

CHANGES

IN THE

General Statutes of 1878,

OF THE

STATE OF MINNESOTA,

EFFECTED BY THE GENERAL LAWS OF THE EXTRA
SESSION OF 1881, AND THE REGULAR
SESSION OF 1883.

Arranged with reference to the Chapter and Section Amended.

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CHAPTER VII.

SALARIES OF STATE OFFICERS.

OF STATE OFFICERS.

*§ 1. * * * * *
 Sub. 21. Strike out "two hundred" and insert instead "twelve hundred." (*As amended 1881, Ex. Sess. c. 49, § 1.*)
 See page 107.

STANDING APPROPRIATIONS FOR SALARIES OF STATE OFFICERS.

*§ 10. * * * * *
 20th. Strike out "fifteen hundred" and insert "eighteen hundred" in lieu thereof. (*As amended 1881, Ex. Sess. c. 47, § 1.*)

22d. Strike out "two hundred" and insert "twelve hundred" in lieu thereof. (*As amended 1881, Ex. Sess. c. 49, § 2.*)

25th. For salary of the reporter of the supreme court, fifteen hundred dollars, to take effect from and after December thirty-first, one thousand eight hundred and eighty-one. (*As amended 1881, Ex. Sess. c. 41, § 1.*)

Add the following items at close of section:

29th. For the salary of book-keeper in state auditor's office, fifteen hundred dollars.

30th. For salary of assistant land clerk in the state land-office, twelve hundred dollars. (1883, c. 146, § 3.)

See page 110.

CHAPTER VIII.

COUNTIES AND COUNTY OFFICERS.

TERRITORIAL DIVISIONS.

Note to *§ 19, (Cook county,) page 116:

By Chapter 93, Laws 1883, Cook county is declared duly organized, and all acts of county officers and commissioners appointed by the governor, and of voters, are duly legalized.

Note to § 21, (sec. 17,) page 117:

By chapter 80, Laws 1883, certain parts of Cass and Morrison counties are detached therefrom and attached to Crow Wing county, while certain other parts of Crow Wing county are detached therefrom and attached to Morrison county, (subject to approval of electors of Crow Wing and Morrison counties at the general election, 1883, and subject to certain conditions as to taxation to pay indebtedness.)

§ 31a. **Hubbard county.** That the following-described territory, all of which lies within the present territorial limits of the county of Cass, in this state, is hereby established as an organized county of this state, to be hereafter known and designated as the county of Hubbard; that is to say: Townships numbered one hundred and thirty-nine and one hundred and forty, range number thirty-two; townships numbered one hundred and thirty-nine, one hundred and forty, one hundred and forty-one, and one hundred and forty-two, of range number thirty-three; and townships numbered one hundred and thirty-nine, one hundred and forty, one hundred and forty-one, one hundred and forty-two, and one hundred and forty-three, of ranges

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number thirty-four and thirty-five west of the fifth principal meridian, according to the United States survey of public lands. (*As created by 1883, c. 78, § 1.*)
See page 120.

Note to § 39, page 121:

The organization *de facto* since 1866 of Lake county is legalized, and the county declared to be a duly-organized county, and all acts of persons acting as officers of such county are legalized. (1883, c. 86, § 1.)

Note to § 44a, (Supp. 1881, p. 12:)

East and west lines between Polk and Marshall counties changed so that the north line of Polk county is to be the south line of Marshall county, and certain territory which lay between the two counties is attached to Marshall county, subject to vote of the electors of Marshall county at a special election to be held July 9, 1880. (1883, c. 81, §§ 1, 2.)

See page 123.

Note to *§ 47:

By chapter 80, Laws 1883, certain parts therein described of Crow Wing county are detached therefrom and attached to Morrison county, and certain other parts of Morrison are detached therefrom and attached to Crow Wing; subject to approval by electors of both counties by vote at the general election of 1883, and subject to certain conditions as to taxation for indebtedness incurred.

See page 123.

Note to § 57, (sec. 52,) p. 125:

The dividing line between Polk and Marshall counties is changed, and certain territory is attached to Marshall county; subject to vote of electors of Marshall county at special election, 1883, the territory being described as lying between the two counties and not attached to either. (1883, c. 81, § 1.)

Note to § 75, (sec. 69,) p. 131:

By chapter 79, Laws 1883, townships one hundred and thirty-four to one hundred and thirty-eight, inclusive, range thirty-two, in Cass county, are detached from that county and annexed to the county of Wadena. Subject to approval by electors of Wadena at November general election, 1883.

COUNTY COMMISSIONERS.

§ 100. (SEC. 92.) **Pay of county commissioners.** The county commissioners shall each receive three dollars per day for each day they are necessarily employed in transacting the county business, and ten cents per mile for every mile necessarily traveled in going to and returning from the meetings of the board, or in the discharge of any official duty, under the direction of the board, computed by the nearest traveled route; but no commissioner shall receive pay for more than twenty days' attendance at meetings of said board, or mileage for attendance upon more than six sessions in any one official year, nor pay for more than twenty-five days for all his services as commissioner in any one year; and the county auditor, in drawing his warrant upon the county treasurer for the pay and traveling fees prescribed in this section, shall specify upon the face of said warrant the number of days of service and the amount of mileage for which such warrant is issued; and any county auditor who shall issue his warrant for the payment of any amount in excess of the pay and traveling fees prescribed in this section, shall forfeit to the county the amount of such excess, to be deducted from his salary: *provided*, that whenever extra meetings of the board of county commissioners are rendered necessary to protect the property and interests of the county, because of the default, malfeasance or misconduct in office of any county officer, or because of the erection or repair of county buildings, the commissioners may receive mileage and pay for the attendance at so many meetings and so many days as are necessary

for said sessions, in excess of the limits hereinbefore prescribed. The provisions of this act shall not affect the pay and traveling fees of the commissioners of any county where pay and fees are now provided for by a special law regulating the same: *provided further*, that the provisions of this chapter [*i. e.*, c. 52, Laws 1881] shall not apply to the county of Goodhue. (*As amended* 1873, c. 44, § 1; 1881, c. 52, § 1; 1881, *Ex. Sess.* c. 28, § 1; and 1881, *Ex. Sess.* c. 37, § 1.)

See page 137.

§ 119. (SEC. 105.) **Commissioners to appoint assessors and overseers.**

The board of county commissioners of any county, any part of which is not organized into towns, shall at their stated meeting in January in each year divide such unorganized territory into road and assessment districts, and appoint a person of suitable qualifications as assessor for each district, and one as overseer of roads in each road district, who shall reside within the limits thereof, and shall respectively possess the powers and perform the duties of a town assessor, and a town overseer of roads, after qualifying as required by law in the cases of such town officers respectively, and shall each hold his office for the term of one year; but nothing herein contained shall be construed to prohibit the commissioners from including such unorganized territory within one such district. (*As amended* 1883, c. 50, § 1.)

See page 140.

Add to § 142, (Sec. 124,) p. 143, the following proviso, viz.:

Provided, that the county commissioners of Otter Tail county be and they are hereby authorized, in their discretion, to allow clerk hire for the auditor's clerks in said Otter Tail county, in any sum not to exceed fifteen hundred dollars per annum. (*As amended* 1881, *Ex. Sess.* c. 44, § 1.)

See page 143.

COUNTY TREASURER.

*§ 150a. **County funds—where deposited.** All the funds of any of the counties in this state shall be deposited by the county treasurer in one or more national banks, or state or private bank or banks, as soon as received, in the name of the proper county of which the board of auditors are officers. Such bank or banks or bankers shall be designated by said board of auditors, in their discretion, after advertising in one or more newspapers published in their respective counties (or, if the public interests require, in one or more newspapers in other counties) of the state, for at least two weeks, for proposals and receiving proposals, stating what security would be given to said county for such funds so deposited, and what interest on monthly balances of the amount deposited, on condition that said funds, with accrued interest, shall be held subject to draft and payment at all times, on demand. If the board of auditors, at any time after having made such designation, for good and sufficient cause, deem the surety given insufficient, it may require a new bond; and if, in its opinion, the public interest require, it may vacate, revoke or modify its designation of a depository in any way, and may advertise and again designate a depository or depositories as above: *provided*, that the amount deposited in any bank or banking house shall not exceed the assessed capital stock of said bank or banking house as shall appear on the tax list of the counties. Capital stock, for the purposes of this act, shall be defined as follows: As including shares of capital stock of national or state banks, whether assessed in the name of the bank or of the stockholders thereof; and as including the personal and real estate property of private banks or bankers, or the individual members of said banking firms, which property is liable for the debts of said banks or bankers and is assessed upon the tax lists of 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 to 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 the first (1st) day of January, and oftener, if deemed necessary; and such certificate shall be attached to the bond of such depository. The treasurer is required, from time to

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time, to take notice of any changes in the assessment, and to limit the amount of the deposits by such changes in accordance with the provisions of this act: *provided*, that when a bank has been duly organized after an annual assessment in any one year, and before the assessment for the following, the paid-up capital and assets of said bank, less its liabilities, as may appear from the sworn statement of the president or cashier thereof, may be treated as assessed capital. (1881, c. 124, § 1, *as amended* 1883, c. 51, § 1.)

See page 146, and Supp. 1881, p. 15.

Add to *§ 1506 (Supp. 1881, pp. 15, 16) the following:

And provided further, that in the county of Carver the funds of said county may be deposited with any banker or bankers residing in said county and doing business as a banker therein, notwithstanding the amount of the valuation of the property of such banker or bankers, so long as there is no incorporated bank in said county, if the board of county commissioners of said county shall not otherwise direct, and such banker or bankers shall execute to said county a bond (in addition to the one now required by law) in such sum and with such conditions and sureties as the state examiner of this state shall fix, prescribe and approve; and shall also, in all other respects, comply on his part with the provisions of this chapter. (*As amended* 1881, *Ex. Sess.* c. 43, § 1.)

See page 146.

REGISTER OF DEEDS.

§ 175. (SEC. 153.) **To take oath and give bond.** Every register of deeds, before he enters upon the duties of his office, shall take and subscribe the oath prescribed by law, which said oath shall be endorsed on the certificate of his election or appointment, and he shall also give a bond, payable to the state of Minnesota, with good and sufficient sureties, in the penal sum of five thousand dollars, to be approved by the board of county commissioners of his county, conditioned that he will faithfully and impartially fulfill the duties of his office. Said bond and oath of office shall be recorded in the office of the clerk of the district court of the county in which said register's office shall be situated, and forwarded by said clerk to the secretary of state. (*As amended* 1883, c. 47, § 1.)

See page 150.

CLERK OF DISTRICT COURT.

§ 261. (SEC. 229.) **Books to be kept by clerk.** Every clerk shall procure, at the expense of his county, and keep the following books:

First. A register of actions, in which he shall enter the title of each action, whether originally commenced in his said court or brought there by appeal or transcript of judgment from justice court or from any court of record of the state or the United States, a minute of each paper filed in the court [cause] and all proceedings therein.

Second. A judgment-book, in which shall be entered the judgments in each action.

Third. A docket, in which he shall enter alphabetically the name of each judgment debtor, the amount of the judgment, and the precise time of his entry.

Fourth. Such other books as the court in its discretion may direct. (*As amended* 1883, c. 28, § 1.)

See page 163.

ADDITIONAL PROVISIONS AS TO COUNTY OFFICERS.

*§ 271. In all cases of vacancy occurring in any office which is authorized to be filled by appointment of the board of county commissioners, the board of county commissioners shall meet at their usual place of meeting, upon one day's notice from the chairman or clerk of said board, such notice to be served personally upon each member of such board in the same manner as summons in the district court is authorized to be served. (1881, *Ex. Sess.* c. 6, § 1.)

*§ 272. **Duty of officers where other counties are attached.** It is hereby made the duty of the officers of each county in this state, to which any unorganized or partially unorganized county may be attached for judicial, record, taxation, or other purposes, to keep separate and distinct books of accounts and records for each county so attached, which books of accounts and records shall be chargeable to and paid for by such attached county, and whenever such attached county shall become detached, said books of accounts and records shall be turned over to the proper officers of said county so detached as the property of such county, or to the officers of the county to which said detached county may thereafter become attached. (1883, c. 123, § 1.)

*§ 273. The salaries of the treasurer and auditor of any county in the state, to which any unorganized or partially organized county may be attached for taxation purposes, shall be regulated and computed upon the basis of the taxable valuation of their own county, and upon the basis of the valuation of each county thereto attached separately, as provided by the general laws of the state regulating and fixing the salaries of county auditor and treasurer. (*Id.* § 2.)

See page 164.

CHAPTER X.

TOWNSHIP ORGANIZATION.

Add to *§ 119, p. 183, the following:

And any member of any board of health, or health officer, who shall neglect to perform the duties required of him under the provisions of this act, or any other act relating to the duties of boards of health or health officers of this state, or who shall neglect or refuse to obey any reasonable directions as to infectious diseases as shall be directed by the state board of health, shall be liable, upon conviction in any court having competent jurisdiction, to be fined in a sum not less than twenty-five dollars, or more than one hundred dollars, and shall become disqualified from holding the office of a member of a board of health. (1873, c. 8, § 3, *as amended by* 1881, *Ex. Sess.* c. 11, § 1.)

*§ 121. **Duties of board of health relative to scarlet fever, diphtheria, and small-pox.*** It shall be the duty of any and every member of all boards of health within this state, whenever they are informed that there is a case of scarlet fever, diphtheria, or small-pox within the territory over which the board of health of which he is a member has jurisdiction, to notify a majority of such supposed facts within six hours after such information is received by said member of said board, and they shall immediately examine into the facts of the case, and if the disease appears to be scarlet fever, diphtheria, or small-pox, they shall adopt such quarantine and sanitary measures as may in their judgment tend to prevent the spread of said disease in its locality. (*As amended* 1883, c. 31, § 1.)

*§ 122. **Precautions, preventions, and penalties.** And said board of health shall have power to forbid, by notices posted upon the entrances to premises where there may be a patient sick with scarlatina, diphtheria, or small-pox, any person, except the medical attendant and his advisers, from going to or leaving said premises without their permission, or carrying or causing to be carried any material whereby said disease may be conveyed, until said disease has abated, and the premises, dwelling, and clothing have been rendered free from disease by such disinfecting means as the board may direct; and if said board shall be informed that the above, or any reasonable and sanitary measures which they have adopted and made public, is or has been violated, then the said board may cause said offenders against this act to be apprehended and brought before an officer having jurisdiction, and said offenders shall, upon conviction, be liable to a fine in the sum of not less than five

*NOTE.—These two sections are embodied in and superseded by the health code, viz., Laws 1883, c. 132. (*See infra*, c. CXXIV.)