

GENERAL STATUTES

33

OF THE

STATE OF MINNESOTA,

IN FORCE JANUARY, 1891.

VOL. 1.

CONTAINING ALL THE LAW OF A GENERAL NATURE NOT
REMEDIAL, THE LATTER BEING IN VOL. 2.

COMPILED AND ANNOTATED

BY

JNO. F. KELLY,

OF THE ST. PAUL BAR.

SECOND EDITION.

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MINNESOTA STATUTES 1891

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COUNTIES AND COUNTY OFFICERS.

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TITLE 1.

TERRITORIAL DIVISIONS.

SEC. 731. Names of counties.—The state is divided into the following counties: Aitkin, Anoka, Becker, Beltrami, Benton, Big Stone, Blue Earth, Brown, Carlton, Carver, Cass, Chippewa, Chisago, Clay, Cook, Cottonwood, Crow Wing, Dakota, Dodge, Douglas, Faribault, Fillmore, Freeborn, Goodhue, Grant, Hennepin, Houston, Hubbard, Isanti, Itasca, Jackson, Kanabec, Kandiyohi, Kittson, Lac qui Parle, Lake, Le Sueur, Lincoln, Lyon, Martin, Marshall, McLeod, Meeker, Mille Lacs, Morrison, Mower, Murray, Nicollet, Nobles, Norman, Olmsted, Otter Tail, Pine, Pipestone, Polk, Pope, Ramsey, Redwood, Renville, Rice, Rock, Saint Louis, Scott, Sherburne, Sibley, Stearns, Steele, Stevens, Swift, Todd, Traverse, Wabasha, Wadena, Waseca, Washington, Watonwan, Wilkin, Winona, Wright, Yellow Medicine.

G. S. ch. 8, § 1. The counties of Beltrami, Cook, Grant, Hubbard, Lyon, Marshall, Norman, Swift, Yellow Medicine, organized since 1866. In General Statutes, the name Aiken changed to Aitkin, Spl. L. 1872, ch. 145; Pembina to Kittson, 1878, ch. 59; Andy Johnson to Wilkin, 1868, ch. 115. Manomin abolished and territory annexed to Anoka, Const. art. 11, § 7. Monongalia boundaries fixed by 1866, ch. 49, and consolidated with Kandiyohi, by act 1870, ch. 92. McPhaill county organized and abolished 1866, ch. 47; 1868, ch. 11. Holcombe county proposed to be organized out of Otter Tail and Wilkin counties, 1871, ch. 99. Franklin county proposed to be organized out of Stearns and Todd counties, 1872, ch. 81. Seward county proposed 1874, ch. 99. Canby county proposed 1879, ch. 62.

SEC. 732. Aitkin county.—The county of Aitkin is established and bounded as follows: Beginning at the north-east corner of township fifty-two (52) north, of range twenty-two (22) west of the fourth (4) principal meridian;

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thence southwardly, along the line between ranges twenty-one (21) and twenty-two (22), to the south-east corner of township forty-three (43), of range twenty-two (22); thence westwardly, on the line between townships forty-two (42) and forty-three (43), to the south-west corner of township forty-three (43) of range twenty-four (24); thence northwardly, on the line between ranges twenty-four (24) and twenty-five (25), to the south-west corner of township forty-four (44) of range twenty-four; thence westwardly, on the line between townships forty-three (43) and forty-four (44); to the south-west corner of township forty-four (44) of range twenty-seven (27); thence northwardly, on the line between ranges twenty-seven (27) and twenty-eight (28), to the centre of the channel of the Mississippi river; thence up the centre of said channel to its intersection with the guide meridian between ranges twenty-seven (27) west of the fourth (4) principal meridian, and twenty-five (25) west of the fifth principal meridian; thence northwardly, on said guide meridian, to the north-west corner of township fifty-two (52) north; thence eastwardly, along the line between townships fifty-two (52) and fifty-three (53) north, to the place of beginning.

Additional territory.—* That lot four of section thirteen (13) and the fractional sections twenty-four (24), twenty-five (25), and twenty-six (26), all in township one hundred and thirty-six (136) N. of range twenty-five (25) west of the fifth (5th) principal meridian, be, and the same are, each and all thereof, detached from the county of Cass in this state and attached to the county of Aitkin, in this state.

G. S. ch. 8, § 2, as amended 1871, ch. 96: 1887, ch. 117. Below * is act 1887, ch. 117. Established May 23, 1857. Organized and additional territory detached from Cass county and added by special act 1871, ch. 96. Name changed from Aiken to Aitkin by special act 1872, ch. 145. 29 M. 403.

SEC. 733. Anoka county.—The county of Anoka is established and bounded as follows: Beginning at the south-east corner of township thirty-one of range twenty-two west of the fourth principal meridian; thence west, on the township line between townships thirty and thirty-one, to the centre of the main channel of the Mississippi river; thence up the main channel thereof to its intersection with the line between ranges twenty-five and twenty-six; thence north, along said range line, to the north-west corner of section thirty of township thirty-four of range twenty-five; thence easterly, on the section line, to the north-east corner of section twenty-five of township thirty-four of range twenty-two; thence southerly, on the line between ranges twenty-one and twenty-two, to the place of beginning.

Additional territory.—* Beginning in the middle of the channel of the Mississippi river at its intersection with the line between townships twenty-nine and thirty north, of range twenty-four west from the fourth meridian; thence east, on said township line, to the south-east corner of town thirty of range twenty-four; thence north, on the east line of said town, to the north-east corner thereof; thence west, on the north line of said town, to the centre of the channel of the Mississippi river; thence down the middle of said channel to the place of beginning.

G. S. ch. 8, §§ 4, 36. Below * is the territory that formerly constituted Manomin county, which was added to Anoka county by Const. Am. art. 11, § 7, adopted November 2, 1869. Anoka county established May 23, 1857.

SEC. 734. Becker county.—The county of Becker is established and bounded as follows: Beginning at the north-west corner of township one hundred and forty-two, range forty-three; thence eastwardly, along the line between townships one hundred and forty-two and one hundred and forty-three, to the north-east corner of township one hundred and forty-two, range thirty-six; thence southwardly, along the line between ranges thirty-five and thirty-six, to the south-east corner of township one hundred and thirty-eight, range thirty-six; thence westwardly, along the line between townships one hundred and thirty-seven and one hundred and thirty-eight, to the south-west corner

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of township one hundred and thirty-eight, range forty-three; thence northwardly, along the line between ranges forty-three and forty-four, to the place of beginning.

G. S. ch. 8, § 5 (7). Established March 18, 1858. Organized special laws 1871, ch. 100. Acts 1877, ch. 145, provided for an election to remove county seat from Detroit to Audubon. De-feated.

SEC. 735. Beltrami county.— That so much territory as is comprised within the following described limits, coincident with lines of the United States land surveys when run and marked, be, and the same is hereby established as the county of Beltrami:

Beginning at the point where the line between ranges thirty-eight (38) and thirty-nine (39) intersects the line between townships one hundred and forty-two (142) and one hundred and forty-three (143); thence northwardly on said range line to the boundary line between the United States and the British Possessions; thence eastwardly and along said boundary line to its intersection with the line between ranges twenty-nine (29) and thirty (30); *thence southwardly on said range line to the southeast corner of township one hundred and forty-six (146), range thirty (30); thence westwardly along said town line to the southeast corner of township one hundred and forty-six (146), range thirty-six (36); thence south on the range line between ranges thirty-five (35) and thirty-six (36) to the northeast corner of township one hundred and forty-two (142), range thirty-six (36); thence westwardly along said town line between township one hundred and forty-two (142) and one hundred and forty-three (143), to the southwest corner of town one hundred and forty-three (143), range thirty-eight (38), being the place of beginning.

1866, ch. 46, as amended 1879, ch. 10; 1889, ch. 75. Established February 28, 1866. Acts 1889, ch. 75, amended acts 1866, ch. 46 (G. S. 1878, ch. 8, § 8), without mentioning acts 1879, ch. 10. Below * is amendment of 1889. Act 1889, ch. 69, provides that the lake in section 22, town 143 north, range 36 west, fifth principal meridian, shall be known and designated as "Elk Lake."

SEC. 736. Benton county.— The county of Benton is established and bounded as follows: Beginning in the centre of the main channel of the Mississippi river, at the point where the line between townships thirty-eight and thirty-nine north of the fourth principal meridian intersects the same; thence to and along said township line to the north-west corner of township thirty-eight of range twenty-eight; thence southerly, on the line between ranges twenty-seven and twenty-eight, to the south-east corner of township thirty-six of range twenty-eight; thence west, on the township line between townships thirty-five and thirty-six, to the centre of the main channel of the Mississippi river; thence up and along said channel to the place of beginning.

G. S. ch. 8, § 6 (9). Established October 27, 1849.

SEC. 737. Big Stone county.— The boundaries of Big Stone county are hereby defined and declared to be as follows: Beginning at the point where the line between townships one hundred and twenty-four and one hundred and twenty-five north of the fifth principal meridian intersects the western boundary of the state; thence eastwardly on said township line to the north-east corner of township one hundred and twenty-four of range *forty-five; thence south to the south-east corner of township one hundred and twenty-three of range forty-five; thence east to the northeast corner of township one hundred and twenty-two of range forty-four; * thence south on the line between ranges forty-four and forty-three to the intersection of the Minnesota river; thence up the main channel of said river to Big Stone lake; thence through said lake, and along the western boundary of the state, to the place of beginning; and all the land and territory embraced within such boundaries is hereby declared to be and to constitute the county of Big Stone. All acts and parts of acts inconsistent with this act are hereby repealed.

G. S. ch. 8, § 7, as amended 1868, ch. 109; 1876, special laws, ch. 159. Amendment between * *. Established February 20, 1862. Organized 1881, ch. 106. Approved February 8, 1881.

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Laws 1868, ch. 109, transferred townships 123 and 124, range 44, from Big Stone to Stevens county, and certain townships to Traverse county, but latter may impinge Const. art. 11, § 1.

SEC. 738. Blue Earth county.—The county of Blue Earth is established and bounded as follows: Beginning at the south-east corner of township one hundred and five north of range twenty-five west from the fifth principal meridian; thence westerly on the line between townships one hundred and four and one hundred and five to the south-west corner of township one hundred and five of range twenty-nine; thence northerly on the line between ranges twenty-nine and thirty to the centre of the main channel of the Minnesota river; thence down said main channel to its intersection with the section line between sections thirteen and twenty-four of township one hundred and nine of range twenty-seven; thence east along the section line to the north-east corner of section twenty-four of township one hundred and nine of range twenty-five; thence south on the range line between ranges twenty-four and twenty-five to the place of beginning.

G. S. ch. 8, § 8. Established March 5, 1853. 29 M. 403.

SEC. 739. Brown county.—The boundary line of Brown county is hereby established and shall hereafter be as follows: Beginning at the intersection of the middle line of the Minnesota river and the range line between ranges twenty-nine and thirty; thence in a northwesterly direction, on the middle line of the main channel of the Minnesota river, to the range line between ranges thirty-three and thirty-four; thence south, on said line to the township line between townships one hundred and nine and one hundred and ten; thence west on said line to the range line between ranges thirty-five and thirty-six; thence south on said line to the township line between townships one hundred and seven and one hundred and eight; thence east on said line to the range line between ranges twenty-nine and thirty; thence north on said line to the place of beginning.

1865, ch. 71, § 3. Established February 20, 1855. G. S. ch. 8, § 9, established the boundary lines as follows: "The county of Brown is established and bounded as follows: Beginning at the intersection of the Minnesota river, and the range line between ranges twenty-nine and thirty; thence south, on said line, to the township line between townships one hundred and seven and one hundred and eight; thence west, on said line, to the range line between ranges thirty-three and thirty-four; thence north, on said line, to the middle of the Minnesota river; thence south-easterly, along the middle of the main channel of the Minnesota river, to the place of beginning." Which in consequence of the change not having been submitted to and adopted by popular vote, as required by Const. art. 11, § 1, never became a law.

SEC. 740. Carlton county.—The county of Carlton is established and bounded as follows: Beginning at the north-east corner of township forty-nine north, of range sixteen west from the fourth principal meridian; thence south, on the range line between ranges fifteen and sixteen, to its intersection with the main channel of the Saint Louis river; thence along the main channel of said river to the boundary line between Minnesota and Wisconsin; thence south, along said line between Minnesota and Wisconsin, to its intersection with the township line between townships forty-five and forty-six; thence westerly along said township line, to the south-west corner of township forty-six of range twenty-one; thence north, on the line between ranges twenty-one and twenty-two, to the north-west corner of township forty-nine of range twenty-one; thence easterly, on the line between townships forty-nine and fifty, to the place of beginning.

G. S. ch. 8, § 10 (13). Established May 23, 1857. Organized by acts 1870, ch. 96.

SEC. 741. Carver county.—The county of Carver is established and bounded as follows: Beginning in the centre of the main channel of the Minnesota river at its intersection with the line between ranges twenty-four and twenty-five; thence north, on said range line, to the south-east corner of section thirteen of township one hundred and fourteen north of range twenty-five west from the fifth meridian; thence west, on the section line, to the

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south-west corner of section eighteen in said township; thence north, on the west line of said township, to the north-west corner of said township; thence west on the line between townships one hundred and fourteen and one hundred and fifteen, to the south-west corner of township one hundred and fifteen of range twenty-six; thence north, on the range line between ranges twenty-six and twenty-seven, to the north-west corner of town one hundred and seventeen of range twenty-six; thence east, on the line between townships one hundred and seventeen and one hundred and eighteen, to the north-east corner of town one hundred and seventeen of range twenty-five; thence south on the east line of said town to the south-east corner thereof; thence east, on the line between townships one hundred and sixteen and one hundred and seventeen, to the north-east corner of town one hundred and sixteen of range twenty-three; thence south, on the line between ranges twenty-two and twenty-three, to the center of the main channel of the Minnesota river; thence up and along the center of said channel to the place of beginning.

G. S. ch. 8, § 11 (14). Established February 20, 1855.

SEC. 742. Cass county.— The county of Cass is established and bounded as follows: Beginning at the intersection of the main channel of the Crow Wing river with the main channel of the Mississippi river; thence up the centre of the main channel of said Crow Wing river to its first intersection with the range line between ranges thirty-two and thirty-three west from the fifth principal meridian; thence north, on said range line, to the north-east corner of township one hundred and thirty-eight of range thirty-three; thence west, on the line between townships one hundred and thirty-eight and one hundred and thirty-nine, to the south-west corner of township one hundred and thirty-nine of range thirty-five; thence north, on the line between ranges thirty-five and thirty-six, to the north-west corner of township one hundred and forty-two of range thirty-five; thence easterly, on the line between townships one hundred and forty-two and one hundred and forty-three, to its intersection with Itasca lake or the principal branch of the Mississippi river; thence down the main channel of said river to the place of beginning.

G. S. ch. 8, § 12 (15). Established September 1, 1851. Organized 1872, ch. 79. Approved March 4. Disorganized 1876, special laws, ch. 208. See 23 M. 40. Laws 1871, ch. 96, detached part of Cass and added it to Aitkin county. Acts 1883, ch. 78, detached from Cass county townships 139, 140, range 32, and 139, 140, 141, 142, range 33; and 139, 140, 141, 142, 143, ranges 34 and 35 west of fifth principal meridian, and established Hubbard county. Acts 1883, ch. 79, townships 134, 135, 136, 137, 138 north, of range 32 west, of fifth principal meridian, detached from Cass and annexed to Wadena county. Submitted to vote in Wadena county. Acts 1883, ch. 89. All that part of Cass county south of line between townships 135 and 136, and east of line between ranges 31 and 32, except township 135, ranges 30 and 31, detached from Cass and annexed to Crow Wing county. Submitted to vote. Acts 1887, ch. 260. All that part of Morrison county north of north line of townships 100 and 31, detached from Morrison and annexed to Cass. Subject to vote by people in Morrison county.

SEC. 743. Chippewa county.— The county of Chippewa is established and bounded as follows: Beginning in the middle of the main channel of the Minnesota river on the range line between ranges thirty-eight (38) and thirty-nine (39); thence north to the northwest corner of township one hundred and sixteen (116) north, of range thirty-eight west; thence east, to the northeast corner of township one hundred and sixteen (116) north, of range thirty-seven (37) west; thence north to the northeast corner of township one hundred and twenty-two north, of range thirty-seven (37) west; thence west to the north-west corner of township one hundred and twenty-two north, of range forty-three (43) west; thence south to the centre of the main channel of the Minnesota river; thence down the said river to the place of beginning.

G. S. ch. 8, § 13 (16) (1866, ch. 48), as amended 1867, ch. 117; 1868, ch. 113. Established February 20, 1862. Laws 1870, ch. 90, detached from Chippewa county the northern part, and established therewith Swift county.

SEC. 744. Chisago county.— The county of Chisago is established and bounded as follows: Beginning at the intersection of the main channel of the Saint Croix river with the line between townships thirty-two and thirty-

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three north on the fourth principal meridian; thence westerly, on said township line, to the south-west corner of township thirty-three of range twenty-one; thence northerly, on the line between ranges twenty-one and twenty-two, to the south-east corner of town thirty-six of range twenty-two; thence west, on the south line of said town, to the south-west corner thereof; thence north, on the line between ranges twenty-two and twenty-three, to the north-west corner of township thirty-seven of range twenty-two; thence east, on the line between townships thirty-seven and thirty-eight, to the centre of the main channel of the Saint Croix river; thence down along the centre of said channel to the place of beginning.

G. S. ch. 8, § 14 (17). Established September 1, 1851.

SEC. 745. Clay county.—The county of Clay is established and bounded as follows: Beginning in the centre of the channel of the Red River of the North, at the first intersection of the line between townships one hundred and forty-two and one hundred and forty-three with said channel; thence eastwardly, along said township line, to the north-east corner of township one hundred and forty-two, range forty-four; thence southwardly, on the line between ranges forty-three and forty-four, to the south-east corner of township one hundred and thirty-seven, range forty-four; thence westwardly, on the line between townships one hundred and thirty-six and one hundred and thirty-seven, to the centre of the channel of the Red River of the North; thence down the main channel of said river, following the western boundary of the state, to the place of beginning.

G. S. ch. 8, § 15 (18). Established March 2, 1862. Organized acts 1872, ch. 80, approved February 27, 1872, "with all the rights and privileges and immunities of other organized counties within this state, and the county seat is temporarily located at Moorhead."

SEC. 746. Cook county.—That all that portion of the territory of the present county of Lake, state of Minnesota, bounded and described as follows: Beginning at a point on the north shore of Lake Superior, on the range line between ranges five (5) and six (6) west of the fourth principal meridian; thence north, on said range line, to the boundary line between the United States and the British Possessions; thence easterly, on said boundary line, to the boundary line between the states of Minnesota and Michigan; thence southerly, on said state boundary line, to the boundary line between the states of Minnesota and Wisconsin; thence westwardly, on said state boundary line, to a point where a southerly prolongation of the range line first mentioned would intersect the state boundary line; thence north to the place of beginning, be and the same hereby is established as the county of Cook.

1874, ch. 100. Approved March 9, 1874. Formed out of Lake county. Established and organized by this act. Laws 1883, ch. 93, approved February 17, provided that the appointment of the commissioners as provided in above act, and acts of commissioners in appointing other officers, and the actions of the voters of said county in electing county officers at the late general election, be and the same are hereby legalized and declared valid, and said county declared to have become thereby and to be a duly organized county, and that all the past acts and proceedings of officers of said county shall be of the same validity and force as though such appointments of commissioners and officers had been expressly authorized by an act declaring said county of Cook to be an organized county.

SEC. 747. Cottonwood county.—The boundary line of Cottonwood county is hereby established, and shall hereafter be as follows: Beginning at the southwest corner of township one hundred and eight, range thirty-three, thence west on the township line to the range line between ranges thirty-five and thirty-six; thence north on said line to the township line between townships one hundred and eight and one hundred and nine; thence west on said line to the range line between ranges thirty-eight and thirty-nine; thence south on said line to the township line between townships one hundred and four and one hundred and five; thence east on said line to the range line between ranges thirty-three and thirty-four; thence north on said line to the place of beginning.

1865, ch. 71, § 2. Established May 23, 1857. Organized by acts 1870, ch. 89, and 1873, ch. 94. By G. S. ch. 8, § 16 (20), the boundary line was as follows: "Beginning at the south-east

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corner of township one hundred and five north, of range thirty-four west from the fifth principal meridian; thence north on the line between ranges thirty-three and thirty-four to the north-east corner of town one hundred and eight of range thirty-four; thence west on a line between townships one hundred and eight and one hundred and nine to the north-west corner of town one hundred and eight of range thirty-eight; thence south on the line between ranges thirty-eight and thirty-nine to the south-west corner of town one hundred and five of range thirty-eight; thence east on the line between towns one hundred and four and one hundred and five, to the place of beginning," which not having been ratified by popular vote as required by Const. art. 11, § 1, did not become a law.

Sec. 748. Crow Wing county.—The county of Crow Wing is established and bounded as follows: Beginning at the south-east corner of town forty-three north, of range twenty-eight west of the fourth principal meridian; thence north, on the line between ranges twenty-seven and twenty-eight, to the centre of the main channel of the Mississippi river; thence down along the centre of said channel to its intersection with the line between townships forty-two and forty-three; thence, on said township line, to the place of beginning.

G. S. ch. 8, § 17 (21). Established May 23, 1857. Acts 1883, ch. 80, provided that all that part of Cass county south of the line between townships 135 and 136, and east of the line between ranges 31 and 32, except town 135 in ranges 30 and 31, be detached from Cass county and annexed to Crow Wing county. Subject to vote of people. The same act provides that all that part of Crow Wing county lying between southern boundary line of said county and the second section line north of said boundary line, the same being the two most southerly tiers of sections of Crow Wing county, be detached from Crow Wing county and annexed to Morrison county. Subject to vote. By acts 1885, ch. 203, that part of Cass county lying east of the range line between ranges 28 and 29 and south of township line between townships 135 and 136, same being described as township 135 in ranges 27 and 28, and township 133 in range 28, be detached from Cass county and annexed to Crow Wing county. Subject to vote of people of that county. By acts 1887, ch. 118, all that part of Cass county lying south of the north line of township 138 and east of the north and south centre line of range 29, according to government survey, be detached from Cass county and annexed to Crow Wing county. Submitted to vote. 24 M. 154.

Sec. 749. Dakota county.—The county of Dakota is established and bounded as follows: Beginning at the centre of the channel of the Minnesota river, opposite the mouth of Credit river; thence, on a straight line, to the north-east corner of township one hundred and twelve, of range twenty-one west from the fifth meridian; thence south, on the line between ranges twenty and twenty-one, to the south-west corner of section thirty, in town one hundred and twelve, of range twenty; thence east, on the section lines, to the south-east corner of section twenty-five, in township one hundred and twelve, of range nineteen; thence north, on the east line of said township, to its intersection with the main channel of Cannon river; thence down along said channel to its intersection with the line between ranges seventeen and eighteen; thence north, on said range line, to the north-west corner of town one hundred and twelve of range seventeen; thence east, on the line between one hundred and twelve and one hundred and thirteen, to the south-east corner of town one hundred and thirteen of range seventeen; thence north, on the east line of said town, to the north-east corner thereof; thence east, on the line between towns one hundred and thirteen and one hundred and fourteen, to the south-east corner of section thirty-three, in township one hundred and fourteen, of range sixteen; thence north, on the section line passing through the centre of said township, to its intersection with the main channel of the Mississippi river; thence up along said channel to the mouth of the Minnesota river; thence up the centre of the channel of said Minnesota river to the place of beginning.

Western boundary.—The boundary line between Scott and Dakota counties shall be as follows: Commencing at the south-east corner of township one hundred and thirteen north, of range twenty-one west; thence running north, on the east line of said township, to the north-east corner thereof; thence running west, on the north line of said township, to the south-west corner of section thirty-five, in township one hundred and fourteen north, of range twenty-one west; thence north, on section line, to the south-west quarter of

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section thirty-five, in township one hundred and fifteen, range twenty-one; thence west to the south-west corner of the south-east quarter of section thirty-four, in said township one hundred and fifteen, range twenty-one; thence north to the middle of the channel of the Minnesota river.

Northern boundary.—That all of that part of Dakota county lying north of the south boundary line of sections seven and eight and nine of township number twenty-eight, range twenty-two west and section twelve of township twenty-eight, range twenty-three west, are hereby detached from the county of Dakota and attached to the county of Ramsey, for all purposes whatsoever. The south-west quarter of the south-east quarter of section seven, town twenty-eight, range twenty-two west, is excepted from the provisions of this act, and shall remain a part and portion of Dakota county.

G. S. ch. 8, § 18 (22), as amended 1871, ch. 97; 1874, ch. 101. Acts 1871, ch. 97, changed the western boundary; 1874, ch. 101, changed northern boundary. Established October 27, 1849. Acts 1873, ch. 96, is identical with acts 1874, ch. 101, except that the former also provided that the annexed territory should revert, if the bridge therein named should at any time become a toll bridge; and that "all that portion of section 12, township 28, range 23, southeasterly of the center of the Mississippi river; all of sections 5, 6, 7 and 9, of township 28, range 22, southerly of the center of the Mississippi river, and all of section 8, of township 28, range 22 west, shall constitute the sixth ward of St. Paul.

SEC. 750. Dodge county.—The county of Dodge is established and bounded as follows: Beginning at the south-east corner of township one hundred and five north, of range sixteen west; thence west, on the line between townships one hundred and four and one hundred and five, to the south-west corner of township one hundred and five, of range eighteen; thence north, on the line between ranges eighteen and nineteen, to the north-west corner of town one hundred and eight, of range eighteen; thence east, on the line between townships one hundred and eight and one hundred and nine, to the north-east corner of town one hundred and eight, of range sixteen; thence south, on the line between ranges fifteen and sixteen, to the place of beginning.

G. S. ch. 8, § 19 (23). Established February 20, 1855.

SEC. 751. Douglas county.—The county of Douglas is established and bounded as follows: Beginning at the north-east corner of township one hundred and thirty north, of range thirty-six west from the fifth principal meridian; thence west, on the line between townships one hundred and thirty and one hundred and thirty-one, to the north-west corner of township one hundred and thirty, of range forty; thence south, on the line between ranges forty and forty-one, to the south-west corner of town one hundred and twenty-seven of range forty; thence east, on the line between towns one hundred and twenty-six and one hundred and twenty-seven, to the south-east corner of town one hundred and twenty-seven, of range thirty-six; thence north, on the line between ranges thirty-five and thirty-six, to the place of beginning.

G. S. ch. 8, § 20 (24). Established March 8, 1853.

SEC. 752. Faribault county.—The county of Faribault is established and bounded as follows: Beginning at the south-east corner of township one hundred and one north, of range twenty-four west; thence west, on the boundary line between Minnesota and Iowa, to the south-west corner of town one hundred and one, of range twenty-eight; thence north on the line between ranges twenty-eight and twenty-nine, to the north-west corner of town one hundred and four, of range twenty-eight; thence on the line between towns one hundred and four and one hundred and five, to the north-east corner of town one hundred and four, of range twenty-four; thence south, on the line between ranges twenty-three and twenty-four, to the place of beginning.

G. S. ch. 8, § 21 (25). Established February 20, 1855.

SEC. 753. Fillmore county.—The county of Fillmore is established and bounded as follows: Beginning at the south-east corner of township one hundred and one north, of range eight west from the fifth meridian; thence north,

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on the line between ranges seven and eight, to the north-east corner of township one hundred and four of range eight; thence west, on the line between townships one hundred and four and one hundred and five, to the north-west corner of township one hundred and four of range thirteen; thence south, on the line between ranges thirteen and fourteen, to the south-west corner of township one hundred and one of range thirteen; thence east, on the state boundary line, to the place of beginning.

G. S. ch. 8, § 22 (26). Established March 5, 1853.

SEC. 754. **Freeborn county.**—The county of Freeborn is established and bounded as follows: Beginning at the southeast corner of township one hundred and one north, of range nineteen west of the fifth meridian; thence west, on the state boundary line, to the southwest corner of town one hundred and one of range twenty-three; thence north, on the line between ranges twenty-three and twenty-four, to the northwest corner of township one hundred and four of range twenty-three; thence east, on the line between townships one hundred and four and one hundred and five, to the northeast corner of town one hundred and four of range nineteen; thence south, on the line between ranges eighteen and nineteen, to the place of beginning.

G. S. ch. 8, § 23 (27). Established February 20, 1855.

SEC. 755. **Goodhue county.**—The county of Goodhue is established and bounded as follows: Beginning at the south-west corner of township one hundred and nine north, of range eighteen west; thence north, on the range line between ranges eighteen and nineteen, to its intersection with the centre of the main channel of Cannon river; thence down the middle of said channel to the line between ranges seventeen and eighteen; thence north on said range line, to the line between townships one hundred and twelve and one hundred and thirteen; thence east, on said line, to the south-west corner of township one hundred and thirteen of range sixteen; thence north, on the west line of said township, to the north-west corner thereof; thence east on the north line of said township, to the south-west corner of section thirty-four, of town one hundred and fourteen, of range sixteen; thence north, along the section line, to the middle of the main channel of the Mississippi river; thence down the middle of said channel and of Lake Pepin to a point due east of the termination of the line between townships one hundred and eleven and one hundred and twelve; thence to and along said line to the north-east corner of township one hundred and eleven of range fourteen; thence south, upon the east line of said town, to the south-east corner thereof; thence west, upon the south line of said township, to the south-west corner thereof; thence south, upon the line between ranges fourteen and fifteen, to the line between townships one hundred and eight and one hundred and nine; thence west, upon said township [line], to the place of beginning.

G. S. ch. 8, § 24 (28). Established March 5, 1853.

SEC. 756. **Grant county.**—The county of Grant is established and bounded as follows: Beginning at the north-east corner of township one hundred and thirty (130) north of range forty-one (41) west; thence west, to the north-west corner of township one hundred and thirty (130) north, of range forty-four (44) west; thence south, to the south-west corner of township one hundred and twenty-seven (127) north, of range forty-four (44) west; thence east to the south-east corner of township one hundred and twenty-seven (127) north, of range forty-one (41) west; thence to the place of beginning.

1868, ch. 109. Established March 6, 1868. Organized February 28, 1873. Acts 1873, ch. 91. Framed out of part of Stevens, Traverse and Wilkin counties. 1868, ch. 109.

SEC. 757. **Hennepin county.**—The county of Hennepin is established and bounded as follows: Beginning in the centre of the main channel of the Mississippi river, at its intersection with the north line of township twenty-

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nine north, of range twenty-four west from the fourth principal meridian; thence east, on said township line, to the north-east corner of section six, in township twenty-nine, of range twenty-three; thence south, on the section lines, to the Mississippi river; thence down said river, in the western channel thereof, to the centre of the main channel of the Minnesota river; thence up the centre of said channel to the line between ranges twenty-two and twenty-three west from the fifth meridian; thence north, on said line, to the north-west corner of town one hundred and sixteen of range twenty-two; thence west, on the line between towns one hundred and sixteen and one hundred and seventeen, to the south-west corner of town one hundred and seventeen of range twenty-four; thence north, on the line between ranges twenty-four and twenty-five, to the middle of the main channel of Crow river; thence down along the middle of said channel to the middle of the main channel of the Mississippi river; thence down the middle of said channel to the place of beginning.

G. S. ch. 8, § 25 (30). Established March 6, 1852.

SEC. 758. **Houston county.**—The county of Houston is established and bounded as follows: Beginning in the middle of the main channel of the Mississippi river on the line between Iowa and Minnesota; thence west, on the state boundary line, to the south-west corner of township one hundred and one of range seven; thence north, on the line between ranges seven and eight, to the north-west corner of town one hundred and four of range seven; thence east, on the line between townships one hundred and four and one hundred and five, to the middle of the main channel of the Mississippi river; thence down the centre of said channel to the place of beginning.

G. S. ch. 8, § 26 (31). Established February 23, 1854.

SEC. 759. **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 (139) and one hundred and forty (140), range number thirty-two (32), townships numbered one hundred and thirty-nine (139), one hundred and forty (140), one hundred and forty-one (141), and one hundred and forty-two (142), of range number thirty-three (33), and townships numbered one hundred and thirty-nine (139), one hundred and forty (140), one hundred and forty-one (141), one hundred and forty-two (142), and one hundred and forty-three (143), of ranges number thirty-four (34) and thirty-five (35), west of the fifth (5th) principal meridian, according to the United States survey of public lands.

1853, ch. 78, approved February 26th, which also provided for appointment of commissioner by governor to hold office until next general election thereafter, at which election all county officers to be elected, and also that this county as so constituted be attached to Wadena county for judicial purposes.

SEC. 760. **Isanti county.**—The county of Isanti is established and bounded as follows: Beginning at the south-east corner of section twenty-four, in town thirty-four north, of range twenty-two west from the fourth principal meridian; thence west, upon the section lines, to the south-west corner of section nineteen, in township thirty-four, of range twenty-five; thence north, upon the line between ranges twenty-five and twenty-six, to the north-west corner of town thirty-seven of range twenty-five; thence east, upon the line between townships thirty-seven and thirty-eight, to the north-east corner of town thirty-seven of range twenty-three; thence south, upon the line between ranges twenty-two and twenty-three, to the north-west corner of town thirty-five of range twenty-two; thence east, on the north line of said town, to the north-east corner thereof; thence south, on the line between ranges twenty-one and twenty-two, to the place of beginning.

G. S. ch. 8, § 27 (32). Established February 13, 1857.

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SEC. 761. Itasca county.—The county of Itasca is established and bounded as follows: Beginning on the north boundary line of the state, in the middle of the Lake of the Woods; thence on a line running due south, to the middle of the main channel of the Mississippi river; thence down said channel, to the line between townships forty-seven and forty-eight north of the fourth meridian; thence east, on said township line, to the line between ranges twenty-one and twenty-two; thence due north to the boundary between the United States and British Possessions; thence westerly, along said boundary, to the place of beginning.

Additional territory.—* That all that certain territory situate in the county of Cass in this state and described as follows, to-wit: Commencing at the northwest corner of township number fifty-two (52) and range twenty-seven (27) in the state of Minnesota, thence running on the guide line to the center of the stream or channel of the Mississippi river; thence following down along the centre line of the channel of said river to a point where the north line of township fifty-two (52) crosses said river; thence west on the north line of township fifty-two (52) to the place of beginning; be and the same is hereby detached from the county of Cass in this state and attached to the county of Itasca in this state.

G. S. ch. 8, § 28 (33). Established October 29, 1849. Acts 1866, ch. 46, western boundary changed by transferring part to Beltrami county. Acts 1871, ch. 96, territory in southeasterly part transferred to Aitkin county. Acts 1887, ch. 116, below *, which also provided that transcripts of all the records affecting titles to land within this territory be made and recorded in this county, and that no tax be levied thereon but that for organized counties, and that transcript of the tax list be made.

SEC. 762. Jackson county.—The county of Jackson is established and bounded as follows: Beginning at the south-east corner of township one hundred and one north, of range thirty-four west; thence north, on the line between ranges thirty-three and thirty-four, to the north-east corner of town one hundred and four north, of range thirty-four west; thence west, on the line between towns one hundred and four and one hundred and five, to the north-west corner of town one hundred and four of range thirty-eight west; thence south, on the line between ranges thirty-eight and thirty-nine, to the south-west corner of town one hundred and one of range thirty-eight; thence east, on the state boundary line, to the place of beginning.

G. S. ch. 8, § 29 (34). Established May 23, 1857. Acts 1872, ch. 84, approved February 29th, provided that townships 101, 102, 103 and 104, range 38, in Jackson county, be detached and annexed to Nobles county, if approved by a vote of the people of both counties at ensuing general election.

SEC. 763. Kanabec county.—The county of Kanabec is established and bounded as follows: Beginning at the south-east corner of township thirty-eight, range twenty-three west; thence west to the south-west corner of township thirty-eight, range twenty-five west; thence north to the north-west corner of township forty, range twenty-five west; thence east to the south-west corner of township forty-one, range twenty-four west; thence north to the north-west corner of township forty-two, range twenty-four west; thence east to the north-east corner of township forty-two, range twenty-two west; thence south to the south-east corner of township forty-one, range twenty-two west; thence west to the north-east corner of township forty, range twenty-three west; thence south to the place of beginning.

G. S. ch. 8, § 30 (35). Established March 13, 1858. Organized 1881, Ex. S. ch. 87. Approved November 4th, "with all the rights, privileges, and immunities of other organized counties within this state," and authorizing a term of district court each year to be held therein.

SEC. 764. Kandiyohi county.—The county of Kandiyohi is established and bounded as follows: Beginning at the south-east corner of township one hundred and seventeen, range thirty-three; thence running west to the south-west corner of township one hundred and seventeen, range thirty-six; thence north to the north-west corner of township one hundred and nineteen, range

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thirty-six; thence east to the north-east corner of township one hundred and nineteen, range thirty-three; and thence south to the place of beginning.

Additional territory.— *Beginning at the south-east corner of town one hundred and twenty of range thirty-three; and running thence, in a westerly direction, along the line between towns one hundred and nineteen and one hundred and twenty, to the south-west corner of town one hundred and twenty of range thirty-six; thence in a northerly direction, along the range line between ranges thirty-six and thirty-seven, to the north-west corner of town one hundred and twenty-two of range thirty-six; thence in an easterly direction, along the lines between towns one hundred and twenty-two and one hundred and twenty-three, to the north-east corner of town one hundred and twenty-two of range thirty-three; thence in a southerly direction, along the line between ranges thirty-two and thirty-three, to the place of beginning.

G. S. ch. 8, § 81 (36), and acts 1870, ch. 92, which annexed the territory below *, formerly constituting Monongalia, to Kandiyohi county. Established March 20, 1858. 33 M. 27.

SEC. 765. Kittson county.— The county of Kittson is established and bounded as follows: Beginning at a point where the line between townships one hundred and fifty-eight (158) and one hundred and fifty-nine (159) intersects the centre of the channel of the Red River of the North; thence east along said line produced to the point where said produced line intersects the line between ranges thirty-eight (38) and thirty-nine (39); thence northwardly along said range line to the boundary line between the United States and British Possessions; thence westerly along said boundary line to the middle of the main channel of the Red River of the North; thence up said river, along the middle thereof, to the place of beginning.

G. S. ch. 8, § 49, as amended 1878, ch. 59; 1879, ch. 10. Approved February 25th. Acts 1878, ch. 59, changed name of Pembina to Kittson, "but without prejudice to any legal or judicial proceeding now pending." Acts 1879, ch. 10, established definite boundaries and organized the county of Kittson, "with all the rights, privileges and immunities of other organized counties."

SEC. 766. Lac qui Parle county.— The county of Lac qui Parle is hereby established, and the boundary lines thereof shall be as follows: Commencing at the intersection of the middle line of the Minnesota river with the range line between ranges forty and forty-one; thence in a northwesterly direction, along the middle line of the Minnesota river, to the western boundary of the state; thence south, along the western boundary line of the state, to the township line between townships one hundred and fifteen and one hundred and sixteen; thence east, along the township line between townships one hundred and fifteen and one hundred and sixteen, to the range line between ranges forty-one and forty-two; thence north, along the range line between ranges forty-one and forty-two, to the township line between townships one hundred and sixteen and one hundred and seventeen; thence east, along the township line between townships one hundred and sixteen and one hundred and seventeen, to the range line between ranges forty and forty-one; thence north, along the range line between ranges forty and forty-one, to the place of beginning.

1871, ch. 100, § 1, approved March 6, 1871, which formed this county out of Redwood county, organized it and attached it to Redwood county for judicial purposes. The above comprises no part of the territory of this county as described in G. S. ch. 8, § 32. This act was adopted at election November 3, 1871.

SEC. 767. Lake county.— The county of Lake is established and bounded as follows: Beginning on the shore of Lake Superior on the section line between sections numbered twenty-nine and thirty, of township fifty-two north, of range eleven west, of the fourth principal meridian; thence north on the section line to the boundary line between the United States and the British Possessions; thence easterly on said boundary line to the boundary line between Minnesota and Wisconsin; thence westwardly on the said state bound-

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ary line to a point where a southerly prolongation of the section line first mentioned would intersect the state boundary line; thence north to the place of beginning.

G. S. ch. 8, § 33, as amended 1873, ch. 93. Approved February 27th. Established March 1, 1856. Acts 1883, ch. 86, provided that the county organization since May 10, 1866, and the acts of persons purporting to act as officers be valid and legal as though the county had been duly organized.

SEC. 768. **Le Sueur county.**—The county of Le Sueur is established and bounded as follows: Beginning at the centre of the main channel of the Minnesota river, where the line between sections eighteen and nineteen, of township one hundred and nine, of range twenty-six, crosses said river; thence east, on said section line, to the line between ranges twenty-four and twenty-five; thence south, on said line, to the line between townships one hundred and eight and one hundred and nine; thence east, on said line, to the line between ranges twenty-two and twenty-three; thence north, on said range line, to the line between townships one hundred and twelve and one hundred and thirteen; thence west, on said township line, to the north-west corner of town one hundred and twelve of range twenty-five; thence south, on the west line of said town, to its intersection with the main channel of the Minnesota river; thence following said channel to its next intersection with said lines; thence following said line to its third intersection with said channel, on the west side of section seven in said town; thence up said channel to the line between sections twenty-four and twenty-five, in town one hundred and twelve, of range twenty-six; thence west, on said line, to the north-west corner of said section twenty-five; thence south, on the west line of said section, to the quarter post; thence west, on the quarter line, to the west quarter post of section twenty-six in said town; thence south, on the section line, to the middle of the channel of the Minnesota river; thence up said channel to the place of beginning.

G. S. ch. 8, § 34 (40). Established March 5, 1853.

SEC. 769. **Lincoln county.**—That all that part of the territory of the county of Lyon, state of Minnesota, west of range numbered forty-three west of the fifth principal meridian, be and the same is hereby established as the county of Lincoln, by which name it shall be described and known.

1873, ch. 92, § 1. Approved March 6, 1873. This act provided for the organization, transfer of records and collection of taxes, and attached it to Redwood for judicial purposes, and that no neglect or informality in posting or giving the notice for the election shall affect the validity of the vote. This territory in G. S. was by act 1866 attached to other counties. This county as now bounded includes no part of the territory described in G. S. as forming Lincoln county, which was organized and attached to Renville county by acts 1870, ch. 93.

SEC. 770. **Lyon county.**—The boundary line of Lyon county is hereby established and shall hereafter be as follows: Beginning at the south-east corner of township one hundred and nine (109), range forty (40); thence due north to the north-east corner of township one hundred and thirteen (113), range forty west of the fifth principal meridian; thence west to the boundary line of the state of Minnesota; thence south, on the boundary line of the state, to the township line between townships one hundred and eight (108) and one hundred and nine (109); thence east on said township line to the place of beginning.

1869, ch. 94, § 1. Established November 2, 1869. Formed out of Redwood county as bounded in G. S. By acts 1873, ch. 92, all that part of Lyon county as established by acts 1869, ch. 94, lying west of range 43 was formed into Lincoln county. Acts 1872, special, ch. 88, located county seat.

SEC. 771. **Martin county.**—The county of Martin is established and bounded as follows: Beginning at the south-west corner of township one hundred and one north, of range twenty-eight west; thence north, on the line between ranges twenty-eight and twenty-nine, to the north-east corner of town one hundred and four of range twenty-nine; thence west, on the line between townships one hundred and four and one hundred and five, to the north-west

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corner of town one hundred and four of range thirty-three; thence south, on the line between ranges thirty-three and thirty-four, to the south-west corner of town one hundred and one of range thirty-three; thence east, on the line between Iowa and Minnesota, to the place of beginning.

G. S. ch. 8, § 37 (43). Established May 23, 1857.

SEC. 772. Marshall county.—The county of Marshall is hereby established and bounded as follows: Commencing at the intersection of the middle line of the main channel of the Red River of the North with the line between townships one hundred and fifty-four (154) and one hundred and fifty-five (155); thence east along said line to the southeast corner of township one hundred and fifty-five (155); thence north along the line between ranges thirty-eight (38) and thirty-nine (39) to its intersection with the line between townships one hundred and fifty-eight (158) and one hundred and fifty-nine (159) produced; thence west along said line to the centre of the main channel of the Red River of the North; thence up the main channel of said river, following the western boundary of the state, to the place of beginning.

1879, ch. 10, approved February 25th, which also organized this county "with all the rights, privileges and immunities of other organized counties," and attached it to Polk county for judicial purposes. Acts 1881, ch. 112, provided that the east and west line dividing the counties of Polk and Marshall, instead of being on the north line of township 154, shall be on the south line of said township 154, from its intersection with the west line of the state in center of the main channel of the Red river on the west, to the east line of said county of Polk. Submitted to vote at subsequent general election. Acts 1883, ch. 81, provided that "all the territory lying between the southern line of Marshall county as now established, and the northern line of Polk county as now established, is hereby attached to and shall hereafter form a part of the county of Marshall. And the northern line of Polk county as now established by law, to wit, beginning in the middle of the main channel of the Red River of the North, opposite the mouth of Turtle river, and running thence due east" to the eastern line of said Marshall county prolonged south, shall be and is hereby established as the southern boundary line of said Marshall county. Submitted to vote of people. Acts 1835, ch. 221, provided that "the east and west line dividing the counties of Polk and Marshall, instead of being where it now is, shall be on the south line of township 154 from its intersection with the west line of the state in center of main channel of the Red river on the west, to the east line of said county of Polk." Submitted to vote of both counties. Acts 1881, Ex. S. ch. 86, located county seat at Warren.

SEC. 773. McLeod county.—The county of McLeod is established and bounded as follows: Beginning at the south-east corner of town one hundred and fifteen of range twenty-seven west from the fifth meridian; thence north, on the line between ranges twenty-six and twenty-seven, to the north-east corner of town one hundred and seventeen of range twenty-seven; thence west, on the line between towns one hundred and seventeen and one hundred and eighteen, to the north-west corner of town one hundred and seventeen of range thirty; thence south, on the line between ranges thirty and thirty-one, to the south-west corner of town one hundred and fourteen of range thirty; thence east, on the line between towns one hundred and thirteen and one hundred and fourteen, to the south-east corner of town one hundred and fourteen of range twenty-nine; thence north, on the east line of said town, to the north-east corner thereof; thence east, on the line between townships one hundred and fourteen and one hundred and fifteen, to the place of beginning.

G. S. ch. 8, § 38 (44). Established March 1, 1856. By acts 1866, ch. 50, certain territory was attached, and by ch. 51 certain territory detached. Acts 1872, ch. 86, provided that townships 115 and 116 north, of ranges 31 and 32, be detached from Renville county and attached to McLeod county, subject to vote by people of both counties.

SEC. 774. Meeker county.—The county of Meeker is established and bounded as follows: Beginning at the south-east corner of town one hundred and eighteen north, of range twenty-nine west from the fifth meridian; thence north, on the line between ranges twenty-eight and twenty-nine, to the north-east corner of section twenty-four, of town one hundred and twenty-one, in range twenty-nine; thence west, on the section lines to the north-east corner of section twenty-four, of town one hundred and twenty-one, of range thirty; thence north, on the east line of said town, to the north-east corner thereof;

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thence west, on the line between towns one hundred and twenty-one and one hundred and twenty-two, to the north-west corner of town one hundred and twenty-one of range thirty-two; thence south, on the line between ranges thirty-two and thirty-three, to the south-west corner of town one hundred and eighteen of range thirty-two; thence east, on the line between townships one hundred and seventeen and one hundred and eighteen, to the place of beginning.

Townships added.—That the townships numbered one hundred and seventeen, of ranges numbered thirty-one and thirty-two, are hereby detached from the county of Renville, and attached to the county of Meeker, and the said townships are hereby declared to be a part of said Meeker county, in this state.

G. S. ch. 8, § 39 (45), and acts 1870, ch. 97, which attached the additional townships. Established February 23, 1856.

SEC. 775. Mille Lacs county.—The county of Mille Lacs is established and bounded as follows: Beginning at the south-east corner of township thirty-six north, of range twenty-six west from the fourth meridian; thence north, on the line between ranges twenty-five and twenty-six, to the north-east corner of township forty of range twenty-six; thence east, on the line between townships forty and forty-one, to the south-east corner of town forty-one of range twenty-five; thence north, on the line between ranges twenty-four and twenty-five, to the north-east corner of town forty-three of range twenty-five; thence west, on the line between towns forty-three and forty-four, to the north-west corner of town forty-three of range twenty-seven; thence south, on the line between ranges twenty-seven and twenty-eight, to the south-west corner of town thirty-six of range twenty-seven; thence east, on the line between towns thirty-five and thirty-six, to the place of beginning.

G. S. ch. 8, § 40 (46). Established May 23, 1857.

SEC. 776. Morrison county.—The county of Morrison is established and bounded as follows: Beginning on the range line between townships forty-two and forty-three north, of range twenty-eight west, at the north-east corner of said township forty-two north, of range twenty-eight west; thence west, on said range [township] line, to the centre of the main channel of the Mississippi river; thence running up said channel to the mouth of the Crow Wing river; thence up the main channel of said river until the same intersects the range line between townships one hundred and thirty-three north, of range thirty-one and thirty-two west; thence south, on said range line, to a point directly west of the middle of the main channel of the Mississippi river, opposite the mouth of the Platt river; thence east to the middle of the main channel of the Mississippi river; thence up said channel, to a point west of the range [township] line between townships thirty-eight and thirty-nine north, of range thirty-two west; thence east, following said range [township] line, to the south-east corner of township thirty-nine, north of range twenty-eight west; thence north, on the range line between townships thirty-nine north and range twenty-seven and twenty-eight west, following said range line to the beginning.

Southern boundary.—* That all that portion of the county of Stearns lying north of the section line running due east from the north-east corner of said section thirty-six, township one hundred and twenty-seven, range thirty-two, to the Mississippi river, be and the same is hereby detached therefrom, and added to and made a portion of the county of Morrison.

G. S. ch. 8, § 42 (47), as amended 1867, ch. 116, § 1; and acts 1870, ch. 98, which added below*. Established February 25, 1858. Acts 1883, ch. 80, approved March 6, provided that "all that part of the county of Crow Wing lying between the southern boundary line of said county and the second section line north of said boundary line, the same being the two most southerly tiers of sections of said Crow Wing county, be and the same is hereby detached from the county of Crow Wing and attached to and made a part of the county of Morrison," subject to a vote of people.

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SEC. 777. Mower county.—The county of Mower is established and bounded as follows: Beginning at the south-east corner of township one hundred and one north, of range fourteen west of the fifth principal meridian; thence west, on the line between Minnesota and Iowa, to the line between ranges eighteen and nineteen; thence north, on said range line, to the line between townships one hundred and four and one hundred and five; thence east on said township line, to the north-east corner of town one hundred and four of range sixteen; thence south, on the east line of said town, to the north-east corner of section twelve in said town; thence east, on the section line, to the north-east corner of section twelve, in town one hundred and four, of range fourteen; thence south, on the line between ranges thirteen and fourteen, to the place of beginning.

G. S. ch. 8, § 43 (48). Established February 20, 1855.

SEC. 778. Murray county.—The county of Murray is established and bounded as follows: Beginning at the south-east corner of town one hundred and five north, of range thirty-nine west; thence north, on the line between ranges thirty-eight and thirty-nine, to the north-east corner of town one hundred and eight of range thirty-nine; thence west, on the line between townships one hundred and eight and one hundred and nine, to the north-west corner of town one hundred and eight of range forty-three; thence south, on the line between ranges forty-three and forty-four, to the southwest corner of town one hundred and five of range forty-three; thence east, on the line between towns one hundred and four and one hundred and five, to the place of beginning.

G. S. ch. 8, § 44 (49). Established May 23, 1857. Organized by acts 1872, ch. 82, "with all the rights and privileges and immunities of other organized counties," and empowering the county commissioners to locate the county seat.

SEC. 779. Nicollet county.—The county of Nicollet is established and bounded as follows: Beginning in the centre of the channel of the Minnesota river, on the line between townships one hundred and eleven and one hundred and twelve north, in range twenty-six; thence west, on said township line, to the centre of the channel of the Minnesota river in range thirty-three west; thence down along the middle of the main channel of said river to the place of beginning.

G. S. ch. 8, § 45 (50). Established March 5, 1853.

SEC. 780. Nobles county.—The county of Nobles is established and bounded as follows: Beginning at the south-east corner of township one hundred and one north, of range thirty-nine west of the fifth principal meridian; thence north, on the line between ranges thirty-eight and thirty-nine, to the north-east corner of township one hundred and four north, of range thirty-nine west; thence west, on the line between townships one hundred and four and one hundred and five, to the north-west corner of township one hundred and four of range forty-three; thence south, on the line between ranges forty-three and forty-four, to the south-west corner of town one hundred and one of range forty-three; thence east, on the line between Minnesota and Iowa, to the place of beginning.

G. S. ch. 8, § 46 (51). Established May 23, 1857. Acts 1872, ch. 84, provided "that townships 101, 102, 103 and 104, range 38, in county of Jackson, be detached from Jackson county and attached to and made part of Nobles county," subject to approval by electors of Jackson and Nobles county at ensuing general election. Acts 1872, ch. 85, provided that townships 101, 102, 103 and 104, range 43, in Nobles county, be detached from Nobles county and attached to Rock county, subject to approval of electors of both counties. Acts 1874, ch. 83, provided that the proceedings for the organization of Nobles county be and the same are hereby legalized, and said county of Nobles is hereby declared to be a legally organized county, and the official acts of the officers of said county since its organization are hereby legalized.

SEC. 781. Norman county.—That all that portion of the territory of the present county of Polk south of the line running east and west between townships one hundred and forty-six (146) and one hundred and forty-seven (147),

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[SECS. 782-784.]

be and the same hereby is established as the county of Norman, and the county seat of said county shall be at the town of Ada.

1881, ch. 92, approved February 17th, which also provided for submission to vote of electors of Polk county. This act also organized this county, provided for transcription of records and apportionment of taxes, and a term of district court on the first Tuesday in November of each year. Established November 29, 1881.

SEC. 782. Olmsted county.—The county of Olmsted is established and bounded as follows: Beginning at the south-east corner of township one hundred and five north, of range eleven west from the fifth principal meridian; thence west, on the line between townships one hundred and four and one hundred and five, to the north-east corner of town one hundred and four of range fourteen; thence south, on the east line of said town, to the south-east corner of section one in said town; thence west, on the section line, to the south-west corner of section six, in town one hundred and four, of range fifteen; thence north, on the line between ranges fifteen and sixteen, to the north-west corner of town one hundred and eight of range fifteen; thence east, on the line between townships one hundred and eight and one hundred and nine, to the north-east corner of town one hundred and eight of range thirteen; thence south, on the east line of said town, to the line between townships one hundred and seven and one hundred and eight; thence east, on said township line, to the north-east corner of town one hundred and seven of range eleven; thence south, on the line between ranges ten and eleven, to the place of beginning.

G. S. ch. 8, § 47 (52). Established February 20, 1855.

SEC. 783. Otter Tail county.—The county of Otter Tail is established and bounded as follows: Beginning at the north-west corner of township one hundred and thirty-seven of range forty-three; thence eastwardly, on the line between townships one hundred and thirty-seven and one hundred and thirty-eight, to the north-east corner of township one hundred and thirty-seven of range thirty-six; thence southwardly, on the line between ranges thirty-five and thirty-six, to the south-east corner of township one hundred and thirty-one of range thirty-six; thence westwardly, on the line between townships one hundred and thirty and one hundred and thirty-one, to the south-west corner of township one hundred and thirty-one of range forty-three; thence northwardly, on the line between ranges forty-three and forty-four, to the place of beginning.

G. S. ch. 8, § 48 (53). Established March 18, 1858. Acts 1872, ch. 87, approved February 28, provided that townships 131, 132, 133, 134, 135 and 136, range 44, be detached from county of Wilkin and attached to Otter Tail county, if ratified by majority of electors of Otter Tail county at ensuing general election. Acts 1873, ch. 95, approved March 10, provided that all of that part of Otter Tail county which lies east of range 39, and also townships 35, 36 and 37 of range 39, and township 37 of range 40, be detached from Otter Tail county and attached to Wadena county, when ratified by majority of voters of both counties at next general election.

SEC. 784. Pine county.—The county of Pine is established and bounded as follows: Beginning in the centre of the main channel of the St. Croix river, on the line between townships thirty-seven and thirty-eight north of the fourth meridian; thence west, on said township line, to the south-west corner of town thirty-eight of range twenty-two; thence north, on the line between ranges twenty-two and twenty-three, to the north-west corner of town forty of range twenty-two; thence east, on the line between townships forty and forty-one, to the south-west corner of town forty-one of range twenty-one; thence north, on the line between ranges twenty-one and twenty-two, to the north-west corner of town forty-five of range twenty-one; thence east, on the line between towns forty-five and forty-six, to the boundary line between Wisconsin and Minnesota; thence southerly, along said boundary line, to the place of beginning.

G. S. ch. 8, § 50 (55). Established March 31, 1856.

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SEC. 785. Pipestone county.—The county of Pipestone is established and bounded as follows: Beginning at the intersection of the line between townships one hundred and eight and one hundred nine with the western boundary of the state; thence eastwardly, on said township line, to the north-east corner of township one hundred and eight, range forty-four; thence southwardly, on the line between ranges forty-three and forty-four, to the south-east corner of township one hundred and five; range forty-four; thence westwardly, on the line between townships one hundred and four and one hundred and five to its intersection with the western boundary of the state; thence north, along said boundary, to the place of beginning.

G. S. ch. 8, § 51 (56). Established May 23, 1857. Acts 1879, ch. 63, approved January 27, declared this county to be legally organized, with all the rights, privileges and immunities of organized counties; and declared the persons elected to county offices in November, 1878, to have been legally elected, provided they qualified at any time prior to April 1, 1879, and empowered the county commissioners to "locate and establish the county seat."

SEC. 786. Polk county.—The county of Polk is established and bounded as follows: Beginning in the middle of the main channel of the Red River of the North, opposite the mouth of Turtle river; thence up along the centre of said channel to the line between townships one hundred and forty-two and one hundred and forty-three; thence easterly, on said township line, to Itasca lake or the Mississippi river; thence down the centre of the main channel of said river to a line running due south from the centre of the Lake of the Woods; thence north, on said line, to a line running due east from the mouth of Turtle river; thence west, on said line, to the place of beginning.

G. S. ch. 8, § 52 (57). Established July 20, 1858. Acts 1866, ch. 46, approved March 3d, changed the eastern boundary by transferring certain territory to Beltrami. Acts 1873, ch. 98, declared this county organized with all the rights, privileges, powers and immunities of other organized counties, and provided that the county officers elected at general election, 1873, qualify on or before 1st of May, 1873. Acts 1881, ch. 92, approved February 17th, provided that all that portion of Polk county south of line running east and west between townships 146 and 147 be established as county of Norman. Acts 1881, ch. 112, approved February 17th, provided that the east and west line dividing the counties of Polk and Marshall, instead of being on the north line of township 154, shall be on the south line of township 154, from its intersection with the west line of the state, in centre of the main channel of the Red river on the west to the east line of Polk county. Submitted to vote of people of Polk and Marshall counties. Acts 1885, ch. 221, approved February 21st, provided that the east and west line dividing the counties of Polk and Marshall, instead of being where it now is, shall be on the south line of township 154, from its intersection with the west line of the state, in centre of the main channel of the Red river on the west, to the east line of said county of Polk. Submitted to vote of people of both counties. Acts 1883, ch. 81, provided "that all the territory lying between the southern line of Marshall county, as now established, and the northern line of Polk county, as now established, be attached to, and shall hereafter form a part of, Marshall county; and the northern line of Polk county, as now established by law, to wit, beginning in the middle of the main channel of the Red River of the North, opposite the mouth of Turtle river, and running thence due east to the eastern line of said Marshall county, prolonged south, shall be and is hereby established as the southern boundary line of said Marshall county." Submitted to electors of Marshall county.

SEC. 787. Pope county.—The boundary line of Pope county is hereby established, and shall hereafter be as follows: Beginning at the north-east corner of township one hundred and twenty-six (126) north, of range thirty-six (36) west of fifth principal meridian; thence west to the north-west corner of township one hundred and twenty-six (126) north, of range forty (40) west; thence south to the south-west corner of township one hundred and twenty-three (123) north, of range forty (40) west; thence east to the south-east corner of township one hundred and twenty-three (123) north, of range thirty-six (36) west; thence north to the place of beginning.

G. S. ch. 8, § 53 (58), as amended 1866, ch. 44, § 1. Established February 20, 1862. Organized by laws 1866, ch. 44.

SEC. 788. Ramsey county.—The county of Ramsey is established and bounded as follows: Beginning at the north-west corner of town thirty north, of range twenty-three west of the fourth principal meridian; thence east, on the line between townships thirty and thirty-one, to the north-east corner of town thirty of range twenty-two; thence south, on the line between ranges

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[SECS. 789, 790.]

twenty-one and twenty-two, to the south-east corner of section twenty-four in town twenty-eight, of range twenty-two; thence west, on the section line, to the middle of the main channel of the Mississippi river; thence up the middle of said channel to the mouth of the Minnesota river; thence following the western channel of said Mississippi river; so as to include in Ramsey county the islands in said Mississippi river at and above the mouth of said Minnesota river, to the line between sections thirty-one and thirty-two, of town twenty-nine, in range twenty-three; thence north, on the section line, to the north-west corner of section five in said town; thence west, on the north line of said town, to the north-west corner thereof; thence north, on the line between ranges twenty-three and twenty-four, to the place of beginning.

G. S. ch. 8, § 54 (59). Established October 27, 1849. Acts 1873, ch. 96, approved March 10th, provided that "All that portion of section number twelve (12), township twenty-eight, range twenty-three (23) west, southeasterly of the centre of the Mississippi river, all of sections five (5), six (6), seven (7) and nine (9) of township number twenty-eight (28), range twenty-two (22), southerly of the centre of the Mississippi river, and all of section eight (8) of township number twenty-eight (28), range twenty-two (22) west, which said territory shall constitute and be denominated the sixth ward of said city," and that the same be submitted to the electors of Dakota and Ramsey county for adoption. Acts 1874, ch. 101, approved March 9th, provided "That all that part of Dakota county lying north of the south boundary line of sections seven and eight and nine, of township number twenty-eight, range twenty-two west, and section twelve of township twenty-eight, range twenty-three west, are hereby detached from the county of Dakota, and attached to the county of Ramsey, for all purposes whatsoever. The south-west quarter of the south-east quarter of section seven, town twenty-eight, range twenty-two west, is excepted from the provisions of this act, and shall remain a part and portion of Dakota county," and also the provision of acts 1873, ch. 96 (above quoted), be constituted sixth ward of St. Paul and be submitted to electors of Dakota and Ramsey counties for adoption.

SEC. 789. **Redwood county.**— The boundary line of Redwood county is hereby established, and shall hereafter be as follows: Beginning at the intersection of the middle line of the Minnesota river and the range line between ranges thirty-three and thirty-four; thence in a northwesterly direction on the middle line of the main channel of the Minnesota river to the western boundary line of the state of Minnesota; thence in a southerly direction on the boundary line of the state to the township line between townships one hundred and eight and one hundred and nine; thence east on said line to the range line between ranges thirty-five and thirty-six; thence north on said line to the township line between townships one hundred and nine and one hundred and ten; thence east on said line to the range line between ranges thirty-three and thirty-four; thence north on said line to the place of beginning.

1865, ch. 71, § 1. Established February 6, 1862. G. S. ch. 8, § 55, provided that "The county of Redwood is established and bounded as follows: Beginning in the centre of the channel of the Minnesota river, on the line between ranges thirty-three and thirty-four west of the fifth meridian; thence south, on said range line, to the line between towns one hundred and eight and one hundred and nine: thence west, on said township line, to the western boundary of the state; thence north, along said boundary line, to the Big Stone lake; thence, following the main channel of the Minnesota river, to the place of beginning;" which was not submitted as required by Const. art. 11, § 1. From the territory in acts 1865, ch. 71, Lyon county was formed by acts 1869, ch. 94; Yellow Medicine by acts 1871, ch. 98; Lac qui Parle by acts 1871, ch. 100. Acts 1868, ch. 112, provided for change of county lines.

SEC. 790. **Renville county.**— The county of Renville is established and bounded as follows: Beginning in the middle of the main channel of the Minnesota river, on the line between townships one hundred and eleven (111) and one hundred and twelve (112) north; thence east to the south-east corner of township one hundred and twelve (112) north of range thirty-two (32) west of the fifth meridian; thence north to the north-east corner of township one hundred and fourteen (114) north; thence west to the north-west corner of township one hundred and fourteen (114) north, of range thirty-two west; thence north to the north-east corner of township one hundred and sixteen (116) north; thence west to the north-west corner of township one hundred and sixteen (116) north, of range thirty-eight west; thence south to the centre of the main channel of the Minnesota river; thence down the main channel of

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said river to the place of beginning: *provided*, that if, after the passage of this act, it shall be judicially determined that townships one hundred and fifteen, one hundred and sixteen and one hundred and seventeen, of range thirty-one, and townships one hundred and fifteen, one hundred and sixteen and one hundred and seventeen, of range thirty-two, are not a part of the county of McLeod, then and in that case the said townships shall constitute a part of the county of Renville notwithstanding the provisions of this act.

G. S. ch. 8, § 56 (61), as amended 1868, ch. 110, § 1. Established February 20, 1855. Acts 1866, ch. 50, attached this territory to McLeod county, but was recognized to be contrary to Const. art. 11, § 1. By acts 1870, ch. 97, towns one hundred and seventeen, of range thirty-one, and one hundred and seventeen, of range thirty-two, were detached from Renville and added to Meeker county. Acts 1866, ch. 43, provided for boundary lines. Acts 1872, ch. 86, provided for detaching townships one hundred and fifteen and one hundred and sixteen north, of ranges thirty-one and thirty-two, from Renville and attaching same to McLeod.

SEC. 791. Rice county.— The county of Rice is established and bounded as follows: Beginning at the south-west corner of township one hundred and nine north, of range eighteen west of the fifth meridian; thence west on the line between towns one hundred and eight and one hundred and nine, to the line between ranges twenty-two and twenty-three; thence north, on said range line, to the township line between townships one hundred and twelve and one hundred and thirteen; thence east, on said township line, to the line between ranges twenty and twenty-one; thence south, on said range line, to the north-west corner of section thirty-one of township one hundred and twelve, in range twenty; thence east, on the section line, to the north-east corner of section thirty-six, of town one hundred and twelve, in range nineteen; thence south, on the line between ranges eighteen and nineteen, to the place of beginning.

G. S. ch. 8, § 57 (62). Established March 5, 1853.

SEC. 792. Rock county.— The county of Rock is established and bounded as follows: Beginning at the intersection of the line between townships one hundred and four and one hundred and five with the western boundary of the state; thence eastwardly, on said township line, to the north-east corner of township one hundred and four, range forty-four; thence southwardly, on the line between ranges forty-three and forty-four, to the south-east corner of township one hundred and one, range forty-four; thence westerly, on the line between townships one hundred and one hundred and one, following the southern boundary of the state, to its intersection with the western boundary of the state; thence due north along said boundary to the place of beginning.

G. S. ch. 8, § 58 (63). Established March 23, 1857. Organized acts 1870, ch. 91. Acts 1866, ch. 45, changed name of Rock to Lincoln county when the territory then forming Lincoln county should be annexed to and form part of other counties. Lincoln county was merged into Renville county by acts 1868, ch. 110, which would enable the change of name to take place. The county retained the name of Rock, and as such was organized by acts 1870, ch. 91. Acts 1873, ch. 92, formed a new county out of Lyon county and named it Lincoln. Acts 1872, ch. 85, approved February 29th, provided that townships 101, 102, 103 and 104, range 43, in county of Nobles, be detached from Nobles county and attached to Rock county, subject to ratification by voters of Nobles and Rock counties.

SEC. 793. Saint Louis county.— The county of Saint Louis is established and bounded as follows: Beginning at the southwest corner of township fifty north, of range twenty-one west of the fourth meridian; thence due north to the north boundary of the state; thence east, on the boundary line between the United States and British Possessions, to a line drawn due north from the mouth of Knife river; thence south, on said line, to the boundary between Minnesota and Wisconsin in Lake Superior; thence, following said boundary line and the main channel of the St. Louis river, to the line between ranges fifteen and sixteen; thence north, on said range line, to the line between townships forty-nine and fifty; thence east (*west*) on said township line to the place of beginning.

G. S. ch. 8, § 59 (64). Established March 1, 1856. Acts 1873, ch. 93, approved February 27th, provided that "The county of St. Louis is established and bounded as follows: Beginning at

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the southwest corner of township fifty north, of range twenty-one west, of the fourth principal meridian; thence due north on the township line to the north boundary of the state of Minnesota; thence east on said north boundary to a point where the northerly prolongation of the section line between sections twenty-nine and thirty, of town fifty-two north, of range eleven west, of the fourth principal meridian would intersect said north boundary of the state; thence south on said line and prolongation to the boundary line between Minnesota and Wisconsin, in Lake Superior; thence westerly, following said boundary line and the main channel of the St. Louis river to the line between ranges fifteen and sixteen; thence north on said range line to the line between townships forty-nine and fifty; thence west on said township line to the place of beginning." Subject to the ratification of the electors of St. Louis and Lake counties at the general election in 1873.

SEC. 794. Scott county.—The county of Scott is established and bounded as follows: Beginning at the north-east corner of township one hundred and twelve north, in range twenty-one west of the fifth meridian; thence west, on the township line between townships one hundred and twelve and one hundred and thirteen, to the middle of the main channel of the Minnesota river; thence down said channel to the mouth of Credit river; thence in a direct line to the place of beginning.

G. S. ch. 8, § 60 (65). Established March 5, 1858. Acts 1871, ch. 97, approved March 6th, provided that "the boundary line between Scott and Dakota counties shall be as follows: Commencing at the southeast corner of township one hundred and thirteen north, of range twenty-one west; thence running north on the east line of said township to the northeast corner thereof; thence running west on the north line of said township to the southwest corner of section thirty-five, in township one hundred and fourteen north, of range twenty-one west; thence north on section line to the south-west quarter of section thirty-five, in township one hundred and fifteen, range twenty-one; thence west to the southwest corner of the southeast quarter of section thirty-four, in said township one hundred and fifteen, range twenty-one; thence north to the middle of the channel of the Minnesota river." Subject to ratification by the electors of Scott and Dakota counties.

SEC. 795. Sherburne county.—The county of Sherburne is established and bounded as follows: Beginning in the centre of the main channel of the Mississippi river, on the line between townships thirty-five and thirty-six; thence east, on said township line, to the line between ranges twenty-five and twenty-six; thence south, on said range line, to the centre of the main channel of the Mississippi river; thence up said channel to the place of beginning.

G. S. ch. 8, § 61 (66). Established February 25, 1856. Acts 1889, ch. 169, approved March 8th, provided "that sections one (1) and twelve (12) of township thirty-five (35), range thirty-one (31), and sections six (6) and seven (7) of township thirty-five (35), range thirty (30), all in the county of Sherburne, Minnesota, be and the same hereby are detached from said Sherburne county and attached to the county of Stearns, for all purposes whatsoever, and that the county line between said counties be and the same is hereby changed accordingly." Subject to ratification by the people of Sherburne and Stearns counties at the ensuing general election.

SEC. 796. Sibley county.—The county of Sibley is established and bounded as follows: Beginning in the centre of the main channel of the Minnesota river, on the line between townships one hundred and eleven and one hundred and twelve; thence west, on said township line, to the line between ranges thirty-one and thirty-two; thence north, on said range line, to the line between townships one hundred and fourteen and one hundred and fifteen; thence east, on said township line, to the line between ranges thirty and thirty-one; thence south, on said range line, to the line between townships one hundred and thirteen and one hundred and fourteen; thence east, on said township line, to the line between ranges twenty-eight and twenty-nine; thence north, on said range line, to the line between townships one hundred and fourteen and one hundred and fifteen; thence east, on said township line, to the line between ranges twenty-five and twenty-six; thence south, on said range line, to the north-west corner of section nineteen, of township one hundred and fourteen, of range twenty-five; thence east, on the section line, to the north-east corner of section twenty-four in said township; thence south, on the east line of said township, to the centre of the main channel of the Minnesota river; thence up said channel to the line between townships one hundred and twelve and one hundred and thirteen; thence east, on said township line, to the north-west [north-east] corner of town one hundred and twelve of range twenty-six; thence south, on the east line of said

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town, to its intersection with the main channel of the Minnesota river; thence, following said channel to its next intersection with said line; thence following said line to its third intersection with said channel, on the east side of section twelve in said town; thence up said channel to the line between sections twenty-four and twenty-five in said town; thence west to the north-west corner of said section twenty-five; thence south on the west line of said section, to the quarter post; thence west, on the quarter line of section twenty-six in said town, to the section line between said section twenty-six and section twenty-seven; thence south, on said section line, to the middle of the main channel of the Minnesota river; thence up said channel to the place of beginning.

G. S. ch. 8, § 62 (67). Established March 5, 1853. Acts 1866, ch. 51, provided for detaching from McLeod county township 114 north of ranges 29 and 30, and attaching same to Sibley county.

SEC. 797. Stearns county.—The county of Stearns is established and bounded as follows: Beginning in the centre of the main channel of the Mississippi river, opposite the mouth of Clearwater river; thence, up the middle of the main channel of said Clearwater river, to the line between ranges twenty-eight and twenty-nine west of the fifth principal meridian; thence south, to the north-east corner of section twenty-four, of town one hundred and twenty-one, of range twenty-nine; thence west, on the section line, to the south-west corner of section eighteen in said town; thence north, on the west line of said town, to the north-west corner of said town; thence west, on the line between townships one hundred and twenty-one and one hundred and twenty-two, to the line between ranges thirty-two and thirty-three; thence north, on said range line, to the line between towns one hundred and twenty-two and one hundred and twenty-three; thence west, on said township line, to the line between ranges thirty-five and thirty-six; thence north, on said range line, to the north-west corner of section thirty of town one hundred and twenty-seven, in range thirty-five; thence east, on the section line, to the centre of the main channel of the Mississippi river, nearly opposite the mouth of Platte river; thence, down the centre of said channel, to the place of beginning.

G. S. ch. 8, § 63 (68). Established February 20, 1855. Act 1870, ch. 98, provides that all that portion of the county of Stearns, north of section line running due east from north-east corner of said section 36, township 127, range 32, to Mississippi river, be detached therefrom and added to Morrison county. Act 1874, ch. 102, approved March 9th, provides "That the boundary line between the counties of Stearns and Todd in this state is hereby established and designated as follows: Commencing at the south-west corner of section number thirty, township number one hundred and twenty-seven north, of range number thirty-five west of the fifth principal meridian; thence due east, on the section line running east and west, to the south-east corner of section number twenty-five, township number one hundred and twenty-seven north, of range number thirty-two west of the meridian aforesaid;" subject to ratification by the people.

SEC. 798. Steele county.—The county of Steele is established and bounded as follows: Beginning at the south-east corner of town one hundred and five north, of range nineteen west of the fifth principal meridian; thence west, on the line between townships one hundred and four and one hundred and five, to the line between ranges twenty-one and twenty-two; thence north on said range line to the line between townships one hundred and eight and one hundred and nine; thence east on said township line to the line between ranges eighteen and nineteen; thence south on said range line to the place of beginning.

G. S. ch. 8, § 64 (69). Established February 20, 1855.

SEC. 799. Stevens county.—The county of Stevens is established and bounded as follows: Beginning at the north-east corner of township one hundred and twenty-six (126) north, of range forty-one (41) west, of the fifth principal meridian; thence west to the north-west corner of township one hundred and twenty-six (126) north, of range forty-four (44) west; thence south to the south-west corner of township one hundred and twenty-three (123)

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[SECS. 800—802.]

north of range forty-four west; thence east to the south-east corner of township one hundred and twenty-three (123) north, of range forty-one (41) west; thence to the place of beginning.

G. S. ch. 8, § 65 (70), as amended 1868, ch. 109, § 1. Established February 20, 1860. Acts 1881, ch. 129, approved February 7th, declares this county to be an organized county, with all the powers belonging to organized counties, and provides that all the official acts of county commissioners, auditor, register, treasurer, district court clerk, probate judge and other county officers, performed since the actual organization in 1871, shall be deemed valid as if the county had been duly organized prior to end of 1871.

SEC. 800. Swift county.— The boundary lines of Swift county are hereby established and hereafter shall be as follows: Beginning at the north-east corner of township number one hundred and twenty-two north, of range number thirty-seven west of the fifth principal meridian; thence west to the north-west corner of township number one hundred and twenty-two north, of range number forty-three west; thence south to the centre of the main channel of the Minnesota river; thence in a south-easterly direction, along the main channel of said river, to the intersection of the township line between townships one hundred and nineteen and one hundred and twenty; thence east, along said township line, to the south-east corner of township number one hundred and twenty, range number thirty-seven; thence north to the point of beginning.

1870, ch. 90, § 1, which forms this county out of Chippewa county and recognizes it as organized. Established March 4, 1870.

SEC. 801. Todd county.— The county of Todd is established and bounded as follows: Beginning in the centre of the main channel of the Crow Wing river, where said river is crossed by the range line between townships one hundred and thirty-three north, of range thirty-one and thirty-two west; thence up said channel to the range line between townships one hundred and thirty-three and one hundred and thirty-four north of range thirty-two west; thence west on said range line to the north-west corner of township one hundred and thirty-three north, of range thirty-five west; thence south on the range line between townships one hundred and thirty-three north, of ranges thirty-five and thirty-six west, following the range line to a point directly west of the middle of the main channel of the Mississippi river opposite the mouth of Platte river; thence east to the range line between townships one hundred and twenty-seven north, of ranges thirty-two and thirty-one west; thence north, following said range line, to the place of beginning.

G. S. ch. 8, § 66 (72), as amended 1867, ch. 116, § 2. Established February 20, 1862. Acts 1868, ch. 114, provided for change of county lines. Acts 1874, ch. 102, approved March 9th, provided that boundary line between Todd and Stearns counties shall commence at southeast corner of section 30, township 127, range 35 west of fifth principal meridian; thence due east and west to the southeast corner of section 25, township 127, range 32 west of the meridian aforesaid, subject to ratification by the electors of both counties.

SEC. 802. Traverse county.— The county of Traverse is established and bounded as follows: Beginning in the center of the channel of the Bois des Sioux (Sioux Wood) river, at the intersection of the line between townships one hundred and twenty-nine and one hundred and thirty; thence eastwardly, on said township line, to the north-east corner of township one hundred and twenty-nine, range forty-four; thence southwardly on the line between ranges forty-three and forty-four, to the south-east corner of township one hundred and twenty-five, range forty-four; thence westwardly on the line between townships one hundred and twenty-four and one hundred and twenty-five, to the western boundary of the state; thence, on said boundary line, passing through Lake Traverse and along the Bois des Sioux river, to the place of beginning.

G. S. ch. 8, § 67 (73). Established February 20, 1862. Acts 1868, ch. 109, §§ 1, 5, transferred the eastern range of townships to Grant and Stevens counties, and provided in § 3 that Traverse county be bounded as follows: "Beginning at the northeast corner of township 126 north, of range 45 west, to the western boundary of the state; thence south along said boundary to the intersection of the township line between townships 122 and 123; thence east to the south-

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east corner of township 123 north, of range 45 west; thence north to place of beginning." Acts 1881, ch. 130, approved February 14th, declared Traverse county to be embraced within the following boundaries: "Beginning in center of Bois des Sioux at intersection of line between townships 129 and 130; thence easterly on said township line to northeast corner of said township 129 north, range 45 west; thence southerly on line between ranges 44 and 45 to southeast corner of township 125, range 45; thence westerly on line between townships 124 and 125 to western boundary of state; thence on said boundary line passing through Lake Traverse and along the Bois des Sioux river to place of beginning," and declared the same organized with all the rights, privileges and immunities of other organized counties.

SEC. 803. Wabasha county.—The county of Wabasha is established and bounded as follows: Beginning at the south-east corner of town one hundred and eight north, of range eleven west from the fifth principal meridian; thence west, on the line between towns one hundred and seven and one hundred and eight, to the line between ranges twelve and thirteen; thence north, on said range line, to the line between townships one hundred and eight and one hundred and nine; thence west, on said township line, to the line between ranges fourteen and fifteen; thence north, on said range line, to the line between townships one hundred and fourteen and one hundred and fifteen; thence east, on said township line, to the line between ranges thirteen and fourteen; thence north, on said range line, to the line between townships one hundred and fifteen and one hundred and sixteen; thence east, on said township line, to the centre of Lake Pepin; thence, down the middle of said lake and of the main channel of the Mississippi river, to the line between townships one hundred and eight and one hundred and nine; thence west, on said township line, to the line between ranges ten and eleven; thence south, on said range line, to the place of beginning.

G. S. ch. 8, § 68 (74). Established October 27, 1849. Boundaries in Pub. St. ch. 1, §§ 48, 61, 80, 83, different, and give the boundaries as they existed at passage of G. S., which could only be changed by popular vote as prescribed in Const. art. 11, § 1.

SEC. 804. Wadena county.—The county of Wadena is established and bounded as follows: Beginning at the south-west corner of township one hundred and thirty-four north, of range thirty-five west of the fifth principal meridian; thence north, on the line between ranges thirty-five and thirty-six, to the north-west corner of town one hundred and thirty-eight of range thirty-five; thence east, on the line between townships one hundred and thirty-eight and one hundred and thirty-nine, to the north-east corner of town one hundred and thirty-eight of range thirty-three; thence south, on the line between ranges thirty-two and thirty-three, to the south-east corner of town one hundred and thirty-four of range thirty-three; thence west, on the line between townships one hundred and thirty-three and one hundred and thirty-four, to the place of beginning.

G. S. ch. 8, § 69 (75). Established July 11, 1858. Organized by acts 1873, ch. 97. Approved February 21st. Acts 1883, ch. 79, approved March 3d, provided that townships 134, 135, 136, 137, 138 north, of range 32 west of fifth principal meridian in the county of Cass, be detached from Cass county and annexed to Wadena county. Submitted to electors of Wadena county at ensuing general election.

SEC. 805. Waseca county.—The county of Waseca is established and bounded as follows: Beginning at the south-west corner of town one hundred and five, of range twenty-one west of the fifth meridian; thence west, on the line between towns one hundred and four and one hundred and five, to the south-west corner of town one hundred and five of range twenty-four; thence north, on the line between ranges twenty-four and twenty-five, to the north-west corner of town one hundred and eight of range twenty-four; thence west, on the line between townships one hundred and eight and one hundred and nine, to the north-east corner of town one hundred and eight of range twenty-two; thence south, on the line between ranges twenty-one and twenty-two, to the place of beginning.

G. S. ch. 8, § 70 (76). Established February 27, 1857.

SEC. 806. Washington county.—The county of Washington is established and bounded as follows: Beginning in the middle of the main channel

of the Mississippi river, on the line between sections twenty-three and twenty-six, of town twenty-eight north, in range twenty-two west; thence east, on said section line, to the line between ranges twenty-one and twenty-two; thence north, on said range line, to the line between townships thirty-two and thirty-three; thence east, on said township line, to the centre of the main channel of the St. Croix river; thence, down the middle of said channel and of St. Croix lake, to the Mississippi river; thence, up the middle of the channel of said Mississippi river, to the place of beginning.

G. S. ch. 8, § 71 (77). Established October 27, 1849.

SEC. 807. Watonwan county.— The county of Watonwan is established and bounded as follows: Beginning at the north-east corner of town one hundred and seven, of range thirty west of the fifth meridian; thence west, on the line between townships one hundred and seven and one hundred and eight, to the line between ranges thirty-three and thirty-four; thence south, on said range line, to the line between townships one hundred and four and one hundred and five; thence east, on said township line, to the line between ranges twenty-nine and thirty; thence north, on said range nine, to the place of beginning.

G. S. ch. 8, § 72 (78). Established November 6, 1860.

SEC. 808. Wilkin county.— That so much of the county of Wilkin as is embraced in the following described territory, to wit: commencing at the north-east corner of township 136 of range 45 west; running thence west, on the town line between 136 and 137, to the state line; thence in a southerly direction, along the west line of the state of Minnesota, to the town line between 129 and 130; thence east, on said town line, to the south-east corner of township 130 of range 45 west; thence north, on the range line between ranges 44 and 45, to the place of beginning, is hereby declared to be an organized county, with all the rights, privileges and immunities of other organized counties within this state.

G. S. ch. 8, § 3, as amended 1868, ch. 115; 1872, ch. 83, § 1. Established March 6, 1868. Organized by act 1872, ch. 83, which gives the above boundaries, and which includes all of the county named Andy Johnson in G. S., except towns 131 to 136, both inclusive, of range 44, transferred to Otter Tail by acts 1872, ch. 87; and town 130, of range 44, transferred to Grant county by acts 1868, ch. 109. The name Andy Johnson was changed to Wilkin by acts 1868, ch. 115, which also provided "that the change of name shall in no way affect any rights, claims or immunities of any citizen or any other person."

SEC. 809. Winona county.— The county of Winona is established and bounded as follows: Beginning at the south-west corner of township one hundred and five north, of range ten west; thence north, on the line between ranges ten and eleven, to the line between townships one hundred and eight and one hundred and nine; thence east, on said township line, to the centre of the main channel of the Mississippi river; thence, down along the middle of said channel, to the line between townships one hundred and four and one hundred and five; thence west, on said township line, to the place of beginning.

G. S. ch. 8, § 73 (80). Established February 23, 1849.

SEC. 810. Wright county.— The county of Wright is established and bounded as follows: Beginning at the most northern intersection of the Clearwater river with the line between ranges twenty-eight and twenty-nine; thence south, on said range line, to the line between townships one hundred and seventeen and one hundred and eighteen; thence east, on said township line, to the line between ranges twenty-four and twenty-five; thence north, on said range line, to the center of the main channel of the south branch of Crow river; thence, down the middle of said channel and of the main channel of Crow river, to the Mississippi river; thence, up the middle of the main channel of the Mississippi river and of the Clearwater river, to the place of beginning.

G. S. ch. 8, § 74 (81). Established February 20, 1855.

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SEC. 811. **Yellow Medicine county.**— The county of Yellow Medicine is hereby established, and the boundary lines thereof shall be as follows: Commencing at the intersection of the middle line of the Minnesota river with the range line between ranges thirty-seven and thirty-eight; thence in a northwesterly direction, along the middle line of said river, to the intersection thereof with the range line between ranges forty and forty-one; thence south, along the range line between ranges forty and forty-one, to the township line between townships one hundred sixteen and one hundred and seventeen; thence west, along the township line between towns one hundred sixteen and one hundred seventeen, to the range line between ranges forty-one and forty-two; thence south, along the range line between ranges forty-one and forty-two, to the township line between townships one hundred fifteen and one hundred sixteen; thence west, along the township line between townships one hundred fifteen and one hundred sixteen, to the western boundary of the state; thence south, along the western boundary of the state, to the township line between townships one hundred thirteen and one hundred fourteen; thence east, along the township line between [townships] one hundred thirteen and one hundred fourteen, to the range line between ranges thirty-nine and forty; thence south along the range line between ranges thirty-nine and forty, to the township line between townships one hundred twelve and one hundred thirteen; thence east, along the township line between townships one hundred twelve and one hundred thirteen, to the range line between ranges thirty-seven and thirty-eight; thence north, along the range line between ranges thirty-seven and thirty-eight, to the place of beginning.

1871, ch. 98, approved March 6th, which formed this county out of Redwood county and organized it.

TITLE 2.

ORGANIZATION, POWERS AND DUTIES.

SEC. 812. **Powers.**— Each organized county within this state is a body politic and corporate, and, as such, empowered to act for the following purposes:

First. To sue and be sued.

Second. To purchase and hold real and personal estate 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 in which the county is plaintiff.

Third. To sell and convey any real and personal estate owned by the county, and make such order respecting the same as may be deemed conducive to the interests of the inhabitants.

Fourth. 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.

G. S. ch. 8, § 75 (83). 8 M. 496; 14 M. 67, 498; 16 M. 151; 22 M. 97; 33 M. 520; 30 M. 356; 28 M. 518.

SEC. 813. **How exercised.**— The powers of the county as a body politic and corporate, can only be exercised by the board of commissioners thereof, or in pursuance of a resolution by them adopted.

G. S. ch. 8, § 77 (85).

SEC. 814. **Hold real estate.**— 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 thereof, or its inhabitants, shall be deemed to be the property of such county; and all such conveyances have the same

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force and effect as if they were made to the inhabitants of such county by their corporate name.

G. S. ch. 8, § 76 (84).

SEC. 815. Provide buildings.— Each county organized for judicial purposes shall provide at the county seat a suitable court house, and a suitable and sufficient jail, and fire-proof offices, and other necessary buildings, and keep the same in good repair.

G. S. ch. 8, § 78 (86), as amended 1870, ch. 44. 28 M. 518.

SEC. 816. Change of county lines.— That the county line of any unorganized county in this state shall not be changed or the territory of such unorganized county be annexed in part or in whole to any organized county as a part of such organized county without first submitting the proposition for such change of line or annexation to the electors of the county or counties to be affected thereby, to be voted upon at the next general election after permission is granted therefor, and the same must be adopted by the majority of the electors voting therein in each county affected thereby.

1887, ch. 119: "An act relating to the change of county lines of unorganized counties and annexation of unorganized territory to organized counties." Approved February 25, 1887.

CLAIMS.

SEC. 817. Allowance — Disallowance — Appeal.— When the claim of any person against a county is disallowed in whole or in part by the board of county commissioners, such person may appeal from the decision of such board to the district court in the same county, by causing a written notice of such appeal to be filed in the office of the county auditor within thirty days after the decision appealed from was made, upon giving security for costs, to be approved by the county auditor. When the claim of any person against a county is allowed in whole or in part by the board of county commissioners, no order shall be issued in payment of such claim or any part thereof until the expiration of thirty days from the date of the decision; and the county attorney may in any case, and, if the amount allowed exceeds twenty-five dollars, he shall, upon the request of seven tax-payers of the county, on behalf of and in the name of such county, appeal from the decision of such board to the district court in the same county, by causing a written notice of such appeal to be filed in the office of the county auditor within thirty 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 the judgment of the district court in the proceedings shall be certified and filed in the office of the county auditor. When notice of appeal is filed as aforesaid, the district court shall have jurisdiction of the parties and of the subject-matter of the proceeding and may compel a return to be made in the same manner as in case of an appeal from a judgment of a justice of the peace. **Provided*, that the board of county commissioners of any county may in their discretion at their regular meetings in January and July, appropriate from the revenue fund of their county a sum of money not exceeding one hundred and fifty (150) dollars, to pay incidental expenses of the county, incurred for postage of the several county officers entitled thereto, and express charges chargeable to the county, and the mileage of town officers making election returns, and such other purposes as the county board may direct, *provided, further*, that no person shall be entitled to receive at any one time a larger sum than fifteen (15) dollars from such appropriation. The money so appropriated shall be paid on the warrant of the county auditor, upon the presentation of a properly itemized and verified bill, except in such cases where the auditor considers the sum charged to be excessive, in which cases he shall file the bill if requested by the person presenting the same for action of the board at its next meeting.

G. S. ch. 8, § 81 (89), as amended 1889, ch. 171. Approved April 24th. Amendment below *.
14 M. 67.

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SECS. 818-821.] COUNTIES, ETC.— ORGANIZATION, POWERS AND DUTIES.

SEC. 818. **Proceedings on appeal.**— Upon an appeal being taken, as provided in the preceding section, the county auditor shall, without any fee or charge for such service, within ten days thereafter, file in the office of the clerk of the district court in the same county, a certified copy of the claim, and a transcript from the record in the auditor's office of the action of the commissioners thereon, with a copy of the notice of appeal, and the date of the filing thereof in his office. In case of an appeal by a claimant, the county auditor shall immediately notify the county attorney thereof. The proceeding shall be put upon the trial calendar among the issues of fact for trial at the next general term of the district court in the county, holden after eight days from 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, and thereon the proceeding shall be tried, all questions of law arising on the case being summarily heard and determined upon the same pleadings; the issues of fact shall be tried as other issues of fact are tried in the same court, and judgment rendered and perfected as in civil actions; but no execution shall issue thereon, except for the collection of a counterclaim, or the collection of costs and disbursements, in case of a judgment therefor against a claimant. 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 within that time, a certified copy of the judgment shall be filed in the office of the county auditor, and if an appeal is taken to the supreme court, the determination of that 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 all of which cases, after a certified copy of the judgment is filed in the office of the county auditor, 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 the county has against such claimant, and have execution for the collection of any judgment in its favor.

G. S. ch. 8, § 82 (90). 15 M. 324; 32 M. 139.

ACTIONS BY AND AGAINST COUNTIES.

SEC. 819. **Name.**— In all actions or proceedings by or against a county, the name in which the county shall sue or be sued, shall be "the board of county commissioners of the county of —," (the name of the county); but this provision shall not prevent other county officers, when authorized by law, from suing in their name of office for the benefit of the county.

G. S. ch. 8, § 80 (88).

SEC. 820. **Process — Jurors — Witnesses.**— When any action is commenced against a county, the process shall be served on the clerk of the board of county commissioners, either during a session of the board, or so that a session shall be held at least ten days before the return day of such process; and the said clerk shall forthwith notify the county attorney for said county, and lay before the board of commissioners, at their next annual meeting, all the information he may have in regard to such action. The inhabitants of a county, suing or being sued, may be jurors or witnesses, if otherwise competent or qualified according to law.

G. S. ch. 8, § 79 (87).

SEC. 821. **Judgment against county.**— When any judgment is recovered against the board of commissioners of any county, or against any county officer, in any action prosecuted by or against him in his name of office, where

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[SEC. 822.]

the same is to be paid by the county, no execution shall be awarded or issued upon such judgment, except as herein provided; but, unless reversed, the amount of such judgment shall be levied and collected as other county charges, and, when so collected, shall be paid by the county treasurer to the person in whose favor such judgment was rendered, upon the delivery of a proper voucher therefor; but if payment is not made in thirty days after the time the collector of taxes is required by law to make his return of county taxes, next after the rendition of such judgment, then execution may be issued on such judgment, but the property of the county only is liable thereon: *provided*, that if at the time of the rendition of such judgment, there are sufficient funds belonging to the county in the treasury, the treasurer shall pay the same upon application being made to him by the person in whose favor such judgment was rendered, his agent or attorney.

G. S. ch. 8, § 83 (91).

COUNTY SEAT REMOVAL.

SEC. 822. Petition for.—That whenever there shall be presented to the county auditor of any county in this state a petition, substantially in the following form, to-wit: “To the board of county commissioners of the county of (here insert the name of the county), Minnesota: The undersigned legal voters of said county pray that the county seat thereof be changed to (here designate the place),” and signed by legal voters of such county to a number equal to not less than sixty (60) per cent. of the whole number voting in such county at the last general election preceding the presentation of such petition to said county auditor, as shown by the returns of such election, accompanied by the affidavit or affidavits of not less than two (2) of the signers thereof, stating that within their knowledge, the signatures to such petition are genuine, and that their names were signed thereto within sixty (60) days preceding the date of such affidavits, and that as they are informed and believe such signers were at the time of signing of such petition legal voters of said county.

Duty of auditor.—And if the number of legal voters of such county whose genuine signatures are attached to said petition, as disclosed by said affidavits, equals or exceeds a majority of the whole number of votes cast in such county at the last general election preceding the presentation of such petition, as shown by the returns of such election, it shall be the duty of the county auditor, subject to the provisions of this act, immediately to file such petition and affidavits in his office, and, subject to the provisions of this act, immediately to make, subscribe, affix his official seal to and file in his office an order for a special meeting of the board of county commissioners of such county, specifying therein the time for such meeting, which shall be between the hours of nine (9) o'clock in the forenoon and five (5) o'clock in the afternoon, on a week day, and not less than fifteen (15) nor more than twenty (20) days after the time of the presentation of said petition and affidavits.

And the said county auditor shall mail or procure to be mailed to each member of said board, addressed to him at his last known postoffice address, postage prepaid, or otherwise served upon him, a duplicate original of such order, not less than five (5) days before the time specified therein for such meeting.

It shall also be the duty of said county auditor, immediately upon making and filing such order, to make, subscribe, affix his official seal to and file in his office a notice substantially in the following form, to-wit:

Notice.—“To the legal voters of the county of (here name county as in the petition), Minnesota:

“Notice is hereby given, that a petition is now on file in my office, signed by the legal voters of said county to the number of (here state the number as shown by the said petition and affidavits), praying that the county seat of said county be changed to (here designate the place as in said petition), and that a special meeting of the board of county commissioners of said county will

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be held at (here name the place provided for the meeting of the board) on the (here state the time of the meeting as in said order) to consider and determine as to the genuineness of the signatures to said petition, and as to the number of legal voters of said county whose genuine signatures were attached thereto within sixty (60) days preceding the filing of such petition and affidavits in the office of the said county auditor, at which time and place any legal voter in said county may appear, in person or by counsel, and be heard respecting the matters so committed to the determination of the said board."

Publication of.—It shall also be the duty of the said county auditor to cause the said notice to be published once each week for two (2) consecutive weeks immediately preceding the time fixed therein for the said special meeting of said board in all the newspapers printed and published in such county during such period, and also to post a duplicate of said notice in a public place in each organized town in said county not less than ten (10) days prior to the time fixed in said notice for the meeting of said board.

Affidavits stating facts showing compliance with the foregoing provisions for the publication and posting of said notices may be made by any person having personal knowledge thereof, and upon being tendered to said county auditor for filing in his office shall be filed therein, and shall thereafter constitute and be prima facie evidence of the truth of the facts therein set forth in all actions, suits and proceedings.

Intention.—*Provided, further,* that public notice of the intention to circulate such petition shall be given by the publication thereof in one (1) or more newspapers of such county, if there be such newspapers, and by posting the same in three (3) of the most public places at the county seat in such county for two (2) weeks next preceding the circulation of such petition. Proof of the publication and posting of such notice shall be made in like manner as herein provided for in the notice of the special meeting of said board.

o 1889, ch. 174, § 1, approved March 21st: "An act for changing county seats." This law supersedes acts 1885, ch. 272, approved March 5th.

SEC. 823. **Duties of commissioners.**—It shall be the duty of said board of county commissioners to meet at the time and place specified in the notice mentioned in the preceding section, and proceed without unnecessary delay to comply with the provisions of this act, continuing in session from day to day (excluding Sundays and legal holidays) until such compliance shall be completed.

Evidence of truth.—The said board shall inquire and determine, which, if any, of the signatures attached to the petition referred to in said notice are not genuine, and which, if any, of the signers of said petition were not, at the time of signing the same, legal voters in said county, and which, if any, of the signatures to said petition were not attached thereto within sixty (60) days preceding the filing of such petition in the office of the said county auditor; the affidavits accompanying said petition and filed in the office of the said county auditor, pursuant to the provisions of the preceding section, shall for the purposes of this act, be prima facie evidence of the truth of the matters stated therein.

The said board shall receive any competent evidence offered before them bearing upon the matters committed to their determination aforesaid; and, to that end any legal voter in said county may appear before said board at said meeting in person or by counsel, and be heard in respect to said matters under such reasonable rules and regulations as the board may prescribe; provided, however, no remonstrance against a county seat removal shall be presented to or be considered by said board unless notice of a desire to contest such county seat removal shall have been published at least three (3) full weeks in some newspaper of general circulation published in the county, and posted in three (3) public places in such county, before the circulation of such remonstrance.

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[SEC. 824.]

The fact that such notice was so printed and posted shall be established by the affidavits of all the parties who circulated such remonstrance, by those of the parties posting such notices, and by affidavits of the publishers of newspapers who may have published such notices.

Conclude investigation.—It shall be the duty of the said board, within ten days after the day specified in said notice for their said meeting, to conclude their inquiries and determination respecting the matters committed to them, as aforesaid, and immediately thereupon to make, sign and file in the office of the said county auditor, a certificate setting forth the names of the persons, if any, whose signatures to such petition are not genuine, and the names of the persons, if any, signing such petition who were not at the time of signing the same legal voters in such county, and the names of the persons, if any, signing such petition whose signatures were not attached thereto within sixty (60) days preceding the filing of such petition in the office of the said county auditor. All of which names shall be stricken from the said petition originally filed in the office of said county auditor, and shall be deemed by the filing of said certificate, to be deducted therefrom.

1889, ch. 174, § 2.

SEC. 824. Order fixing time of election.—It shall be the duty of the said county auditor, subject to the provisions of this act, immediately upon the filing in his office of the certificate of the board required by the preceding section, to make, subscribe, affix his official seal to, and file in his office, an order fixing the time of holding a special election in such county upon the question of changing the county seat thereof to the place designated in said petition, provided the petition for such change shall have been signed by the number of legal voters of such county as required by section one (1) of this act, as shown by such petition, accompanying affidavits, the certificate required by the preceding section, and the returns of the last general election held preceding the presentation of said petition to said county auditor.

The time fixed in said order for said special election shall not be less than twenty (20) nor more than thirty (30) days after the filing in said auditor's office of the certificates required by the preceding section.

Form of notice.—It shall be the duty of said county auditor immediately upon the making, subscribing and filing of such order to make, subscribe, affix his official seal to and file in his office a notice of said special election substantially in the following form, to-wit:

“To the legal voters of the county of (here name county as in the petition), 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 fixed in said last mentioned order) for the purpose of voting upon the question of changing the county seat of said county to (here designate the place as in said petition.)”

To be published.—It shall be the duty of the said county auditor to cause the notice in this section mentioned to be published once in each week for two (2) consecutive weeks immediately preceding the time specified therein for holding such election in all the newspapers printed and published in such county during such period, and also to post a duplicate of said notice in a public place in each organized town in said county not less than ten (10) days prior to the time fixed in such notice for such election.

Served.—It shall also be the duty of said county auditor to serve upon or mail to the clerk of each organized town, village or city, in such county, a duplicate of such notice addressed to him at his last known postoffice address, postage prepaid, not less than fifteen (15) days previous to the time fixed in such notice for holding such election.

Places to hold elections.—And it shall be the duty of the clerk of each organized town, village or city, in such county, immediately upon the receipt of said notice by him, to make, subscribe and file in his office, an order fix-

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SECS. 825, 826.] COUNTIES, ETC.—ORGANIZATION, POWERS AND DUTIES.

ing the place of holding such special election in each election district within his town, village or city, and immediately thereupon to make, subscribe and file in his office a notice for each election district in his town, village or city, substantially in the following form, to wit:

Notice.—“To the legal voters of the (here specify 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 as fixed in the order for that district), in said election district, on the (here insert the time fixed by the county auditor, as aforesaid), for the purpose of voting upon the question of changing the county seat of said county to (here designate the place as in the said notice of the county auditor).”

Duplicate.—And it shall be the duty of such clerk to post a duplicate of said notice for each election district in at least three (3) public places therein, not less than ten (10) days before the time fixed in the said notice of the county auditor for holding such election.

Judges.—It shall be the duty of the judges of election in each election district to meet and organize on the day fixed therefor as aforesaid, and to conduct such election in the same manner, as far as practicable, as other elections are, or may be required to be conducted by law.

The polls for such election shall be opened at the hour of eight (8) o'clock in the forenoon and closed at the hour of five (5) o'clock in the afternoon. Those voting in favor of changing the county seat of such county to the place named in the notice of the county auditor of such election shall have printed or written, or partly printed and partly written, on their ballots, the words “for changing the county seat to (naming the place as in said petition), yes.” And those voting against such changing shall have printed or written, or partly printed and partly written, on their ballots, the words “for changing the county seat to (here name the place as in said petition), No.”

Canvass and returns.—And the votes cast at such election, shall, subject to the provisions of this act, be canvassed, certified, returned and recorded in the same manner as votes cast at the general election are required to be canvassed, certified, returned and recorded.

1889, ch. 174, § 3.

SEC. 825. Place for holding elections.—The place for holding any special election under the provisions of this act, shall be, as far as practicable, at the place or places of the last general election held preceding such special election.

The signing and filing by a majority of said board of the certificates and statements required by the provisions of this act to be signed and by them filed in the office of the said county auditor, shall be deemed a sufficient compliance with the provisions of this act.

1889, ch. 174, § 6.

SEC. 826. Canvass by commissioners.—It shall be the duty of the board of county commissioners to meet at the county seat of such county on the third (3d) day next following the holding of such special election (including Sundays and legal holidays) and canvass the vote cast at such election and the returns thereof from the several election districts, continuing in session from day to day until they shall have completed such canvass, whereupon they shall immediately make, subscribe and file in the office of the county auditor of said county, a certificate setting forth the number of votes cast in each election district in such county in favor of changing the county seat to the place named in said petition, the number of votes cast against such change, and the majority in each election district for or against such change, the total number of votes cast in such county in favor of such change, the total number

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of votes cast in such county against such change, and the majority in such county for or against such change.

Number of votes required.— And if fifty-five (55) per cent. of the votes cast at such election shall be in favor of changing the county seat of such county to the place named in said petition, such county seat shall, subject to the provisions of this act, be deemed to be thereby changed to the place named in said petition.

1889, ch. 174, § 4.

SEC. 827. Second election, when.— In any of the counties of this state where a special election has been held under this act for the change of the county seat, no petition described and provided for by this act shall be received by and filed with the county auditor of said county, praying for and providing for a change of the county seat, and no proceedings shall be had upon such petition under the provisions of this act until after the expiration of a term of five (5) years from the date of such special election.

1889, ch. 174, § 5.

SEC. 828. Two or more petitions.— Whenever two (2) or more petitions substantially in the form prescribed in section one (1) of this act, with accompanying affidavits as therein provided, shall be presented to the county auditor of any county substantially at the same time, praying that the county seat of such county be changed to the same place they shall be attached together, and shall henceforth be taken and deemed to be one petition for all the purposes of this act.

1889, ch. 174, § 7.

SEC. 829. Removal to one place.— No election shall be called or held under the provisions of this act for voting upon the question of changing any county seat to more than one place at the same time.

1889, ch. 174, § 8.

SEC. 830. Election not void, when.— No failure or refusal of the owner, proprietor, manager, or publisher of any newspaper, his or their agents or employes, to publish any notice required to be published by the provisions of this act shall affect the sufficiency of such notice, or invalidate any of the proceedings therein, by the terms of this act. And no failure to post any notice of any special election under the provisions of this act shall affect the sufficiency of such notice, or invalidate such election, unless it should be made affirmatively and clearly to appear that a sufficient number of legal voters were thereby prevented from voting to change the result of such election as shown in the returns thereof.

1889, ch. 174, § 9.

SEC. 831. Misdemeanor.— Any county auditor or county commissioner who shall wilfully neglect or refuse to perform the duties required of him by this act when a petition has been presented as herein provided, shall be guilty of a misdemeanor.

1889, ch. 174, § 10.

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SECS. 832-837.] COUNTIES, ETC.— COUNTY COMMISSIONERS.

TITLE 3.

COUNTY COMMISSIONERS.

SEC. 832. Number of commissioners.— Every county shall be deemed an organized county for the purposes of this title, and shall have a board of county commissioners. In those counties which are organized into townships, and which poll eight hundred (800) votes or more, the said board shall consist of five (5) members, and in all other counties of three (3) members whose term of office shall be four (4) years, and until their successors are elected or appointed and qualified.

G. S. ch. 8, § 84 (92), as amended 1885, ch. 6, by adding the words "which are organized into townships." 33 M. 27; 25 M. 220.

SEC. 833. Counties divided into districts.— The counties which are organized into townships, shall be divided into a number of districts equal to the number of members constituting the board of commissioners of each county, respectively, and numbered in numerical order. The said districts shall be bounded by township or ward lines, be composed of contiguous territory, and contain, as nearly as practicable, an equal population. The board of commissioners may re-district their counties respectively, after each United States or state census, taking the population as shown by their said census as the basis.

G. S. ch. 8, § 85 (93).

SEC. 834. Basis for districting.— For the first districting under this chapter, and for any re-districting to increase the number of commissioners from three to five, rendered necessary in consequence of increase of population, the votes cast at the last annual election shall be taken as the basis; but this shall not apply to a re-districting based upon any census taken under the authority of the United States or of this state.

G. S. ch. 8, § 89 (97).

SEC. 835. Commissioner for each district.— In each of said districts one commissioner shall be elected by the electors thereof, who shall, at the time of his election, be a resident of said district, and shall reside therein during his continuance in office; and the election of said commissioner shall be conducted in all respects like that of other county officers, and the returns made and certified to in like manner to the county auditor, who shall proceed to canvass the votes according to law, and issue certificates of election to the persons entitled to the same.

G. S. ch. 8, § 86 (94).

SEC. 836. Tie vote decided by lot.— If the requisite number of county commissioners is not elected by reason of two or more persons having an equal number of votes for the said office, the auditor shall give notice in writing to the persons so having an equal number of votes, to attend at the office of the auditor, at a time to be appointed by the said auditor, who shall then and there proceed publicly to decide by lot which of said persons shall be declared duly elected; and the said auditor shall make and deliver to the person thus declared duly elected, a certificate of his election as hereinbefore provided.

G. S. ch. 8, § 90 (98).

SEC. 837. Commissioners in counties without township organization.— Every county which has not a township organization shall be divided into three (3) commissioner districts, which shall contain as near an equal number of electors as convenient, and in one (1) of each of said districts a commissioner shall be elected, and the person elected from district number one

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[SECS. 838-840.

(1) shall hold his office for the term of two (2) years; the person elected from district number two (2) shall hold his office for the term of four (4) years; and the person elected from district number three (3) shall hold his office for the term of two (2) years; and commissioners shall be elected thereafter for the term of four (4) years; *provided*, that if the county commissioners are not elected as herein provided for, they shall be appointed by the governor from the qualified electors of the said county, and shall qualify in the same manner as commissioners elected in accordance with the general laws; *provided further*, that the term of all county commissioners, elected at the general election in November, one thousand eight hundred and eighty-four (1884), shall expire on the first (1) Monday of January, one thousand eight hundred and eighty-seven (1887).

G. S. ch. 8, § 87 (95), as amended 1885, ch. 6. Approved February 21st. Amendment increased the term of office and added the second proviso.

SEC. 838. **Term of office.**— At the first election, when the board of county commissioners will consist of five (5) members, the persons elected from districts numbered one (1), three (3) and five (5) shall hold their offices for the term of two (2) years, and the persons elected from the districts numbered two (2) and four (4), for the term of four (4) years, and thereafter the commissioners elected shall hold for the term of four (4) years; and in every county where the board of county commissioners will consist of three (3) members, the persons elected from districts numbered one (1) and three (3) shall hold their offices for two (2) years, and the person elected from district number two (2), for four (4) years; and thereafter the commissioners elected shall hold office for the term of four (4) years; *provided*, that the term of all county commissioners, elected at the general election in November, one thousand eight hundred and eighty-four (1884), shall expire on the first (1) Monday of January, one thousand eight hundred and eighty-seven (1887).

G. S. ch. 8, § 88 (96), as amended 1885, ch. 6. Approved February 21st. Amendment increased the term of office and added the proviso.

SEC. 839. **Oath of office.**— Each person elected as commissioner shall, on receiving a certificate of his election, take an oath to support the constitution of the United States, the constitution of this state, and faithfully and impartially to discharge the duties of his office as such commissioner, before any person authorized to administer oaths, which oath shall be certified on the back of such certificate by the person administering the same; and said certificate so endorsed shall be filed with the clerk of the district court of the proper county, and thereupon said commissioner shall enter upon the duties of his office.

G. S. ch. 8, § 91 (99).

SEC. 840. **Vacancies — How filled.**— That whenever any vacancy shall occur in any office of county commissioner from death, resignation, removal, or otherwise, more than thirty (30) days before any general election for county officers, the chairman of the board of supervisors in each town; and the presiding officer of any incorporated village or villages, city or cities, which may be included in any commissioner's district, when such vacancy shall happen, or a majority of such officers shall assemble at the court house at the county seat, and appoint or elect a person who is a resident of such district to fill such vacancy; and the person so elected or appointed shall continue in office until the next general election, and until his successor is elected and qualified.

Provided, that whenever any such vacancy shall occur in any commissioner's district, which is comprised wholly within the limits of any incorporated city, then such vacancy shall be filled by the common council of such incorporated city; that the person elected or appointed under the provisions of this act shall receive a certificate thereof, and shall file his certificate of election in

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SECS. 841-843.]

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the office of the district court of his county, and shall take the oath of office and qualify in the manner now prescribed for county commissioners.

That the absence of any county commissioner from his county for six (6) successive months shall be deemed a vacancy of his office within the meaning of this act.

That whenever a vacancy occurs in the office of commissioner as aforesaid, it shall be the duty of the county auditor to immediately give notice thereof to such chairman and presiding officer.

G. S. ch. 8, § 95 (104), as amended 1887, ch. 173. Approved March 7th. Before amendment the probate judge, auditor, and register of deeds filled the vacancy.

SEC. 841. Filing official oaths and papers.— The official oaths and other papers required by law to be filed in the office of town clerk, shall, in all counties not divided into towns, be filed with the register of deeds for such county.

G. S. ch. 8, § 109 (123).

COMPENSATION.

SEC. 842. Per diem and mileage.— The county commissioners shall each receive three dollars (\$3.00) per day for each day they are necessarily employed in transacting the county business, and ten (10) 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 (20) days' attendance at meetings of said board, or mileage for attendance upon more than six (6) sessions in any one official year, nor pay for more than twenty-five (25) 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.* *And provided further*, that the provisions of this act, so far as the same limits the number of days in each year that such commissioners shall draw pay, or fixes the number of sessions for attendance upon which such commissioners shall be entitled to mileage, shall not apply to the commissioners of Otter Tail county. *Provided further*, that the number of days for which said commissioners shall draw pay shall not exceed fifty (50) days in one year.

G. S. ch. 8, § 92 (100), as amended 1873, ch. 44; 1881, ch. 52; 1881, Ex. S. ch. 37; 1881, Ex. S. ch. 28; 1885, ch. 88. Acts 1881, Ex. S. ch. 37, approved October 31st, amended 1881, ch. 52, by adding the proviso "that the provisions of this chapter shall not apply to the county of Goodhue." Acts 1881, Ex. S. ch. 28, approved November 22d, amended 1881, ch. 52, to read as above, except below *, which proviso was added by acts 1885, ch. 88. As the act exempting Goodhue county became part of ch. 52, acts 1881, October 31, 1881, and that amended November 22, 1881, by ch. 28, acts 1881, Ex. S., it is believed to be abrogated. Acts 1873, ch. 44, increased the mileage. 1881, ch. 52, added the provision for the issuance of the warrant, and the limitation. 1881, Ex. S. ch. 28, added provision concerning extra meetings.

SEC. 843. In unorganized counties.— That the county commissioners of any county in this state, to which any unorganized county is attached, are

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[SECS. 844-846.]

hereby empowered and authorized to fix annually the extra compensation of the county auditor and treasurer of such county for the additional labor occasioned by such annexation of such unorganized territory. *Provided*, that in no case shall such additional compensation be fixed at a greater sum than that provided by law for the compensation of like officials in unorganized counties of like valuation.

1887, ch. 195, approved March 7th: "An act to provide for the compensation of auditors and treasurers of counties where unorganized counties are attached."

MEETINGS.

SEC. 844. **Where and when.**— The board of county commissioners shall meet at the county seat of their respective counties for the purpose of transacting such business as may devolve upon or be brought before them, on the first (1st) Tuesday after the first (1st) Monday of January, and on the second (2nd) Monday of July in each year, and may hold such extra sessions as they deem necessary for the interest of the county. Such extra sessions shall be called by a majority of the board, and the clerk shall give at least ten (10) days' notice thereof to the commissioners; but no regular session shall continue longer than six (6) days, and no extra session longer than three (3) days.

All matters noticed or ordered to be heard or acted upon at the next ensuing July meeting of the board of county commissioners shall be heard or acted upon at the said meeting to be held on the said second (2nd) Monday of said July.

Provided, that this act shall not be made to apply to counties governed by special laws.

G. S. ch. 8, § 94 (102), as amended 1874, ch. 74; 1889, ch. 172. Approved April 24th. Amendment changed the date from first Monday in January and fourth Monday of July. Acts 1885, ch. 87, approved February 10th, amended this section by providing "that the limitation prescribed relative to the length of regular and extra sessions shall not apply to the county commissioners of Otter Tail county," which in consequence of the whole section being subsequently amended by acts 1889, ch. 172, is believed to be abrogated. Acts 1885, ch. 99, approved February 17th, provided that commissioners of Sibley and Nicollet counties meet on second Monday of July. Acts 1887, ch. 33, provided that commissioners of Wright county meet on second Monday of July. Acts 1887, ch. 96, provided that commissioners of Yellow Medicine meet on second Monday of July. Acts 1889, ch. 173, provided that commissioners of Otter Tail county meet on second Monday of July. Acts 1889, ch. 182, provided that commissioners of Chippewa county meet on second Monday of July. Acts 1889, ch. 180, approved March 7th, amended G. S. by providing for the January meeting as in subsequent acts 1889, ch. 172, and is therefore superseded by the latter act.

SEC. 845. **Same, in counties recently organized.**— That all counties recently organized, or that may hereafter be organized, the county officers may respectively hold their offices at their respective places of abode until the board of county commissioners of such counties shall have provided offices at the county seat for the accommodation of such officers as are by law required to keep their offices at the county seat; but it shall be the duty of the board of county commissioners of such counties to provide the requisite offices, within three years from their organization, at the county seat of the county: *provided*, that this act shall not apply to Douglas county.

1867, ch. 114.

SEC. 846. **Elect chairman—Duty of.**— The commissioners, at their annual session in January, or at their first session in each year, shall elect one of their number as chairman, who shall preside at the meetings of the board, and sign all documents requiring the signature of the board; and the signature of such person, as chairman of the board of commissioners, attested by the auditor, shall be as legal and binding as if the entire board had affixed their names: *provided*, that in case the chairman so elected is absent at any meeting of the board, all documents requiring the signature of the board, shall be signed by all the members present.

G. S. ch. 8, § 97 (106).

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SECS. 847-851.] COUNTIES, ETC.— COUNTY COMMISSIONERS.

SEC. 847. Quorum.— A majority of the board of commissioners shall be a quorum; but no business shall be done unless voted for by a majority of the whole board.

G. S. ch. 8, § 93 (101). 21 M. 33.

SEC. 848. Proceedings — Evidence of — Seal.— The commissioners shall have and use the seal of the auditor of their county as their common seal, and copies of their proceedings, when signed, sealed and attested, as provided by law, shall be evidence of such proceedings in any of the courts of this state. *And the county commissioners shall cause their official proceedings of each session to be published in some newspaper printed and published in their county; *provided*, that in the counties of Hennepin and Ramsey the proceedings may be printed in a daily paper and one weekly paper printed and published at the respective county seats of said counties, and in all cases in designating the paper or papers, the character and value thereof as a medium for getting the proceedings before the tax-payers of said counties respectively be taken into consideration; [which publications shall be let by contract to the lowest bidder.]

G. S. ch. 8, § 96 (105), as amended 1879, ch. 29. Amendment below *.

CLAIMS.

SEC. 849. To be itemized.— Before any account, claim or demand against any town or county of this state, for any property or services for which such town or county shall be liable, shall be audited or allowed by the board of officers authorized by law to audit and allow the same, the person in whose favor such account, claim or demand shall be, or his agent, shall reduce the same to writing in items, and shall verify the same 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 of the value therein charged; or, in case such services were official, for which fees are prescribed by law, then that the fees or amounts charged therefor are such as are allowed by law, and that no part of such account, claim or demand has been paid: *provided*, that the provisions of this act shall not apply to any claim or demand for an annual salary, or per diem of jurors or witnesses, fixed by or in pursuance of any statute.

1869, ch. 27, § 1. 34 M. 215.

SEC. 850. To be verified — False accounts.— The verification required by the preceding section 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 to be audited; and every member of any such board is hereby authorized to administer the proper oath in such cases; and every person who shall wilfully or knowingly swear falsely on any such cases shall be deemed guilty of wilful perjury, and be punished accordingly: *provided*, that in case any such account, claim or demand shall be made or presented by any administrator or executor on behalf of the estate of a deceased person, he shall not be required to verify the same, but may prove the same otherwise to the satisfaction of the board.

1869, ch. 27, § 2.

SEC. 851. Auditing claims.— Whenever any account, claim or demand against any town or county shall have been verified in the manner prescribed in this act, the board of officers to whom the same shall be presented may receive and consider the same, and may allow or disallow the same in whole or in part as to such board or officers shall appear just or lawful, saving to such claimants the right of appeal.

1869, ch. 27, § 3.

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[SECS. 852-854.]

SEC. 852. Accounts not itemized and verified.— Any member of such board who shall audit and allow any account, claim or demand required by this act to be itemized and verified, without the same having been first duly itemized and verified, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

1869, ch. 27, § 4.

STATEMENT OF RECEIPTS AND DISBURSEMENTS.

SEC. 853. Annually.— The board of commissioners on the first Tuesday in January annually, shall make a full and accurate statement of the receipts and expenditures of the preceding year, which statement 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 of every description, and the assets and the other means to discharge the same; and shall, within thirty days, thereafter, have the same posted up at the court house door, and at two other public places in their county, and published in some newspaper therein, if there is one, for three successive weeks. Said board shall, at its meeting in September and January of each year, examine and count all the funds in the treasury; and shall examine the accounts and vouchers of the auditor and treasurer, and make a written certificate of the condition of the treasury, and file the same with the auditor, showing how much money, and what kind, is in the treasury, and all other matters in connection therewith.

G. S. ch. 8, § 103 (113), as amended 1872, ch. 59; 1885, ch. 111. First amendment struck out second and inserted third Tuesday of March, and second amendment made it first Tuesday in January.

SELECTION OF JURORS.

SEC. 854. When and how.— The board of commissioners, at their annual meeting in January, shall select from the qualified electors of the several election districts of their respective counties, or of the counties attached thereto for judicial purposes, seventy-two persons, properly qualified, to serve as grand jurors, and the same number of persons, properly qualified, to serve as petit jurors, and shall make out separate lists thereof, which lists shall be certified and signed by the chairman of the board, attested by the clerk, and shall be forthwith delivered to the clerk of the district court: *provided*, that if in any county the county commissioners are not able to select the number required by this section for grand and petit jurors, they shall select a less number, and the highest number possible: *and provided further*, that in the county of Hennepin the number of persons so selected as grand jurors shall be one hundred and thirty-five (135), and to serve as petit jurors, two hundred and fifty (250): *and provided further*, that in all counties where the population shall exceed ten thousand (10,000) people, no person shall be included in such list who was included in the last previous annual list, and any person having served as a juror for one (1) term of court, shall be retired from such list, and shall not be again drawn during the same year. *And provided further*, that in counties having two or more terms of court in one year, after the jurors have been drawn for the first or any term of said court, the clerk of said court shall retire from the original list the names of all persons who were drawn for said term and notify the county commissioners thereof, and it shall be the duty of the county commissioners at the next session thereafter to select new names, equal in number to those retired, and the said clerk shall add the names so selected to the original list.

G. S. ch. 8, § 98 (107), as amended 1877, ch. 10; 1878, ch. 18; 1885, ch. 5. Acts 1877, ch. 10, added second and third provisos. Acts 1878, ch. 18, added last proviso, which was amended

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by acts 1885, ch. 5, by striking out "after the first term of said court," and inserting "after the jurors have been drawn for the first or any term of said court." 13 M. 341; 23 M. 209.

SEC. 855. **Same.**—In preparing such list the board of county commissioners shall select such persons as they know, or have good reason to believe, are possessed of the qualifications of jurors and not exempt by law.

G. S. ch. 8, § 100 (109).

SEC. 856. **Failure to select.**—If for any cause such list is not made and delivered, as aforesaid, by the board of county commissioners at their annual meeting in January, they shall make out and deliver the same as aforesaid, at any regular or special session thereafter.

G. S. ch. 8, § 99 (108).

POWERS.

SEC. 857. **Limitation of — Organizing and vacating towns.**—Said board have final power to examine and settle all accounts of the receipts and expenditures of the county, and shall have the care of the county property and the management of the county funds and business, except in cases otherwise provided for; but shall exercise no other powers than such as are given by law. Such board shall, in addition to the powers above enumerated, have power to set off, organize and vacate towns, and change the boundaries thereof in their respective counties, to designate the time and place of holding the first election therein, and make all necessary orders for the disposition and preservation of the records of any town which may be vacated by said board: *provided*, that no town shall be vacated, nor any town with an area of thirty-six sections or less be divided or have any part stricken therefrom without first submitting the question to a vote of the electors of the town, except in the cases provided for in section two (2) of chapter ten of said general statutes.

G. S. ch. 8, § 104 (114), as amended 1869, ch. 32. 28 M. 518.

SEC. 858. **Same — In contracts — Penalties.**—No county commissioner shall be appointed or elected by the board of county commissioners of which he is a member, to any office or position of trust to which such commissioners are authorized by law to appoint or elect; nor shall any compensation or salary be paid to any person heretofore or hereafter so appointed or elected.* And no county commissioner shall receive any money or other valuable thing as a condition or inducement to voting for any contract or other thing under consideration of the board; nor shall he become a party to or interested in, directly or indirectly, any contract made by the board; and every appointment or election heretofore or hereafter made, and every contract or payment, voted for or made contrary to the provisions of this section, is void; and any violation of this section hereafter committed shall be a malfeasance in office, which will subject the commissioner so offending to be removed from office.

G. S. ch. 8, § 110 (124), as amended 1876, ch. 73. Amendment above *, and the last clause as to malfeasance.

DUTIES.

SEC. 859. **To provide county offices, etc.**—The board of commissioners shall provide offices, and necessary fuel for heating the same, for the county auditor, treasurer, register of deeds, sheriff, the judge of probate and clerk of the district court, and suitable furniture for the use of said offices, and desks and safes or vaults for the preservation and security of the books and papers belonging thereto; and shall provide all books and stationery necessary for the use of the above mentioned offices, and the probate court and county surveyor; but not more than one hundred dollars shall be appropriated for books, stationery and furniture for any one office in any one year.

G. S. ch. 8, § 101 (110), as amended 1870, ch. 44; 1873, ch. 45.

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[SECS. 860-865.]

SEC. 860. Fill vacancy in register of deeds.—In case the office of register of deeds becomes vacant by death, resignation or otherwise, the said board shall meet forthwith, at the place where their next regular meeting would be held, and appoint some suitable person to perform the duties of the said office until the next annual election, and until his successor is duly elected and qualified.

G. S. ch. 8, § 102 (112).

SEC. 861. Appoint assessor and overseer, when.—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 (1) 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 all such unorganized territory within one (1) such district.

G. S. ch. 8, § 105 (119), as amended 1883, ch. 50. Approved March 3d.

SEC. 862. Establish election districts.—The commissioners of such county, shall, at their stated meetings in January and September, upon the petition of not less than ten legal voters, not residing within ten miles of any established election district, create and establish within said county an election district, at such point as will be most convenient for the persons so petitioning; but no place of holding elections shall be located in said election district within ten miles of any other place of holding elections previously established, nor shall the commissioners create any election district, except at the time of their stated meetings, and then only in compliance with the request of ten or more legal voters residing not less than ten miles from any established election district.

G. S. ch. 8, § 106 (120).

SEC. 863. Appoint judges of election.—The board of commissioners of such county, at their session last before an election, shall appoint judges of election for each election district; 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 election districts, with the names of the several judges of election in each election district.

G. S. ch. 8, § 107 (121).

SEC. 864. Where justices and constables to be elected.—There shall be elected in each of such election districts, at the general state election, two justices of the peace and two constables, who shall hold their respective offices for the term of two years, and until their successors are elected and qualified, and shall take the oath of office, and execute the bond required of town justices and constables; such bond [to be] approved by the chairman of the county board; and any vacancies that may occur in either of said offices shall be filled by appointment of the county board.

G. S. ch. 8, § 108 (122).

SEC. 865. Re-establish section monuments.—The board of county commissioners of any county where it shall be made to appear to their satisfaction, at any regular or special meeting, that the section, quarter section or meander posts or monuments established by the United States have been destroyed, or are becoming obscure, shall have power to authorize and direct the county surveyor of the county to re-survey, re-locate and re-establish such section, quarter section or meander posts or monuments, by having permanently

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placed at such government corners an iron or stone or wood post or monument, of a durable character, of such size and construction as in their discretion may be deemed desirable. In making such survey the said county surveyor shall keep full and accurate notes thereof, and shall file a certified copy of the same in the office of the register of deeds of said county.

1875, ch. 33, as amended 1885, ch. 47; 1889, ch. 102. Acts 1885 inserted the provision that this be done by the county surveyor, and, if none, then by any competent surveyor, and acts 1889 confined the duty to county surveyor. This section superseded and substantially same as acts 1871, ch. 27.

SEC. 866. Establish township landmarks.— That it shall be the duty of the county commissioners of every county in this state having a population of over five thousand, to cause to be placed at the north-east section stake, on the north-east corner of every government township in their respective counties, a landmark; said landmark shall be of a stone not less than eight inches square and two feet long, sunk the full depth in the ground, duly marked on the top by chisel marks, the number and range of said township and section, or an iron post, two inches square and thirty inches long, with flat head six inches square, with letters on the top indicating the town, range and section; the expenses to be paid out of the county treasury, as other expenses of said county are paid.

1875, ch. 32, § 1: "An act to establish landmarks for townships." Approved March 9th.

SEC. 867. Locate landmarks.— Said landmarks shall be located by the county surveyor of each county, and, where there be no county surveyor, then by a competent surveyor employed by said commissioners, and shall be located, if possible, where the government stake was located, or as near as can be; and the same shall be considered and taken *prima facie* evidence as the legal corner of said government section one in said government township, according to government survey.

1875, ch. 32, § 2.

SEC. 868. Injury to landmarks.— It shall be unlawful for any person to remove, destroy or deface said landmarks, and upon conviction of the same shall be deemed guilty of a misdemeanor, and be punished by fine and imprisonment, or both, in the discretion of the court, not more than one hundred dollars and not less than twenty-five dollars, and not more than thirty days' imprisonment in the county jail of the county.

1875, ch. 32, § 3.

COMMISSIONERS OF UNORGANIZED COUNTIES.

SEC. 869. Powers.— That the board of county commissioners of any unorganized county in this state who have been appointed or who shall hereafter be appointed by the governor, or who shall be elected according to law, are hereby authorized and empowered to do and act as hereinafter provided.

1887, ch. 189, approved February 21st: "An act granting certain powers and authority to the board of county commissioners of any unorganized county in this state."

SEC. 870. Bond of.— The commissioners of such unorganized county before entering upon the duties of their office or receiving any moneys under or pursuant to this act, shall make and file with the board of county commissioners, to which such unorganized county is attached, a bond, running to said commissioners, with two or more sufficient sureties, to be approved by a judge of the district court of the judicial district in which such unorganized county is situated, in an amount double the amount of such school, road, and bridge tax levy; and shall with such county commissioners also file a certificate from the governor or state auditor showing that they have been duly appointed or elected commissioners of such unorganized county; and all orders on the treasurer for moneys to be paid pursuant to this act [shall] be signed by two of such commissioners.

1887, ch. 189, § 4.

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[SECS. 871-876.]

SEC. 871. **Compensation.**—The compensation of such county commissioners of unorganized counties shall be two (2) dollars per day, while performing their duties under the provisions of this act, payable out of the one (1) mill road and bridge tax levy heretofore provided for. *Provided*, that such services shall not exceed in the aggregate one hundred (100) days in each year.

1887, ch. 189, § 5.

SEC. 872. **Establish independent school districts.**—Said board shall establish independent school districts in such unorganized counties as needed and demanded by the public, and shall act as trustees of such school districts established by them, until such time as each of said school districts shall elect respectively their school board, which board shall be governed by the law as prescribed for the government of school boards in organized counties, and all moneys belonging to such counties accumulated or accumulating from the levy of the general one (1) mill school tax prescribed by law to be levied, may be paid out on the order of such commissioners respectively, by the treasurer of the county collecting the same, and shall be disbursed by them *pro rata* according to the number of scholars attending school in such districts, in maintaining public schools in said school districts established by them, and shall be used for no other purpose.

1887, ch. 189, § 2.

SEC. 873. **Organize road districts.**—To organize road districts and to lay out and open such roads in said county as shall be necessary for or required by the business of such unorganized county. And the officers of the county to which such unorganized county may be attached for purposes of taxation, shall levy annually a road and bridge tax not exceeding in aggregate one (1) mill per acre on all the taxable land in said county, as a portion and part of the taxes that may be collected from the property in such unorganized county; and said money shall be paid out by such treasurer of such county only on the order of the commissioners of such unorganized county as hereinafter provided, and shall be expended by them on roads and bridges in such unorganized county.

Nothing in this act shall be construed to authorize the levying of any other or greater tax than is provided by law for taxation of such unorganized counties respectively in this state.

1887, ch. 189, § 3.

TITLE 4.

COUNTY AUDITORS.

SEC. 874. **Election.**—There shall be elected in each organized county a county auditor, who shall hold his office for two years from the first Monday of March next succeeding his election, and until his successor is elected and qualified, and shall keep his office at the county seat.

G. S. ch. 8, § 111 (129). For "March" read "January." See Const. § 9, art. VII.

SEC. 875. **Eligibility.**—No county commissioner, county surveyor, or county treasurer, is eligible to the office of county auditor.

G. S. ch. 8, § 118 (136).

SEC. 876. **Bond and oath.**—Each county auditor, previous to entering upon the duties of his office, shall give bond to the state of Minnesota, with two or more sureties to be approved by the board of county commissioners, in such penal sum, not less than two thousand dollars nor more than twenty

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thousand dollars, as the said commissioners require, conditioned for the faithful discharge of the duties of his office, and shall also take and subscribe the oath required by law, to be endorsed upon the said bond, which bond so endorsed, shall be filed and recorded in the office of register of deeds.

G. S. ch. 8, § 112 (130).

SEC. 877. Failure to qualify.—If any person elected to the office of county auditor shall not give bond and take the oath aforesaid, on or before the first Monday of March next after his election, it shall be deemed a refusal to serve.

G. S. ch. 8, § 115 (133).

SEC. 878. Vacancy.—When from any cause a vacancy happens in the office of county auditor, the board of county commissioners shall appoint some suitable person to fill such vacancy; and the person so appointed shall give bond, and take and subscribe the oath aforesaid, and shall hold his office until the next annual election, and until his successor is elected and qualified.

G. S. ch. 8, § 116 (134).

SEC. 879. Temporary disability.—When any county auditor, having no deputy, is unable, by reason of sickness or from any other cause, to perform the duties of his office, within the time specified by law for their performance, or when both the auditor and his deputy are so disabled, by sickness or otherwise, the board of county commissioners shall appoint some suitable person to do and perform the duties of county auditor during such disability, and may require of the person so appointed such bond and security for the faithful discharge of the duties of the appointment as they deem expedient.

G. S. ch. 8, § 117 (135). 10 M. 369.

SEC. 880. Compensation.—The salary of the county auditors shall be regulated by the value of the property in their respective counties, as fixed by the state board of equalization for the preceding year, as follows: In counties where the amount of taxable property does not exceed the sum of one and one-half million dollars, they shall be entitled to receive six mills on each dollar of the first one hundred thousand dollars, and one mill on each dollar of all amounts in excess of said last named sum, and less than two hundred thousand dollars, and one-third of one mill on each dollar on all amounts in excess of said last named sum. In counties where the value of the taxable property for the preceding year, as fixed by the said board of equalization, exceeds the sum of one and one-half million dollars, the county auditor shall be entitled to receive five mills on each dollar of the first one hundred thousand dollars, and one-half of one mill on each dollar of all amounts in excess of said sum and less than two million dollars, and one-fifth of one mill on each dollar of all sums in excess thereof. In [all] counties where the valuation of taxable property exceeds one million dollars, the county auditor shall be allowed for clerk hire one-fifth of one mill on each dollar of such amount of taxable property not exceeding five million dollars, and on all sums in excess of five million dollars, one-twentieth of one mill on each dollar thereafter; *provided*, that no county auditor shall receive more than twelve hundred dollars per annum for his personal services in counties where the valuation does not exceed four million dollars, nor more than fifteen hundred dollars in counties where the valuation exceeds four million dollars, and does not exceed six million dollars, nor more than two thousand dollars in counties where such valuation exceeds six million dollars and does not exceed ten million dollars, nor more than two thousand five hundred dollars where such valuation exceeds ten million dollars. And all moneys received as fees or percentage in excess of the amounts provided for in this act shall be paid by the auditor, at the end of each year, into the revenue fund of the county. The provisions of this act shall not affect the salary of any county officer whose salary is now provided for by a special law for such county fixing his salary;

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[SECS. 881-886.]

nor to the salary, fees, or clerk hire of county auditor or county treasurer of the county of Dodge, but such officers shall be entitled to receive only such salary, fees and clerk hire as is now by law provided; nor to the counties of Ramsey and Hennepin nor Kandiyohi. *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.

G. S. ch. 8, § 124 (142), as amended 1871, ch. 90; 1875, ch. 27; 1877, ch. 120; 1881, ch. 68; 1881, Ex. S. ch. 44; 1887, ch. 23. See acts 1868, chs. 36 and 37; 1869, ch. 36. Acts 1881, ch. 156, provides that this section "shall be in full force and effect in the county of Kandiyohi." Acts 1877, ch. 120, added the provision excepting certain counties in addition to amending this section, which was amended 1878, ch. 50. Acts 1881, ch. 68, added proviso concerning Otter Tail county, which was amended 1881, Ex. S. ch. 44, by increasing the sum from \$1,000 to \$1,500. Acts 1887, ch. 23, struck out word eight and inserted six in first proviso. G. S. empowered county commissioners to fix salary. Acts 1871, ch. 90, regulated compensation by assessed value of property. The limits of valuation increased by acts 1875, ch. 27, and 1877, ch. 120. 20 M. 383.

SEC. 881. Clerk hire.— The allowance for clerk hire in all cases shall be for actual services rendered, and shall be paid monthly to such clerk or clerks by the treasurer of the county, upon the order of the county auditor accompanied by his certificate that such services have been rendered; and in no case shall the county auditor be entitled to receive allowance for clerk hire, unless such service has been rendered.

1877, ch. 120, § 2, as amended 1878, ch. 47. Amendment struck out "quarterly" and inserted "monthly." This section applicable to Kandiyohi county by acts 1881, ch. 156.

SEC. 882. Deputy.— County auditors are authorized to appoint deputy auditors, by a certificate in writing, who shall, before entering upon the duties of their office, take and subscribe the oath required by law, which oath shall be endorsed on the certificate of appointment, and filed in the office of the register of deeds. Such deputies are authorized to sign all papers and do all other things which county auditors themselves may do. The county auditors shall be responsible for the acts of their deputies, and may revoke their appointment at any time. They shall require bonds of their deputies in such amounts and with such sureties as they may deem proper.

G. S. ch. 8, § 119 (137).

SEC. 883. Clerk of board of county commissioners.— The county auditor shall, by virtue of his office, be clerk of the board of county commissioners of his county, and keep an accurate record of their official proceedings, and carefully preserve all the documents, books, records, maps, and other papers, required to be deposited or kept in his office,* and prepare a financial statement of the county annually, unless otherwise ordered by the county commissioners.

G. S. ch. 8, § 120 (138), as amended 1878, ch. 7. Approved March 12th. Amendment added sentence below *. 26 M. 335.

SEC. 884. Account with treasurer.— He shall keep an accurate account current with the treasurer of his county; and when any person shall deposit with the auditor any receipt given by the treasurer for any money paid into the treasury, the auditor shall file such receipt in his office, and charge the treasurer with the amount thereof.

G. S. ch. 8, § 122 (140).

SEC. 885. Authorized to administer oath.— That county auditors duly elected and qualified in the several counties of this state, are by this act authorized and empowered to administer oaths in their respective counties and certify the same under the seal of their office, but no deputy auditor, as such, shall exercise such power under this act.

1875, ch. 91. Approved March 6th.

SEC. 886. Allowance of claims.— No claims against the county shall be paid otherwise than upon the allowance of the county commissioners, upon

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the warrant of the chairman of the board, attested by the county auditor, except in those cases in which the precise amount is fixed by law, or is authorized to be fixed by some other person or tribunal, in which cases the same shall be paid upon the warrant of the county auditor upon the proper certificate of the person or tribunal allowing the same. *Provided*, that no public money shall be disbursed by the county commissioners or any of them, but the same shall be disbursed by the county treasurer upon the warrant of the chairman of the board of county commissioners, attested by the county auditor, specifying the name of the party entitled to the same, on what account and upon whose allowance, if not fixed by law, and all orders or warrants drawn in payment for services, shall show thereon the specific time for which such services are rendered, 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, the purpose for which drawn, 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.

G. S. ch. 8, § 123 (141), as amended 1879, ch. 13. Approved March 3d. Amendment inserted proviso as to services. 16 M. 106.

SEC. 887. Deliver records to successor.— On going out of office he shall deliver up to his successor in office all the moneys, books, records, maps, documents, papers, vouchers, and other property in his hands belonging to the county; and in case of the death of any county auditor, his personal representatives shall, in like manner, deliver up all such books, moneys, records, maps, documents, and other property.

G. S. ch. 8, § 121 (139).

SEC. 888. Malfeasance in office.— If any county auditor fails 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 county commissioners shall commence an action against such auditor and his sureties, in the district court of said county, or other court of competent jurisdiction. And when complaint in such action is made, the said commissioners shall cause a copy thereof to be forthwith furnished to the governor of the state, who shall, if the complaint alleges any of the acts of neglect or offences hereinbefore recited, suspend such auditor temporarily, and cite him to appear and show cause why such suspension should not continue during the pendency of the action. Either party may produce competent evidence, by affidavits or otherwise, at the time of such hearing; and if there appears to be reasonable grounds to support the charges of said complaint, the governor may continue such suspension during the pendency of the action; otherwise he shall restore him to office. In case of suspension, under the provisions of this section, such auditor, if restored to office, shall not be deprived of his salary during the time of suspension, and his reasonable expenses in defending himself upon such hearing before the governor shall be paid by the county. If upon the trial of such action such auditor is adjudged guilty of any neglect of duty, or offence charged, the office shall be deemed to be vacant.

G. S. ch. 8, § 113 (131), as amended 1871, ch. 89. Approved February 21st. Before the amendment the county commissioners were empowered to remove the auditor "at their discretion" after suit commenced.

SEC. 889. Suit on auditor's bond.— An action may be brought against the county auditor and his sureties in the name of the state of Minnesota, and for its use or for the use of any county or person injured by the misconduct in office of the auditor, or by the omission of any duty required of him by law.

G. S. ch. 8, § 114 (132).

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[SECS. 890-895.]

TITLE 5.

COUNTY TREASURERS.

SEC. 890. Election.— In each county there shall be elected a county treasurer, whose term of office shall commence on the first day of March next succeeding his election, and continue for two years, and until a successor is elected and qualified.

G. S. ch. 8, § 125 (144). 29 M. 402. For "March" read "January." See Const. § 9, art. VII.

SEC. 891. Bond and oath.— The county treasurer, before he enters upon the duties of his office, shall take the oath required by law, which oath shall be subscribed and certified on the back of the certificate of his election, and filed and recorded in the office of the register of deeds; and he shall give bond, with two or more sureties, freeholders, to be approved by the board of county commissioners, and in such sum as they direct, payable to the state of Minnesota,* conditioned that such person 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, township, school, road, bridge, poor, town, and all other purposes, which bond shall be filed and recorded in the office of register of deeds in said county.

G. S. ch. 8, § 126 (145), as amended 1877, ch. 11. Amendment inserted at *, "conditioned that such person shall faithfully execute the duties of his office." 28 M. 47; 18 M. 199; 23 M. 97; 23 M. 551.

SEC. 892. Failure to qualify.— If any person elected to the office of county treasurer shall not give bond and take oath, as required by the preceding section, on or before the fifteenth day of January next succeeding his election, it shall be deemed a refusal to serve.

G. S. ch. 8, § 127 (146).

SEC. 893. Vacancy — Eligibility.— In case of a vacancy in the office of county treasurer, by death, resignation or otherwise, the board of county commissioners shall appoint some suitable person, a resident and qualified elector of their county, to be treasurer, who shall file the bond and take the oath prescribed by section one hundred and twenty-six aforesaid, and shall hold the office until a county treasurer is elected and qualified: *provided*, that no person who holds the office of county attorney, sheriff, register of deeds, county auditor, or county commissioner, at the time of said election, shall be eligible to said office of county treasurer.

G. S. ch. 8, § 128 (147).

SEC. 894. New bond by treasurer.— The county commissioners 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 commissioners, the sureties, or any of them, on the original bond are deemed insufficient for any cause, and may also require a new bond, with sureties to be approved by them, whenever the penalty of such original bond is deemed insufficient; *provided*, that when a new bond is taken under the provisions of this section, the original bond, and 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, shall not be anywise affected or impaired.

G. S. ch. 8, § 141 (163). 26 M. 334.

SEC. 895. Failure to give new bond.— If any county treasurer fails or refuses to give such additional bond, for and during the time of ten days from and after the day on which said commissioners require said treasurer so to do his office, shall be considered vacant, and another treasurer shall be

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appointed, agreeably to the provisions of section one hundred and twenty-eight of this title.

G. S. ch. 8, § 142 (164).

SEC. 896. Compensation.—The county treasurer shall be allowed, at the time of his settlement, all sums paid by him for printing such advertisements as he is required at the rates prescribed by law, and all the sums paid by him for blank books and stationery necessarily used in his office; and shall receive for his services one-half of one per cent. as fees for receiving and disbursing all moneys on account of sales of school lands, or the payment of interest on school lands, to be paid him upon the warrant of the state auditor, and on all other moneys by him collected or received as such county treasurer for each year's services as follows: Four and one-half cents on each dollar for the first ten thousand dollars; three cents on each dollar on the second ten thousand dollars; and two cents on each dollar on all sums over twenty thousand dollars and less than sixty thousand dollars, and one per cent. on each dollar on all sums over sixty thousand dollars, to [be] paid on the warrants of the county auditor out of the revenue fund of the county: *provided*, that no compensation be allowed the treasurer on any moneys received from his predecessors in office or his legal representatives, or on any moneys received from the current school fund of the state apportioned by the superintendent of public instruction: *provided*, that no treasurer shall receive more than twelve hundred dollars for his personal services in any one year, in counties where the valuation of taxable property is less than four million dollars; nor more than fifteen hundred dollars in counties where the valuation of the taxable property exceeds four million dollars and does not exceed six million dollars; nor more than two thousand dollars where such valuation exceeds six million dollars and does not exceed ten million dollars; nor more than two thousand five hundred dollars where such valuation exceeds ten million dollars; and all moneys received as fees or percentage, in excess of amount provided for in this act, shall be paid by the county treasurer, at the end of each year, into the revenue fund of the county.

* *Provided further*, that whenever the salary of the county treasurer is limited to a fixed sum by the second proviso of this section, said fixed sum shall be paid in the manner provided above, at the end of each month, in twelve equal installments, and no treasurer receiving pay for his services under said second proviso, whose salary cannot be certainly and exactly fixed at the beginning of his official year, shall receive more than one-twelfth of his annual salary at the end of each month as carefully estimated and recorded by the board of county commissioners at their January meeting in each year, and the balance of the year's pay found to be legally due the treasurer shall be paid him on the computation of said board of commissioners at their next January meeting.*

Provided, that the county commissioners of Otter Tail county may in their discretion allow the county treasurer of said Otter Tail county such sum as they shall deem just, not to exceed in any one year the sum of twelve hundred (1,200) dollars for clerk hire in the treasurer's office, and for clerk hire and expenses in visiting towns in said county to collect personal property tax.

G. S. ch. 8, § 150 (172), as amended 1870, ch. 37; 1871, ch. 88; 1873, ch. 39; 1875, ch. 27; 1875, ch. 28; 1877, ch. 120; 1881, ch. 38; 1881, ch. 68; 1881, ch. 156; 1885, ch. 16; 1885, ch. 89; 1887, ch. 31. Acts 1871, ch. 88, amended this section of G. S. as amended 1870, ch. 37, by increasing the percentage and limiting compensation not to exceed \$2,500. Acts 1873, ch. 39, amended this section and repealed acts 1870 and 1871, by excepting Ramsey county as to salary. Acts 1875, ch. 27, amended this section as amended by acts 1873, by excepting Hennepin, Ramsey, Dodge, Goodhue and Carver counties from its provisions. Acts 1875, ch. 28, approved February 26th, amended this section as amended in 1873, by providing that the percentage and fees shall not apply to treasurer of Dodge county, who shall receive \$1,200 yearly in lieu thereof, which was abrogated by acts 1875, ch. 27. Acts 1877, ch. 120, amended this section as amended 1873, ch. 39, and 1875, ch. 27, by decreasing the percentage and limiting the amount. Acts 1881, ch. 38, inserted after the provision concerning school lands, the words "to be paid him upon the warrant of the state auditor." Acts 1881, ch. 68, added the proviso as to Otter Tail county, which was amended 1885, ch. 89, increasing compensation to \$1,200. Acts 1881, ch. 155, approved February 11th, provided that above provision (acts 1877, ch. 120, §§ 1, 2, 3) should

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apply to Kandiyohi county, but commissioners were empowered to allow compensation not to exceed \$100 in any one year, for necessary clerk hire. Acts 1885, ch. 16, added the provision between * *. and provided that it should take effect from and after January 1, 1886. Acts 1881, ch. 38, approved March 3d, struck out word "eight" in the valuation and inserted word "six." 32 M. 470; 30 M. 392.

DUTIES.

SEC. 897. Method of accounting.—Each county treasurer shall keep his office at the county seat, and shall keep a fair 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; *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 commissioners in each year. The treasurer's books shall be provided at the expense of the county.

G. S. ch. 8, § 129 (148).

SEC. 898. Treasurer's books.—The treasurer shall keep the books of his office in such way and manner as to show plainly and accurately every receipt and disbursement or payment daily, and on the same day on which such receipts and payments, or either of them, actually occurs; and no unfinished business shall be kept or entered upon loose memoranda or slips of paper; and the said treasurer's books shall be balanced plainly and accurately every business day.

1873, ch. 38, § 1, subsection 3. This subsection not superseded or repealed by acts 1881, ch. 124.

SEC. 899. Receive and pay out money.—The county treasurer shall receive all moneys directed by law to be paid to him as such treasurer, and shall pay them out only upon the order of the proper authority.

All moneys belonging to the county shall be paid out upon the order of the board of county commissioners, 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.

G. S. ch. 8, § 130 (149), as amended 1881, ch. 11. Approved March 8th. Amendment added the provision that payment may be made on the auditor's warrant or "proper certificate" of person or tribunal allowing the same. Before amendment, no payment but upon order of county commissioners. 26 M. 188.

SEC. 900. Redemption of orders.—The county treasurer, when any order or warrant drawn on him as treasurer either by the county auditor or signed by the chairman of the board of county commissioners and attested by the auditor, is presented for payment, shall, if there is money in the treasury for that purpose, redeem the same, and shall write across the entire face of all such orders and warrants, and in such way as to effectually cancel the same and prevent their being again issued, the word "Redeemed," the date of the redemption and his official signature. County orders properly drawn and attested shall be entitled to preference as to payment according to the time when presented, of which a record shall be kept by the county treasurer, and upon the receipt of money into the treasury the treasurer shall appropriate and set apart the money necessary for the payment of the county orders so presented and registered,* and if entitled to interest the treasurer shall issue to the original holder thereof a notice that interest shall cease in thirty

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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.

Interest.—No interest shall be paid on any order except upon a warrant drawn by the county auditor for the purpose, giving the number and date of the order on account of which the interest warrant is drawn.

G. S. ch. 8, § 147 (169), as amended 1879, ch. 33. Approved March 3d. Amendment below *.
4 M. 104; 16 M. 106.

SEC. 901. Redeemed orders deposited.—The treasurer shall deposit with the auditor of his county on the day of redemption all orders and warrants on the treasury by him redeemed, and he may 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 or orders issued, and at the close of the day credit the treasurer with the same upon his journal and ledger.

G. S. ch. 8, § 148 (170), as amended 1879, ch. 33. Approved March 3d. Amendment struck out time of deposit and required immediate deposit.

SEC. 902. Deposit funds in bank.—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.

Designation.—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 (2) 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.

Revocation.—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 interests 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.

Limit.—*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.

Changes.—The treasurer is required, from time to 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.

Assessed capital.—*Provided*, that when a bank has been duly organized after an annual assessment in any one year, and before the assessment for the

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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.

1873, ch. 38, § 1, subsection 2, as amended 1881, ch. 124, § 1; 1883, ch. 51, approved March 3d: "An act relating to the duties of county treasurer and the care of public funds."

SEC. 903. Same — Bank to give bond.— Before any national, state or private bank or banker shall be designated as such depository, such bank or banker shall deposit with such treasurer a bond payable to such county, and signed by not less than five (5) freeholders of the state as sureties, which bond shall be approved by the board of county commissioners, and shall be in such amount as such board shall direct, which amount shall be at least double the amount of funds to be deposited with such bank or banker. It is hereby made the duty of the officers designated and also of the board of county commissioners of the several counties of the state, to comply with all the provisions of this act.

Exemption.— *Provided*, that counties in which there are no such bank or bankers may be exempt from the provisions of this act, so far as it relates to depositing the funds of such counties with any such bank or bankers, if, in judgment of the auditing board and board of county commissioners of any such county, it would be detrimental to the interest of such county to make such disposition.

Carver county.— *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.

1873, ch. 38, subsection 4, as amended 1881, ch. 124, § 2; 1881, Ex. S. ch. 43. The latter act added the second proviso.

SEC. 904. Duration of bonds — Proposals — Advertise.— All bonds required under the provisions of this act shall be given for the term of two (2) years from the date of their execution, and shall be renewed every two (2) years thereafter. The boards of auditors of all the counties having no depositories designated under this act, or not having statutory bonds under this act, shall advertise as herein provided for proposals for the deposit of their funds, such proposals to be opened on the first (1st) day of July, one thousand eight hundred and eighty-one (1881). Bonds of depositories now legally in force shall expire on the first (1st) day of August, one thousand eight hundred and eighty-three (1883). But this section shall not be construed as preventing boards of auditors in counties having no depositories from advertising for proposals and designating depositories at any time when the public interests may so require.

Successor.— * Whenever, by reason of change in the organization of any bank or banking firm which is a legally designated depository of the public funds, said corporation or firm has ceased to exist, the board of auditors of the proper county are authorized to accept the bond of its successor in the amount and for the unexpired term of the original bond, without advertising and receiving proposals anew; and the commissioners of the county are authorized to approve the same.

1881, ch. 124, § 3, as amended 1887, ch. 84, which added the provision below *.

SEC. 905. Sureties on bond.— The boards of auditors shall not accept and the boards of commissioners shall not approve as sureties upon the bonds of depositories, the names of stockholders or of owners of such depositories,

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unless they are satisfied upon full investigation that the 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.

1881, ch. 124, § 4.

SEC. 906. Cannot deposit in individual name.— No county treasurer shall deposit in any bank, or with any banker, whether designated under the provisions of this act or not, or in any other place whatever, any public funds in his own individual name, or except in his capacity as treasurer of the county, under the penalty of five hundred dollars (\$500) for each deposit so made.

1881, ch. 124, § 5.

SEC. 907. Public funds kept separate.— The public funds shall at all times be kept absolutely intact and free from any mixture with funds belonging to the treasurer as a private person, or in any other capacity, or to any other person or firm, 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 of said county, or by the public examiner, into the county revenue fund.

1881, ch. 124, § 6.

SEC. 908. Payment by check — Monthly statement.— All payments by treasurers of counties having designated depositories at their county seat, and by all treasurers, as far as practicable, shall be made by checks upon the depositories.

Statement.— Each depository designated under the provisions of this act 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 (1st) day of each month, which statement shall be filed and carefully 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 act shall be credited to such deposit account on the first (1st) 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 (1st) 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.

1881, ch. 124, § 7.

SEC. 909. Treasurer not liable for deposited funds.— Whenever any portion of the funds of any county shall be deposited by any county treasurer in the manner as provided in this act, such treasurer and the sureties on his bond shall be exempt from all liability thereon by reason of the loss of any such deposited funds from the failure, bankruptcy, or any other acts of any such bank or banker, to the extent and amount of such funds in the hands of such bank or banker at the time of such failure or bankruptcy.

1873, ch. 38, § 4.

SEC. 910. Cannot loan or use county funds.— If any county treasurer loans any money belonging to his county with or without interest, or uses the same for his own individual purpose, he shall forfeit and pay for every such offence a sum not exceeding 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.

G. S. ch. 8, § 144 (166).

SEC. 911. Publish statement of county finances.— The treasurer and auditor of every county conjointly shall make out and cause to be published,

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in at least one newspaper of general circulation in the county in and for which they are such treasurer and auditor, a statement of the exact amount of money remaining in the treasury of such county on the last day of February and tenth day of October in every year, and oftener if the commissioners of the county direct, particularly specifying in such statement the amount belonging to each particular fund, together with all other property, bonds, securities, claims, assets and effects belonging to the county, in the custody or under the control of such treasurer. Such statement shall be signed by said county treasurer and auditor, and the expense of such publication shall be paid out of the county treasury, on warrants drawn by the chairman of the board of county commissioners, and attested by the county auditor, particularly specifying the same; and if at any time it is found that such statement was untrue or false in regard to the amount of money or other property then on hand and in the treasury, the said treasurer and said auditor making the same shall, without regard to lapse of time, be deemed guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars.

G. S. ch. 8, § 145 (167). 36 M. 309.

SEC. 912. Cannot purchase or discount warrants.—No county treasurer or deputy county treasurer 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 town orders, or of any city, town or other body politic for which he is the collector of taxes, at any discount whatever upon the sum due on such orders or warrants; and if any treasurer or deputy treasurer directly or indirectly contracts for, purchases or procures any such orders or warrants, at any discount whatever upon the sum for which the same are respectively issued, he shall not be allowed on settlement the amount of said warrants or orders, or any part thereof, and shall also forfeit the whole amount due on such warrants or orders, and shall also forfeit the sum of one hundred dollars for each and 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 treasurer of state, or the person to whom the county treasurer of any county is required to return the state, county, township, city, town, village, school or road tax is hereby respectively 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, said county treasurer shall file his affidavit with the treasurer of state or the person entitled to receive said tax, stating therein that all such orders, warrants and bonds were received at their par value; and whoever swears falsely in such affidavit is guilty of perjury, and, upon conviction, shall be punished by confinement in the state prison not more than three years.

G. S. ch. 8, § 143 (165).

SEC. 913. Prosecute securities.—The treasurers of the several counties may, in their official capacity, prosecute to final judgment and execution all actions on bonds, notes, or other securities given to them or their predecessors in office, and all actions commenced by their predecessors in office, and pending at their removal therefrom.

G. S. ch. 8, § 146 (168).

SEC. 914. Charges and mileage.—Express charges shall be paid for forwarding state moneys, and mileage allowed to each county treasurer for travelling fees in going to and returning from the nearest express office, in order to send by express to the state treasurer the moneys received by him for state purposes, at the rate of ten cents per mile, to be computed by the auditor of state, according to the distance on the nearest post route.

G. S. ch. 8, § 149 (171).

SEC. 915. Transfer records, etc., to successor.—Each county treasurer, on going out of office, shall deliver to his successor in office all the public

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money, books, accounts, papers and documents in his possession; and in case of the death of any county treasurer, his legal representatives shall in like manner deliver up all such moneys, books, accounts, papers and documents as come into their possession.

G. S. ch. 8, § 151 (173). 29 M. 85; 28 M. 47.

BOARD OF AUDITORS.

SEC. 916. Duties—Duplicate receipts.—When any money is paid to the county treasurer, excepting that paid on account of taxes charged on duplicate, the treasurer shall give to the person paying the same, duplicate receipts therefor, one of which such person shall forthwith deposit with the county auditor in order that the county treasurer may be charged with the amount thereof;* and there is hereby created a board of auditors for each of said counties in this state, which board shall consist of the county auditor, chairman of the board of county commissioners, and clerk of the district court of either of said counties in this state, whose duty it shall be to carefully examine and audit the accounts, books and vouchers of the treasurer of their respective counties, and to count and ascertain the kind, description and amount of funds in the treasury of said county or belonging thereto, at least three times in each year, without previous notice to the treasurer, and make report thereof, and of their acts and doings in the premises, to the county commissioners at their next meeting after such examination, and to publish the result of such examination in one or more newspapers in their respective counties, and also to witness and attest the transfer and delivery of accounts, books, vouchers and funds by any out-going treasurer to his successor in office, and report the same to the board of county commissioners at their next meeting after the terms of office of any treasurer shall expire.

G. S. ch. 8, § 131 (150), as amended 1873, ch. 38, § 1. Amendment below *. 22 M. 196.

SEC. 917. Compensation of board.—The board of auditors shall each be entitled to the sum of three dollars for each day actually employed in the discharge of their duties under this act.* To be paid upon allowance by the board of county commissioners in the same manner as other claims are paid.

1873, ch. 38, § 2, as amended 1891, ch. 48. Amendment below *.

SEC. 918. Neglect of duty.—Any member of the board of auditors hereby created, or of the board of county commissioners, who shall neglect or omit to discharge any of the duties imposed by this act, shall be deemed guilty of a misdemeanor and upon conviction shall be liable to a fine of not less than one hundred dollars and not more than five hundred dollars.

1873, ch. 38, § 3.

SETTLEMENTS.

SEC. 919. Examination of treasurer's accounts.—On the last day of February and tenth day of October in each year, the treasurer shall exhibit his accounts since the last settlement, balanced to said day, to the board of commissioners and county auditor; and in the event of the board of commissioners not being in session, then 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 board of county commissioners, or any committee thereof.

G. S. ch. 8, § 132 (154).

SEC. 920. Settlements.—The county treasurer shall, on the last day of February and on the tenth day of October in each year, make settlement with the board of commissioners, or with the county auditor of his county, and at

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such settlement in February return to said auditor the tax duplicate for the current year, showing the amount which remains unpaid thereon.

G. S. ch. 8, § 133 (155).

SEC. 921. Settlements with auditor.—The county treasurer shall, on the last day of February, the fifteenth day of June and the tenth day of October, in each year, make settlement with the auditor of the county, and on the fifteenth day of March, and the first day of November, in each year, the county treasurer shall send by express from the nearest public express office, to the state treasurer, all moneys by him received for state purposes, according to the last certificate of his settlement with the auditor of his county; and the state auditor is hereby authorized to draw upon any county treasurer in favor of the treasurer of state, for any moneys in the county treasury belonging to the state, at any time after the June settlement in each year, as herein provided for; and the county treasurer shall pay such drafts to an amount equal to the June certificate of settlement with the auditor of his county, and the state treasurer shall give duplicate receipts for the money so paid, one of which he shall deposit with the state auditor; and the county treasurer is hereby required to pay over to any town, city or school district treasurer any money found to be in the county treasury at either of the within named settlements, belonging to any town, city, road or special school fund, or other fund, in the manner required by law,* and to take duplicate receipts therefor, one of which he shall transmit by mail, on or before the fifteenth day of March next thereafter, to the clerk or recorder of the town, city or school district, to which treasurer the money is paid, which receipt shall be filed and safely kept by said clerk or recorder in his office.

G. S. ch. 8, § 134 (156), as amended 1869, ch. 34. Amendment below *. 26 M. 188.

SEC. 922. Failure to settle.—If any county treasurer fails to make settlement with the state treasurer within fifteen days of the time herein prescribed, he shall forfeit and pay the sum of one hundred dollars, in addition to the penalties provided in the next section, 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 auditor of state, at any time before an action is commenced, may, for good cause shown, remit said penalty.

G. S. ch. 8, § 135 (157).

SEC. 923. 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 auditor of state, or from the county commissioners 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 centum thereon.

G. S. ch. 8, § 136 (158).

SEC. 924. Removal of treasurer.—Whenever an action is commenced against any delinquent county treasurer, as aforesaid, the county commissioners may, at their discretion, remove such treasurer from office, and appoint some one to fill the vacancy thereby created, as hereinbefore provided.

G. S. ch. 8, § 137 (159).

SEC. 925. Collection from delinquent treasurer.—The sheriff or other officer who collects any money from a delinquent county treasurer or his sureties, shall, within ten days after the collection thereof, pay the same into the treasury of the county to which such money is due.

G. S. ch. 8, § 138 (160).

SEC. 926. Execution against delinquent treasurer.—If any sheriff or other officer to whom an execution against a delinquent treasurer and his

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sureties is delivered, neglects or refuses to execute the same, or neglects or refuses to pay over any money collected thereon, as required in the preceding section, he and his sureties shall be liable to the same penalties, and shall be proceeded against in the same manner as is herein provided in relation to delinquent treasurers.

G. S. ch. 8, § 139 (161).

SEC. 927. Deputy treasurer's delinquency.— If the deputy treasurer fails to pay over to his principal, on demand, any taxes or other money by him collected as deputy treasurer, the same proceedings may be had against him and his sureties, at the instance of the treasurer, as are by his title authorized against treasurers for failing to make payment according to law.

G. S. ch. 8, § 140 (162).

TITLE 6.

REGISTER OF DEEDS.

SEC. 928. Election — Term of office.— In each county there shall be elected a register of deeds, whose term of office shall be two years and until his successor is elected and qualified, who shall hold his office at the county seat of the county in which he shall have been elected.

G. S. ch. 8, § 152 (174), as amended 1868, ch. 33.

SEC. 929. Oath — 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 (\$5,000), 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 such register's office shall be situated, and forwarded by said clerk to the secretary of state.

G. S. ch. 8, § 153 (175), as amended 1879, ch. 3; 1881, ch. 60; 1883, ch. 47. Acts 1879 increased amount of bond from \$1,000 to \$5,000. Acts 1881 required oath and bond to be recorded in the office of the clerk of the district court and forwarded to the secretary of state.

SEC. 930. Deputy — Oath.— He may appoint one (1) or more deputy registers in writing, who shall, before entering upon the duties of their offices, take and subscribe an oath faithfully to perform the duties of their offices, which oath shall be endorsed on the appointment and recorded in the office of the register of deeds. Registers of deeds shall be responsible for the acts of their deputies, and may revoke their appointment at pleasure.

G. S. ch. 8, § 158 (181), as amended 1889, ch. 88, by adding "one or more."

SEC. 931. Seal.— Every register of deeds shall have an official seal, and affix the same to all documents requiring his official signature.

G. S. ch. 8, § 163 (186). 36 M. 9.

SEC. 932. Oaths — Acknowledgments.— Registers of deeds are authorized and empowered to administer oaths, and take acknowledgments of deeds, conveyances, and other instruments in writing. But no deputy register shall have power to perform any of the acts authorized by this section.

G. S. ch. 8, § 162 (185).

SEC. 933. Transfer to successor.— Every register of deeds, at the expiration of the term for which he was elected, or appointed, on application by

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[SECS. 934, 935.]

his successor duly elected or appointed, and qualified as aforesaid, shall deliver over promptly all books, records, papers, and other property pertaining to his office; and if, on such application, he refuses to surrender up all books, records, and other property and papers belonging to said office, 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.

G. S. ch. 8, § 154 (176).

RECORD BOOKS.

SEC. 934. Reception books.—Every register of deeds shall keep two books, to be denominated respectively the grantor's and the grantee's reception book, each page of which shall be divided into seven columns in the following form, viz.:

| Date of reception, year, day, hour, and minute. | Grantor. | Grantee. | Where situated. | To whom delivered after record. | Fees received. | Book and page where 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 where 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 for record, and all copies left as cautions or notices of liens, authorized by law to be recorded; and when mortgages are discharged in whole or in part, by an acknowledgment of satisfaction written on the margin of the page where the mortgage is recorded, the register shall note the fact by writing the word "satisfied," or "satisfied in part," as the case may be, across the entry in the reception books, where the instrument satisfied is entered, and the other particulars in their appropriate columns. 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 each and every entry made in the said books as aforesaid shall be made in the grantor's reception book under the letter which is the initial letter of the grantor's surname, and in the grantee's reception book, under the letter which is the initial letter of the grantee's surname; and all the entries under each letter shall appear upon said books consecutively, and in the order as to time in which the instruments were received. The said register 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, and shall also certify upon each instrument recorded by him, the time when it was recorded, and the book and page in which it was recorded, and every instrument shall be considered as recorded at the time so noted.

G. S. ch. 8, § 155 (177). 11 M. 367; 23 M. 171.

SEC. 935. Index books.—The county commissioners of every county in this state are hereby authorized to procure, at the expense of their counties respectively, and keep in the office of the register of deeds of such county, a suitable book or books, substantially bound, and so ruled and arranged that opposite to the description of each section of land or sectional lot, and town, city or village lot or block (which description shall be arranged in numerical order) shall be a blank space, of a convenient size, in which shall be entered the letter or letters, numeral or numerals, indicating the volume of the records

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referred to, designating deeds by the letter "D," and mortgages by the letter "M," (or deeds may be designated from mortgages by being minuted in black ink, and mortgages minuted in red ink), and other records by appropriate initials or abbreviations, together with the page of the volume upon which each and every record affecting or encumbering the titles to the whole or any part thereof may be found. And such county commissioners shall pay for making such entries in such books, a sum not exceeding two cents for each necessary entry or description in such book or books as to all entries made therein of records or instruments which were recorded prior to the making of such tract index. After such tract index shall have been made, it shall be kept in the office of the register of deeds, as one of the records of such office, and the register of deeds is hereby required to note in such tract index a like minute of every instrument affecting the title to any land which shall be filed for record in such county, such minute to be made opposite to each parcel of land the title to which is or may be affected by such instruments: *provided*, that in case there now is any accurate tract index or abstract of title in any county in this state owned by any individual, the county commissioners may purchase such tract index or abstracts instead of causing a tract index to be made, and thereafter the register of deeds shall make the appropriate entries therein of each instrument filed, or filed for record in his office, and relating to real estate, and shall receive a fee of ten cents for indexing each transfer of deeds and mortgages hereafter, the same to be paid by persons presenting the same for filing, for record or discharging an instrument on the margins of record, and shall make abstracts for persons demanding the same at a fee of fifteen cents for each transfer.

1870, ch. 52, as amended 1871, ch. 93; 1873, ch. 42. Amendment of 1871 changed the phraseology. Acts 1873 added the charge for "discharging an instrument on the margins."

SEC. 936. Index of all records.— Every register of deeds shall keep an index of all records or files kept in his office, showing the number of the instrument or paper consecutively, the kind of instrument or paper, 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. |
| | | | | | |

and shall make or cause to be made therein the entries mentioned, as soon as each instrument or paper is received by him, excepting only the place of record, which shall be filled in as soon as the instrument or paper is recorded.

1887, ch. 199, § 2.

INSTRUMENTS TO BE RECORDED.

SEC. 937. No record unless instruments properly executed.— No register of deeds shall record any conveyance, mortgage, or other instrument by which any interest in real estate is or may be in any way affected, unless the same is duly signed and executed and acknowledged, according to law; and any such officer offending herein shall be adjudged guilty of a misdemeanor, and, on conviction, be subject to fine and imprisonment, and liable in damages to the party injured in a civil action.

G. S. ch. 8, § 161 (184).

SEC. 938. Record deeds.— He shall keep suitable books, and record at large and in full, word for word, any and all instruments left with him for

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[SECS. 939—944.]

record, keeping separate books of deeds, mortgages, and other instruments. He shall also keep in separate books an alphabetical index, wherein he shall record, under the proper letter of the alphabet, the name of each grantor and grantee in any deed, mortgage, or other instrument left with him for record,* or of a discharge of any mortgage made by an entry in the margin of the record thereof, which entry upon such alphabetical index shall show the book and page of the record where the mortgage so discharged is recorded.

G. S. ch. 8, § 157 (180), as amended 1876, ch. 72. Amendment below *. 5 M. 508; 15 M. 171.

SEC. 939. Record marks or brands.—The register of deeds, on the application of any person residing in his county, 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.

G. S. ch. 8, § 159 (182).

SEC. 940. Sheriffs' certificates prior to 1862.—Every register of deeds shall record in a book of deeds all certificates now on file in his office made by sheriffs upon sales of real estate on mortgage foreclosures, judgments and execution prior to May ten, one thousand eight hundred and sixty-two (1862), upon being paid by the party requesting such instrument to be recorded the proper fee therefor.

1877, ch. 77, § 1, approved March 1st: "An act to provide for recording certificates made by sheriffs upon sales of real estate on mortgage foreclosures, judgments and executions prior to May 10, 1862."

SEC. 941. Same — When delivered.—Every register of deeds shall record in a book of deeds all certificates not on file in his office when the same are delivered and left for record, and the fees for such recording shall be paid by the person delivering the same.

1877, ch. 77, § 2.

SEC. 942. Same — Prima facie evidence.—The recording of such certificates shall have the effect of a record of the same from the time when they were filed in the office of the register of deeds, and shall be *prima facie* evidence of the facts therein set forth.

1877, ch. 77, § 3.

INSTRUMENTS TO BE NUMBERED.

SEC. 943. Number each instrument consecutively.—Every register of deeds shall endorse plainly upon the top of the back, when folded, of each instrument or paper 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 or paper in all the indexes kept in his office and on the margin of the record of such instrument, and such number shall be *prima facie* evidence of priority of registration.

Provided, that when the register of deeds shall receive by mail, or other like enclosure more than one (1) instrument at the same time he shall affix such number in the consecutive order in which such instruments actually come to his hand in opening such enclosures, save that when more than one (1) instrument is received from the same source at the same time, he shall follow such directions, if any, as the sender may give in such numbering.

1887, ch. 199, § 1, approved March 7th: "An act to provide for the consecutive numbering of all instruments recorded or filed in the office of the register of deeds." Section 4 of this law provided that "this act shall take effect and be in force from and after the first (1st) day of April, A. D. 1887, on which time in each county in the state of Minnesota, the first instrument received by the register for record or filing shall be numbered one."

SEC. 944. Fee for numbering.—For such numbering and entry as aforesaid, the register of deeds shall be entitled to a fee of five (5) cents for each

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instrument or paper numbered and entered, in addition to the fee for recording or filing, heretofore prescribed by law.

1887, ch. 199, § 3.

INSTRUMENTS TO BE ENDORSED.

SEC. 945. Endorsement — When considered recorded.— That it shall be the duty of every register of deeds to endorse upon every 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.

1870, ch. 53, § 1.

SEC. 946. Same — Receivable in evidence.— The certificate so made as aforesaid shall be valid without the official seal of the register being attached thereto; and the certificate or endorsement heretofore made upon such instruments by registers of deeds, in the form of a certificate, are hereby legalized and declared to be a sufficient compliance with the provisions of the statute on this subject, and shall be received in evidence notwithstanding the same may not be attested by the official seal of such register.

1870, ch. 53, § 2. 36 M. 9.

RECORDS OPEN TO PUBLIC.

SEC. 947. Inspection free.— The 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.

Abstract of title office.— *Provided*, that whenever in the opinion of the board of county commissioners it is for the benefit of the people of their county, that any person, company or corporation, who has or may have a set of abstracts of title, should be permitted to occupy any part of the county building for an office, such board may by resolution give such person, company or corporation permission so to do. And in every such case such board shall require of such person, company or corporation, a bond in a sum not less than five hundred (500) dollars, nor more than five thousand (5,000) dollars, with two (2) or more sureties to be approved by the commissioners, conditioned that such person, company or corporation will handle all public records belonging to the county with due care, and will not charge any greater fee for making abstracts than is or may be allowed the register of deeds for like services and for the faithful performance of his duty as an abstractor. *Provided, further*, that nothing contained in this act shall be construed as giving any person the right to have or use the said records for the purpose of making or completing an abstract or transcript therefrom when it would interfere or hinder the register of deeds in the performance of his official duties, or as permitting any person to take any of said records from the register of deeds office without his consent.*

Fees.— But no register of deeds is bound to record any deed, mortgage or other instruments unless the fees therefor are tendered him in advance.

G. S. ch. 8, § 156 (179), as amended 1885, ch. 116. Approved March 9th. Amendment between **. 37 M. 373.

ABSTRACTS OF TITLE.

SEC. 948. Register to make and certify.— The register of deeds 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

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lawful fees therefor. *Provided, however,* that nothing herein shall apply to or be applicable to the register of deeds of Ramsey county.

Provided, that in all counties in this state where any person, company, or corporation having a complete set of abstracts of title to real estate in such county or counties has received permission and given bonds as an abstractor in such county as provided and required by chapter one hundred and sixteen (116) of the general laws of one thousand eight hundred and eighty-five (1885), it shall be optional with registers of deeds thereof to make out and certify to abstracts of title as provided herein as aforesaid or to refer the applicant therefor to such qualified abstractor.

Provided, that the provisions of this act shall apply to the county of Renville only.

G. S. ch. 8, § 160 (183), as amended 1889, ch. 99, approved March 22d, by adding provision excepting Ramsey county, and as amended 1887, ch. 46, approved March 7th, by adding proviso applicable to Renville county only.

TITLE 7.

SHERIFFS.

SEC. 949. Election — Term of office.— There shall be elected in each county a sheriff, who shall hold his office for two years, and until his successor is elected and qualified.

G. S. ch. 8, § 164 (192).

SEC. 950. Oath and bond.— Every person elected or appointed to the office of sheriff, shall, before he enters on the duties of said office, give bond to the state of Minnesota in the penal sum of five thousand dollars, with two or more sureties to be approved by the board of commissioners, and the approval indorsed thereon, conditioned that the said sheriff shall well and faithfully, in all things, perform and execute the duties of sheriff according to law, during his continuance in office, without fraud, deceit or oppression, which bond shall be filed and recorded in the office of register of deeds of his county. He shall also take the oath required by law, which shall be subscribed to and certified by the officer administering the same, on the back of his certificate of election, and filed and recorded in the office of register of deeds aforesaid.

G. S. ch. 8, § 165 (193).

SEC. 951. Failure to qualify.— If any person elected to the office of sheriff does not give the bond and take the oath prescribed in the preceding section on or before the tenth day of January next succeeding his election, it shall be deemed a refusal to serve.

G. S. ch. 8, § 166 (194).

SEC. 952. Vacancy.— In case of a vacancy in the office of sheriff, by death, resignation, or otherwise, the board of county commissioners shall forthwith appoint some suitable person to be sheriff of the county until the next general election, and until a successor is elected and qualified.

G. S. ch. 8, § 168 (196).

SEC. 953. Powers and duties.— The sheriff shall keep and preserve the peace in his county, for which purpose he is empowered to 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 warrants, writs, and other process from a justice of the peace, district court, or other competent tribunal,

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directed to him by legal authority; shall attend upon the terms of the district court, keep his office at the county seat, and perform all the duties pertaining to his office.

G. S. ch. 8, § 167 (195). 25 M. 441; 35 M. 365. Acts 1885, ch. 191, § 5, required filing of criminal process. 20 M. 73; 25 M. 441; 35 M. 365.

SEC. 954. Disabilities.—No sheriff, deputy sheriff, or coroner, shall appear or practice as an attorney, solicitor, or counsellor, in any court, nor draw or fill up any process, pleading, or proceeding for any party in any action, 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 any action or proceeding, nor shall any sheriff or deputy sheriff be eligible to any other civil office, except town or city marshal; and either of said officers, for a violation of any of the provisions of this section, shall forfeit a sum not exceeding fifty dollars, to be recovered by the county in a civil action.

G. S. ch. 8, § 177 (205).

SEC. 955. Deputy sheriffs.—Every sheriff shall appoint, under his hand and seal, a sufficient number of persons as deputy sheriffs, for whose acts he shall be responsible, and whom he may remove at pleasure. Each deputy shall, before entering on his official duties, take the oath required by law, which oath and appointment shall be filed and recorded in the registry of deeds of the proper county.

G. S. ch. 8, § 178 (206). 3 M. 413; 14 M. 537; 16 M. 20; 25 M. 385.

SEC. 956. Deputies to attend court.—That on or before the holding of any term of the district courts or courts of common pleas of this state, the judge thereof shall determine and fix by his order the number of deputies which shall be necessary for the sheriff of that county to have in attendance upon such term of court; and thereupon such sheriff shall designate and appoint such deputies. Such deputies, appointed as aforesaid, shall be paid their per diem, to be determined by the court, for attendance upon such court, in the same manner as provided by law for the payment of grand and petit jurors.

1873, ch. 43, § 1: "An act to provide for the payment of sheriffs and their deputies, while in attendance upon court, and the compensation of jailors and turnkeys." Approved February 27th. 34 M. 215; 35 M. 366.

SEC. 957. Receipt for process.—Every sheriff to whom any process is delivered in the county where it is to be executed, shall, if required by the person delivering the same, give to such person a certificate, under his hand, without charge, wherein the names of the parties and the day of delivering the process shall be mentioned.

G. S. ch. 8, § 169 (197).

SEC. 958. Complete unfinished business.—Every sheriff going out of office by expiration of his term, and having any attachment, execution or other process in his hands, which he has begun to execute by a levy upon property, shall be authorized to proceed thereon, and execute the same, and to sell and give title to the property so levied on, in the same manner as if still in office: *provided*, that if such late sheriff dies, becomes insane, removes from the state, or is in any manner unable to act, the sheriff in office shall, upon the delivery to him of such attachment, execution or other process, together with a certificate, return or memorandum of the action of the late sheriff under the same, if any, complete the execution thereof in the same manner, and with the like effect, as if such process had been originally delivered to him, and give title to any property so levied on by such late sheriff; and the return of such succeeding sheriff upon any such process, or his deed given in pursuance of the execution of any such process, shall be *prima facie* evidence of the disability of the late sheriff to complete the execution of such process or give such deed.

G. S. ch. 8, § 174 (203). 25 M. 440.

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[SECS. 959-964.

SEC. 959. Safe keeping of prisoners.—The sheriff shall receive and safely keep in prison all persons legally committed thereto, and shall not let out of prison any person so in his custody, unless discharged by due course of law, under penalty of being punished by fine and imprisonment: *provided*, that if there is no jail for the confinement of prisoners in the county, or the jail is insufficient, the sheriff, with the approbation of the judge of the district court, shall employ such means as may be necessary for the safe keeping of all prisoners committed to his custody.

G. S. ch. 8, § 175 (203).

SEC. 960. Convey prisoners through other counties.—Any sheriff or other officer, who legally arrests any person in any county, may pass across and through such parts of any other counties as he deems necessary to convey the person arrested to the place where he is to be conveyed, according to the command of the process by virtue of which such arrest is made.

G. S. ch. 8, § 176 (204).

SEC. 961. Settle with commissioners.—The sheriff shall settle with and pay over to the board of county commissioners, at their regular sessions, and as often as they require, all money collected or received by him for the use of or belonging to the county.

G. S. ch. 8, § 179 (207).

SEC. 962. Failure to settle and pay over money.—If any sheriff or deputy sheriff fails to settle with and pay over to the board of county commissioners 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 or persons 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 of county commissioners, or such person or persons, may proceed against such sheriff and deputy sheriff in a summary manner before the district court by an order upon him to show cause why he should not pay over such money; and upon the hearing thereof the court may order such sheriff or deputy sheriff to pay to such board of county commissioners, or to the person or persons so entitled thereto, the amount found due, with twenty (20) *per centum* thereon as damages for such failure, together with all costs of the proceedings under this section; and upon failure to comply with such order he may be committed to jail as for a contempt.

G. S. ch. 8, § 170 (198), as amended 1885, ch. 74. Approved February 24th. Amendment added the deputy, and the provision as to county money, and struck out the proviso giving civil action on the bond. 33 M. 149; 29 M. 163; 38 N. W. 704.

SEC. 963. Neglect of duty.—If any sheriff neglects to make due return of any writ or other process delivered to him to be executed, or is guilty of any misconduct in relation to the execution thereof, he may be proceeded against by the party interested in the manner provided in the preceding section; 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: *provided*, that nothing herein shall prevent the person injured from maintaining an action for damages against the sheriff or upon his official bond

G. S. ch. 8, § 171 (199).

SEC. 964. Illegal fees.—No sheriff or other officer shall directly or indirectly ask, demand or receive, for any services or acts by him performed in pursuance of any official duty, any more fees than are allowed by law, under penalty of forfeiting for such offence, to the party aggrieved, treble the sum so demanded or received, to be recovered in a civil action.

G. S. ch. 8, § 172 (200). 14 M. 487; 15 M. 324.

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SECS. 965-969.]

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SEC. 965. **Cannot purchase at sheriff's sale.**—No sheriff shall become the purchaser, or procure any person to become the purchaser for him, of any property, real or personal, by him exposed to sale, by virtue of any execution or other process; and all such purchases made by any sheriff, or any other person in his behalf, shall be absolutely void.

G. S. ch. 8, § 173 (201).

SEC. 966. **Compensation of jailors.**—The judge of the district court for each county shall also determine, from time to time, the compensation that shall be allowed for the services of a jailor or turnkey in the county jail; which compensation shall be paid monthly, out of the county treasury, upon the warrant of the county auditor; such jailor or turnkey to be appointed by the sheriff of such county, subject to the approval of the judge.

* In determining such compensation, the judge shall ratably apportion the amount equitably due therefor from any county other than that in which the jail is situated, which may have committed any prisoners to said jail for safe keeping, and on presentation of a certified copy of such order of apportionment to the county auditor of any such county, he shall draw his warrant on the county treasurer, in favor of such jailor for such compensation.

1873, ch. 43, § 2, as amended 1887, ch. 36, approved March 7th, which added matter below *.

TITLE 8.

COUNTY ATTORNEYS.

SEC. 967. **Qualification — Term — Oath — Bond.**—There shall be elected in each county organized for judicial purposes, a county attorney, who shall be a person duly admitted to practice law in all courts of this state, who shall hold his office for the term of two years and until his successor is elected and qualified. Such county attorney shall, before he enters upon the duties of his office, take and subscribe the oath required by law, and shall file with the clerk of the district court of said county a duly certified copy of the order admitting him to practice law in this state, and shall also execute a bond in the penal sum of one thousand dollars, to the board of county commissioners, with one or more sufficient sureties, to be approved by said commissioners, conditioned that he will faithfully and impartially discharge the duties of county attorney, and pay over without delay, to the county treasurer, all moneys which come into his hands by virtue of his office, which bond, together with his oath of office, shall be filed and recorded in the office of the register of deeds, and when so recorded shall be forwarded by such register of deeds to the secretary of state.

G. S. ch. 8, § 180 (210), as amended 1876, ch. 71; 1887, ch. 68. Approved March 3d. Acts 1876 added that copy of order of admission be filed, and acts 1887 required it to be filed and recorded with register of deeds instead of clerk of district court as formerly. Acts 1881, ch. 147, approved February 14th, created office of district attorney for twelfth judicial district, and acts 1883, ch. 136, repealed it, to take effect January 1, 1886. 3 M. 62; 23 M. 17.

SEC. 968. **Justice of the peace ineligible.**—Any person who may hold the office of justice of the peace shall be ineligible to hold the office of county attorney, and no person shall hold both said offices at the same time.

1874, ch. 87, approved March 9th: "An act to prohibit persons who hold the office of justice of the peace from holding the office of county attorney at the same time."

SEC. 969. **Vacancies.**—Whenever there is no county attorney for any organized county in this state, the board of county commissioners of such county may, in their discretion, from time to time employ any suitable person being an attorney of a court of record, to perform the legal services which

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[SECS. 970-973.]

such county may need; and * whenever there is no county attorney for the county, or when he is absent at the session of the district court for the county, and no attorney has been employed by the board of county commissioners to attend at such session, the court shall appoint if necessary, by an order to be entered in the minutes of the court, some suitable person to perform for such term of court the duties required by law to be performed by the county attorney; and the person employed or appointed shall receive a reasonable compensation for his services, to be allowed by the board of county commissioners, and paid out of the treasury of such county, which amount shall be deducted from the salary of the county attorney.

G. S. ch. 8, § 183 (213a), as amended 1875, ch. 29. Approved March 2d. Amendment above *.

SEC. 970. **Same.**— Whenever a vacancy occurs in the office of county attorney, the board of county commissioners, at their first session thereafter, shall appoint some suitable person to be county attorney, who shall take the oath and file the bond required of the county attorney, and shall hold his office until the next general election, and until his successor is elected and qualified.

G. S. ch. 8, § 187 (218).

SEC. 971. **Assistant attorney.**— That the several judges of the district courts in this state may, by order to be duly entered on the minutes, at any term of the court, appoint an attorney of the court to act as, or in place of, or to assist the county attorney in any business or proceeding before the grand jury or in court, whether there be a county attorney present at such term or not; and the person so appointed shall take the usual oath of office, and shall thereupon be fully authorized to be present before the grand jury at any time when the county attorney might by law be present before that body: *provided*, that no compensation shall be paid by the county to such person so appointed by the court to assist the county attorney, when that officer is present at the term when such appointment is made, except the same be paid with the consent of the county attorney, and be deducted from the regular salary of that officer.

1876, ch. 66: "An act to authorize any judge of the district court to appoint an assistant county attorney." Approved February 10th.

SEC. 972. **Who cannot defend.**— No law partner of any county attorney, and no attorney having his office with such county attorney, shall be permitted to appear as attorney for the defendant in any criminal action in any court in this state, which action it is the duty of the county attorney to prosecute.

1879, ch. 88: "An act relating to partners of county attorneys and others appearing for defendants in cases in which it is the duty of the county attorney to prosecute." Approved February 28th.

SEC. 973. **Duties.**— The county attorney shall appear in all cases where the county is a party, and prosecute or defend for the county, as the case may be; give opinions and advice to the county commissioners or any other officers of said county, upon request of such commissioners or officers, upon all matters in which the county is or may be interested, or in relation to the official duties of any of said officers; attend on all terms of the district court for such county, and all other courts having criminal jurisdiction, and attend all preliminary examinations of criminals, when the magistrate before whom such examination is held, shall request his attendance, and furnish him with a copy of the complaint; attend before the grand jury of such county upon the special request of said jury, and examine witnesses in their presence; he shall give them advice in any legal matter before them, and issue subpoenas and process to bring in witnesses before them, or any magistrate before whom he is conducting an examination, and shall attend all coroner's inquests at the request of the coroner, and shall draw all bills of indictment and all present-

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ments found by the grand jury of his county, and shall prosecute all such presentments and indictments to their final determination in the district court. County attorneys, whenever requested by the attorney general, shall appear for the state in their respective counties, in any cause instituted by him, or before the land offices, in any case of application to pre-empt or locate any of the public lands claimed by this state, and assist him in the trial and preparation of any such case.

G. S. ch. 8, § 181 (212). 16 M. 381.

SEC. 974. Accounts and settlements.— Every county attorney, on or before the first day of January in each year, shall make out and file in the office of the county auditor, an account in writing, under oath, of all moneys received by him during the preceding year, by virtue of his office, for fines, recognizances, forfeitures, penalties or costs; and he shall specify in such account the name of the person from whom he received such moneys, the particular amount paid by such person, and the cause for which each payment was made, and shall at the same time, or previously, pay over such money to the county treasurer, and take a receipt and duplicate for the same, and file the duplicate with the county auditor.

G. S. ch. 8, § 184 (215).

SEC. 975. Refusal to account.— When the county attorney refuses or neglects to account for and pay over the moneys received by him, the county auditor shall cause an action to be instituted upon the bond of such county attorney, for the recovery of the money so received and unpaid by him, and for damages in failing to account.

G. S. ch. 8, § 186 (217).

SEC. 976. Cannot take reward.— No county attorney shall receive any fee or reward from or on behalf of any prosecutor or other individual, for services in any prosecution or business to which it is his duty to attend.

G. S. ch. 8, § 182 (213).

SEC. 977. Record of criminal actions.— It shall be the duty of the county attorney of every county in this state to procure at the expense of the county a suitable book to be known and designated "A register of criminal actions," and which book shall be preserved and kept by him as hereinafter provided, and at the expiration of his term of office be delivered by him to his successor in office.

1885, ch. 191, § 1, approved February 10th: "An act for the collection, preservation and report of criminal statistics."

SEC. 978. Entries in.— Immediately after the conclusion of any preliminary examination or prosecution, conducted by such county attorney and immediately after the receipt by him of any report of a justice of the peace as provided in section three (3) of this act and within ten (10) days after the adjournment of any term of a court of record in his county having criminal jurisdiction, it shall be the duty of such county attorney to enter in such register the title of all criminal causes, conducted, prosecuted or so reported to him; the date when such examination or prosecution was begun; the date of the finding of an indictment or the filing of a criminal appeal in such court; the nature of the criminal accusation against the defendant; the result of such examination, prosecution or trial; if convicted, the nature and punishment inflicted and whether the crime charged was committed under the influence of intoxicating liquors. He shall also upon the receipt of the report from the justice or clerk hereinafter provided for enter in such register under each case the amount of costs taxed therein, the amount of fines if any imposed, and the amount paid thereon.

1885, ch. 191, § 2.

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COUNTIES, ETC.— COUNTY ATTORNEYS.

[SECS. 979-982.]

SEC. 979. Justice to report for entry in.— It shall be the duty of every justice of the peace, within ten (10) days after the conclusion of every criminal prosecution begun and prosecuted before him, to report to the county attorney of his county or to the county attorney of the county to which his county is attached for judicial purposes, the title of such criminal cause, the nature of the accusation, the result thereof and if the defendant is convicted, the nature and extent of the punishment inflicted; whether the crime charged was committed under the influence of intoxicating liquors, the amount of costs paid or incurred by the state in such case, and the amount of fines and costs, or fines or costs paid by the defendant.

1885, ch. 191, § 3.

SEC. 980. Clerk to report for entry in.— It shall be the duty of the clerk of every court of record having criminal jurisdiction, either before the adjournment or within ten (10) days after the adjournment of any term of such court, to tax the amount of costs paid or incurred by the county or state in the trial of each criminal case tried in said court during said term, including witness fees, and to enter the amount thereof in the record of such case and immediately thereafter to report to the county attorney of the county the amount of costs so taxed in each of such cases, the amount of fines imposed and the amount paid thereon.

1885, ch. 191, § 4.

SEC. 981. Sheriff to report.— It shall be the duty of every sheriff or other officer or person who serves any subpoena or other process issued in a criminal action by any court of record having criminal jurisdiction, on or before the last day of every term of such court, to file such subpoena or other process with his fees for the service thereof indorsed thereon with the clerk of such court.

1885, ch. 191, § 5.

SEC. 982. Annual report for attorney general.— It shall be the duty of every county attorney, on or before the tenth (10th) day of January of each year, to prepare and transmit to the attorney general, in such form as the attorney general prescribes, a report of the number, character and result of all criminal cases prosecuted by or reported as aforesaid to him during the preceding year, which report shall also contain such other or further information as the attorney general may require, and said register, if properly kept, may furnish, together with the costs of such prosecution to the county or state. Upon the reception of such report it shall be the duty of the attorney general to send to the county attorney a receipt for the same, which receipt shall be filed with the county auditor of the county; and thereupon and not otherwise, it shall be the duty of the county auditor to issue to such county attorney a warrant for the salary due him for the preceding month of December, and no warrant shall be issued for said month's salary until such receipt is filed as aforesaid; *provided*, that the report for the year A. D. one thousand eight hundred and eighty-five (1885) shall include the period between November fifteenth (15th) one thousand eight hundred and eighty-four (1884) and January first (1st), one thousand eight hundred and eighty-six (1886).

1885, ch. 191, § 6, which repeals G. S. ch. 8, § 185 (216), and which contains the substance of that section.

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SECS. 983-988.]

COUNTIES, ETC.—JUDGES OF PROBATE.

TITLE 9.

JUDGES OF PROBATE.

Elections and qualifications. Const. art. 6, § 7.

SEC. 983. **Bond and oath.**—Every judge of probate, shall, before he enters upon the duties of his office execute a bond to the county commissioners, in the penal sum of one thousand dollars, with one or more sufficient sureties, to be approved by the said commissioners, conditioned for the faithful discharge of the duties required of him by law, and for the faithful application of all moneys and effects that may come into his hands in the execution of the duties of his office; and shall take the oath required by law, which bond and oath of office shall be filed and recorded in the office of the register of deeds.

G. S. ch. 8, § 188 (219).

SEC. 984. **Audit accounts.**—That the duties conferred upon commissioners by chapter fifty-three of the General Statutes, shall be performed by the judge of probate court.

1879, ch. 69, approved February 25th: "An act relating to auditing accounts against the estates of deceased persons." See Probate Code.

SEC. 985. **Office records.**—The judge of probate shall keep his office at the county seat, and keep a record of all orders, decrees, and other official acts made or done by him, which record shall be open to the inspection of all persons without charge.

G. S. ch. 8, § 189 (220).

SEC. 986. **Transfer to successor.**—Whenever the term of office of any judge of probate expires, he shall deliver over to his successor in office, all books and papers relating to said office of judge of probate, in his possession, and, upon failure to do so, within five days after demand by his successor, he shall be liable to indictment and punishment by fine not exceeding one thousand, nor less than one hundred dollars.

G. S. ch. 8, § 190 (221).

SEC. 987. **Appoint clerk.**—Every judge of probate may appoint a clerk, who shall perform all the duties assigned him by law or said judge; such appointment shall be in writing, signed by the judge and filed in the office of the clerk of the district court of the county in which the same is made.

G. S. ch. 8, § 191 (222). Const. art. 9, § 7.

SEC. 988. **Oath and bond of clerk.**—Before entering upon the duties of his office, such clerk shall take the oath required by law, and execute a bond to the county commissioners, with one or more sureties to be approved by them, in the penal sum of five hundred dollars, conditioned for the faithful discharge of his duties; said oath and bond shall be filed and recorded in the office of the register of deeds, and an action may be maintained on said bond by any party aggrieved by a violation of the condition thereof.

G. S. ch. 8, § 192 (223).

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COUNTIES, ETC.— COURT COMMISSIONERS.

[SECS. 989-994.]

TITLE 10.

COURT COMMISSIONERS.

SEC. 989. Election.— There shall be chosen in each organized county one person, who shall be called a court commissioner and hold his office for the term of four (4) years and until his successor is elected and qualified.* The term of all court commissioners elected at the general election in November, one thousand eight hundred and eighty-four (1884), shall extend to the first (1st) Monday of January; one thousand eight hundred and eighty-nine (1889), and until their successors are elected and qualified.

G. S. ch. 8, § 193 (224), as amended 1885, ch. 26. Approved March 5th. Amendment increased term from three to four years and added below*.

SEC. 990. Bond and oath.— Before entering upon his duties, each court commissioner shall execute to the board of county commissioners a bond in the sum of two thousand dollars, with surety to be approved by the board, conditioned for the faithful performance of the duties required of him by law; and shall take and subscribe an oath of office, which, with his bond, shall be filed and recorded in the office of the register of deeds.

G. S. ch. 8, § 195 (226).

SEC. 991. Vacancy.— Whenever a vacancy occurs in the office of court commissioner, the judge of the district court for the district in which such county is situated, shall appoint some competent person to fill such vacancy, who shall give such bond and take such oath as is by law required of court commissioners, and who shall hold his office until the next general election, and until his successor is elected and qualified.

G. S. ch. 8, § 198 (229).

SEC. 992. Qualifications and powers.— Court commissioners shall be men learned in the law, and shall have and may exercise the judicial powers of a judge of the district court at chambers.

G. S. ch. 8, § 194 (225). 3 M. 352, 359; 10 M. 63; 28 M. 456.

SEC. 993. Can be judge of probate at same time.— Nothing in this title shall prevent the same person from holding at the same time the office of judge of probate and that of court commissioner.

G. S. ch. 8, § 197 (228).

SEC. 994. Office and records.— The court commissioner shall keep his office at the county seat, and keep a record of all proceedings had before him, in books procured at the expense of the county, which books shall be delivered to his successor in office.

G. S. ch. 8, § 196 (227).

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SECS. 995-1000.]

COUNTIES, ETC.— COUNTY SURVEYORS.

TITLE 11.

COUNTY SURVEYORS.

SEC. 995. Election — Term — Oath — Bond.— There shall be elected in each county a surveyor, who shall hold his office for two (2) years, and until his successor is elected and qualified; he shall reside in the county for which he is elected and shall, previous to his entering upon the duties of his office, take and subscribe the oath required by law, and give bond to the board of county commissioners in the sum of five hundred (500) dollars, conditioned for the faithful discharge of his duties. Said bond to be approved by the county commissioners and recorded with the said oath of office in the office of the register of deeds, and he shall have power to administer oaths to chainmen and other persons under his charge.

G. S. ch. 8, § 199 (230), as amended 1875, ch. 30; 1881, ch. 46. Acts 1887, ch. 32, approved March 8th, amended acts 1875, ch. 30, by providing that "said bond and oath of office shall be filed in the office of the county auditor," which is not inserted in the text, because acts of 1875, ch. 30, was abrogated by acts 1881, ch. 46, at the time of amendment. Acts 1881, ch. 46, inserted the provision that bond be approved by commissioners, and with the oath recorded by register of deeds.

SEC. 996. Compensation.— That the county surveyors of the several counties of this state shall be entitled to receive four dollars per day, as compensation for their services, for each day employed in the discharge of their duties as such surveyors, including the time necessarily spent in traveling to and from the field of their labor.

1867, ch. 96.

SEC. 997. Vacancy.— Whenever a vacancy occurs in the office of the county surveyor, the board of county commissioners, at their first session thereafter, shall appoint some suitable person to fill such vacancy until the next general election, and until a successor is elected and qualified.

G. S. ch. 8, § 206 (238).

SEC. 998. Deputies — Execute all surveys.— The said surveyor may appoint such number of deputies as he thinks proper, who shall severally take an oath, for the faithful performance of whose duties he shall be responsible, and by himself or one of his deputies, execute all surveys which shall be ordered by any court, board of county commissioners, town supervisors or other public officer, within his county, or upon application of any individual or corporation, and each of said deputies shall have the power to administer oaths to chainmen and other persons under their charge.

G. S. ch. 8, § 200 (232), as amended 1875, ch. 30, § 2; 1881, ch. 42. Acts 1875 inserted provision empowering deputies to administer oaths. Acts 1881 inserted "board of county commissioners, town supervisors, or other public officers."

SEC. 999. Record of survey.— The said surveyor shall keep a correct and fair record of all surveys made by him or his deputies, in a book to be provided by the county commissioners for that purpose, which he shall transmit to his successor in office; he shall also number such surveys progressively, and shall preserve a copy of the field notes and calculations of each survey, indorsing thereon its proper number, a copy of which, and also a fair and accurate plat, together with a certificate of survey, shall be furnished by said surveyor to any person requiring the same.

G. S. ch. 8, § 201 (233).

SEC. 1000. 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 same.

G. S. ch. 8, § 202 (234.)

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COUNTIES, ETC.— COUNTY SURVEYORS.

[SECS. 1001, 1002.]

SEC. 1001. **Rules for subdividing sections.**— Whenever a surveyor is required to make a subdivision of a section as established by the United States survey, he shall proceed as follows: Whether the section is fractional or not, excepting on the northern and western tier of sections of those townships whose northern boundary is a "standard parallel" or "correction line" hereinafter provided for, commencing at either quarter-section corner of the section, he shall run direct lines to the opposite quarter-section corner of the section, and, at the intersection of said lines, he shall establish a common centre therefor, at which a post marked " $\frac{1}{4}$ S," on opposite sides, with a suitable instrument, shall be firmly fixed and driven into the ground; and, if practicable, two bearing trees shall be marked in the same manner, and their course and distance from the said post noted in the plat and field notes;* and in all sections on the northern or western boundary lines of townships, the surveyor, in making a subdivision of such sections, shall commence at the quarter-section corner on the south or east boundary of the section, (as the case may be,) and run a line to a point intersecting a direct (right angle) line running from the quarter-section corners east and west, or north and south, at a point equidistant from the said quarter-section corners; and at said point of intersection he shall establish a post for a common centre, as hereinbefore provided for; and from said common centre he shall continue the line northerly or westerly, in a direct line, to the quarter-section corner on the north or west section line, (as the case may be.)* In those townships whose northern boundary is a standard parallel or correction line, but upon which no quarter-section posts are established for the sections adjoining it on the south by the United States surveyors, the county surveyor, whenever required to subdivide such sections, shall establish a quarter post on such standard parallel or correction line, equidistant from the section posts established at the intersection of the parallel by the section lines south; such quarter post to be marked only on the side facing the south, and (when practicable) two bearing trees south of such line marked, and their course and distance from such quarter post duly noted; the subdivision of such sections may be then proceeded with as hereinbefore directed.

G. S. ch. 8, § 203 (235), as amended 1875, ch. 31, approved March 5th, which inserted the provision between **.

SEC. 1002. **Dividing quarter sections — United States plats and field notes to be filed.**— Any less subdivision than a quarter section shall be made in the following manner. If the quarter section is not fractional, as follows: Establish a course on the boundaries or lines marking the quarter section to be divided, equidistant from the adjacent corners of the same, and from such corners run direct lines to the opposite corners, and establish a common centre of the quarter section at the intersection thereof. Any subdivision of the fractional north-east and north-west quarter sections on the north boundary, and of the fractional north-west and south-west quarter sections on the west boundary of townships, shall be made by ascertaining the distance by measurement from the quarter-section posts to the north and west boundaries respectively, then, as the distance returned in the United States field notes or plats from the quarter-section corner to the north and west boundaries, respectively, is to the distance of the same found by measurement, so is the distance returned in such notes or plats as the width of the south half of the north-east quarter and the east half of the north-west quarter and the south-west quarter, respectively, to the required measurement of the same.

* That all surveys made after the passage of this act by county surveyors, or other surveyors, shall be made in strict conformity to the original United States government surveys; and to enable surveyors to conform to the requirements of this act, the county commissioners of each county are hereby required to procure and keep on file in the office of the register of deeds certified copies

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SECS. 1003-1008.]

COUNTIES, ETC.—CORONERS.

of the original plats and field notes of the United States government surveys in their respective counties.

G. S. ch. 8, § 204 (236), as amended 1870, ch. 43. Amendment below *.

SEC. 1003. **Supply lost posts.**—If the quarter-section or section post, as originally fixed by the United States survey, is destroyed, the surveyor shall fix a new post on such land as he may be called upon to survey, with similar marks to those placed on like posts by the United States surveyors, graved therein; said posts to be fixed in accordance with the government field notes.

G. S. ch. 8, § 205 (237).

TITLE 12.

CORONERS.

SEC. 1004. **Election — Term — Oath — Bond.**—A coroner shall be elected in each organized county for the term of two years and until his successor is elected and qualified, who shall, before he enters upon the duties of his office, give bond to the board of county commissioners, in such penal sum, not less than five hundred dollars nor more than ten thousand dollars, with such sufficient sureties, not less than two, as the said board directs and approves, the condition of which bond shall be, in substance, the same as that required to be given by the sheriff, except in the description of the office, and take the oath required by law; which bond and oath shall be filed and recorded in the office of register of deeds.

G. S. ch. 8, § 207 (239).

SEC. 1005. **To act as sheriff in case of vacancy.**—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 and qualified; and when the sheriff for any cause is committed to the jail of his county, said coroner shall be keeper thereof during the time the sheriff remains a prisoner therein.

G. S. ch. 8, § 208 (240).

SEC. 1006. **Subject to liabilities as sheriff.**—Whenever the coroner executes the office of sheriff, he shall perform all the duties, and be subject to all liabilities and penalties imposed by law upon a sheriff duly elected and qualified.

G. S. ch. 8, § 209 (241).

SEC. 1007. **Execute process when sheriff is party.**—Every coroner shall serve and execute process of every kind and perform all other duties of the sheriff, when the sheriff is a party in the action, or whenever affidavit is made and filed, as provided in the succeeding section; and in all such cases he shall exercise the same powers, and proceed in the same manner as prescribed for the sheriff in the performance of similar duties.

G. S. ch. 8, § 210 (242).

SEC. 1008. **Process to be directed to coroner, when.**—Whenever any party, his agent or attorney, makes and files with the clerk of the district court an affidavit, stating that he believes the sheriff of such county will not, by reason either of partiality or prejudice, consanguinity or interest, 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.

G. S. ch. 8, § 211 (243).

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COUNTIES, ETC.—CORONERS.

[SECS. 1009–1013.]

SEC. 1009. Vacancy.— Each deputy shall act in his own name as deputy coroner, and hold his office during the pleasure of the coroner; * and whenever a vacancy occurs in the office of coroner, the board of county commissioners, at their first session thereafter, shall appoint some suitable person to fill such vacancy until the next general election, and until a successor is elected and qualified.

G. S. ch. 8, § 224 (256), as amended 1871, ch. 92. Approved March 6th. Amendment below *.

SEC. 1010. Deputy coroners.— Every coroner is authorized and required to appoint one or more deputy coroners, who shall, in the absence or inability to act of the coroner, possess 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 take and subscribe the oath required by law, and give bond to the board of county commissioners, with sureties to be approved by said board, in such sum, not less than five hundred dollars, nor more than five thousand dollars, as said board directs, conditioned for the faithful performance of his official duties; which bond, oath and appointment shall be filed and recorded in the office of register of deeds.

G. S. ch. 8, § 223 (255).

INQUEST.

SEC. 1011. When.— Coroners shall take inquest upon view of the dead body 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.

G. S. ch. 8, § 212 (244).

SEC. 1012. Summon jury.— As soon as the coroner has notice of the dead body of any person supposed to have come to his death by violence, found or lying within his county, he shall make his warrant to the constable of the election district where such dead body is, or one of the adjoining election districts in the same county, requiring such constable forthwith to summon six good and lawful men of the county to appear before such coroner at the time and place expressed in such warrant; and 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, coroner of the said county, (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 ———, A. D. ———.

—————, Coroner.

G. S. ch. 8, § 213 (245).

SEC. 1013. Constable execute warrant.— The constable to whom such warrant is directed and delivered, shall forthwith execute the same, and shall, at the time mentioned in the warrant, repair to the place where the dead body is, and make return thereof, and of his doings thereon, to the coroner, under his hand; and any constable who unnecessarily neglects or fails to execute or 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 the sum of five dollars; each of which forfeitures may be recovered to the use of the county by civil action, to be brought by the coroner before any justice of the peace in the county.

G. S. ch. 8, § 214 (246).

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SECS. 1014-1018.]

COUNTIES, ETC.—CORONERS.

SEC. 1014. Oath of jurors.—When the jurors who have been summoned appear, the coroner shall call over their names, and then, in view of the dead body, administer to them the following oath:

You do solemnly swear [*or, affirm, as the case may be,*] 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 dead, came 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 the jurors or any of them shall not appear, the coroner may require the constable, or any other person whom he shall appoint, to return other jurors until a jury is obtained.

G. S. ch. 8, § 215 (247).

SEC. 1015. Witnesses.—The coroner may issue subpoenas for witnesses, returnable forthwith, or at such time and place as he shall direct. The persons served with subpoenas shall be allowed the same fees, and their attendance shall 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 of Minnesota to attend in a criminal action before a justice of the peace.

G. S. ch. 8, § 216 (248).

SEC. 1016. Oath of witnesses.—An oath to the following effect shall be administered to the witnesses by the coroner:

You do solemnly swear that the evidence you shall give to this inquest concerning the death of the person lying here dead, shall be the whole truth, and nothing but the truth: so help you God.

G. S. ch. 8, § 217 (249).

SEC. 1017. Testimony reduced to writing.—The testimony of all witnesses examined before the coroner's jury must 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 wherein such inquest is held. 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 (10) cents a folio, and twenty-five (25) 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 proceedings in civil actions are now entered, and shall receive from the treasury of his said county the same fees as are now allowed by law for like services.

G. S. ch. 8, § 218 (250), as amended 1887, ch. 78. Approved March 7th. Amendment below*.

SEC. 1018. Duty of jury.—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 ———, A. D. ———, before ———, coroner of the said county of ———, upon view of the body of ———, ———, [*or, a person*] lying there dead, by the oaths of the

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COUNTIES, ETC.—CLERK OF DISTRICT COURT. [SECS. 1019–1022.]

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, [*then 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.

G. S. ch. 8, § 219 (251).

SEC. 1019. Hold witnesses to court.— If the jury find that any murder, manslaughter, or assault has been committed on the deceased, the coroner shall bind over, by recognizance, such witnesses as he shall think proper, to appear and testify at the next court to be held in the same county at which indictment for such offence 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 commit to the jail of the county any witnesses who refuse to recognize in such manner as he shall direct.

G. S. ch. 8, § 220 (252).

SEC. 1020. Arrest person charged.— If any person charged by the inquest with having committed such offence 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 that is required of justices of the peace (or other court) in like cases.

G. S. ch. 8, § 221 (253).

SEC. 1021. Coroner to provide burial.— When any coroner takes 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 should be taken, 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.

G. S. ch. 8, § 222 (254).

TITLE 13.

CLERK OF DISTRICT COURT.

SEC. 1022. Bond — Oath — Additional bond for deposits.— Every clerk of the district court, before entering on the duties of his office, shall execute a bond to the board of county commissioners, with two or more sureties approved by said board, in the penal sum of one thousand dollars, conditioned for the faithful discharge of his official duties, and take and subscribe the oath required by law; which oath and bond shall be filed and recorded in the office of the register of deeds.

Provided, that the judge of the district court in any county may order all moneys paid into court to abide the result of any legal proceedings; to be deposited, until the further order of said court, in some duly incorporated bank or banks to be designated by the court as such depository; or said judge, on application of any person or corporation paying such money into court, may require said clerk to give an additional bond with like effect as the bond provided for in this section, in such amount as said judge shall deem sufficient.

That the clerk of said district court shall be entitled to receive a commission of one (1) per cent. on every dollar for receiving and paying over money which may be deposited with him, to wit: One half ($\frac{1}{2}$) of such commission for

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SECS. 1023-1029.] COUNTIES, ETC.—CLERK OF DISTRICT COURT.

receiving and the other half for paying the same. Said per cent. to be paid by the party depositing the money.

G. S. ch. 8, § 225 (257), as amended 1879, ch. 91; 1887, ch. 72. Approved March 3d. Acts 1879, ch. 91, added a proviso that if sum deposited exceeded \$1,000, court to order it deposited in some safe "depository," and clerk to give additional bond. Acts 1887, ch. 72, amended the proviso in acts 1879 as above. 38 N. W. 618.

SEC. 1023. **Office — Duties.**— Every clerk shall keep his office at the county seat, and perform all duties which are or may be assigned him by law, and by the rules of the court of which he is clerk.

G. S. ch. 8, § 226 (258).

SEC. 1024. **Vacancy.**— Whenever any vacancy occurs in the office of clerk of the district court, the judge of the district court for the district in which such county is situate, shall appoint some suitable person to fill such vacancy, who shall give such bond and take such oath as is by law required of clerks of the district court, and who shall hold his office until the next general election, and until his successor is elected and qualified.

G. S. ch. 8, § 230 (262).

SEC. 1025. **Compensation.**— In all counties where the fees of the clerk of the district court do not exceed five hundred dollars per annum, the said clerk shall receive from the county treasurer of his county, unless prohibited by the county commissioners of said county, a sum which, together with the fees of his office, shall be equal to five hundred dollars per annum: *provided*, the population of such county exceeds forty-five hundred, as shown by the last state census.

1866, ch. 22, § 1, as amended 1868, ch. 95.

SEC. 1026. **Deputies.**— He may, at his discretion, with the approval of the judge of his court, appoint one or more deputy clerks, for whose acts he shall be responsible. Said deputy or deputies shall be appointed under the hand and official seal of the clerk, with the approval of the judge endorsed on such appointment; * and the deputy or deputies appointed under and in pursuance of the provisions of this article, may administer oaths, take acknowledgments, and perform all the duties pertaining to the office of clerk of district courts.

G. S. ch. 8, § 227 (259), as amended 1870, ch. 38; 1877, ch. 12. Amendment inserted "one or more," and provision below *. 41 N. W. 460.

SEC. 1027. **Same — Oath and bond.**— Before any deputy clerk of the district court shall enter upon the duties of his office, he shall take and subscribe the oath required by law, which oath, together with the appointment of such deputy clerk, shall be filed and recorded in the office of the register of deeds; such deputy may be removed at the pleasure of the clerk.

G. S. ch. 8, § 228 (260).

SEC. 1028. **Statement of fees.**— The clerks of the district court mentioned in section one of this act, shall, on the first Mondays of January and June in each year, file with the county auditor of their respective counties a statement in writing, under oath, showing the whole amount of fees of their office, by whom paid or to whom charged, and for what purpose, for the term ending on the first Monday of January and June of each year.

1866, ch. 22, § 2.

SEC. 1029. **Cannot practice law.**— No person holding the office of, or acting as clerk of any district court in this state, shall be allowed to practice as attorney, or solicitor, in the court in which he holds the office of clerk of court, or is acting as clerk of court. *Provided*, that any person now holding such office of a clerk of a district court shall be excepted from the operation and effect of this act while serving out the remainder of his present term of office, and no longer.

1889, ch. 50, approved February 11th, entitled "An act to prohibit clerks of district courts practicing as attorneys in the courts of which they are clerks."

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COUNTIES, ETC.—CLERK OF DISTRICT COURT. [SECS. 1030, 1031.]

SEC. 1030. Register, dockets, etc.—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 or 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.

*Whenever information as to the contents of any of said books respecting the existence or docketing or satisfaction of judgment is required for the purpose of making or certifying abstracts of title, any person requiring such information shall apply to the clerk therefor. And said clerk shall at once make search and certify the result of such search under his hand and the seal of said court, giving the name of the party against whom any judgment appears of record. The amount of such judgment and the time of its entry and of its satisfaction [if satisfied] and if requested any other entries relative to such judgments as they appear of record. *Provided*, that this act shall not prevent attorneys or other persons from having reasonable access to and from examining such records when no such certificate is necessary or required. For such services the clerk shall receive the same fees as are now allowed by law for certificates and examination of records.

G. S. ch. 8, § 229 (261), as amended 1883, ch. 28; 1887, ch. 48. Acts 1883 inserted the provision concerning United States courts, and such other books as court may direct. Acts 1887 added the provision below*.

SEC. 1031. Index to court records.—It shall be the duty of the clerk of the district court of every county in this state to procure at the expense of the county two (2) well bound books to be denominated plaintiffs' index to court records, and defendants' index to court records, to be ruled and printed substantially in the following manner:

| Plaintiffs. | Defendants. | Kind of Action. | Term Commenced. | Record Book. | Pages. |
|-------------|-------------|-----------------|-----------------|--------------|--------|
| | | | | | |

| Term Disposed of. | Date of Judgment. | | Judgment Docket. | | Execution Docket. | | Fee Book. | | Satisfied or Not Satisfied. | Number of Case. |
|-------------------|-------------------|------|------------------|-------|-------------------|-------|-----------|-------|-----------------------------|-----------------|
| | Month. | Day. | Book. | Page. | Book. | Page. | Book. | Page. | | |
| | | | | | | | | | | |

In which all the cases shall be entered in alphabetical order by the name of each plaintiff and defendant; said book shall set forth the names of the parties, kind of action, term commenced, the record, books and pages on which cases are recorded, the term disposed of, date of judgment, books and pages of the judgment dockets, execution dockets, fee books, satisfied or not satisfied,

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SECS. 1032-1036.] COUNTIES, ETC.—GENERAL PROVISIONS.

and number of case. The defendants' index shall be ruled and printed in the same manner as the plaintiffs', except the parties shall be reversed.

1885, ch. 181: "An act to provide for the proper indexing of all records in the office of the clerk of district court." Approved March 7th.

SEC. 1032. To register omitted cases.— That the clerks of the several district courts of this state shall enter upon the registers provided for that purpose all cases, civil and criminal, which, through the mistake, inadvertence or neglect of their predecessors in office, shall not have been registered; the true date of the filings in such cases shall be entered on said registers, and said entries when so made shall have the same force and effect as if made by the clerk of the district court at the proper time. *Provided*, that the fees for such services shall be paid by the county only upon the order of the court. *And provided further*, that in docketing any such judgment the date thereof shall be the time when the same is actually docketed, and the lien thereof shall attach only from such date.

1885, ch. 262, approved March 9th, entitled "An act relating to the records in the office of the clerks of the district courts."

TITLE 14.

GENERAL PROVISIONS.

SEC. 1033. Board to fill vacancies on one day's notice.— 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. S. ch. 6: "An act to amend ch. 8, G. S., relating to counties and county officers," by adding the foregoing section thereto. Approved November 22d.

SEC. 1034. Records open to inspection.— The several judges of probate, county auditors, and clerks of the district courts of this state shall, during the hours when their respective offices are or may be required by law to be open, exhibit any papers, files or records of their offices or in their official custody, to the inspection of any person demanding the same, free of charge, except in those cases where fees are provided by law; and in the latter case, upon tender of such fees.

1887, ch. 83: "An act to amend chapter 8 of the General Statutes, defining the duties of county auditors, judges of probate and clerks of court," by adding thereto the above sections. Approved March 7th.

SEC. 1035. Certificate on demand.— The several county auditors, judges of probate and clerks of district court shall, during the hours when by law their respective offices are required to be open, furnish to any person demanding the same, a certified copy of any record, file, or papers on file or deposited in their offices, or in their official custody, upon tender of such proportionate fees as are now allowed by law to registers of deeds for like services.

1887, ch. 83. An act to amend ch. 8, G. S., by adding this section. Approved March 7th.

SEC. 1036. Separate records and accounts.— 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 charge-

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able 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, ch. 123, § 1: "An act to regulate the salaries of county treasurers and auditors when unorganized counties are attached." Approved March 2d.

SEC. 1037. Treasurer and auditor of unorganized counties.—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 this state regulating and fixing the salaries of county auditor and treasurer.

1883, ch. 123, § 2. Repealed 1887, ch. 156.

SEC. 1038. Report perquisites.—It is hereby made the duty of the clerk of any court, probate judge, sheriff and register of deeds of the several counties in this state, to report to the county commissioners of their respective counties, on the first day of January of each year during their official term, a certified and sworn statement in detail of all the costs, fees, percentages, penalties, allowances, or other perquisites of every kind charged in his office during the preceding year.

1873, ch. 41, § 1: "An act relating to the duties of the clerk of any court, probate judge, sheriff and register of deeds of the several counties of this state." Approved March 10th.

SEC. 1039. Penalty for false report.—If any of said officers shall, with intent to violate this act, fail to furnish the statement herein required at the time and in the manner herein specified; or if any of said officers shall wilfully make any such statement false in any material matter, knowing the same to be so, he shall, upon conviction in the court of common pleas or district court of such county, be adjudged of misconduct in office, and shall be condemned to pay a fine not less than three hundred dollars nor more than one thousand dollars.

1873, ch. 41, § 2.

SEC. 1040. Report to be published.—It shall be the duty of the county commissioners of the several counties in this state to publish in the official paper of the county, during the first week of January in each year, the aggregate amount received by each of said officers, according to their sworn statements, as required by section one of this act.

1873, ch. 41, § 3.

OFFICIAL BONDS.

SEC. 1041. Prepared.—It is hereby made the duty of the secretary of state, the attorney general and the public examiner to prepare and cause to be printed blank forms of official bonds for the use of the following officers, viz: County auditor, county treasurer, register of deeds, sheriff, clerk of the district court, court commissioner, coroner and judge of probate, county attorneys and county surveyors.

1881, ch. 110, § 1: "An act to provide for the preparation and printing of blanks for official bonds of county officers, and for recording such bonds, and filing the same in the office of the secretary of state." Approved March 4, 1881, as amended 1883, ch. 9.

SEC. 1042. Distributed.—The secretary of state shall each year, or as often as may be necessary, forward to the county auditor of each county in this state a sufficient number of such printed forms for the use of such county officers.

1881, ch. 110, § 2.

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SECS. 1043-1050.] COUNTIES, ETC.—GENERAL PROVISIONS.

SEC. 1043. **Use.**—It shall be the duty of each person elected to any office named herein to use the blanks so prepared before entering upon the discharge of his duties; *provided*, that bonds shall not be deemed invalid because executed otherwise than upon such blanks.

1881, ch. 110, § 3.

SEC. 1044. **Filed after recorded.**—All official bonds of county officers which are now or which may hereafter be required to be filed and recorded in the office of the register of deeds of the county where such officers respectively reside, shall be forwarded by such register of deeds as soon as recorded to the secretary of state.

1881, ch. 110, § 5. Supersedes and substantially same as § 1, ch. 89, acts 1874.

SEC. 1045. **Approval of attorney general.**—The secretary of state shall obtain in writing upon all bonds forwarded to him, the approval of the same as to statutory form and execution by the attorney general, and when so approved he shall file the same in his office and retain the same for the use of all parties interested therein.

1881, ch. 110, § 6.

SEC. 1046. **Non-approval.**—In case of non-approval of any bond on account of defect in form or execution of the same, the attorney general shall endorse thereon the reasons for such non-approval, and the secretary of state shall advise the county commissioners of the proper county of such non-approval, with the reason therefor, and the county commissioners shall at once require the officer executing the same to execute, without delay, a bond perfected according to the statutes, which shall be approved, recorded and filed as provided by law, but nothing in this act shall be construed as invalidating the original bond for any portion of such officer's term of office previous to the filing of the perfected bond with the secretary of state, or as interfering with the duties of the county commissioners in regard to the approval of bonds, or in regard to the calling for new and additional bonds.

1881, ch. 110, § 7.

SEC. 1047. **How removed when filed.**—No bond so filed in the office of the secretary of state shall be removed therefrom, except upon the written order of the judge of some court of record of the state before whom an action is pending, to enforce the conditions of such bonds.

1881, ch. 110, § 8, supersedes and the same as § 2, ch. 89, acts 1874.

SEC. 1048. **Certified copy used as evidence.**—A copy of such official bond so filed in the office of the secretary of state and duly certified by him under his hand and seal of office to be a true copy of the original bond on file in his office may be used as evidence in all the courts of this state, and shall have the same force and effect as if the original bond were produced in court.

1881, ch. 110, § 9, supersedes and the same as § 3, ch. 89, acts 1874.

NEW BONDS.

SEC. 1049. **When required.**—The county commissioners of any county in the state of Minnesota may require any county officer to give a new official bond whenever in the opinion of a majority of said commissioners the original bond of any county officer has become insufficient.

1885, ch. 198: "An act authorizing county commissioners to require county officers to give new official bonds in certain cases." Approved March 7th.

SEC. 1050. **On application of sureties.**—Any person who is a surety upon the official bond of any county officer may file with the board of county commissioners of the proper county, at any regular or special meeting of said board, or with the county auditor of such county, a request in writing that the officer for whom he is surety, naming him, be required to furnish a new

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official bond, and giving the reasons for such request; such request shall be laid before the board of commissioners on the first (1st) day of their next meeting following the date of filing such request, and shall take precedence of all other business before said commissioners.

1885, ch. 198, § 2.

SEC. 1051. **Notice to give new bond.**—When any board of county commissioners shall deem the bond of any county officer insufficient, or when the request of any surety on the official bond of any county officer as provided in the preceding section is laid before them, they shall cause a notice to be issued by them, signed by the chairman of said board and countersigned by the auditor of said county, and directed to the county officer named in such request, or whose bond is deemed insufficient, requiring him to furnish a new official bond, to be approved by them, before the first (1st) day of the next regular, special or adjourned meeting of said board, but not earlier than twenty (20) days from date of said notice, under the penalty of forfeiture of his office, which notice shall be served personally upon such officer at least twenty (20) days before such general, special or adjourned meeting of such board, and the same shall be served and returned in the same manner as summons in district courts.

1885, ch. 198, § 3.

SEC. 1052. **Neglect to furnish — Vacancy.**—Whenever any county officer has been served with the notice as provided in the preceding section and fails or neglects to furnish such new bond as so required, the office held by such officer shall be deemed vacant, and the vacancy thus created shall be filled as provided by law. *Provided*, that if it shall be made to appear to the said board of county commissioners that such officer has been prevented by sickness or other physical disability from furnishing such new bond as so required, said commissioners may grant such officer further time, but not later than the next meeting of said board of commissioners, to furnish the same. And if said new bond is not furnished as required the office of such officer shall be deemed vacant as before provided.

1885, ch. 198, § 4.

SEC. 1053. **Approval of new bond.**—That when a new bond is taken and approved as provided, the original bond and the rights and liabilities of the parties thereto incurred or existing at or prior to the time of the approval of the new bond shall not be anywise affected or impaired, but such original bond and the sureties thereon shall not be liable for the acts of such officer after said new bond is approved and accepted.

1885, ch. 198, § 5.