

# CHANGES

—IN THE—

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

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SAINT PAUL:  
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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 chairmen and other persons under their charge. (*As amended* 1881, c. 42, § 1.)

See page 159.

#### CLERK OF DISTRICT COURT.

§ 257. (SEC. 225.) **Clerk shall give bond and take oath.** 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, on the application of any person or corporation paying money exceeding one thousand dollars to said clerk, to abide the result of any legal proceedings, may order said money to be deposited in some safe depository until the further order of said judge of court; or said judge may require said clerk to give an additional bond, with like effect as the bond provided for in this section, in an amount as said judge shall deem sufficient. (*As amended* 1879, c. 91, § 1.)

See page 163.

### CHAPTER IX.

#### RESIGNATIONS, VACANCIES, AND REMOVALS.

§ 3. **Governor may remove certain officers, when.** The governor may remove from office any clerk of the supreme or district court, judge of probate, court commissioner, sheriff, coroner, auditor, register of deeds, county attorney, county superintendent of schools, or county commissioner, county treasurer, or any collector, receiver, or custodian of public moneys, whenever it appears to him by competent evidence that either of such officers have been guilty of malfeasance or nonfeasance in the performance of his official duties; first giving to such officer a copy of the charges against him, and an opportunity to be heard in his defence. (*As amended* 1881, c. 21, § 1.)

See page 165.

§ 11. (SEC. 6.) **Appointment, how long to continue.** In all offices not otherwise provided for, when a vacancy is authorized to be filled by appointment, such appointment shall continue until the next general election occurring after there is sufficient time to give the notice prescribed by law, and until a successor is elected and qualified. All county officers now holding by virtue of an election shall hold their office for the full term thereof, as now prescribed by law for such county officers. (*As amended* 1879, c. 53, § 1.)

See page 166.

\*§ 14. **Suspending county treasurer.** Whenever it shall appear from the report of the public examiner that the treasurer of any county has been guilty of malfeasance or nonfeasance in the performance of his official duties, the governor may suspend such treasurer from office, if he shall deem the public interests so to require. (1881, c. 108, § 1.)\*

See page 167.

\*§ 15. **Same—notice to county auditor—treasurer ad interim.** In case of such suspension, the governor shall immediately notify the auditor of the county, who shall

(\*An act providing for the suspension and removal of county treasurers for malfeasance or nonfeasance in office, and for the appointment of county treasurers ad interim, approved March 7, 1881.)

at once give notice to the commissioners of said county of such suspension, and call a meeting of the board, to be held at the earliest possible date, and within five days from date of said notice it shall be the duty of said board of commissioners to convene at the time mentioned in such notice, and to appoint a county treasurer *ad interim*, and such person shall qualify according to the provisions of section one hundred and forty-five of chapter eight of the General Statutes of 1878, whereupon the suspended treasurer shall deliver to such treasurer *ad interim* all the public property, money, books, accounts, papers, and documents in his possession. (*Id.* § 2.)

\*§ 16. **Hearing of suspended treasurer.** The suspended treasurer may notify the governor that he desires a hearing upon the charges made, whereupon the governor shall cause the charges to be reduced to writing, and furnish the treasurer with a copy thereof. (*Id.* § 3.)

\*§ 17. **Commissioner to take testimony.** Upon the receipt of such notification the governor shall appoint a special commissioner to take and report testimony for and against such officer, to be used in determining his guilt or innocence. (*Id.* § 4.)

\*§ 18. **Notification of time and place of taking testimony.** The commissioner shall notify the treasurer of the time and place of taking such testimony, and also the attorney of the county, who shall appear for the county upon such examination. (*Id.* § 5.)

\*§ 19. **Oath of commissioner.** Such commissioner, before entering upon his duties in taking such testimony, shall be sworn to truly and faithfully take and record the testimony of each witness, and report the same, fully and impartially, to the governor, within the time required by the commission of his appointment. (*Id.* § 6.)

\*§ 20. **Oath of witnesses.** The commissioner shall administer to each witness the oath required to be administered to witnesses testifying in courts of record of this state, and each witness shall subscribe his name to his testimony when reduced to writing by the commissioner. (*Id.* § 7.)

\*§ 21. **Hearing of commissioner's report—action upon.** The governor shall fix the time and place of hearing on the commissioner's report, and shall give notice thereof to the treasurer. If, on such hearing, the charges are sustained, the governor shall make his order removing the treasurer from office absolutely, and the person appointed by the board of commissioners shall continue to discharge the duties of treasurer until his successor is elected and qualified. If, upon such hearing, the charges are not sustained, the treasurer shall be restored to office. (*Id.* § 8.)

\*§ 22. **Failure to demand a trial within thirty days.** If the suspended treasurer does not, within thirty days from the date of the order of suspension, demand a trial, such neglect shall create a vacancy in the office, which shall be filled by the treasurer *ad interim*. (*Id.* § 9.)

\*§ 23. **Fees of commissioners and witnesses.** The fees of commissioners for such services as are required under this act shall be the same as are now allowed by law to referees in actions brought in the district courts of this state, and the fees of witnesses shall be the same as are allowed to witnesses in the district courts of this state. Said fees shall be paid out of the county treasury upon the allowance of the county commissioners. (*Id.* § 10.)

See page 167.

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## CHAPTER X.

### TOWNSHIP ORGANIZATION.

Add to § 13, (Sec. 12.) p. 169:

*provided*, that before any change of place of holding town meetings is made, notice of such contemplated change may be given by any member of the town board to the town clerk, who shall, in his regularly printed or written notices, as provided herein above, incorporate the special notice of the contemplated change of place of holding said town meeting. (*As amended* 1870, c. 99, § 1, and 1879, c. 47, § 1.)

See page 169.