyor shall pay to the register one dollar for filing and recording said plat and field notes. (462)

791. **Report of expenses—Assessment**—The surveyor shall thereupon make a certified report to the board, showing in detail the entire expense of such survey, which shall be equitably apportioned and assessed by the board to the several tracts affected. (463)

792. **Notice of assessment—Confirmation**—Upon making such assessment, the board shall forthwith cause one week's published notice thereof to be given. Such notice shall contain a description of each tract of land affected, and specify the amount assessed against the same, the name of the supposed owner, and the time and place of meeting of the board to correct and confirm such assessment. At the time and place so fixed, the board, after making all proper corrections and adjustments, shall make an order confirming such assessment. (464)

793. **Assessment entered on tax duplicate**—Upon the filing of such order of confirmation, the county auditor shall enter upon the tax duplicate for the current year, against each such tract of land, the amount so assessed against the same, which shall be collected as other taxes, and go into the county revenue fund. (465)

794. **Expenses, how paid**—After the filing of the order of confirmation, the expenses of such survey, not exceeding the amount of the assessment, shall be paid out of the general revenue fund of the county in the same manner as other claims. (466)

795. **Appeals**—Appeals from the order of confirmation may be taken to the district court by any person aggrieved, in like manner as from the determination of the board in laying out roads. On such appeal the court may inquire into and review all matters relating to the survey or assessment or expenses affecting the party appealing, which are specified in the notice of appeal. (467)

796. **Not to affect lines fixed by agreement**—Nothing in §§ 786-795 shall be construed to authorize the change of any line fixed by agreement of land-owners or of any traveled road. (468)

COUNTIES EXCEEDING 150,000

797. **Estimates of expense and revenue**—In counties having a population of more than one hundred and fifty thousand, the county board, in determining the amount of the expenses of the county for the next ensuing year, shall make an itemized statement covering all county expenditures for such year, divided into not more than twenty-five specified funds, with a proper title for each. Such statement shall specify as nearly as possible the amount needed for each fund, the estimate for which shall be kept at the lowest practical limit, and the total amount shall not exceed the maximum limit prescribed by law. The board shall at the same time make an estimate of all revenues the county will receive for such year, exclusive of those derived from taxation, and shall also estimate the amount of money, if any, that will be credited to the "suspense fund" at the end of the current fiscal year, as hereafter in this chapter provided. Such statement and estimates shall form a part of the official proceedings of the board, and the amount of the tax levied, together with the amount of such estimates, shall, when they have not been apportioned by law, be apportioned by the auditor into the

several funds in the proportions and for the specific purposes designated in such itemized statement as the basis for taxation for the ensuing year. For the items for sinking fund, bonds, interest on bonds, salaries, and all items where the charges are fixed by law, the full amount required to meet the same shall be apportioned. The money so raised by taxation, and the estimate of revenues to be received, and the estimated amount of the suspense fund, when so apportioned, shall be expended only for the purposes designated in said itemized statement, and to which it is apportioned, and for no purpose in excess of the amount apportioned thereto. (469)

798. Emergency fund—Expended only by unanimous vote—One of the funds provided for in § 797 may be designated "emergency fund," from which no money shall be expended except in cases of actual emergency, arising from the exhaustion of some other designated fund by unforeseen demands thereon, and then only by the unanimous vote of the board authorizing such expenditure. (470)

799. Warrant to show purpose and fund—In each warrant drawn by him on the county treasurer, the auditor shall state the purpose for which it was issued and the fund from which it is to be paid, which in all cases shall be the fund upon which such warrant may be legally drawn. Whenever a contract is awarded, the board shall by resolution make an appropriation for its payment out of the proper fund. The auditor shall thereupon draw a warrant on such fund, and charge the same thereto, and deliver it to the treasurer, who shall forthwith pay it by check, which shall be immediately indorsed by the auditor and returned to the treasurer. The treasurer shall receipt for such warrant, specifying the appropriation under a suitable name, and designating the purpose for which it has been made. The auditor shall open a special account with each appropriation by crediting the amount to such special account under the general head of "Appropriation." (471)

800. Balances, how disposed of—When any part of the amount payable on a contract for which such appropriation was made becomes due, and is allowed by the board, a warrant shall issue therefor, and be charged by the auditor to its specific appropriation. Any balance in an appropriation account for work completed and paid for within the fiscal year shall be transferred by the auditor, by elimination, back to the fund from which it was appropriated. For any such balance left after the expiration of the fiscal year, the auditor shall draw his warrant on the treasurer, who shall receipt for the same, and credit the amount to the county revenue fund. (472)

801. Statements by auditor—At each regular meeting of the board the auditor shall present a statement, which shall form a part of the minutes of the official proceedings, showing the apportionments made to each fund for the various county purposes for the current year, together with the actual balances remaining to the credit of each at the opening of business on the first day of such month, and the amount still unpaid on account of contracts or orders for supplies, materials, work, labor, or services already made or entered into by the board, so as to show the present balance, and also the balance when all appropriations for contracts made and orders given are deducted. (473)

802. Payment of warrants—Accounts, how kept—The county treasurer shall pay warrants only from the fund from which they are legally payable. Payments under any special contract shall be kept separate under the name of such contract, and under the general title of the fund from which such payment may be legally made. The treasurer need not keep a specific appropriations account separately, but shall keep a general appropriations account. (474)

803. Transfer to suspense fund—All moneys remaining unappropriated or unexpended at the end of the fiscal year shall be transferred to a special fund, designated the "suspense fund," the amount of which shall be apportioned on the first day of the succeeding fiscal year to the different funds in the same manner as the other revenues of the county. The total amount so transferred, and the amount previously estimated to be in such suspense fund, shall be included in the official minutes of the next regular meeting of

the board: Provided, that the amount that may be expended for any specific purpose during any one fiscal year shall not in any case exceed the amount apportioned for such purpose, and shall be paid only from its appropriate fund. (475)

804. Filing with board of tax levy—The board shall prepare and file with the board of tax levy, or corresponding body, if any, at its annual meeting, the itemized statement and estimates hereinbefore required, and any amendment required by such board of tax levy or corresponding body. (476)

805. Maximum tax rate—If the maximum rate of taxation for the various purposes for which the county board are authorized to levy taxes mentioned in said itemized statement, together with the estimated amount of all revenues of the county for the ensuing year, exclusive of those derived from taxation, and the amount estimated to the credit of the suspense fund at the end of the fiscal year, does not, when all has been properly apportioned, equal the total amount mentioned in said itemized statement, or amendment thereof, the county auditor shall reduce proportionately the several funds mentioned in said itemized statement, except that the items for sinking fund, bonds, interest on bonds, salaries, and other items, the charges for which are fixed by law, shall remain at the full amount required by law. (477)

806. Itemized statement—Expenditures, how limited—At the first regular meeting of the board in November of each year, the county auditor shall present to it, to be embodied in its official proceedings, a statement showing the several amounts included in the said itemized statement or amendment thereof, if any, and in a parallel column the amounts of the several funds as they will be when the total tax levied for county purposes, as finally fixed and determined upon, the amount estimated to be in the suspense fund, and the estimated amount of all revenues of the county for the ensuing year, exclusive of those derived from taxation, have all been properly apportioned to said funds as in this subdivision provided. The amounts so apportioned will show the sum permitted to be expended for each of the purposes specified in said itemized statement during the next fiscal year, but the amount so permitted to be expended for each specified purpose shall in no case exceed the amount mentioned in said itemized statement or amendment thereof. (478)

807. Money expended only as specified—Any contract entered into by the county board which provides for expenditures for a specific purpose during any fiscal year in excess of the amount apportioned therefor, and the voting of any money for any specific purpose in excess of the amount specified therefor for any fiscal year, shall be void. The board shall indicate upon the minutes of its proceedings, and in the official publication thereof, the fund from which the claim allowed by it is to be paid, its amount, to whom payable, and the purpose and account for which it was incurred, and no such claim shall be charged to or paid from any fund but that to which it legally belongs. (479)

808. Excessive expenditure—Penalty—Any county commissioner who shall contract, vote, or bargain for the expenditure of money from a fund, the payment of which, including the amount already contracted, voted, or appropriated, shall exceed in any fiscal year the amount specifically apportioned to such fund at the beginning of such year, shall be guilty of a gross misdemeanor. (480)

TERMS OF CERTAIN COUNTY OFFICERS

809. Auditor, treasurer, sheriff, register of deeds, attorney, coroner, surveyor, superintendent of schools—In every county in this state there shall be elected at the general election in 1914, and not before, a county auditor, county treasurer, sheriff, register of deeds, county attorney, coroner, county surveyor and county superintendent of schools. ('13 c. 458 § 1)

Section 3 repeals all inconsistent acts and parts of acts.

810. Same—Terms four years—The terms of office of the said county officers shall be four years and until their successors are elected and qualified

and shall begin on the first Monday in January next succeeding said election; and said offices shall be filled by election every four years thereafter. ('13 c. 458 § 2)

COUNTY AUDITOR

811. Election—Term—A county auditor shall be elected in each county, who shall hold his office for the term of two years from the first Monday of January next succeeding his election, and until his successor qualifies; but no county commissioner, county surveyor, or county treasurer shall be eligible to such office. (481)

See § 810, making term four years.
60-325, 62+259; 73-352, 76+46.

812. Bond—Each county auditor, before entering upon the duties of his office, shall give a bond to the state, to be approved by the county board, in such penal sum, not less than two thousand dollars, nor more than twenty thousand dollars, as such board requires, conditioned for the faithful discharge of the duties of his office, upon which shall be indorsed his oath of office. The bond so indorsed shall be filed and recorded in the office of the register of deeds. (482)

89-68, 93+1056; 94-201, 102+723; 102+1133.

813. Malfeasance—Suspension—If any such auditor shall fail to make settlement or pay over all moneys with which he stands charged, at the time and in the manner prescribed by law, or misapplies any money which comes into his possession in the discharge of his official duties, the board shall commence an action against him and his sureties. The board shall cause a copy of the complaint in such action to be forthwith furnished to the governor, and, if it alleges any of the acts hereinbefore recited, he shall suspend such auditor temporarily, and cite him to appear and show cause why the suspension should not continue during the pendency of the action. At the hearing either party may produce competent evidence by affidavits or otherwise, and, if there appear to be reasonable grounds to support the complaint, the suspension shall be continued during the pendency of the action. Otherwise such auditor shall be restored to office. If restored, he shall not be deprived of his salary during the period of suspension, and his reasonable expenses in defending himself on the hearing before the governor shall be paid by the county. If, upon the trial of such action, the auditor is adjudged guilty of any neglect of duty or offence charged in the complaint, the office shall be deemed vacant. (483)

814. Action on bond—An action may be brought against such auditor and the sureties on his official bond in the name and for the use of the state, or for the use of any county or person injured by his official misconduct or omission. (484)

89-68, 93+1056; 156 Fed. 21, 84 C. C. A. 187, 14 L. R. A. (N. S.) 155; 198 Fed. 605, 117 C. C. A. 313.

815. Failure to qualify—If any person elected to the office of county auditor shall not give the bond and take the oath required by law on or before the first Monday in January next after his election, it shall be deemed a refusal to serve. (485)

816. Disability—Temporary appointment—When any county auditor having no deputy is, or when both auditor and deputy are, unable to perform the duties of such office within the time prescribed by law, the county board shall appoint some suitable person to perform such duties during such disability, and may require of such person sufficient security for the faithful discharge of the duties of the appointment. (486)

817. Deputies—County auditors may, by certificate in writing, appoint deputies, who, before entering upon their duties, shall file with the register of deeds such certificates, with their oaths of office indorsed thereon. Such deputies may sign all papers and do all other things which county auditors may themselves do. Auditors shall require bonds of their deputies in such

and all amounts found at any time in any of the county treasuries of the state, or officially deposited by the county treasurers, shall be deemed public funds, and, if in excess of the amount properly called for by the auditor's and treasurer's books and accounts, shall be turned over by the board of auditors or by the public examiner to the county revenue fund. (506)

854. Payment by check—Account by depository—Interest—All payments by treasurers of counties having designated depositories at their county seat, and by all others as far as practicable, shall be made by checks upon the depositories. Each depository shall furnish the auditor of the county to which the funds belong a true and itemized statement of the treasurer's account on the first day of each month, which statement shall be filed and preserved in the auditor's office. All sums of interest accruing upon the funds deposited in any bank or with any banker under the provisions of this chapter shall be credited to such deposit account on the first day of each month, for the month preceding; and a monthly statement of such interest, as computed from the daily balances by the bank or banker, shall be rendered by such depository to the county auditor on the first day of each month, and the auditor shall charge the county treasurer with the amount thereof, and credit the same to the revenue fund of the county. (507)

68-409, 71-621; 71-461, 466, 74-158; 80-242, 83-157.

855. Compensation and mileage of board of auditors—Each member of the board of auditors shall receive three dollars for every day actually employed in the discharge of his duties as such, and ten cents for each mile necessarily traveled in attending the meetings of such board while going and returning, same to be paid upon allowance of the county board in the same manner as other claims are paid. (R. L. § 508, amended '13 c. 357 § 1)

856. Neglect of duty—Every member of the board of auditors or of the county board who shall neglect or omit to discharge any of the duties imposed by law shall be deemed guilty of a gross misdemeanor, and shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars. (509)

857. Exemption from liability—Whenever any portion of the funds of a county shall be deposited by any county treasurer hereunder, such treasurer and the sureties on his bond shall be exempt from liability for the loss of any such deposited funds from the failure, bankruptcy, or other acts of the depository, to the extent and amount of such funds so lost then in the hands of such depository. (510)

83-479, 488, 86-461; 94-196, 102-719; 101-294, 112-276.

858. Treasurer to exhibit accounts—On the last days of February and October in each year, the treasurer shall exhibit his accounts since the last settlement, balanced to said day, to the county board and county auditor, or, if the board is not in session, to the county auditor alone, showing all the moneys received and disbursed by him since his last settlement, and the balance remaining in his hands. The books, accounts, and vouchers of the treasurer, and all moneys remaining in the treasury, shall at all times be subject to the inspection and examination of the county board, or any committee thereof. (511)

22-97, 111.

859. Failure to settle—If any county treasurer fails to make settlement with the state treasurer within fifteen days of the time prescribed by law, he shall forfeit and pay the sum of one hundred dollars, in addition to the penalties provided in § 860, to be recovered in a civil action, which forfeiture shall be paid into the state treasury to the credit of the common school fund: Provided, that the state auditor, for good cause shown, may remit said penalty at any time before an action is commenced. (512)

860. Action against treasurer—If any county treasurer fails to make return or settlement, or to pay over all money with which he stands charged, at the time and in the manner prescribed by law, the county auditor, on receiving instructions for that purpose from the state auditor or from the county board of his county, shall cause an action to be commenced against

amount and with such sureties as they deem proper, shall be responsible for their acts, and may revoke their appointment at pleasure. (487)

As to counties having 300,000 inhabitants, see § 1025.

As to counties having over 150,000 and less than 200,000 inhabitants, see § 1055. 10-369, 295; 94-201, 102+723; 94-526, 102+1133.

818. Clerk of county board—The county auditor, by virtue of his office, shall be clerk of the county board, keep an accurate record of its official proceedings, carefully preserve all documents, books, records, maps, and other papers required to be deposited in his office, and annually prepare a financial statement of the county, unless otherwise ordered by the board. He shall present at each regular meeting of the board a statement, in writing, showing the amounts levied for the various county purposes for the current year, together with the actual cash balance, if any, remaining to the credit of each fund at the date of such meeting, and the amounts, if any, still unpaid on account of contracts already entered into by the board. Each statement shall be embodied in, and form a part of, the minutes of the official proceedings of the board. (488)

26-333, 3+984; 98-467, 108+932.

819. 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)

820. Delivery to successor—On going out of office, he shall deliver to his successor all moneys, books, records, maps, documents, papers, vouchers, and other property in his hands belonging to the county; and, in case of his death, his personal representatives shall in like manner deliver to his successor all such property. (489)

821. Account with treasurer—He shall keep an accurate account current with the treasurer of his county, and, when any person shall deposit with him any receipt given by the treasurer for money paid into the treasury, he shall file the same in his office, and charge the treasurer with the amount thereof. (490)

Treasurer a debtor, not a bailee (18-199, 182; 98-467, 108+932).

822. Disbursements—Warrant—No claims against the county shall be paid otherwise than upon allowance of the county board, upon the warrant of the chairman thereof, attested by the auditor, except in those cases in which the precise amount is fixed by law, or is authorized to be fixed by some other person, officer, or tribunal, in which cases the same shall be paid upon the warrant of the auditor, upon the proper certificate of the person, officer, or tribunal allowing the same: Provided, that no money shall be disbursed by the county board, or any member thereof, but only by the county treasurer upon the warrant of the chairman of the county board, attested by the auditor, specifying the name of the party entitled to the same, on what account and for what purpose issued, upon whose allowance, if not fixed by law, and the fund from which it is payable. If in payment for services, the specific time for which the same were rendered shall be therein stated, and all orders and warrants shall be progressively numbered, and the number,

date, and amount of each, the name of the person to whom payable, and the specific time for which any service was rendered, shall, at the time of issuing the same, be entered in a book to be kept by the auditor for that purpose. (491)

98-467, 108-932.

823. Salary—Clerk hire—County auditors shall receive in full compensation for all services rendered by them in their official capacity annual salaries, regulated by the assessed valuation of real and personal property for purposes of taxation in their respective counties as fixed by the state board of equalization for the preceding year as follows:

1. In counties where such valuation does not exceed four million dollars, twelve hundred dollars.

2. In counties where such valuation is more than four million dollars and does not exceed six million dollars, fifteen hundred dollars.

3. In counties where such valuation is more than six million dollars and does not exceed ten million dollars, two thousand dollars.

4. In counties where such valuation is more than ten million dollars, twenty-five hundred dollars.

The county auditor shall be allowed for clerk hire one-fifth of one mill on each dollar of assessed valuation, not exceeding five million dollars; and on all sums in excess of five million dollars, one-twentieth of one mill on each dollar; to be paid monthly out of the county treasury upon the order of the county auditor, accompanied by his certificate that the service has been rendered and no allowance for such clerk hire shall be made or received in any case except for services actually rendered: Provided, that this section shall not apply to counties having a population of more than forty thousand, nor to any county where such salary or clerk hire is now fixed by special law. (492)

As to counties having 300,000 inhabitants, see §§ 1024, 1025.

As to counties having over 150,000 and less than 200,000 inhabitants, see §§ 1054, 1055.

As to certain other counties, see §§ 824-839.

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

824. Salaries in counties having not less than 220,000 nor more than 275,000 inhabitants—Deputies, clerks and assistants—That in all counties in this state that now have or may hereinafter have, according to the last completed state or national census, a population in each of not less than two hundred and twenty thousand (220,000) nor more than two hundred and seventy-five thousand (275,000) inhabitants, the salary of the county auditor shall be and is hereby fixed as at the rate of four thousand five hundred dollars (\$4500.00) per annum, and in all such counties the auditor shall appoint and employ one chief deputy who shall be paid at the rate of two thousand one hundred dollars (\$2100.00) per annum; one deputy and commissioner's clerk, who shall be paid at the rate of one thousand eight hundred dollars (\$1800.00) per annum; one deputy and bookkeeper who shall be paid at the rate of one thousand eight hundred dollars (\$1800.00) per annum; one chief clerk and draughtsman who shall be paid at the rate of one thousand five hundred dollars (\$1500.00) per annum; one deputy who shall be paid at the rate of one thousand five hundred dollars (\$1500.00) per annum; one settlement clerk and assistant bookkeeper who shall be paid at the rates of one thousand two hundred dollars (\$1200.00) per annum; three counter deputies who shall be paid at the rates of one thousand and one hundred dollars (\$1100.00) per annum; five general clerks who shall be paid at the rates of one thousand dollars (\$1000.00) per annum; one stenographer who shall be paid at the rate of nine hundred dollars (\$900.00) per annum; which above named salaries shall be payable out of the county treasury in equal monthly instalments 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 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. ('05 c. 206 § 1, amended '07 c. 295; '13 c. 204; '13 c. 321 § 1)

825. 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)

826. Additional salaries in certain counties—In all counties of this state having a population of 24,000 or more inhabitants where the salary of the county auditor of such county is by special law fixed at the sum of twelve hundred dollars (\$1,200) or less, said county auditor shall hereafter receive as salary in addition to said sum provided by said special law the sum of eight hundred dollars (\$800) annually payable in monthly installments. ('11 c. 63 § 1)

827. Salaries of auditors and treasurers in counties having area of more than 2,500 miles and valuation of more than \$20,000,000—In each county of this state, having an area of more than two thousand five hundred square miles, and having or which may hereafter have an assessed valuation of more than twenty million dollars, according to the assessment for the last preceding year, the county auditor and county treasurer thereof shall each receive an annual salary of three thousand dollars; and such county auditor and county treasurer shall be allowed for clerk hire as follows: Upon each dollar of such assessed valuation, not exceeding twenty-five million dollars, the county auditor shall be allowed one-sixth of one mill, and the county treasurer one-fifteenth of one mill; and upon all sums in excess of twenty-five million dollars, the county auditor shall be allowed one-twelfth of one mill, and the county treasurer one-thirtieth of one mill, on each dollar. Such salaries and allowances for clerk hire shall be paid monthly out of the county treasury upon the order of the county auditor. ('11 c. 128 § 1)

828. Same—Not to apply in certain counties—This act shall not apply to counties having a population of more than forty thousand, nor to any county where such salary or clerk hire is now fixed by special law. ('11 c. 128 § 2)

829. Salaries of auditors and treasurers in certain counties—In each county of this state containing not less than seventy-six nor more than eighty congressional townships and having an assessed valuation of not less than four million dollars nor more than six million dollars, the county auditor and county treasurer shall each receive a salary of two thousand dollars a year to be paid in the manner provided by law. ('11 c. 136 § 1)

830. 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)

831. 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)

832. 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)

833. Additional clerk hire in certain counties—That any county of this state now or hereafter having a population of more than 29,000 and less than 37,000 inhabitants and an assessed valuation of more than \$12,000,000 and less than \$18,000,000 wherein clerk hire for county auditors is governed by any special law of this state the county board is hereby authorized to appropriate a sum not exceeding \$1,200 for clerk hire in said office in addition to the sum now provided therefor by such special law. Provided, however, that this act shall not be construed as in any way or manner amending, modifying or repealing chapter 424 of the Special Laws of 1891. ('11 c. 62 § 1)

834. Clerk hire in certain counties—The county auditor shall be allowed for clerk hire one-fifth of one mill on each dollar of assessed valuation, not exceeding five million dollars; on all sums in excess of five million dollars, one-tenth of one mill on each dollar; to be paid monthly out of the county treasury on the order of the county auditor, accompanied by his certificate, that the service has been rendered and that no allowance for such clerk hire shall be made or received in any case, except for services actually rendered; provided, that the above provisions of this section shall not apply to counties having a population of less than 30,000 or more than 40,000 nor to any county of the class herein referred to where such salary or clerk hire is now fixed by special law; provided, further, that in any county where the public service would appear to demand it, the county commissioners may grant an additional sum for clerk hire in the office of the county auditor, when such additional sum has been approved by the attorney general and the public examiner, providing that in every county of the state the auditor shall be allowed at least \$600.00 for clerk hire. ('11 c. 325 § 1, amended '13 c. 108 § 1)

835. 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 1911, 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; provided, that in any such county where the public service would appear to demand it, the county board may grant an additional sum for clerk hire in the office of the county auditor, when such additional sum has been approved by the attorney general and the public examiner. ('07 c. 207 § 1, amended '11 c. 295 § 1)

836. 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)

837. 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)

838. 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)

839. 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)

840. Verified statement in certain counties—In counties having a population of more than seventy-five thousand, the county auditor shall file in his office on the first Monday of each month a verified statement, giving the name of every employee in his office, the general nature of the service rendered by him, and the amount paid therefor; also showing all business done in his office during the preceding month for which fees have been charged, the amount of fees received, and the amount of such fees remaining unpaid. All such fees shall, on the first Monday in each month, be turned into the county treasury. (493)

COUNTY TREASURER

841. Election—Term—A county treasurer shall be elected in each county, whose term of office shall commence on the first Monday of January next succeeding his election, and continue for two years, and until his successor qualifies. No person holding the office of county attorney, sheriff, register of deeds, county auditor, or county commissioner at the time of any election shall be eligible to the office of county treasurer at said election. (494)

See § 810, making term four years.
29-398, 13+181.

842. Bond—Before he enters upon the duties of his office, the county treasurer shall give bond, to be approved by the county board, and in such sum as said board directs: Provided, that in counties of over one hundred and fifty thousand inhabitants such bond shall not be less than five hundred thousand dollars, unless the surety is a corporation duly authorized by law to be surety, in which case it shall be two hundred and fifty thousand dollars. Such bond shall be payable to the state, conditioned that he shall faithfully execute the duties of his office, and for the safe-keeping and paying over according to law of all moneys which come into his hands for state, county, town, school, road, bridge, poor, and all other purposes. (495)

18-199, 182; 22-97; 23-551; 28-45, 8+907; 29-398, 13+181; 71-461, 74+158; 42-57, 43+690, 5 L. R. A. 785; 82-151, 84+657; 82-431, 85+214; 86-188, 90+371, 57 L. R. A. 634, 91 Am. St. Rep. 336; 89-56, 93+1054; 94-196, 102+719. See 19-214, 176; 51-79, 52+991, 38 Am. St. Rep. 492; 44-427, 46+914, 20 Am. St. Rep. 586.

843. Failure to qualify—If any person elected to the office of county treasurer shall not take the oath and give the bond required by law on or before the first Monday of January next succeeding his election, it shall be deemed a refusal to serve. (496)

29-398, 13+181.

844. Books, accounts, etc.—The county treasurer shall keep a full and accurate account of all moneys by him received, showing the amount thereof, the time when, by whom, and on what account paid. He shall keep his books so as to show the amount received and paid on account of separate and distinct funds or appropriations, which he shall exhibit in separate accounts, and every warrant shall be paid only from the cash on hand in the fund from which it may be properly payable. In case of payments of money under any special contract entered into by the county board, such payments shall be kept separate under the name of the particular contract on account of which it was made, and under the general title of the fund from which such warrant is payable: Provided, that no money received for taxes charged in the duplicate of the current year shall be entered by the treasurer on his account with the county until he makes his annual settlement with the county auditor and county board in each year. The treasurer's books shall be provided at the expense of the county. (497)

845. Receipt and payment of money—Duplicate receipts—The county treasurer shall receive all moneys directed by law to be paid to him as such treasurer, and pay them out only on the order of the proper authority. All moneys belonging to the county shall be paid out upon the order of the county board, signed by the chairman thereof, and attested by the county auditor, or upon the warrant of the county auditor upon the presentation to him of the proper certificate of the person or tribunal allowing the same, and not otherwise. All moneys due the state, arising from the collection of taxes or from other sources, shall be paid upon the draft of the state auditor, drawn in favor of the state treasurer; and a duplicate copy of the receipt for payment of such draft shall be forwarded by the state treasurer to the county auditor, who shall preserve the same, and credit the county treasurer with the amount thereof. When any money is paid to the county treasurer, excepting that paid on account of taxes, the treasurer shall give to the person paying the same duplicate receipts therefor. (498)

26-183, 188, 2-494, 683; 98-467, 108+932.

846. 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, amended '09 c. 22 § 1)

94-196, 102+719.

847. 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 mak-

ing 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, amended '07 c. 352 § 1)

22-196; 64-180, 66+143; 83-479, 484, 86+461; 94-196, 102+719.

848. **Capital stock defined**—Capital stock, for the purposes of § 847, shall include shares of capital stock of national or state banks, whether assessed in the name of the bank or of the stockholders thereof, and the personal and real property of private banks or bankers, or of the individual members of said banking firms liable for the debts of such banks or bankers, and assessed in any county in this state. In case such property is assessed in counties other than those in which the depository is situated, the assessment shall be certified by the auditor of the county in which the same is assessed, on application of the board of auditors of any county, and such application shall be renewed annually on January 1, and oftener if deemed necessary, and such certificate shall be attached to the bond of such depository. The treasurer is required from time to time to take notice of any changes in the assessment, and to limit the amount of the deposit accordingly: Provided, that when a bank has been organized after the annual assessment in any year, and before the assessment for the following year, its paid-up capital and assets, less its liabilities, as the same appear from the sworn statement of the president or cashier thereof, may be treated as assessed capital. (501)

849. **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, amended '09 c. 124 § 1)

See § 98.

25-363; 54-555, 56+251; 61-242, 63+635; 64-180, 66+143; 65-426, 68+76; 67-112, 69+704; 67-236, 69+912; 69-421, 72+701; 75-174, 77+815; 75-489, 78+113; 80-242, 83+157; 83-479, 484, 86+461.

850. **Proposals by banks**—All bonds of depositaries 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 depositaries at any time when required by the public interests. (R. L. § 503, amended '09 c. 104 § 1)

67-112, 69+704; 67-236, 69+912; 75-174, 77+815.

851. **Sureties**—The board of auditors shall not accept, and the county board shall not approve, as sureties upon the bonds of depositaries, stockholders or owners of such depositaries, unless they are satisfied upon full investigation that their responsibility would in no wise be affected by the failure of the bank or banker in behalf of which said stockholders or owners sign as sureties. (504)

852. **Deposit in official capacity only**—No county treasurer shall deposit any public funds in his individual name, or in any other capacity than as treasurer, under the penalty of five hundred dollars for each deposit so made. (505)

94-196, 102+719.

853. **Public funds kept separate**—The public funds shall at all times be kept separate from any private funds of the treasurer or any private person,

and all amounts found at any time in any of the county treasuries of the state, or officially deposited by the county treasurers, shall be deemed public funds, and, if in excess of the amount properly called for by the auditor's and treasurer's books and accounts, shall be turned over by the board of auditors, or by the public examiner to the county revenue fund. (506)

854. Payment by check—Account by depository—Interest—All payments by treasurers of counties having designated depositories at their county seat, and by all others as far as practicable, shall be made by checks upon the depositories. Each depository shall furnish the auditor of the county to which the funds belong a true and itemized statement of the treasurer's account on the first day of each month, which statement shall be filed and preserved in the auditor's office. All sums of interest accruing upon the funds deposited in any bank or with any banker under the provisions of this chapter shall be credited to such deposit account on the first day of each month, for the month preceding; and a monthly statement of such interest, as computed from the daily balances by the bank or banker, shall be rendered by such depository to the county auditor on the first day of each month, and the auditor shall charge the county treasurer with the amount thereof, and credit the same to the revenue fund of the county. (507)

68-409, 71+621; 71-461, 466, 74+158; 80-242, 83+157.

855. Compensation and mileage of board of auditors—Each member of the board of auditors shall receive three dollars for every day actually employed in the discharge of his duties as such, and ten cents for each mile necessarily traveled in attending the meetings of such board while going and returning, same to be paid upon allowance of the county board in the same manner as other claims are paid. (R. L. § 508, amended '13 c. 357 § 1)

856. Neglect of duty—Every member of the board of auditors or of the county board who shall neglect or omit to discharge any of the duties imposed by law shall be deemed guilty of a gross misdemeanor, and shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars. (509)

857. Exemption from liability—Whenever any portion of the funds of a county shall be deposited by any county treasurer hereunder, such treasurer and the sureties on his bond shall be exempt from liability for the loss of any such deposited funds from the failure, bankruptcy, or other acts of the depository, to the extent and amount of such funds so lost then in the hands of such depository. (510)

83-479, 488, 86+461; 94-196, 102+719; 101-294, 112+276.

858. Treasurer to exhibit accounts—On the last days of February and October in each year, the treasurer shall exhibit his accounts since the last settlement, balanced to said day, to the county board and county auditor, or, if the board is not in session, to the county auditor alone, showing all the moneys received and disbursed by him since his last settlement, and the balance remaining in his hands. The books, accounts, and vouchers of the treasurer, and all moneys remaining in the treasury, shall at all times be subject to the inspection and examination of the county board, or any committee thereof. (511)

22-97, 111.

859. Failure to settle—If any county treasurer fails to make settlement with the state treasurer within fifteen days of the time prescribed by law, he shall forfeit and pay the sum of one hundred dollars, in addition to the penalties provided in § 860, to be recovered in a civil action, which forfeiture shall be paid into the state treasury to the credit of the common school fund: Provided, that the state auditor, for good cause shown, may remit said penalty at any time before an action is commenced. (512)

860. Action against treasurer—If any county treasurer fails to make return or settlement, or to pay over all money with which he stands charged, at the time and in the manner prescribed by law, the county auditor, on receiving instructions for that purpose from the state auditor or from the county board of his county, shall cause an action to be commenced against

such treasurer and his sureties in the district court of his county; and judgment may be rendered therein against them for the amount due from such treasurer, with interest and a penalty of ten per cent. thereon. (513)

18-199, 182; 19-214, 176; 22-97; 42-57, 43+690, 5 L. R. A. 785; 51-79, 52+991, 38 Am. St. Rep. 492; 82-151, 84+657; 82-431, 85+214; 89-56, 93+1054; 94-196, 102+719.

861. Removal of treasurer—Whenever an action is commenced against any delinquent county treasurer as aforesaid, the county board may remove such treasurer from office, and fill by appointment the vacancy thereby created. (514)

22-97, 112.

862. Money collected—The sheriff or other officer who collects any money from a delinquent county treasurer or his sureties shall within ten days thereafter pay the same into the treasury of the county to which it is due. (515)

863. Refusal to execute process—If any sheriff or other officer to whom an execution against a delinquent treasurer and his sureties is delivered neglects or refuses to execute the same, or neglects or refuses to pay over any money collected thereon, as required in § 862, he and his sureties shall be liable to the same penalties, and shall be proceeded against in the same manner, as provided by law in the case of delinquent treasurers. (516)

864. Proceedings against deputy—If the deputy treasurer fails to pay over to his principal, on demand, any taxes or other money by him collected as such deputy, the same proceedings may be had against him and his sureties, at the instance of the treasurer, as are authorized against treasurers for failing to make payment according to law. (517)

865. New bond—The county board may require the county treasurer to give a new bond, with sureties to be approved by them, whenever, in the opinion of a majority of said board, the sureties, or any of them, on the original bond, are insufficient, and may also require a new bond, with sureties to be approved by them, whenever the penalty of such original bond is deemed insufficient; but the taking of any new bond shall not affect or impair the original bond, or the rights and liabilities of the parties thereto, incurred or existing at or prior to the time of the approval and acceptance of such new bond. (518)

22-97, 112; 26-333, 3+984.

866. Failure to give—If any county treasurer fails or refuses to give such additional bond for ten days after the day on which the same is required by said board, his office shall become vacant, and be filled as provided by law. (519)

22-97, 112; 26-333, 3+984.

867. Not to speculate in orders or warrants—No county treasurer or deputy shall either directly or indirectly contract for or purchase any orders or warrants issued by the county of which he is treasurer, or any state warrants, or the orders or warrants of any city, town, or other body politic for which he is the collector of taxes, at any discount whatever; and if any treasurer or deputy shall directly or indirectly contract for, purchase, or procure any such orders or warrants at any discount whatever, he shall not be allowed, on settlement, the amount of said orders or warrants, or any part thereof, and shall forfeit the whole amount due thereon, and shall also forfeit one hundred dollars for every breach of the provisions of this section, to be recovered in a civil action at the suit of the state for the use of the county. And the person to whom the county treasurer is required to return the state, county, city, town, village, school, or road tax is prohibited from receiving from any county treasurer any orders, warrants, or bonds in payment of taxes collected by him or his deputies, unless, with said orders, warrants, or bonds, such treasurer shall file his affidavit with the person entitled to receive said tax, stating therein that all such orders, warrants, and bonds were received at their par value. (520)

18-199, 182.

868. Not to lend funds—If any county treasurer lends any money belonging to his county, with or without interest, or uses the same for his own individual purposes, he shall forfeit and pay for every such offense not more than one thousand dollars nor less than five hundred dollars, to be recovered in a civil action at the suit of the state for the use of the county, city, town, or body politic injured. (521)

R. L. § 522, was repealed by 1913 c. 358.
18-199, 182.

869. To prosecute bonds—The treasurers of the several counties, in their official capacity, may prosecute to final judgment and execution all actions on bonds, notes, or other securities given to them or their predecessors in office, and all pending actions commenced by their predecessors in office. (523)

870. To pay and cancel orders—When any order or warrant drawn on him as treasurer is presented for payment, if there is money in the treasury for that purpose, the county treasurer shall redeem the same, and write across the entire face thereof the word "Redeemed," the date of the redemption, and his official signature. County orders shall be numbered and registered in their order of presentation, and shall be entitled to payment in like order. The treasurer, as soon as there is sufficient money in the treasury, shall appropriate and set apart a sum sufficient for the payment of the orders so presented and registered, and, if entitled to interest, he shall issue to the original holder a notice that interest will cease in thirty days from the date of such notice; and, if orders thus entitled to priority of payment are not then presented, the next in order of registry may be paid until such orders are presented. No interest shall be paid on any order, except upon a warrant drawn by the county auditor for that purpose, giving the number and date of the order on account of which the interest warrant is drawn. (524)

16-106, 96; 89-56, 93+1054; 94-196, 102+719.

871. To deposit orders—Auditor's duty—The treasurer shall deposit with the auditor on the day of redemption all orders and warrants by him redeemed, and take the auditor's receipt therefor. He shall enter the same, with date of payment, in his register of orders paid, and credit himself daily upon his journal and ledger with the amount thereof. The auditor shall cancel the same immediately upon his register of orders issued, and at the close of the day credit the treasurer with the same upon his journal and ledger. (525)

872. Allowances—Every county treasurer shall be allowed express charges for forwarding state moneys, and ten cents for each mile necessarily traveled in going to and returning from the nearest express office for that purpose; and also for all sums necessarily paid for blank books and stationery, and for printing such advertisements as he is required to make. (526)

873. Salaries and clerk hire in counties having not more than 40,000 inhabitants and not under special laws—Certain counties having more than 75,000 inhabitants—County treasurers shall receive, in full compensation for all services rendered by them in their official capacity, annual salaries regulated by the assessed valuation of real and personal property for purposes of taxation in their respective counties as fixed by the state board of equalization or the Minnesota tax commission for the previous year as follows:

1. In counties where such valuation does not exceed four million dollars, twelve hundred dollars.
2. In counties where such valuation is more than four million dollars and does not exceed six million dollars, fifteen hundred dollars.
3. In counties where such valuation is more than six million dollars and does not exceed ten million dollars, two thousand dollars.
4. In counties where such valuation is more than ten million dollars, twenty-five hundred dollars.

In addition to such salaries, county treasurers shall be allowed for clerk hire as follows:

In counties where the annual salary of the treasurer is twelve hundred dollars, two hundred dollars; where such salary is fifteen hundred dollars, three hundred dollars; where such salary is two thousand dollars, four hundred dollars; where such salary is twenty-five hundred dollars, six hundred dollars; to be paid monthly to the persons actually rendering the service as such clerk, out of the county treasury, upon the order of the county auditor accompanied by a certificate of the treasurer that the service has been rendered, and no allowance for such clerk hire shall be made or received in any case except for service actually rendered.

Provided, that this section shall not apply to counties having a population of more than forty thousand inhabitants, nor to any county where such salary or clerk hire is now fixed by special law:

Provided, that in counties having a population of more than seventy-five thousand, where the salary of the treasurer is not fixed by special law, allowance for clerk hire shall be such sum as the county board deems necessary, not exceeding nine thousand dollars. (R. L. § 527, amended '11 c. 333 § 1)

As to counties having over 150,000 and less than 200,000 inhabitants, see §§ 1056, 1057.

As to counties having 300,000 inhabitants, see §§ 1034, 1035, 1040.

As to certain other counties, see §§ 827, 829, 839, 874-882.

874. 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)

Section 5 repeals inconsistent acts, etc.

As to counties having over 150,000 and less than 200,000 inhabitants, see §§ 1056, 1057.

875. Same.—Deputies, clerks, etc.—Salaries—The county treasurer of each county shall appoint and employ one chief deputy, who shall be paid the sum of two thousand dollars (\$2,000.00) per annum; one deputy who shall have charge of the statement department, who shall be paid the sum of twelve hundred dollars (\$1,200.00) per annum; one deputy who shall have charge of the settlement and collection registers, who shall be paid the sum of twelve hundred dollars (\$1,200.00) per annum; eight clerks, who shall be paid the sum of one thousand dollars (\$1,000.00) per annum each; one cashier or teller, who shall be paid the sum of two thousand dollars (\$2,000.00) per annum; one deputy who shall have charge of inheritance and mortgage tax collections, who shall be paid the sum of twelve hundred dollars (\$1,200.00) per annum; one accountant or bookkeeper who shall be paid the sum of fifteen hundred dollars (\$1,500.00) per annum.

He may also employ such other additional or extra help as the business of his office may require during each year, providing that no such other person or extra help so employed, shall be paid compensation greater than at the rate of one hundred dollars (\$100.00) per month and that the entire compensation for such extra help, shall not exceed three thousand dollars (\$3,000.00) in any one year. Any of said three thousand dollars (\$3,000.00) appropriated for such extra help, remaining unexpended in any one year, shall be turned back to the general fund." ('07 c. 139 § 2, amended '13 c. 293 § 1)

Previously amended by 1909 c. 358.

876. 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)

877. 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)

878. 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."

1901 c. 112, is not among the laws of that year repealed by § 9454.

879. Additional salary in certain counties—In all counties of this state having a population of twenty-four thousand (24,000) or more inhabitants where the salary of the county treasurer is by special law fixed at the sum of one thousand dollars (\$1000) or less, the county treasurer of such county shall hereafter receive as salary in addition to the said sum provided by such special law the sum of one thousand dollars (\$1000) annually payable in monthly installments. ('11 c. 106 § 1)

880. Clerk hire in counties having valuation of more than \$14,000,000 and less than \$25,000,000—In each county of this state which now has, or may hereafter have, an assessed valuation of more than fourteen million dollars and less than twenty-five million dollars, according to the assessment of the last preceding year, the county treasurer shall be allowed for clerk hire one-twelfth of one mill upon each dollar of such assessed valuation. Such allowance for clerk hire shall be paid monthly out of the county treasury upon the order of the county auditor. ('13 c. 157 § 1)

881. Same—Special law—This act shall not apply to any county where such clerk hire is now fixed by special law. ('13 c. 157 § 2)

882. 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)

For additional clerk hire in counties where auditors and treasurers receive salaries under special laws, see § 839.

883. Statement in certain counties—In counties having a population of more than seventy-five thousand, the county treasurer shall file with the county auditor on the first Monday of each month a verified statement giving the name of every employee in his office, the general nature of the service rendered by him, and the amount paid therefor; also showing all business done in his office during the preceding month for which fees have been charged, the amount of fees received, and the amount of such fees remaining unpaid. All such fees shall, on the first Monday in each month, be turned into the county treasury. (528)

884. Delivery to successor—Each county treasurer, on going out of office, shall deliver to his successor in office all the public money, books, accounts, papers, and documents in his possession; and in case of his death his legal representatives shall in like manner deliver up all such moneys, books, accounts, papers, and documents as come into their possession. (529)

28-45, 8+907; 29-78, 85, 11+233.

REGISTER OF DEEDS

885. Election—Term—There shall be elected in each county a register of deeds, whose term of office shall be two years from the first Monday in January next succeeding his election, and until his successor qualifies. (530)

See § 810, making term four years.

2-345, 297.

886. Bond—Every register of deeds, before he enters upon the duties of his office, shall give bond to the state in the penal sum of five thousand dollars, to be approved by the county board, conditioned that he will faithfully and impartially fulfil the duties of his office. Said bond and his oath of office shall be filed for record with the clerk of the district court, and forwarded by said clerk to the secretary of state. (531)

2-345, 297.

887. **Delivery to successor**—At the expiration of his term of office, every register shall deliver promptly to his successor all books, records, papers, and other property, pertaining to his office, and if, on application of his successor, duly qualified, he refuses to do so, he shall forfeit and pay to the use of the proper county fifty dollars for each and every day he so refuses, which may be recovered in an action brought upon his official bond. (532)

888. **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 convenient 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, amended '07 c. 442 § 1)

Effect of entries as notice (46-156, 48+677, 24 Am. St. Rep. 206). Form of entries and presumption as to time of recording (51-421, 53+806; 21-336; 40-441, 42+294). Entries as evidence. Parol evidence to show error in record (33-271, 22+614). Form of books (11-367, 264; 51-421, 53+806).

889. **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 [888] and the consecutive index book required by section 539 of the Revised Laws of 1905 [905] 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)

890. **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, amended '07 c. 442 § 1)

891. Transcribing records of state lands—The county commissioners of any county in this state are hereby authorized to direct the register of deeds of any county containing any lands heretofore granted to the state from the United States government (except sections 16 and 36), and including all lands so granted in lieu of lands in sections 16 or 36, to transcribe from the records of the state auditor lists of all such lands including reference to the laws granting the same and by all patents issued thereunder to the state, which transcripts after due examination thereof shall be certified to without charge by the state auditor as being true and correct transcripts, and thereupon such transcripts, shall be recorded by the register of deeds in whose county such land is situate, which recording shall be done in books to be provided therefor by the county. Such register of deeds shall receive the same fees allowed by law for recording original instruments in his office, which fees shall be paid by the county auditor upon the approval of the county commissioners of said county. ('13 c. 427 § 1)

892. Same—Records as evidence—The record of such transcript shall be prima facie evidence of the facts therein set forth, and of the contents of the original instruments so transcribed and recorded, and a certified copy of such record shall be admissible in evidence in all the courts of this state. ('13 c. 427 § 2)

893. Transcribing tract indexes in counties having less than 75,000 inhabitants—That in counties having a population of less than seventy-five thousand (75,000) inhabitants now having tract indexes of the records in the office of the register of deeds, the county board is hereby authorized to have such tract indexes transcribed, compared with the original records and checked back whenever the necessity therefor appears. ('05 c. 51 § 1, amended '11 c. 337 § 1)

894. Same—Register to supervise—Compensation—The work provided for in section 1 [893] of this act shall be performed by the register of deeds of the county. The said register of deeds for performing the said work shall receive as compensation therefor such sum as may be fixed by the board of county commissioners not exceeding two cents for each description so transcribed, compared with the original records and checked back. ('05 c. 51 § 2, amended '11 c. 337 § 2)

895. To exhibit records—Said register shall exhibit free of charge, during the hours that his office is or is required by law to be open, any of the records or papers in his official custody to the inspection of any person demanding the same, either for examination, or for the purpose of making or completing an abstract or transcript therefrom; but no such person shall have the right

to have or use such records for the purpose of making or completing abstracts or transcripts therefrom, so as to hinder or interfere with the register in the performance of his official duties. (535)

37-372, 35+7.

896. Abstracter—Bond—The county board may by resolution authorize any person to use a portion of the county building for the purpose of making abstracts of title, upon the execution by such person of a bond to the county in a sum not less than five hundred dollars, conditioned for the faithful performance of his duties as such abstracter and that he will handle all public records with care and charge no greater fee for abstracts of title than is or may be allowed by law to registers of deeds for like services. (536)

897. Record books, indexes, etc.—He shall keep suitable books, and record at large, word for word, all instruments left with him for record; keeping separate books of deeds, mortgages, and other instruments. He shall also keep in separate books an alphabetical index, where he shall record, under the proper letter of the alphabet, the name of each grantor and grantee in any instrument left for record, or of a discharge of any mortgage made by an entry in the margin of the record thereof, which entry shall show the book and page of the record where the mortgage so discharged is recorded. (537)

15-171, 131; 24-221, 228; 46-156, 159, 48+677, 24 Am. St. Rep. 206.

Rule as to what constitutes bona fide purchaser unaffected by fact that United States is complainant to cancel patent to lands (172 Fed. 271).

898. 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)

899. 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)

900. 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)

901. 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)

902. 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)

903. 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)

904. Consecutive numbering—Fees—Every register shall indorse plainly upon the top of the back, when folded, of each instrument received by him for record or filing, as soon as received, a number consecutive to the number affixed to the instrument next previously received, and shall enter such number as a part of the entry relating to such instrument in all the indexes kept in his office, and on the margin of the record of the instrument, and such number shall be prima facie evidence of priority of registration. If more than one instrument shall be received at the same time, by mail or other like inclosure, the register shall affix such number in the order directed by the sender, and, if no direction be given, then in the order in which the instruments actually come to his hand in opening the inclosures. His fee for such numbering and entry shall be five cents. (538)

72-287, 75+376.

Priority of liens determined presumptively by order of numbering (99-241, 109+233, 116 Am. St. Rep. 411; 99-495, 110+3).

905. Consecutive index—Every register shall keep an index of all records or files kept in his office, showing the number of the instrument consecutively, the kind, the time of its reception, and where the same is recorded or filed, thus:

| Number of Instrument | Kind of Instrument | Time of Reception | Where Recorded or Filed | | |
|----------------------|--------------------|-------------------|-------------------------|------|----------|
| | | | Book | Page | File No. |

-Such entries shall be made as soon as the instrument is received by him, excepting only the place of record, which shall be filled in as soon as such instrument is recorded. (539)

See § 889.

906. Deputies—He may appoint one or more deputy registers in writing, whose oath of office shall be indorsed on the appointment, and recorded therewith in the office of the register. Registers shall be responsible for the acts of their deputies, and may revoke their appointment at pleasure. (540)

As to counties having 300,000 inhabitants, see § 1029.

As to counties having over 150,000 and less than 200,000 inhabitants, see § 1048.

907. Deputy in counties having less than 75,000 inhabitants—The county board of every county having a population of less than 75,000 inhabitants, may by written order to be filed in the office of the county auditor allow one deputy register of deeds in any such county, compensation for his or her services as such deputy, not exceeding the sum of \$500 per year. ('11 c. 382 § 1)

908. Same—Compensation—Any order so made shall remain in force until revoked by such county board. The compensation so allowed shall be paid to the deputy register of deeds from the county treasury in the same manner as is authorized by law for the payment of salaries of county officers. ('11 c. 382 § 2)

909. Same—Not to apply to certain counties—This act shall not apply to counties, whose register of deeds is paid under special law. ('11 c. 382 § 3)

910. Record of cattle brands—On the application of any person residing in his county, the register shall record a description of the marks or brands, with which such person may be desirous of marking his horses, cattle, sheep, or hogs; but the same description shall not be recorded for more than one resident of the same county. (541)

911. 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)

912. **Abstracts of title**—The register shall make out, under his certificate and seal, and deliver to any person requesting the same, a full and perfect abstract of the title to any real estate, together with all incumbrances, liens, and instruments in any manner affecting such title, as the same appears of record or on file in his office, on being paid his lawful fees therefor. (542)

913. **Instruments not properly executed**—Except where otherwise expressly provided by law, no register shall record any conveyance, mortgage, or other instrument by which any interest in real estate may be in any way affected, unless the same is duly signed, executed, and acknowledged according to law; and any such officer offending herein shall be guilty of a misdemeanor, and shall also be liable in damages to the party injured, in a civil action. (543)

52-451, 55+46.

914. **Seal**—Every register of deeds shall have an official seal, and affix the same to all documents requiring his official signature, except the indorsement mentioned in § 915. (544)

36-9, 29+388, 1 Am. St. Rep. 632.

915. **Certificate of record**—Every register of deeds shall indorse upon each instrument recorded by him, over his official signature, the time when it was received, and the book and page in which it was recorded; and every instrument shall be considered as recorded at the time so noted. (545)

40-441, 42+294; 59-274, 61+135.

916. **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)

917. **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)

918. **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)

919. **Salary in counties having not less than 200,000 and less than 275,000 inhabitants**—The salary of the register of deeds of each county of this state having, or which may hereafter have, a population of not less than 200,000 and less than 275,000 inhabitants, shall be four thousand five hundred (\$4,500) dollars, per annum. ('11 c. 366 § 1)

As to salaries in counties having 300,000 inhabitants, see §§ 1028, 1029.

As to counties having over 150,000 and less than 200,000 inhabitants, see §§ 1047, 1048.

920. **Same—Deputies and other officers**—Such register of deeds shall appoint and employ one chief deputy who shall be paid a salary of two thousand dollars per annum, one second deputy who shall be paid a salary of twelve hundred dollars per annum, one chief comparer who shall be paid a salary of twelve hundred dollars per annum, one assistant comparer who

shall be paid a salary of one thousand dollars per annum, one indexer who shall be paid a salary of one thousand dollars per annum, and one general clerk who shall be paid a salary of one thousand dollars per annum. ('11 c. 366 § 2)

921. **Same—Additional clerks, etc.**—The board of county commissioners of each county of this state having, or which may hereafter have a population of not less than 200,000, and less than 275,000 inhabitants, shall authorize the register of deeds of such county to employ such additional clerks, deputies, or employees as may seem just and proper in the performance of the work in said office, and shall fix the compensation to be paid therefor. ('11 c. 366 § 3)

922. **Same—Payment of salaries**—The said salary and compensation 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 register of deeds, his deputies, assistants, clerks and employees, respectively in their official capacity. ('11 c. 366 § 4)

923. **Salary in certain counties**—In all counties containing a population of twenty-four thousand (24,000) inhabitants and over, where the salary of the register of deeds is arbitrarily fixed at one thousand (\$1,000.00) dollars, or less, by special law, such register of deeds shall hereafter receive in addition to said sum provided by special law, the sum of five hundred (\$500.00) dollars annually, payable in monthly installments. ('09 c. 77 § 1, amended '11 c. 27 § 1)

1911 c. 27 § 2, amends the title of 1909 c. 77.

SHERIFF

924. **Election—Term**—There shall be elected in each county a sheriff, who shall hold his office for two years, and until his successor qualifies. (546)

See § 810, making term four years.
16-518, 467; 109-18, 122+462.

925. **Bond and oath**—Every person elected or appointed to the office of sheriff, before entering upon his duties, shall give bond to the state in a sum not less than twenty-five thousand dollars in counties whose population exceeds one hundred and fifty thousand, and not less than five thousand dollars in all other counties, to be approved by the county board, conditioned that he will well and faithfully in all things perform and execute the duties of his office, without fraud, deceit, or oppression, which bond, with his oath of office, shall be filed for record with the register of deeds. (547)

17-451, 429; 55-318, 56+1065, 43 Am. St. Rep. 506.

926. **Failure to qualify**—If any person elected to the office of sheriff fails to give the bond and take the oath prescribed by law on or before January 10 next succeeding his election, it shall be deemed a refusal to serve. (548)

927. **Powers and duties**—The sheriff shall keep and preserve the peace of his county, for which purpose he may call to his aid such persons or power of his county as he deems necessary. He shall also pursue and apprehend all felons, execute all processes, writs, precepts, and orders issued or made by lawful authority and to him delivered, attend upon the terms of the district court, and perform all of the duties pertaining to his office. (549)

As to counties having 300,000 inhabitants, see § 1022.
14-487, 364; 16-490, 443; 25-432, 441; 35-365, 29+1.

928. **Shall give certificate, when**—Every sheriff, if required, shall give, without charge, to any person delivering process or papers to him for service or execution, a certificate, under his hand, specifying therein the names of the parties, the nature of the process or paper, and the day of such delivery. (550)

929. **Failure to pay over money**—If any sheriff or deputy shall fail to settle with and pay over to the county board, according to law, any money collected or received by him for the use of or belonging to the county, or shall fail to settle with and pay over to the person entitled thereto any

money he may have collected or received by virtue of any execution, process, judgment, order, or decree, or in any other way, by virtue of his office, such board or person may proceed against such sheriff or deputy in a summary manner before the district court, by an order to show cause why he should not pay over such money, and upon the hearing thereof the court may order such sheriff or deputy to pay to such board or person the amount found due, with twenty per cent thereon as damages for such failure, together with the costs of the proceedings; and, upon failure to comply with such order, such sheriff or deputy may be committed to jail as for a contempt. (551)

Applicable only where duty plain and neglect wilful (71-408, 74+156; 74-80, 76+1020; 97-529, 106+965; 111-414, 127+185). When money received "by virtue of his office" (53 346, 55+557). Applicable where sheriff delivers property to purchaser at execution sale without receiving purchase price (39-59, 38+704); where sheriff refuses to execute writ of execution (33-147, 22+622). Penalty of twenty per cent. discretionary with court. Order on hearing appealable (29-162, 12+452).

930. Neglect of duty—If any sheriff shall neglect to make due return of any writ or other process or paper delivered to him to be executed, or shall be guilty of any misconduct in relation to the execution thereof, he may be proceeded against by the party interested in the manner provided in § 929, and in addition to requiring the performance of the duty neglected, or the correction of the injury done, the court may impose upon such sheriff a fine, for the use of the county, not exceeding two hundred dollars; but nothing herein shall prevent the person injured from maintaining an action for damages against the sheriff, or upon his official bond. (552)

33-147, 22+622; 39-59, 38+704; 74-80, 76+1020; 111-414, 127+185.

931. Criminal process, when filed—On or before the last day of the term for which the same was issued, every sheriff or other officer or person who serves a subpoena or other process issued by the court in a criminal action shall file the same, with a statement of his fees indorsed thereon, with the clerk of such court. (553)

932. Not to buy at sheriff's sale—No sheriff shall become the purchaser, either directly or indirectly, of any property, real or personal, by him exposed to sale by virtue of any mortgage, judgment, execution, or other process; and all such purchases made by any sheriff, or any other person for him, shall be void. (554)

933. Powers after expiration of term—Every sheriff going out of office by expiration of his term may execute and return all writs, processes, and orders which shall then be in his hands, and which he shall have begun to execute by service, levy, or collection of money thereon: Provided, that if such sheriff dies, or from any cause is unable to act, the sheriff in office, upon the delivery to him of any such writ, process, or order, together with the return or memorandum of the action, if any, of such late sheriff under the same, shall complete the execution thereof in the same manner and with like effect as if the same had been originally delivered to him, and the return of such succeeding sheriff upon any such process or order, or his deed given in pursuance of the execution thereof, shall be prima facie evidence of the disability of the late sheriff to complete the execution of such process or give such deed. (555)

25-432, 440.

934. County jail—The sheriff shall have the charge and custody of the county jail, and shall receive and safely keep therein all persons lawfully committed thereto, and shall not release any person therefrom unless discharged by due course of law. (556)

935. May convey prisoners—The sheriff or other officer who legally arrests a person in any county may pass through any other county by him deemed necessary to convey such person to the place commanded by the process under which the arrest was made. (557)

936. Disabilities—No sheriff, deputy sheriff, or coroner shall appear or practice as an attorney, solicitor, or counselor in any court, or draw or fill up any process, pleading, or paper for any party in any action or proceed-

ing, nor, with intent to be employed in the collection of any demand or the service of any process, advise or counsel any person to commence an action or proceeding; nor shall any sheriff or deputy sheriff be eligible to any other lucrative civil office, except village or city marshal. Either of said officers, for a violation of any of the provisions of this section, shall forfeit not to exceed fifty dollars, to be recovered by the county in a civil action. (558)

937. Deputies—Every sheriff shall appoint, under his hand, a sufficient number of persons as deputy sheriffs, for whose acts he shall be responsible, and whom he may remove at pleasure. Before entering upon his official duties, the oath and appointment of each shall be filed with the register of deeds. (559)

As to counties having 300,000 inhabitants, see § 1023.

As to counties having over 150,000 and less than 200,000 inhabitants, see §§ 1042, 1043. 14-537, 408; 25-383.

938. Settlements with county board—The sheriff shall settle with and pay over to the county board at its regular sessions, and as often as required, all money collected or received by him for the use of, or belonging to, the county. (560)

939. Deputies attending court—The judge of the district court in each county, before the commencement of any general term, shall, by order issued to the sheriff, fix the number of deputies required during such term, and direct the sheriff to furnish the same. The sheriff shall file said order with the clerk. Each such deputy shall receive as compensation three dollars per day while attending such term of court. (561)

940. Compensation of jailers—The judge of the district court shall from time to time determine the compensation to be allowed for the services of a jailer in each county in his district, which compensation shall be paid monthly out of the county treasury upon the warrant of the auditor; such jailer to be appointed by the sheriff, subject to the approval of the judge. When prisoners are committed to the jail from a county other than that in which the jail is situated, such judge shall by order ratably apportion the amount to be paid by such county for jailer's fees. Upon the presentation of a certified copy of the order to the auditor of such county, he shall draw his warrant on the treasurer in favor of said jailer for the amount of such compensation. (562)

25-383, 386.

As to counties having 300,000 inhabitants, § 1023.

941. 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)

942. Same—Deputies, etc.—Salaries—Such sheriff shall appoint and employ the following deputies, assistants and employees: one chief deputy, who shall be paid a salary of two thousand dollars per annum; one book-keeper, who shall be a deputy sheriff, who shall be paid a salary of one thousand, five hundred dollars per annum; one assistant book-keeper, who shall be a deputy sheriff, who shall be paid a salary of nine hundred dollars per annum; one stenographer, who shall be paid a salary of nine hundred dollars per annum; six deputy sheriffs, who shall be known as out-side deputies, each of whom shall be required to pay his own traveling expenses within such county; two of said deputies shall be paid, each, a salary of one thousand, five hundred dollars per annum; one of said deputies shall be paid a salary of one thousand, three hundred dollars per annum, and it shall be the duty of such deputy in addition to such other duties, as may be assigned to him, to care for all insane persons in the custody of the sheriff, and to attend upon the sessions of the probate court in and for said county; three of said deputies, shall be paid, each, a salary of one thousand, two hundred dollars. ('09 c. 361 § 2, amended '13 c. 203 § 1)

943. **Same—Court room deputies, etc.—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 duties it shall be, in addition to such other duties as may be required of them as such deputies, to attend to the sessions of the said district court, also one additional deputy to be known as a municipal court deputy, whose duty it shall be in addition to such other duties as may be required of him as such deputy, to attend to the sessions of the said municipal court, and also one other 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 said district court, and the salary of each of the aforesaid deputies is hereby fixed at one thousand dollars per annum. ('09 c. 361 § 3, amended '13 c. 203 § 2)

944. **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 seven hundred and twenty dollars per annum; an assistant matron, whose salary is hereby fixed at six hundred dollars per annum; a chief jailer, whose salary is hereby fixed at one thousand, two hundred dollars per annum, and six assistant jailers, the salary of each of whom is hereby fixed at nine hundred dollars per annum, and the said chief jailer and each of his said assistants shall also be deputies. ('09 c. 361 § 4, amended '13 c. 203 § 3)

945. **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)

946. **Salary and expenses of sheriff in certain counties**—In each county less than twenty-five hundred (2500) square miles in area, now or hereafter having a population of less than thirty-five thousand (35,000) inhabitants, and in each county of this state having an area exceeding twenty-five hundred (2500) square miles and now or hereafter having a population of less than fifteen thousand (15,000) 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, amended '11 c. 143 § 1)

1909 c. 470 § 8 repeals inconsistent acts other than special laws. See 1907 c. 245.
See, also, §§ 953-963.

947. **Same—Classification of counties**—All such counties now or hereafter so having a population of less than ten thousand (10,000) inhabitants, and all such counties having an area exceeding twenty-five hundred (2500) square miles, and now or hereafter having a population of less than fifteen thousand (15,000) inhabitants, shall be known as counties of "class A"; those having ten thousand (10,000) or more, but less than fifteen thousand (15,000) shall be known as counties of "class B"; those having fifteen thousand (15,000) or more, but less than twenty thousand (20,000), shall be known as counties of "class C"; those having twenty thousand (20,000) or more, but less than twenty-five thousand (25,000), shall be known as counties

of "class D"; those having twenty-five thousand (25,000) or more, but less than thirty thousand (30,000), shall be known as counties of "class E"; those having thirty thousand (30,000) or more, but less than thirty-five thousand (35,000), shall be known as counties of "class F." ('09 c. 470, amended '11 c. 143 § 2)

948. 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 deputies for their respective counties, other than 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 or court, including a per diem for deputies and assistants necessarily required by the sheriff in the performance of such duties and services, shall be allowed and paid as therein provided, not to exceed ten cents per mile.

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 and if the sheriff uses his own team or automobile, he shall be allowed therefor the same amounts which would be charged him by any person for the use of such team or automobile under the same circumstances. ('09 c. 470 § 3, amended '13 c. 355 § 1)

949. 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)

950. Same—Jailors, etc.—Compensation—The salaries hereinbefore provided for are not to be held to include the salaries of jailers or matrons, or the pay of the deputies whose attendance is required at terms of court, or who accompany the sheriff and aid him in conveying insane persons to the probate court or the insane asylum to which they may be committed respectively, or in caring for such insane persons while in the custody of the probate court, nor the compensation allowed the sheriffs for the board and care of prisoners, as these various items are now or hereafter may be provided for by law, and whenever, because of any riot or industrial strike, or impending violation of law, 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, which order shall be communicated forthwith to the clerk of the district court of the county in which said sheriff resides and 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 depu-

ties in attendance upon the terms of that court are paid. ('09 c. 47 § 5, amended '13 c. 355 § 2)

951. 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)

952. 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)

953. Counties having less than 2,500 square miles and less than 45,000 inhabitants, and counties having more than 2,500 square miles and less than 15,000 inhabitants—Salary—In each county less than twenty-five hundred (2500) square miles in area, now or hereafter having a population of less than forty-five thousand (45,000) inhabitants, and in each county of this state having an area exceeding twenty-five hundred (2500) square miles and now or hereafter having a population of less than fifteen thousand (15,000) 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. ('13 c. 135 § 1)

Section 7 repeals inconsistent acts, etc. See §§ 946-952.

Section 8 provides that the act shall take effect January 1, 1915.

See, also, §§ 959-963.

954. Same—Classification of counties—All such counties now or hereafter so having a population of less than ten thousand (10,000) inhabitants, and all such counties having an area exceeding twenty-five hundred (2500) square miles, and now or hereafter having a population of less than fifteen thousand (15,000) inhabitants, shall be known as counties of "class A"; those having ten thousand (10,000) or more, but less than fifteen thousand (15,000) shall be known as counties of "class B"; those having fifteen thousand (15,000) or more, but less than twenty thousand (20,000) shall be known as counties of "class C"; those having twenty thousand (20,000) or more, but less than twenty-five thousand (25,000) shall be known as counties of "class D"; those having twenty-five thousand (25,000) or more but less than thirty thousand (30,000) shall be known as counties of "class E"; those having thirty thousand (30,000) or more but less than thirty-five thousand (35,000) shall be known as counties of "class F"; those having thirty-five thousand (35,000) or more but less than forty thousand (40,000) shall be known as counties of "class G"; those having forty thousand (40,000) or more but less than forty-five thousand (45,000) shall be known as counties of "class H." ('13 c. 135 § 2)

955. 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; sheriffs of the counties of "class F," \$1,300; sheriffs of the counties of "class G," \$1,400; and sheriffs of the counties of "class H," \$1,500; 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 delivery, signed by the person to whom paid. ('13 c. 135 § 3)

956. **Same—Increase of salary—Appeal**—Whenever it shall appear to the county board of any such county, upon a showing made by the 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. ('13 c. 135 § 4)

957. **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. ('13 c. 135 § 5)

958. **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 compensations shall be allowed them as is otherwise provided by law. ('13 c. 135 § 6)

959. **Counties having more than 2,500 square miles and more than 15,000 and less than 19,000 inhabitants—Salary**—In each county having an area of more than twenty-five hundred square miles, and now or hereafter having a population of more than fifteen thousand (15,000) and less than nineteen thousand (19,000) inhabitants according to the then next preceding state or federal census, the sheriff shall receive an annual salary of three thousand dollars (\$3,000.00). ('13 c. 390 § 1)

960. **Same—Duties**—The sheriff in any such county 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 and post all notices named by law to be served or posted in behalf of the state or 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 any other county officer. ('13 c. 390 § 2)

961. **Same—Deputies, jailors, etc.—Salaries**—The sheriff in any such county shall appoint and employ a chief deputy, and one additional deputy who shall each be paid the sum of twelve hundred dollars (\$1,200.00) per annum; one jailer who shall be paid six hundred dollars (\$600.00) per annum; one additional deputy during such times as the district court is in session in his county and such other and additional deputies, bailiffs or court officers as may from time to time be required, ordered or authorized by a judge of said district court or by the county commissioners of said county, each such additional deputy, bailiff or court officers to receive a salary at the rate of one hundred dollars (\$100.00) per month. The salaries of all such deputies, jailors, bailiffs and court officers shall be paid by the county. ('13 c. 390 § 3)

962. **Same—Salaries, how paid, etc.—Certain expenses**—The salaries aforesaid shall be paid monthly in the same manner as other county officials are now paid, and the same shall be in full compensation for all services rendered by said officers except as hereinafter provided; provided that said

sheriff shall be allowed the expenses necessarily incurred by him or any of his said deputies in the performance of their official duties 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 and transportation of criminals and other persons to state institutions, and other charges and expenses incidental thereto shall be allowed and paid as by law in such cases 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 for whom paid; provided, further, that nothing in this act contained shall be construed to prevent such sheriff from collecting all fees, mileage and other expenses or charges provided for or authorized by law and not herein otherwise specifically mentioned, from the state or any department thereof or any other person or corporation, other than his county, and said sheriff shall on the first Monday of each month file with the county auditor of his said county a correct statement of all such fees, mileage, expenses and other charges received by him, and turn all moneys received into the county treasury. ('13 c. 390 § 4)

963. **Same—Application of other provisions—**Nothing herein contained shall be construed to repeal, amend or modify the provisions of chapter 257 of the Laws of 1907 [9339], with reference to matrons, night watchmen and assistant jailers, nor the provisions of chapter 192, Laws of 1909 [9344], with reference to boarding of prisoners. ('13 c. 390 § 5)

COUNTY ATTORNEY

964. **Term—Bond—**There shall be elected in each county a county attorney, whose term of office shall be two years and until his successor qualifies. Before entering upon his duties, he shall give bond to the county in the penal sum of one thousand dollars, to be approved by the county board, conditioned that he will faithfully and impartially discharge the duties of his office, and pay over without delay to the county treasurer all moneys which come into his hands by virtue thereof, which bond and his oath shall be filed for record with the register of deeds, and when so recorded shall be forwarded by the register to the secretary of state. (563)

See § 810 making term four years.

45-309, 47+802, 11 L. R. A. 272n, 22 Am. St. Rep. 729.

965. **Justice ineligible—**No person who holds the office of justice of the peace shall be eligible to the office of county attorney, and no person shall hold both of said offices at the same time. (564)

966. **Duties—**The county attorney shall appear for the county in all cases in which it is a party, give opinions and advice upon request to the county board or any county officer upon all matters in which the county is or may be interested, or in relation to the official duties of such board or officer; attend upon all terms of the district court for such county, and upon all other courts having criminal jurisdiction for the preliminary examination of persons charged with crime, when such court shall request his attendance and furnish him a copy of the complaint; attend before the grand jury upon their special request, give them legal advice, and examine witnesses in their presence, and issue subpoenas to bring witnesses before such jury or any magistrate before whom he is conducting an examination; and at the request of the coroner he shall attend any inquest. He shall draw all indictments and presentments found by the grand jury, and prosecute the same to a final determination in the district court, and, whenever requested by the attorney general, shall appear for the state in any case instituted by such attorney general in his county, or before the United States land office in case of application to pre-empt or locate any public lands claimed by the state, and assist in the preparation and trial. (565)

To appear in all cases where the county is a party (16-381, 340; 23-299). To attend at preliminary examination of offenders (16-408, 365). To advise county officers (24-150).

967. **Register of criminal actions—**Every county attorney shall keep a register, to be known as the "Register of Criminal Actions," in which he

shall enter the title of all criminal actions prosecuted by him, or reported to him by any justice of the peace, including preliminary examinations, immediately upon the conclusion of such trial or examination, or receipt of such report if the action is in justice court, and within ten days after the adjournment of the term if in district court, giving the date when the prosecution was begun, the date of finding an indictment or of filing an appeal in the district court, the nature of the accusation, and result of such examination or prosecution; if convicted, the nature and extent of the punishment inflicted, and whether the defendant was under the influence of intoxicating liquor when the crime was committed. Also the amount of costs taxed and fines imposed and the amount paid in each case. (566)

968. Transcript to attorney general—On or before January 10 in each year, the county attorney shall transmit to the attorney general a transcript of such register, certified by him for the preceding calendar year, which the attorney general shall file, and forthwith receipt for. Upon the delivery of such receipt to the county auditor, and not otherwise, he shall issue to such county attorney a warrant for his salary for the preceding month. (567)

969. Not to receive fees—Prohibitions—No county attorney or assistant county attorney shall receive or accept any fee or reward from, or which is paid or given on behalf of any one for services rendered or to be rendered in the prosecution or conduct of any official duty or business. And no person as an attorney, who directly or indirectly advises in relation to, or aids or promotes the defence of, any action or proceeding in any court or prosecution which is carried on by a person as county attorney, with whom such attorney is directly or indirectly connected, or who, having himself prosecuted any action or proceeding as county attorney, shall afterwards advise in relation to or take any part in the defense thereof; nor shall any attorney be allowed to prosecute or assist such county attorney or assistant in any criminal prosecution or other official action where such attorney is interested in any other action or matter pending or to be commenced in which a recovery depends upon the matter involved in such prosecution or other official action. Any person offending against any provision of this section shall be guilty of a misdemeanor. (568)

970. Other attorney, when—When there is no county attorney, the county board may employ any competent attorney to perform such legal services for the county as may be necessary. Such board may also employ an attorney other than the county attorney either to assist him, or to appear for the county or any officer thereof, in any action to which such county or officer in his official capacity is a party, or to advise the board or its members in relation thereto, or in relation to any other matter affecting the interests of the county, and may pay such attorney out of the funds of the county. (569)

83-293, 86+102; 83-512, 86+775.

971. Law partner not to defend—No law partner of the county attorney, or attorney having his office with him, shall appear for the defendant in any criminal action which it is the duty of the county attorney to prosecute. (570)

972. Attorney to assist—The judge of any district court may, by order entered in the minutes at any term of court, appoint an attorney of such court to act as, or in the place of, or to assist the county attorney at such term, either before the court or grand jury. The person so appointed shall take the oath required by law of county attorneys, and thereupon may perform all his duties at such term of court, but shall receive no compensation, where the county attorney is present at such term, except by his consent, and to be paid from his salary. (571)

47-219, 49+690; 69-508, 72+799, 975; 83-293, 86+102; 90-348, 97+101.

973. Render account—Pay over moneys—On or before January 1 in each year the county attorney shall file in the office of the county auditor a verified account of all moneys received by him during the preceding year by virtue of his office, specifying therein the name of the person from whom received, the amount paid by each and on what account, and, unless previously paid, shall at the same time pay over such moneys to the county treasurer, and

take duplicate receipts therefor, one of which he shall file with the county auditor. If he shall refuse or neglect to account for and pay over any moneys so received, the auditor shall cause an action to be instituted upon his bond to recover the same, and damages for failure to account. (572)

974. Compensation in certain counties—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; and not less than one 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 or more 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. The provision of this act shall not apply to counties having more than seventy-five thousand inhabitants. (R. L. § 573, amended '09 c. 313; '11 c. 214 § 1)

As to counties having 300,000 inhabitants, see §§ 1026, 1027.

As to counties having over 150,000 and less than 200,000 inhabitants, see §§ 1044-1046.

As to certain other counties, see §§ 976-978.

34-554, 27+65; 47-219, 49+690; 90-348, 351, 97+101.

975. 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, conducting 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, amended '09 c. 233 § 1)

1909 c. 233 § 2, repeals inconsistent acts, etc. R. L. § 574 [975], was amended by 1907 c. 339.

976. Counties having not less than 200,000 and less than 275,000 inhabitants—Salary—The salary of the county attorney of each county of this state having, or which may hereafter have, a population of not less than 200,000 and less than 275,000 inhabitants, shall be five thousand dollars, per annum. ('11 c. 88 § 1)

Section 3 repeals inconsistent acts, etc.

977. Same—Assistants, etc.—Salaries—Such county attorney shall appoint and employ one assistant known as first assistant county attorney, who shall be paid a salary of three thousand dollars per annum, one assistant, known as second assistant county attorney, who shall be paid a salary of twenty-two hundred dollars per annum, one assistant known as third assistant county attorney, who shall be paid a salary of eighteen hundred dollars per annum, and one stenographer, who shall be paid a salary of seven hundred and twenty dollars, per annum. ('11 c. 88 § 2)

978. Attorney in certain counties—Additional duties and compensation—In all counties of this state, containing a population of twenty-four thousand inhabitants and over, where the salary of the county attorney is arbitrarily fixed at seven hundred dollars (\$700.00) or less by special law, such county attorneys shall, in addition to the duties now prescribed by law, be required to attend the trial of misdemeanors before justices of the peace of their respective counties, when requested by the justice before whom such action is pending so to do, and furnished with copy of complaint, and shall receive and be paid for his services as such county attorney the sum of five hundred

dollars (\$500.00) per annum in addition to such sum fixed by such special law, payable in monthly installments as now provided by law. ('11 c. 110 § 1)

COUNTY SURVEYOR

979. **Term—Bond**—There shall be elected in each county a surveyor, who shall hold his office for two years and until his successor qualifies. Before entering upon his duties, he shall give bond to the county, approved by the county board, in the sum of five hundred dollars, conditioned for the faithful discharge of his duties, which bond, with his oath, shall be filed for record with the register of deeds. (575)

See § 810, making the term four years.

980. **Deputies—Surveys, records, etc.**—The county surveyor may appoint such deputies as he thinks proper, for the faithful and correct performance of whose duties he shall be responsible. He shall make all surveys within his county ordered by any court, public board, or officer, or required by any person. He shall keep a fair and correct record of each survey made by himself or deputy, in a book to be provided by the county board, which he shall turn over to his successor in office. He shall number such surveys progressively, and preserve a copy of the field notes, which shall be complete and accurate, and calculations of each such survey, with the number thereof properly indorsed thereon, a copy of which, with a fair and accurate plat, together with a certificate of survey, shall be furnished by such surveyor to any person requesting the same. (576)

As to counties having 300,000 inhabitants, see § 1033.
62-388, 64-922; 65-384, 67+1005.

981. **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, amended '09 c. 303 § 1)

As to counties having over 150,000 and not over 200,000 inhabitants, see § 985.

As to counties having over 300,000 inhabitants, see §§ 1032, 1033.
71-517, 74+280; 84-295, 87+775.

982. **Rules for surveys**—In all surveys the courses shall be expressed according to the true meridian, and the variation of the magnetic meridian from the true meridian shall be expressed on the plat, with the year, month, and day of the survey. In subdividing townships, sections, or parts of sections, as established by the United States survey thereof, and in re-establishing lost government corners, the county surveyor shall follow the rules established by or pursuant to acts of congress, and all such surveys shall be made in strict conformity to the original survey made by the United States. (578)

45-93, 47+461; 52-537, 54+740; 65-384, 67+1005; 72-443; 75+699; 76-496, 500, 79+537, 602; 95-246, 104+4, 6; 111-464, 125+275.

983. **Plats, etc.**—To enable surveyors to conform to the requirements of this chapter, county boards shall procure and file with the registers of deeds

of their respective counties certified copies of the original plats and field notes of the United States surveys. (579)

984. Lost posts—When a section or quarter section post originally fixed by the United States survey is destroyed, the surveyor shall fix a new post in accordance with the field notes of the United States surveyor, with similar marks to those placed on like posts by such surveyor. (580)

72-443, 75+699; 78-515, 81+524.

985. Surveyors 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. ('03 c. 53 § 1, amended '05 c. 282 § 1)

1903 c. 53, was repealed by § 9456; its provisions in part being incorporated in R. L. § 581, applicable to counties having over 150,000 inhabitants, which is superseded.

As to counties having 200,000 and not over 300,000 inhabitants, see §§ 986-988.

As to counties having 300,000 inhabitants, see §§ 1032, 1033.

986. Surveyors in counties having 200,000 and not over 300,000 inhabitants—Salary—That the compensation of county surveyors in all counties of this state having according to the then last completed state or national census a population of not less than two hundred thousand inhabitants and not more than three hundred thousand inhabitants is hereby fixed at the sum of thirty-six hundred dollars per annum, which shall be paid in equal monthly installments out of the county treasury of such counties upon warrants of the county auditor, 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. ('13 c. 193 § 1)

Section 4 repeals inconsistent acts and parts of acts.

As to counties having 300,000 inhabitants or over, see §§ 1032, 1033.

987. Same—Deputies, etc.—Compensation—The county surveyor shall appoint and employ two deputies who shall be paid the sum of sixteen 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 pay his own traveling expenses within said county while in the performance of his official duties assigned to him as such. Also one clerk who shall be paid the sum of one thousand dollars per annum, two rodmen who shall be paid the sum of two dollars and fifty cents per day for each and every day while actually employed, and two chainmen at the rate of two dollars per day for each and every day while actually employed. All of the above salaries and compensation shall be paid in equal monthly installments out of the county treasury upon warrants of the county auditor. ('13 c. 193 § 2)

988. Same—Increase or decrease of population—Whenever according to the then last state or national census the population of any county of this state which now has a population of less than two hundred thousand inhabitants shall acquire not less than that number 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 three hundred thousand, inhabitants or fall under 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. ('13 c. 193 § 3)

CORONER

989. Election—Term—A coroner shall be elected in each county, who shall hold his office for the term of two years and until his successor qualifies. (582)

See § 810, making term four years.

990. **Bond**—Before entering upon the duties of his office, the coroner shall give bond to the county in such penal sum, not less than five hundred dollars nor more than ten thousand dollars, as the county board directs and approves, with the same conditions, in substance, as in the bond required by law to be given by the sheriff, except as to the description of the office, which bond, with his oath of office, shall be filed for record with the register of deeds. (583)

991. **Shall act as sheriff, when**—When there is a vacancy in the office of sheriff, the coroner shall exercise the powers and duties of said office until a sheriff is elected or appointed and qualifies; and, when the sheriff is for any cause committed to the jail of his county, the coroner shall be the keeper thereof while the sheriff remains imprisoned. (584)

992. **Subject to same liability**—Whenever the coroner administers the office of sheriff, he shall perform all the duties and be subject to all the liabilities and penalties imposed by law upon a sheriff duly qualified. (585)

993. **Sheriff a party—Coroner to act**—When the sheriff is a party to an action, or when any party, his agent or attorney, makes and files with the clerk of the district court an affidavit stating that he believes the sheriff, by reason either of partiality, prejudice, consanguinity, or interest, will not faithfully perform his duties in any action commenced or about to be commenced, the clerk shall direct all process in such action to the coroner, who shall thereafter perform all the duties of the sheriff relative to such action, and in the same manner as prescribed for a sheriff in the performance of similar duties. (586)

994. **Inquest**—Coroners shall hold inquests upon the dead bodies of such persons only as are supposed to have come to their death by violence, and not when the death is believed to have been and was evidently occasioned by casualty. Before any inquest is held, the coroner shall notify the county attorney to appear and conduct the examination of witnesses at such inquest. (587)

995. **Jury—Warrant**—As soon as the coroner has notice of the finding within his county of the dead body of any person supposed to have come to his death by violence, he shall make his warrant to the constable of the election district where such body is, or the adjoining election district of the same county, requiring such constable forthwith to summon six good and lawful men of said county to appear before such coroner at the time and place specified in such warrant. The warrant may be, in substance, as follows:

State of Minnesota, }
County of } ss.

The State of Minnesota to any constable of the county of
Greeting:

You are hereby commanded immediately to summon six good and lawful men of the county of to appear before me, the coroner of said county, at (state place and time), then and there to inquire upon view of the body of, there lying dead, how and by what means he came to his death. Hereof fail not.

Given under my hand the day of, 19....

.....
Coroner.
(588)

996. **Constable to execute**—Such constable shall forthwith repair to the place where the dead body is, and make return of the warrant and of his doings thereunder, under his hand, to the coroner. And any constable who unnecessarily neglects or fails to execute and return such warrant shall forfeit the sum of five dollars, and, if any person summoned as a juror fails to appear without a reasonable excuse therefor, he shall forfeit a like sum, each of which forfeitures may be recovered by civil action to be brought by the coroner before any justice of the peace of the county, and to its use. (589)

997. **Oath—Failure to appear**—When the jurors appear, the coroner shall call their names, and then, in view of the dead body, administer to them

the following oath: "You do swear that you will diligently inquire, and due presentment make, on behalf of the state of Minnesota, when, how, and by what means the person whose body lies before you did come to his death, and return a true inquest thereof, according to your knowledge and such evidence as shall be laid before you: So help you God." If any of the jurors fail to appear, the coroner may require the constable or any other person whom he shall appoint to return other jurors, until a jury is obtained. (590)

998. **Witnesses—Fees**—The coroner may issue subpoenas for witnesses, returnable forthwith or at such time and place as he shall direct. The persons served with such subpoenas shall be allowed the same fees, their attendance be enforced in the same manner by the coroner, and they shall be subject to the same penalties as if they had been served with a subpoena in behalf of the state in a criminal case before a justice of the peace. (591)

999. **Oath of witnesses**—The following oath shall be administered to the witnesses by the coroner, viz.: "You do solemnly swear that the evidence you shall give to this inquest concerning the death of the person lying before you dead shall be the whole truth and nothing but the truth: So help you God." (592)

1000. **Testimony filed—Certificate—Fees**—The testimony of all witnesses examined before the coroner's jury shall be reduced to writing by the coroner, or under his direction, and be subscribed by the witnesses respectively. And the coroner shall forthwith file such testimony, together with a record of all proceedings had before him, in the office of the clerk of the district court of the county. And in all cases brought to the attention of the coroner wherein he does not deem it necessary to hold an inquest, he shall file with such clerk a certificate setting forth the facts in relation thereto. For the taking of such testimony the coroner shall be allowed ten cents a folio, and twenty-five cents for such certificate. And the clerk of said court shall forthwith duly file, index, and enter such case or proceeding in a book to be kept for that purpose, in the same manner as civil actions are now entered, and shall receive from the treasury of his county the same fees as are allowed by law for like services in civil actions. (593)

1001. **Inquisition—Form**—The jury, upon inspection of the dead body, and after hearing the testimony and making the needful inquiries, shall draw up and deliver to the coroner the inquisition, under their hands, in which they shall find and certify when, how, and by what means the deceased person came to his death, and his name, if it was known, together with all the material circumstances attending his death; and, if it appears that his death was caused by criminal violence, the jurors shall further state who were guilty, either as principals or accessories, if known, or were in any manner the cause of his death, which inquisition may be, in substance, as follows:

State of Minnesota, }
 County of } ss.

An inquisition, taken at, in the county of, on the day of 19.., before, coroner of said county of, upon view of the body of (or a person) lying there dead, by the oaths of the jurors whose names are hereunto subscribed, who, being sworn to inquire on behalf of the state of Minnesota, when, how, and by what means the said (or person) came to his death, upon their oaths do say (insert when, how, and by what person, means, weapon, or instrument he was killed).

In testimony whereof, the said coroner and jurors of this inquest have hereunto set their hands the day and year aforesaid. (594)

1002. **Witness bound over—Return**—If the jury find that any murder, manslaughter, or assault has been committed, the coroner shall bind over, by recognizance, such witnesses as he shall think proper, to appear and testify at the next term of the district court at which indictment for such offense can be found. He shall also return to the same court the inquisition, written evidence, and all recognizances and examinations by him taken, and may com-

mit to the jail of the county any witnesses who refuse to recognize in such manner as he shall direct. (595)

1003. Person charged arrested—If any person charged by the inquest with having committed such offense is not in custody, the coroner shall have the same power as a justice of the peace to issue process for his apprehension; and such warrant shall be made returnable before any justice of the peace or other magistrate or court having jurisdiction in the case, who shall proceed therein in the same manner as in other like cases. (596)

1004. Burial—When any coroner holds an inquest upon view of the dead body of any person unknown, or, being called for that purpose, shall not think it necessary, on view of such body, that any inquest be held, he shall cause the body to be decently buried; and all expenses of the inquisition and burial shall be paid by the county in which such dead body is found. (597)

1005. Deputies—Every coroner shall appoint one or more deputies, who, in the absence or inability of the coroner to act, shall have the same powers and be subject to the same liabilities as coroners. Each deputy shall be appointed in writing, and, before entering upon the duties of his office, shall give the bond required by law of the coroner, which bond, with his oath and appointment, shall be filed for record with the register of deeds. Each deputy shall act in his own name as deputy coroner, and hold his office during the pleasure of the coroner. (598)

As to counties having 200,000 and less than 300,000 inhabitants, see §§ 1006-1008.

As to counties having 300,000 inhabitants, see § 1038.

1006. Counties having 200,000 and less than 300,000 inhabitants—Term—How chosen—A coroner shall be elected in all counties in the state of Minnesota now or hereafter having a population of two hundred thousand (200,000) and less than three hundred thousand (300,000) inhabitants, who shall hold his office for the term of two years and until his successor is elected or appointed and qualifies, whose term shall commence on the first Monday in January, 1915, except that the term of the coroner in office when this act shall take effect shall terminate on the day next preceding the first Monday in January, 1915, and all such coroners shall be chosen and their names placed upon the non-partisan ballot in like manner and in the same way as judges of the district court are now selected, and all provisions of law now in force relating to the selection of judges of the district court, both in the primary and general election, shall apply to the office of coroner, so far as the same may be applicable. If, in any primary election contest, it shall appear that any candidate for coroner is without opposition, the proper person or board having supervision of making up the primary election ballots, shall omit the name of such candidate from the primary election ballot, and the same shall be placed in due form upon the regular election ballot. ('13 c. 446 § 1)

Section 4 repeals all inconsistent acts and parts of acts.

See § 810 making term of coroner four years.

As to counties having 300,000 inhabitants, see §§ 1038, 1039.

1007. Same—Qualifications—Salary—Such coroner shall be a duly licensed and practicing physician of the state of Minnesota, and his salary is hereby fixed at four thousand dollars (\$4,000.00) per annum, which sum shall be paid out of the county treasury. ('13 c. 446 § 2)

1008. Same—Deputies, etc.—Salaries—The coroner of all such counties shall appoint a chief deputy coroner, and such other deputy coroners as he may deem necessary, a secretary, a morgue-keeper, and an assistant morgue-keeper. The compensation of the chief deputy coroner is hereby fixed at twelve hundred dollars (\$1200.00) per annum, and that of the secretary at nine hundred dollars (\$900.00) per annum. The salary of the morgue-keeper is hereby fixed at the sum of twelve hundred dollars, (\$1200.00) per annum, and that of the assistant morgue-keeper at seven hundred and eighty dollars (\$780.00) per annum; and all salaries and compensation herein mentioned shall be payable in monthly installments out of the county treasury. ('13 c. 446 § 3)

SUPERINTENDENT OF SCHOOLS

1009. Election—Term—A county superintendent of schools shall be elected in each county, who shall hold his office for two years and until his successor qualifies. (599)

See § 810, making term four years.

Women eligible (33-345, 23+529).

105-399, 117+615.

1010. Salary—Certain counties excepted—Salaries of county superintendents, except as hereafter provided shall be fixed by the county board, and shall not be less than a sum equal to fifteen dollars (\$15) or twelve dollars and fifty cents (\$12.50) as herein provided for each organized public school in the county, to be reckoned pro-rata for the year from the time when a new school, organized in any district, begins. It shall be fixed at not less than fifteen dollars (\$15) for each public school in the county, until the salary, reckoned on that basis, reaches one thousand dollars (\$1,000), and in counties where the salary, reckoned at fifteen dollars (\$15) per school, shall exceed one thousand dollars (\$1,000) it shall be reckoned on the basis of not less than twelve dollars and fifty cents (\$12.50) for each public school in the county, until the salary reaches two thousand dollars (\$2,000) but in no county shall the salary, reckoned on the basis of twelve dollars and fifty cents (\$12.50) for each school, be less than one thousand dollars (\$1,000). Provided, that when one or more school districts are hereafter discontinued in any county as a result of consolidation, the salary shall be reckoned on the basis of the number of schools before such consolidation was made. In any county, except as otherwise provided in this act, the salary of the county superintendent may be fixed by the county board at such sum higher than two thousand dollars (\$2,000) as the county board shall determine.

The provisions of this section shall apply to all counties in this state excepting (1) those having a population of one hundred and fifty thousand or more, in which the salary of the county superintendent and the appointment and salary of his assistant shall remain as now fixed by law referring to such counties, and (2) other counties where the salary of county superintendent is now fixed by special law in which last-named counties the salary of the county superintendent shall be as fixed by such special law, but all other provisions of this act shall apply to such last-named counties.

The term school as used in this act shall be understood to mean a school building in which a public school is held. ('11 c. 216 § 1)

As to counties having over 150,000 and less than 200,000 inhabitants, see §§ 1051, 1052.

1011. Same—Certain expenses—The county board of each county shall pay itemized and verified bills for postage used in official correspondence and in forwarding official documents, express, telegraph and telephone charges in official business, necessary bills for printing notices, circulars, lists of questions, annual and term reports required in the proper grading of schools, or such reports and classification records as may be required by the state superintendent, together with necessary stationery in the examination of teachers and pupils and for official correspondence; also the local expenses in connection with teachers' institutes and training schools and for conducting teachers' examinations. ('11 c. 216 § 2)

1012. Same—Assistants—Salaries—Qualifications—In counties containing not less than seventy-five nor more than one hundred and twenty-four schools, the county superintendent is authorized to appoint an assistant superintendent, to be paid by the county at the rate of three dollars a day and necessary traveling expenses for each day of actual service, such service to be limited to forty days in each year and one day additional for each school above seventy-five and up to one hundred and twenty-four schools. In counties having one hundred and twenty-five schools, but less than two hundred and forty, the county superintendent shall appoint one assistant, and in counties having two hundred and forty schools or more, he shall appoint two assistants, and the assistant or assistants shall give their entire time to their duties as such assistant superintendents and shall serve during the pleasure

of the superintendent. The salaries of assistants appointed to serve for full time shall be fixed by the county board at not less than six hundred dollars (\$600) nor more than fifteen hundred dollars (\$1,500) per annum. Assistants so appointed to serve for full time shall have had at least eighteen months experience in public schools, and be the holder of teachers' certificates equivalent to diplomas from a Minnesota normal school, except that in counties having two assistants it shall be sufficient if one of them possesses the teaching experience and the certificate herein referred to. Any assistant, at the time of his appointment, may or may not be a resident of the county for which he is appointed. In each case the assistant county superintendent shall assist the superintendent in the performance of his general duties, as directed, and report to him. ('11 c. 216 § 3)

1013. Same—Repeal—Sections 600 and 1387, Revised Laws of 1905, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. ('11 c. 216 § 4)

1014. Delivery of records, etc.—Every county superintendent on retiring from office shall deliver to the auditor of his county, for his successor, the records of his office, a list of the clerks of all school districts of the county, with their postoffice addresses, and of all persons under contract to teach in the common schools, together with all blanks, registers, copies of laws, and other state or county property in his possession; and no auditor shall make full payment of salary to any such county superintendent until he has complied with the requirements of this section. (601)

32-476, 478, 21+554.

1015. 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)

Section 2 repeals inconsistent acts, etc

1016. 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)

Section 2 repeals inconsistent acts, general or special. See §§ 1017, 1019.

1017. 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)

As to traveling expenses, see § 1016.

1018. 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)

1019. 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 dol-

ars 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)

By section 3 it is enacted that nothing in the act shall be construed to repeal 1903 c. 200 (providing for traveling expenses and team in certain counties), or 1903 c. 398 (providing for traveling expenses in certain counties). Both said chapters were repealed by § 9456.

See § 9398.

As to traveling expenses, see § 1016.

1020. Same—Teachers' institutes—The county superintendent may hold county institutes for teachers in different parts of the county not to exceed two (2) days for each such institute in any one (1) year; or he may hold one annual institute not to exceed five days, and require the attendance of all persons teaching in the county schools except those in high or graded schools at any of such institutes. Teachers who have been in regular attendance during the entire time of such institute designated by the county superintendent shall receive from him a certificate of attendance which shall entitle such teacher to full pay for the time her school has been closed on account of attendance at such institute, and the county commissioners shall allow bills for personal expenses for the county superintendent in holding institutes not to exceed the sum of fifty (\$50.00) dollars in any one (1) year. ('05 c. 182 § 2, amended '13 c. 365 § 1)

OFFICERS IN COUNTIES HAVING 300,000 INHABITANTS

1021. Sheriff—Salary—The salary of the sheriff of each county of this state having, or which may hereafter have a population of three hundred thousand (300,000) inhabitants or over, shall be forty-five hundred dollars per annum. ('13 c. 440 § 1)

Historical—"An act fixing and regulating the salaries, compensation, duties, and help of certain county officials in counties having or which may hereafter have, a population of three hundred thousand (300,000) inhabitants or over, and repealing all acts or parts of acts inconsistent herewith."

Section 21 repeals all inconsistent acts, etc.

1907 c. 372, "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," is not included in this compilation, the only county to which that act applied having come under 1913 c. 440.

1022. 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. ('13 c. 440 § 2)

1023. Same—Deputies and employés—Duties—Salaries, etc.—The sheriff shall appoint and employ one chief deputy, who shall be paid the sum of two thousand dollars (\$2,000.00) per annum; one bookkeeper, who shall be paid fifteen hundred dollars (\$1,500.00) per annum; one stenographer, who shall also act as deputy sheriff and shall be paid ten hundred and twenty dollars (\$1,020.00) per annum; one deputy for tax collections, who shall be paid twelve hundred dollars (\$1,200.00) per annum; two outside deputies, who shall each be paid eighteen hundred dollars (\$1,800.00) per annum, and each of whom shall pay his own traveling expenses within said county, except conveyance or livery hire, while in the performance of his official duties assigned to him as such; one deputy for the care of the insane, who shall be paid thirteen hundred dollars (\$1,300.00) per annum; one outside deputy to attend to the service of criminal and other process, who shall be paid thirteen hundred dollars (\$1,300.00) per annum; one jailor, who shall be paid twelve hundred dollars (\$1,200.00) per annum; one assistant jailor, who shall be paid one thousand dollars (\$1,000.00) per annum; one matron, who shall be paid six

hundred dollars (\$600.00) per annum; two night watchmen, who shall each be paid nine hundred dollars (\$900.00) per annum; one cook, who shall be paid eight hundred forty dollars (\$840.00) per annum; one deputy in charge of juries, and such other duties as the sheriff may from time to time designate, one of whom shall be paid twelve hundred dollars (\$1,200.00) per annum, and the others shall each be paid ten hundred and twenty dollars (\$1,020.00) per annum; six general deputies, who shall each be paid ten hundred and twenty dollars (\$1,020.00) per annum; two outside patrol deputies, who shall each be paid one hundred dollars (\$100.00) per month, while engaged in outside patrol work, and eighty-five dollars (\$85.00) per month, when doing such other work as may be prescribed by the sheriff, and 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 to the court of said judges and perform such duties pertaining to the sheriff's office as the sheriff may require and the compensation of each of said deputies shall be ten hundred and twenty dollars (\$1,020.00) per annum.

That an expense fund of one thousand dollars (\$1,000) be set aside out of the first one thousand dollars (\$1,000.00) 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. ('13 c. 440 § 3)

1024. Auditor—Salary—The salary of the auditor of each county of this state having, or which may hereafter have, a population of three hundred thousand (300,000) inhabitants or over, shall be paid forty-five hundred dollars (\$4,500.00) per annum. ('13 c. 440 § 4)

1025. Same—Deputies, clerks, etc.—Salaries—The auditor shall appoint and employ one chief deputy, who shall be paid the sum of twenty-two hundred dollars (\$2,200.00) per annum; one deputy, who shall act as commissioner's clerk, who shall be paid the sum of two thousand dollars (\$2,000.00) per annum; one chief clerk and draftsman, who shall be paid fourteen hundred dollars (\$1,400.00) 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 who shall act as bookkeeper, who shall be paid fifteen hundred dollars (\$1,500.00) per annum; one assistant bookkeeper, who shall be paid twelve hundred dollars (\$1,200.00) per annum; one assistant draftsman, who shall be paid twelve hundred dollars (\$1,200.00) per annum; one deputy and settlement clerk, who shall be paid seventeen hundred dollars (\$1,700.00) per annum; two assistant deputy settlement clerks who shall each be paid twelve hundred dollars (\$1,200.00) per annum; one stenographer, who shall be paid nine hundred and sixty dollars (\$960.00) per annum; one head counter deputy, who shall be paid fifteen hundred dollars (\$1,500.00) per annum; three counter deputies, who shall each be paid thirteen hundred dollars (\$1,300.00) per annum; and ten general clerks who shall each be paid eleven hundred dollars (\$1,100.00) per annum. ('13 c. 440 § 5)

1026. Attorney—Salary—The salary of the county attorney of each county of this state having, or which may hereafter have, a population of three hundred thousand (300,000) inhabitants or over, shall be paid five thousand dollars (\$5,000.00) per annum. ('13 c. 440 § 6)

1027. Same—Assistants, etc.—Salaries—The county attorney shall appoint and employ one assistant known as first assistant county attorney, who shall be paid twenty-eight hundred dollars (\$2800.00) per annum; one assistant known as second assistant and attorney for county commissioners, who shall receive a salary of twenty-four hundred dollars (\$2400.00) per annum; one assistant, known as third assistant, who shall receive a salary of nineteen hundred dollars (\$1900.00) per annum; one assistant known as fourth assistant, who shall be paid the sum of sixteen hundred dollars (\$1600.00) per annum; one special assistant, who shall be paid the sum of twenty-four hundred dollars (\$2400.00) per annum; one special assistant, who shall be paid eighteen hundred dollars (\$1800.00) per annum; and one stenographer, who shall be paid twelve hundred dollars (\$1200.00) per annum. ('13 c. 440 § 7)

1028. **Register of deeds—Registrar of titles—Salary**—The salary of the register of deeds of each county of this state having, or which may hereafter have a population of three hundred thousand (300,000) inhabitants or over, shall be paid four thousand dollars (\$4,000.00) per annum; and during the time the register of deeds shall also act as registrar of titles, he shall receive in addition thereto the sum of five hundred dollars (\$500.00) per annum. ('13 c. 440 § 8)

1029. **Same—Deputies and clerks—Salaries**—The register of deeds shall appoint and employ one chief deputy, who shall be paid two thousand dollars (\$2000.00) per annum; one second deputy, who shall be paid thirteen hundred dollars (\$1300.00) per annum; one indexer, who shall be paid eleven hundred dollars (\$1100.00) per annum; two general clerks, who shall each be paid eleven hundred dollars (\$1100.00) per annum; one vault clerk, who shall be paid twelve hundred dollars (\$1200.00) per annum; one chief comparer, who shall be paid thirteen hundred dollars (\$1300.00) per annum; one chief comparer who shall be paid one thousand dollars (\$1000.00) per annum; four comparers, who shall each be paid seventy dollars (\$70.00) per month; four typewriters who shall each be paid sixty-five dollars (\$65.00) per month; eight pen copyists, who shall each be paid sixty dollars (\$60.00) per month; one stenographer, who shall be paid seven hundred and twenty dollars (\$720.00) per annum; and during the time that the register of deeds performs all of the duties required by law as registrar of titles, he shall appoint and employ one deputy, who shall receive the sum of sixteen hundred dollars (\$1600.00) per annum; one chief clerk, who shall be paid thirteen hundred dollars (\$1300.00) per annum; and one clerk, who shall be paid seven hundred and twenty dollars (\$720.00) per annum. ('13 c. 440 § 9)

1030. **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 three hundred thousand (300,000) inhabitants or over, shall be paid four thousand dollars (\$4000.00), per annum. ('13 c. 440 § 10)

1031. **Same—Deputies—Salaries**—The clerk of court shall appoint and employ one chief deputy, who shall be paid the sum of two thousand dollars (\$2000.00) per annum; one deputy clerk, who shall be paid fifteen hundred dollars (\$1500.00) per annum; one deputy clerk, who shall be paid thirteen hundred dollars (\$1300.00) per annum; four deputy clerks, who each shall be paid twelve hundred dollars (\$1200.00) per annum; one book-keeper, who shall be paid the sum of twelve hundred dollars (\$1200.00) per annum; and ten deputy clerks, who shall each be paid the sum of one thousand dollars (\$1000.00) per annum. ('13 c. 440 § 11)

See 1909 c. 33, relating to counties having 275,000 inhabitants or over.

1032. **Surveyor—Salary and expenses**—The salary of the county surveyor of each county of this state having, or which may have hereafter, a population of three hundred thousand (300,000) inhabitants or over, shall be paid twenty-eight hundred dollars (\$2800.00) 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. ('13 c. 440 § 12)

1033. **Same—Deputies—Salaries, etc.**—The county surveyor shall appoint and employ two deputies, who shall each be paid fourteen hundred and fifty dollars (\$1450.00) per annum; 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 chief clerk, who shall be paid eleven hundred dollars (\$1100.00) per annum; one rod-man, who shall be paid ninety dollars (\$90.00) per month; and two chain-men, who shall each be paid seventy dollars (\$70.00) per month. ('13 c. 440 § 13)

1034. **Treasurer—Salary**—The salary of the county treasurer of each county of this state having, or which may hereafter have, a population of

three hundred thousand (300,000) inhabitants, or over, shall be paid the sum of forty-five hundred dollars (\$4500.00) per annum. ('13 c. 440 § 14)

1035. **Same—Deputies, clerks, etc.—Salaries—**The county treasurer shall appoint and employ one chief deputy who shall be paid the sum of twenty-two hundred dollars (\$2200.00) per annum; one mortgage registry and inheritance tax deputy who shall be paid the sum of fifteen hundred dollars (\$1500.00) per annum; one cashier deputy who shall be paid the sum of fifteen hundred dollars (\$1500.00) per annum; one cashier (or teller) who shall be paid the sum of twelve hundred dollars (\$1200.00) per annum; one cashier (or teller) who shall be paid the sum of \$1000.00 per annum; one payment listing clerk who shall be paid the sum of one thousand dollars (\$1000.00) per annum; one chief settlement clerk who shall be paid the sum of fifteen hundred dollars (\$1500.00) per annum; two assistant settlement clerks who shall be paid the sum of one thousand dollars (\$1000.00) each per annum; one bookkeeper who shall be paid the sum of \$1200.00 per annum; one receipt deputy who shall be paid the sum of twelve hundred dollars (\$1200.00) per annum; one assistant receipt deputy who shall be paid the sum of one thousand dollars (\$1000.00) per annum; one assistant receipt deputy who shall be paid the sum of nine hundred dollars (\$900.00) per annum; one correspondence clerk who shall be paid the sum of nine hundred dollars (\$900.00) per annum; one chief counter deputy who shall be paid the sum of fifteen hundred dollars (\$1500.00) per annum; one assistant counter or transfer deputy who shall be paid the sum of (\$1200.00) twelve hundred dollars per annum; one assistant counter or transfer deputy who shall be paid the sum of eleven hundred dollars (\$1100.00) per annum; one chief accounting deputy who shall be paid the sum of thirteen hundred dollars (\$1300.00) per annum; one chief payment credit clerk who shall be paid the sum of thirteen hundred dollars (\$1300.00) per annum; two payment credit clerks who shall be paid the sum of one thousand dollars (\$1000.00) each per annum; one payment credit clerk who shall be paid the sum of nine hundred dollars (\$900.00) per annum; two statement or general clerks who shall be paid the sum of nine hundred dollars (\$900.00) each per annum; two statement clerks who shall be paid the sum of seven hundred eighty dollars (\$780.00) each per annum; which above named salaries shall be payable out of the county treasury in equal monthly installments, except as hereafter 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 employe 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 employes or be partly or wholly the usual or proper function of some other deputy or employe.

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 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 help 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.

And, provided further, that no such sums or any part thereof as herein provided, shall at any time be used to increase the salaries of any of the employes provided for in this act. ('13 c. 440 § 15)

1036. **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 three hundred thousand (300,000) inhabitants or over, shall be paid forty-five hundred dollars (\$4500.00) per annum. ('13 c. 440 § 16)

1037. **Clerk of probate court—Clerks, deputies, etc.—Salaries, etc.**—The judge of probate shall appoint and employ one clerk of probate court, who shall be paid twenty-five hundred dollars (\$2500.00) per annum; one deputy clerk, who shall be paid eighteen hundred dollars (\$1800.00) per annum; one assistant deputy clerk, who shall be paid fifteen hundred dollars (\$1500.00) per annum; one register clerk, who shall be paid twelve hundred dollars (\$1200.00) per annum; one inheritance tax clerk, who shall be paid twelve hundred dollars (\$1200.00) per annum; four general clerks, who shall each be paid one thousand dollars (\$1000.00) per annum; one competent stenographer, who shall be paid eighteen hundred dollars (\$1800.00) 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 (\$500.00) to be approved by the judge appointing him, conditioned for the faithful and impartial discharge of his duties as such secretary. ('13 c. 440 § 17)

1038. **Coroner—Salary**—The salary of the county coroner of each county of this state having or which may hereafter have a population of three hundred thousand (300,000) inhabitants or over shall be \$4000.00 per annum. ('13 c. 440 § 18)

1039. **Same—Deputies, etc.—Salaries**—The county coroner of any such county shall appoint and employ one deputy who shall be paid the sum of twelve hundred dollars (\$1200.00) per annum and one secretary who shall be paid the sum of nine hundred dollars (\$900.00) per annum; and said coroner, deputy and secretary shall be paid out of any moneys in the county treasury not otherwise appropriated, 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 officers respectively in their several capacities. The said coroner may also appoint such additional deputies as in his judgment may be necessary for carrying on the work in said office, but such additional deputies shall be paid by the coroner out of the salary received by him as such coroner as set forth in section 4 [1024] hereof. ('13 c. 440 § 19)

1040. **Salaries, how payable—To be in full**—The above named salaries and compensation of the county officials, deputies, clerks and employes, 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 employes, respectively, in their capacity. ('13 c. 440 § 20)

CERTAIN OFFICERS AND SALARIES IN COUNTIES HAVING OVER 150,000 AND LESS THAN 200,000 INHABITANTS

1041. **Sheriff—Salary**—The salary of the sheriff of all counties having, or which may hereafter have, a population of over 150,000 inhabitants and less than 200,000 inhabitants, shall be \$4,500 per annum. ('11 c. 145 § 1)

Section 19 repeals all inconsistent acts or parts of acts, whether general or special.

1042. **Same—Deputies and employees**—Such sheriff shall employ sufficient number of deputies and other employees to properly discharge the duties of his office, but the number of said deputies and employees and the compensation paid to each, shall at all times be under the control of the county board of such county, which may make such changes in the number and compensation of such deputies and employees as said board may deem just and right. But in emergencies such as riot or other disturbances, the sheriff may appoint a sufficient number of temporary deputies for such purpose, which appointment may continue in force until the next meeting of the county board, without the consent of such board, and such temporary deputies shall be paid a compensation of three dollars per day. ('11 c. 145 § 2)

1043. **Same—Expenses of sheriff**—For all services rendered by the sheriff, he shall be allowed and paid from the county treasury his actual expenses necessarily incurred by him therein, and an expense fund of seven hundred and fifty dollars shall be set aside by the county board out of the first seven hundred and fifty dollars received as fees by such sheriff after the passage of this act, to be used by the sheriff to meet the current monthly expenses

of the office, and the money so used to be replaced in said fund at the end of each month when such expense is allowed, and said fund of seven hundred and fifty dollars shall be accounted for by such sheriff at the end of his term of office. Said sheriff shall make a verified report to the county board on the first day of each month, showing in detail all receipts for the preceding calendar month, and all deputies and employees and the compensation paid each and the nature of their service. ('11 c. 145 § 3)

1044. Attorney—Salary—The salary of the county attorney of all counties of this state which now have, or which may hereafter have, a population of over 150,000 inhabitants and less than 200,000 inhabitants, shall be \$4,000.00 per annum. ('11 c. 145 § 4)

Historical—This section and the two following sections supersede 1907 c. 116 § 1, 1901 c. 375 (as amended by 1905 c. 140 § 1), and 1905 c. 140 § 2, all applicable to counties having 150,000 and not more than 200,000 inhabitants.

1905 c. 322, was repealed by 1909 c. 326; and 1909 c. 322 was repealed by 1911 c. 153.

1907 c. 192, fixing the salaries, etc., of attorneys in counties having not less than 100,000 and not more than 200,000 inhabitants is not included herein.

1045. Same—Assistants—Compensation, etc.—Such county attorney shall appoint and employ, with the approval of one or more of the district judges, a first assistant county attorney who shall be paid the sum of \$2,500 per annum; and in a like manner a second assistant who shall be paid the sum of \$2,500 per annum; and in a like manner a third assistant who shall be paid the sum of \$1,200 per annum; all of said assistants shall be attorneys duly admitted to practice law in all the courts of the state of Minnesota, and they 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 all said assistants shall be fully authorized and empowered to do and perform, at the direction of the county attorney, any and all duties pertaining to such office of such county attorney; such assistant county attorneys shall also receive actual and necessary traveling expenses incurred in the business of the county. Said traveling expenses shall be allowed and paid by the county upon a verified itemized bill, in the same manner as other bills against the county. ('11 c. 145 § 5, amended '13 c. 118 § 1)

Historical—"An act to amend sections 5, 6, 7, 12, 13, and 16 of chapter 145 of the General Laws of Minnesota for 1911," etc.

1913 c. 118 § 1, enacts that "sections 5, 6, 7, 12, 13 and 16 of (sic) the General Laws of Minnesota be * * * amended so that the same will read as follows," etc.

Section 2 repeals all inconsistent acts or parts of acts.

See note under preceding section.

1046. Same—Stenographer, etc.—Said county attorney may also employ help for stenographic and typewriting work, but the aggregate of all salaries and expenses for such stenographic and other work shall not exceed \$1,500 per annum. ('11 c. 145 § 6, amended '13 c. 118 § 1)

See note under preceding section.

1047. Register of deeds—Salary—The salary of the register of deeds of all counties which now have, or which may hereafter have, a population of over 150,000 inhabitants and less than 200,000 inhabitants shall be \$3,600 per annum. ('11 c. 145 § 7, amended '13 c. 118 § 1)

See note under § 1045.

1048. Same—Deputies, etc.—Said register of deeds shall employ sufficient help and deputies to properly discharge the duties of his office, but the number of deputies, clerks and other employees, and the compensation paid to each, shall at all times be under the control of the county board of said county, which may from time to time make such changes in numbers and compensation as it may deem just and right. Said register of deeds shall make a detailed and verified report to the county board on the first day of each month, showing all receipts for the preceding calendar month, and the names of, and the compensation paid to each deputy and employee of said office, and the nature of their service. ('11 c. 145 § 8)

1049. Clerk of court—Salary—The salary of the clerk of the district court of all counties which now have, or which may hereafter have, a population of over 150,000 inhabitants and less than 200,000 inhabitants, shall be \$3,600.00 per annum. ('11 c. 145 § 9)

1050. Same—Deputies and assistants—Compensation—Said clerk of district court shall employ sufficient help and deputies to properly discharge the duties of his office, but the number of deputies, clerks, and other employees, and the compensation paid to each, shall at all times be under the control of the county board of said county, which may from time to time make such changes in numbers and compensation as it may deem just and right. Said clerk of district court shall make a detailed and verified report to the county board on the first day of each month, showing all the receipts for the preceding calendar month, and the names of, and the compensation paid to each deputy and employee of said office, and the nature of their service. Provided that any such clerk of district court feeling himself aggrieved by the act of the county board in changing, or refusing to change, either the number or the compensation of his clerks, or deputies, may within thirty days after the action of such board, appeal to the district court of said county, by filing with the county auditor thereof a notice of such appeal, and said court shall upon eight days' notice given to the chairman of the county board, or the county auditor, determine such appeal in a summary manner and shall allow such number of clerks and deputies and such compensation thereof as said court may deem just and reasonable, and shall make an order therefor, which order shall be filed in the office of the county auditor. ('11 c. 145 § 10)

1051. School superintendent—Salary—The salary of the superintendent of schools of all counties which now have, or which may hereafter have, a population of over 150,000 inhabitants, and less than 200,000 inhabitants, shall be \$2,500.00 per annum. ('11 c. 145 § 10)

The foregoing is part of section 10. There is no section 11.

1052. Same—Assistant, etc.—Salary—Said superintendent of schools may appoint an assistant whose salary, with the approval of the county board, shall not be more than \$1,500 per annum; and said superintendent of schools may also employ office help, with the approval of the county board, but the total sum paid for such office help shall not exceed \$800 per annum. ('11 c. 145 § 12, amended '13 c. 118 § 1)

See note under § 1045.

1053. Judge of probate—Clerk hire—The salary of the judge of probate of all counties which now have, or which may hereafter have, a population of over one hundred and fifty thousand inhabitants and less than two hundred thousand inhabitants shall be \$3,600 per annum.

In addition to said salary the actual compensation for clerk hire in the office of such judge shall not exceed \$6,500, of which \$1,800 shall be for the salary of the clerk of said court and \$1,320 shall be for the salary of a deputy of said court, and the balance for additional clerical and stenographic hire.

In addition to the above fixed salaries the county board of commissioners shall audit and allow the actual and necessary expenditures incurred by such judge of probate and an attendant clerk in the performance of official duties outside the limits of the county seat. ('11 c. 145 § 13, amended '13 c. 118 § 1)

See note under § 1045. This section in effect supersedes 1909 c. 341 § 2, and 1909 c. 269, applicable to counties having 100,000 and less than 200,000 inhabitants.

1054. Auditor—Salary—The salary of the county auditor of all counties which now have, or which may hereafter have, a population of over 150,000 inhabitants, and less than 200,000 inhabitants, shall be \$4,500.00 per annum. ('11 c. 145 § 14)

1055. Same—Deputies and other employees—Such auditor 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, 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 twenty-two thousand dollars; provided, however, that the county board may by resolution authorize such auditor during the busy season of the year, or other times of

emergency to appoint and employ other and additional help for the carrying on of the work of said office, and said board shall fix the rate of compensation that may be paid to such extra help and shall in such resolution limit the total amount to be expended thereunder. And such salaries shall be payable in equal monthly installments out of the county treasury. ('11 c. 145 § 15)

This section supersedes 1909 c. 71 § 2.

1056. Treasurer—Salary—The salary of the county treasurer of all counties which now have or which may hereafter have a population of over 150,000 inhabitants, and less than 200,000 inhabitants, shall be \$4,000 per annum. ('11 c. 145 § 16, amended '13 c. 118 § 1)

See note under § 1045.

1057. Same—Deputies, clerks, etc.—Such county treasurer 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, 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 fifteen thousand dollars; provided, however, that the county board may by resolution authorize such treasurer during the busy season of the year, or other time of emergency, to appoint and employ other and additional help for the carrying on of the work of said office, and said board shall fix the rate of compensation that may be paid to such extra help and shall in such resolution limit the total amount to be expended thereunder. And such salaries shall be payable in equal monthly installments out of the county treasury. ('11 c. 145 § 17)

This section supersedes 1909 c. 71 § 1.

1058. Salaries to be paid monthly—The above named salaries and compensation of said officials, assistants, deputies, clerks and other employees, 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, assistants, deputies, clerks and employees respectively in their said capacity. ('11 c. 145 § 18)

1059. 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)

1060. Same—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)

1061. Same—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)

1062. Same—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)

**ASSESSORS IN COUNTIES HAVING 200,000 AND LESS THAN
275,000 INHABITANTS**

1063. Salary—The salary of the county assessor of each county of this state, having, or which may hereafter have a population of not less than two hundred thousand (200,000) inhabitants and less than two hundred seventy-five thousand (275,000) inhabitants, shall be four thousand dollars (\$4,000) per annum. ('13 c. 224 § 1)

1064. Chief deputy—Salary—Such county assessor shall appoint and employ one chief deputy, who shall be paid a salary of two thousand dollars (\$2,000) per annum. ('13 c. 224 § 2)

1065. Assistants, etc.—Salaries—The board of county commissioners of such counties of this state shall by resolution authorize the county assessor to employ such additional deputies; clerks, field men, appraisers or employees as it may deem necessary for the proper performance of the duties of the office of county assessor, and shall in and by any such resolution fix the compensation to be paid to said deputies, clerks, field men, appraisers and employees. ('13 c. 224 § 3)

1066. Expenditures—Experts, etc.—The board of county commissioners of such counties of this state shall appropriate and expend in such manner and in such amount, as shall be deemed necessary, any money needed to defray the expense of properly conducting the office of the county assessor; such expenditure to include the hiring of experts upon property values for any period deemed necessary, the payment of the transportation expense of such experts or other employees in traveling from place to place in said county, and generally any expense reasonably and directly tending to the procurement of a fair and true assessment of property within such counties; but all such shall be made under the supervision of, and with the consent of, the county assessor. ('13 c. 224 § 4)

1067. Salaries, etc., when paid—All salaries and compensation herein provided for and fixed in any resolution regularly passed by the board of county commissioners of such counties, shall be paid monthly upon the warrant of the auditor, pursuant to a pay-roll certified by the county assessor. Other moneys and all other expenditures herein provided for, shall be made as are other county claims. ('13 c. 224 § 5)

1068. Census to govern—In determining at any time to what counties this act shall apply, reference shall be had to the United States census last taken. ('13 c. 224 § 6)

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

1069. 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)

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

1070. 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)

1907 c. 223, is not included. It provides for a commission to contract for the erection of a court house, etc., in counties having 75,000 inhabitants.

1071. 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)

1072. 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)

1073. 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)

MISCELLANEOUS PROVISIONS

1074. 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, amended '09 c. 447 § 1)

39-426, 40+561.

1075. To report fees—Every county official shall make and file with the auditor of his county, on or before January 10 in each year, a written statement, verified by his oath, showing in detail the amount of all fees, gratuities, and emoluments, of whatever nature, received by him as such official, or in connection with his official work, during the preceding calendar year. (603)

See § 5787.

1076. Penalty for violation—Every county official who shall refuse or neglect to comply with the provisions of § 1075 shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both. (604)

1077. **Statements—Prosecution**—The auditor shall present all such statements to the county board at its first meeting held after January 15 thereafter, together with a list of the officials who have not filed such statements, and thereupon the said board shall direct the county attorney to prosecute such officials. (605)

1078. **Recording fees paid by county**—The fees for filing and recording official bonds, oaths of office, certificates, or other evidences of election or qualification for office, required by law to be filed or recorded with the register of deeds or clerk of the district court, shall be paid by the county. (606)

1079. **Blanks furnished**—The secretary of state, attorney general, and public examiner shall prepare and cause to be printed blank forms for official bonds for all county officers who are required by law to execute such bonds, and the secretary of state, as often as may be necessary, shall forward to the auditor of each county a sufficient supply of such forms for use in such county. (607)

1080. **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, amended '09 c. 115 § 1)

1081. **Non-approval of bond**—In case the attorney general shall find any such bond defective in form or defectively executed, he shall indorse his non-approval thereon, stating his reasons therefor. The secretary of state shall thereupon advise the proper county board of such non-approval, and such board shall require the officer who executed such bond to forthwith execute a new bond in compliance with the statute, which shall be approved, recorded, and filed in like manner as other official bonds. The original bond executed by any such officer shall remain on file and be a valid obligation until such perfected bond is filed with the secretary of state: Provided, that nothing in this chapter contained shall be construed as interfering with the power of the county board in reference to the approval of bonds, or calling for new or additional bonds. (609)

1082. **Bonds not withdrawn**—No bond so filed with the secretary of state shall be removed, except upon the written order of a judge of a court of record before whom an action is pending to enforce the conditions thereof. (610)

1083. **New bond—Notice**—Whenever the county board of any county shall deem the official bond of any county officer insufficient, or whenever any surety upon any such bond shall file with said board a written request that such officer be required to give a new bond, stating therein his reasons, such board shall give such officer written notice to furnish a new official bond, to be approved by them, before the first day of their next regular, special, or adjourned meeting to be held more than twenty days from the date of such notice, under penalty of forfeiting his office. Such notice shall be personally served and returned in the same manner as a summons in a civil action. (611)

1084. **Failure to give—Office vacant**—If any county officer served with notice to furnish a new bond as provided in § 1083 fails or neglects to do so, his office shall be deemed vacant. But if it shall be made to appear to said board that such officer has been unable to furnish such bond by reason of physical disability, they may give him such further reasonable time to furnish the same as they deem proper, not later than the next meeting of said board. If such bond is not furnished within the further time so granted, such office shall be deemed vacant as before provided. (612)

1085. **Original, how affected by new bond**—The rights and liabilities of the parties to the original bond of any such officer, existing or incurred at or

prior to the time of the approval and filing of such new bond, shall not be in any wise affected or impaired by the giving of such new bond; but such original bond and the sureties thereon shall not be liable for the acts of such officer done or performed after said new bond is approved, recorded, and filed as required by law. (613)

1086. Records to be public—The several judges of probate, county auditors, registers of deeds, and clerks of the district court, during the hours when their respective offices are open, or are required by law to be kept open, shall exhibit any papers, files, or records of their office or in their official custody, for the inspection of any person demanding the same, free of charge, except in cases where fees are provided by law, and then upon tender of such fees. (614)

84-439, 87+1126; 101-309, 112+258, 12 L. R. A. (N. S.) 188, 11 Ann. Cas. 161.

1087. Certified copies—The several county auditors, judges of probate, and clerks of the district court, during the hours when their respective offices are required by law to be open, shall furnish to any person demanding the same a certified copy of any record, file, or paper in their office, or in their official custody, upon tender of such fees therefor as are by law allowed to registers of deeds for like services. (615)

93-11, 100+382.

1088. Women deputies—Any woman who is a citizen of this state is eligible to appointment as a deputy of any county official authorized by law to appoint deputies. (616)

1089. Officials not to be interested in contracts—No county official, or deputy or clerk of such official, shall be directly or indirectly interested in any contract, work, labor, or business to which the county is a party, or in which it is or may be interested, or in the furnishing of any article to, or the purchase or sale of any property, real or personal, by, the county, or of which the consideration, price, or expense is payable from the county treasury. Any violation of the provisions of this section shall be a gross misdemeanor. (617)

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

1090. Examination of accounts, etc., of retiring officials—**Certificate**—That at the expiration of the term of office of each county official, except that of treasurer, the chairman of the county board shall make examination of the books, records and accounts of such official. The office of the county treasurer shall be examined by the board of auditors as now provided by section 499, Revised Laws 1905 [846]. If the affairs of the several officers are found in proper condition and as required by law, the chairman of the county board, or board of auditors as the case may be, shall make and deliver to each official concerned a certificate to that effect. Upon the delivery of such certificate to the county auditor, and not otherwise, he shall issue to such official a warrant for his last month's salary. ('13 c. 146 § 1)

1091. Contracts in counties of less than seventy-five thousand—In counties having less than seventy-five thousand population, no contract for work or labor, or for the purchase of furniture, fixtures, or other property, or for the construction or repair of roads, bridges, or buildings, the estimated cost or value of which shall exceed five hundred dollars, shall be made by the county board without first advertising for bids or proposals in some newspaper of the county. If for the purchase of property, or for work and labor, two weeks' published notice that proposals will be received, stating the time and place, shall be given. If for the construction or repair of roads, bridges, or buildings, three weeks' published notice shall be given, and also fifteen days' posted notice in the town where the construction is to be done. Such notice shall state the time and place of awarding the contract, and contain a brief description of the work. Every such contract shall be awarded to the lowest responsible bidder, shall be duly executed in writing, and the person to whom the same is awarded shall give a sufficient bond to the board for its faithful performance. If no satisfactory bid is received, the board may readvertise. Every contract made without compliance with the provisions of this section shall be void: Provided, that in case of the destruction of roads

or bridges by floods or other casualty, or of unforeseen injuries to machinery in or connected with public buildings, where the public interests would suffer by delay, contracts for repairs may be made without advertising for bids.' (618)

1092. Same—Counties of more than two hundred thousand—In counties having a population of more than two hundred thousand, no contract for the purchase of goods, materials, or supplies of any kind for the county, the estimated cost of which exceeds one hundred dollars, shall be made by the county board without first giving at least seven days' published notice that bids or proposals will be received therefor, stating the time and place. All such contracts shall be let to the lowest responsible bidder, shall be approved by resolution of the board, and signed by its chairman. In case no satisfactory bid is received, the board may readvertise: Provided, that in case of unforeseen breakages or injuries in or connected with public buildings, where the public interest would suffer by delay, contracts for repairs may be made without advertising for bids, but in such case the action of the board shall be recorded in its official proceedings. (619)

See following section.

1093. 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." 1902 c. 50, by its terms applied to counties having 200,000 inhabitants or over. It was repealed by § 9455, but its provisions were embodied in the preceding section. So far as this section differs from that section, it is to be construed, by virtue of § 9398, as amendatory or supplementary.

1094. Actions against counties—No action shall be maintained against a county upon any claim except county orders, when the only relief demanded is a judgment for money, until such claim shall have been duly presented to the board, and it shall have failed to act upon the same within the time fixed by law, or unless such board shall consent to the institution of such action. No action shall be brought upon any county order until the expiration of thirty days after a demand for the payment thereof has been made, and any judgment against the county entered in an action brought on any such order without such demand shall be void. (620)

When board has acted, it cannot in absence of fraud or mistake and notice of hearing, set aside its decision and take other action (107-460, 120+896).

Not applicable to final payment due contractor in drainage proceedings (114-448, 131+635). Cited (116-101, 133+469).

1095. Board of control—Salary of secretary—The board of control of any county in this state is authorized to fix the salary of the secretary appointed by it at such sum as the board may deem proper, not exceeding three thousand dollars (\$3,000.00) per annum, payable monthly out of the funds appropriated on account of salaries or otherwise for the maintenance of the board. ('07 c. 68 § 1, amended '13 c. 12 § 1)

CHAPTER 8

TOWNS AND TOWN OFFICERS

1096. Boundaries—The boundaries of towns shall remain as now established until otherwise provided by the county board pursuant to law. (621)

POWERS—DUTIES—LIABILITIES

1097. Corporate powers—Each town is and shall be a body corporate, and empowered:

1. To sue and be sued by its corporate name.