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THE
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OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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CHAPTER 6.

OF THE MANNER OF CONTESTING THE ELECTION OF COUNTY, TOWN, DISTRICT AND PRECINCT OFFICERS.

SECTION

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SECTION

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6. This chapter, how construed.

Notice may be given by person wishing to contest the election.

Notice, what to contain.

Notice, how served

Proviso.

Town and precinct officers, before whom contested.

Judge of probate, how to proceed.

Each party entitled to subpoenas, &c.

Clerk and judge of probate to issue certificate of election.

Writ of error and appeal allowed.

SEC. 1. Any person wishing to contest the election of any person to any county, township, or precinct office, except the office of chairman of the board of county commissioners, may give notice in writing to the person whose election he intends to contest, that his election will be contested, and stating the cause of such contest briefly, within thirty days from the time said person shall claim to have been elected.

SEC. 2. Said notice shall be served in the same manner as a summons issued by a district court, ten days before any hearing upon such contest, as herein provided, shall take place, and shall state the time when and the place where such hearing shall be had; upon the return of said notice, served, to the clerk of the district court of such county, who shall thereupon enter the same upon the issue docket as an appeal case, the same shall be heard in its order by the court: *Provided*, That if the case cannot be determined by the district court in term time within one month after the termination of such election, the judge of the district court may hear and determine the same at chambers as soon thereafter as may be practicable, and shall make all necessary orders for the trial of the case and carrying his judgment into effect: *Provided*, That this section shall not apply to township or precinct officers.

SEC. 3. In case of contest between any persons claiming to be elected to any township or precinct office, except as aforesaid, said notice shall be served in manner as aforesaid in the foregoing sections, and shall be returned to the judge of probate of the county in which such parties reside.

SEC. 4. Upon the return of said notice to the said judge of probate, and on the day and at the place therein named, the said judge of probate of the county shall hear and determine such contest, and make all necessary orders for the trial of the cause and carrying his judgment into effect.

SEC. 5. Each party shall be entitled to subpoenas and subpoenas duces tecum, as in ordinary cases at law, and the court shall hear and determine (without the intervention of jury) the same in such manner as shall carry into effect the expressed will of a majority of the legal voters as indicated by their votes for such office, not regarding technicalities or errors in spelling the name of any candidate for such office. And the clerk of said court, or any judge of probate, shall issue a certificate to the person declared to be duly elected by said court, which shall be conclusive evidence of the right of said person to hold said office: *Provided*, That the judgment, or decision of the district court in term time, or the decision of a judge thereof in vacation, as the case may be, may be removed to the supreme court by writ of error, or in

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

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

This chapter, how construed.

CHAPTER 7.

OF COUNTIES.

SECTION

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SECTION

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

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

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

Real and personal estate, when deemed property of county.

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

County commissioners may appoint agents to sell real estate.