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THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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versed, 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 be not made within 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 and in that event, execution may be issued on such judgment: *Provided*, That if at the time of the rendition of such judgment, there shall be sufficient funds belonging to the county in the treasury, it shall be the duty of the treasurer to pay the same upon application being made to him by the person in whose favor such judgment was rendered, his agent or attorney.

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Board of county commissioners organized, of whom to consist.

SEC. 1. There shall be, and hereby is organized in each county in this territory, (except those now in the Indian territory, attached to other counties for judicial purposes) a board of county commissioners, to consist of three qualified electors, any two of whom shall be competent to do business, to be elected by the qualified electors of the several counties, respectively, as hereinafter prescribed, who shall transact the business of their respective counties, and hold their office for three years.

County commissioners, when elected, and term of service.

SEC. 2. At the first election of commissioners in any county in this territory, after its organization, there shall be elected three commissioners, and the person having the highest number of votes shall serve for the period of three years; the person having the next highest number of votes shall serve two years; and the person having the next highest number of votes shall serve one year; and at each annual election thereafter, there shall be elected one commissioner in each county to serve three years; or until his successor is duly elected and qualified: *Provided*, That if at said first election, two or more persons should have an equal number of votes, their grade shall be determined by lot, by the sheriff, in presence and under the direction of the judge of probate for the county.

One commissioner to be elected in a precinct.

SEC. 3. Where there are three or more election precincts in any county of this territory, there shall not be more than one commissioner from any precinct serving in said board at the same time.

Commissioners elected, to take an oath of office.

SEC. 4. Each person elected as a commissioner shall, on receiving a certificate of his election, take an oath to support the constitution of the United States, the organic act of this territory, and faithfully and impartially to discharge the duties of his office as such commissioner, before the clerk of the district court, or any other person authorized to administer an oath, which oath, being certified on the back of such certificate under the hand and seal of the person administering the same, shall be sufficient authority for such commissioner to take his seat with, and act as a member of the board, after the first day of January next succeeding his election; and the said certificate and qualification, as aforesaid, shall be filed and remain in the office of the clerk of said board.

Penalty for neglect of duty.

SEC. 5. If any county commissioner after qualifying as above, shall neglect or refuse to do his duty in office as prescribed by law, the person so offending shall, on conviction thereof, by indictment before the district court of the proper county, be fined in a sum not exceeding two hundred dollars: *Provided*, that nothing herein contained shall prohibit any county commissioner from resigning his said office at any time during the period for which he may have been elected, said resignation to be in writing and laid before the board at a stated or special session thereof.

General powers and duties of county commissioners.

SEC. 6. The commissioners thus elected and qualified may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any court either in law or equity, and do and transact all business on behalf of their respective counties that may be assigned to them, from time to time, by law; and in all cases where

their respective counties may have been injured, or may hereafter be injured in their goods, chattels, lands, tenements, rights, credits, effects or contracts, such commissioners shall and may, in their name of office, without setting out their individual names, bring any suit or suits, action or actions, either in law or equity, which may be best calculated to obtain redress for any such injury, in the same way and manner that private individuals might or could do, and may, in like way and manner, by and under their name of office, be sued by any person or persons having any manner of claims against such county.

SEC. 7. The said board of commissioners are hereby authorized to hold extra sessions, in case they may think the business of their county requires the same; and ten days notice from any two of the commissioners to the third, shall be considered a sufficient call for said extra sessions: *Provided*, That no such extra session shall exceed three days.

Commissioners may hold extra sessions, not exceeding three days.

SEC. 8. The commissioners shall each receive two dollars per day, for each and every day they may be necessarily employed in transacting the county's business; and ten cents per mile for every mile travelled in going to and returning from the meeting of the said board, or in the discharge of any official duty, to be computed by the most usually travelled route.

Compensation of commissioners.

SEC. 10. When two only of the members shall be present at the meeting of the board, and a division shall take place on any question, it shall be postponed to a subsequent meeting.

Questions postponed in certain cases.

SEC. 10. The board of commissioners shall meet at the county seat in their several counties, for the purpose of transacting such business as may devolve upon or be brought before them, on the first Mondays in January, April, July and October, in each and every year: *Provided*, That if the district court is in session on any of the before mentioned days, the commissioners shall meet on the Monday preceding; but no session shall be continued for a longer period than six days.

Board of commissioners, when and where to meet.

SEC. 11. The register of deeds, of each organized county, shall be clerk of the board of county commissioners, and shall attend to the meetings of the board, and keep a record of the proceedings, and do such other business as he shall be required by law to do.

Register of deeds to be clerk, duty of.

SEC. 12. The commissioners of each county, respectively, shall have and use a common seal for the purpose of sealing their proceedings, and copies of the same, when signed and sealed by the said commissioners, and attested by their clerks, shall be good evidence of such proceedings in the trial of any cause in any court in this territory.

Commissioners to use an official seal.

SEC. 13. The several boards of county commissioners are authorized and required,

County commissioners, general duties of.

1. To provide for the erecting and repairing of court houses, jails, and other necessary public buildings for the use of the county; but no tax shall be assessed, nor any debt created for the erection of court houses or jails by said board, without being first authorized so to do by a vote of the electors of the county.

2. To lay out, discontinue, or alter county roads and highways within their respective counties, and to do all other necessary acts relating thereto.

3. To license ferries and fix the rates of ferriage, to grant, grocery and other licenses authorized by law to be by them granted.

4. To fix the amount of taxes to be assessed according to the provisions of the law, and cause the same to be levied and collected.

5. To examine and settle all accounts of the receipts and expenditures of the county.

6. To have the care of the county property, and the management of the county funds and business, except in cases otherwise provided for, and shall have no other powers, except such as are or may be given by law.

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COUNTY COMMISSIONERS.

To elect a chairman.

SEC. 14. The commissioners aforesaid, at their annual session in January, in each and every year, shall elect one of their members to preside at the meetings of the board, and he shall sign all documents requiring the signature of the board, and the signature of such person as chairman of the board of commissioners, shall be as legal and binding as if the entire board had affixed their names: *Provided*, That in case the said chairman so elected shall be absent at any meeting of the board, all documents requiring the signature of the board, shall be signed by both members present.

At the annual session in January to select grand and petit jurors.

SEC. 15. The board of commissioners, at their annual meeting in January, shall select from the poll lists of the different precincts of their respective counties, or of the counties attached thereto, for judicial purposes, last returned to the register of deeds office, and make out a list of fifty persons, properly qualified to serve as grand jurors; and another list of seventy-two persons, properly qualified to serve as petit jurors, which list shall be certified and signed by the chairman of the board, and attested by the register of deeds; and shall be forthwith delivered to the clerk of the district court: *Provided*, That if in any of the counties, the county commissioners shall not be able to select the number required by this section for grand and petit jurors, they shall be authorized to select a less number, and the highest possible.

Proviso.

If jury list not made at January session may be made at any session thereafter.

SEC. 16. If, for any cause, such list shall not be made and delivered as aforesaid by the board of county commissioners at their annual meeting in January, it shall be their duty to make out, and deliver the same as aforesaid, at any regular or special session thereafter.

Duty of commissioner in preparing such list.

SEC. 17. In preparing such lists, the board of county commissioners shall select such persons only as they know, or have good reason to believe are possessed of the qualifications by law required of persons to serve as jurors.

County commissioners to divide the county into assessment districts.

SEC. 18. It shall be the duty of the county commissioners, at their annual session in January, to divide their respective counties into three districts, and shall assign a district to each of the assessors duly elected and qualified according to law, and cause blank forms of assessment rolls to be made out and delivered to each of the said assessors; and whenever the office of assessor shall become vacant, or any person or persons elected to fill that office do not qualify previous to the said meeting of the board in January, the said board shall forthwith appoint some suitable person or persons who shall qualify according to law and hold their office until the next annual election, and until their successors are qualified.

At January session the board to make statement of the finances of the county.

SEC. 19. At said session in January the commissioners shall make a fair and accurate statement of the receipts and expenditures of the preceding year, which statement shall contain a full and impartial description of each item for whom and on what account received, and to whom and on what account expended, together with an accurate statement of the actual condition 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 other means to discharge the same, and have the same set up at the court house door, and at two other public places in their respective counties, and published in some newspaper in their county, if there be one, for three successive weeks.

Commissioners to provide offices for county officers, and books and stationery.

SEC. 20. It shall be the duty of the board of commissioners to provide offices for the sheriff, the register of deeds, and clerk of the district court, and also provide all books and stationery necessary for the use of the board, the office of register of deeds, and county surveyor, and all books and stationery necessary for the use of the clerk of the district court, the probate court, and county treasurer, and also provide

convenient desks for the preservation and security of the books and other documents in the several offices.

SEC. 21. It shall be the duty of the board of commissioners, whenever any register of deeds of their proper county, on presentment by the grand jury, shall be found guilty of misconduct in discharging his official duties, to remove him from office; and in case the office of register of deeds shall become 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, or until his successor be duly elected and qualified.

Commissioners to remove register of deeds in certain case.

SEC. 22. The board of commissioners of the several counties, at their regular annual session in April, preceding the general election, shall appoint three capable and discreet persons possessing the qualifications of electors, to act as judges of election at the several precincts within their respective counties, and they shall, from time to time, fill any vacancies that may occur in the office of judges of election at any election precinct within their counties.

Commissioners may fill vacancy in office of register of deeds.

Commissioners to appoint judges of election.

SEC. 23. It shall be the duty of the board of commissioners of the several counties at their said meetings in April, in each and every year, to establish precincts at such points in their respective counties as will be most convenient for the population; and they shall create new precincts, from time to time, as the increase of the population may require; and whenever they shall be petitioned by ten legal voters residing more than ten miles from an election precinct, for the establishment of a precinct in their vicinity, it shall be the duty of the board of commissioners to establish such precinct, and appoint the judges of election: *Provided*, That no precinct shall be established within twenty days of any general, or ten days of any special election.

May establish election precincts.

SEC. 24. The said board of commissioners shall, in the month of April in each year, publish in some newspaper printed in the county, if there be one, and if not, by putting up notices in at least three public places within their county, a complete list of all election precincts in their respective counties, and the names of the several judges of election in the several precincts.

List of election precincts to be published, and the names of judges.

SEC. 25. The board of commissioners, at their session in July, in each year, shall receive and inspect the assessment roll returned by the assessors, and if it be found correct, it shall be accepted by the board in writing, signed by the chairman and attested by the clerk, and cause the same to be filed in the office of register of deeds, where it shall remain as a matter of record, and shall be a guide for future assessors so far as the same shall remain correct.

To receive and inspect assessment roll, and correct the same.

SEC. 26. The board of commissioners at their session in July of each year, shall determine the rates of taxation upon the several subjects allowed to be taxed for county revenue, and enter such determination upon record, and cause their clerk to calculate and carry out the amount of taxes opposite the specified property, a transcript of the amount of which to be furnished the treasurer, and one copy, with a precept, to be delivered to the collector.

Commissioners to determine the rates of taxation.

SEC. 27. The board of commissioners of the several counties of this territory are vested with the entire superintendance of the poor in their respective counties.

Board of commissioners to be vested with superintendance of the poor of the county.

SEC. 28. For the purpose of more effectually discharging the duties imposed by the preceding section, the said board of commissioners in each county may appoint one or more overseers of the poor in their county, whose duty it shall be to have the care of the poor in their respective counties, under the control and superintendance of the board of commissioners.

Commissioners may appoint overseers of the poor.

ARTICLE II.

OF REGISTERS OF DEEDS.

SECTION

1. Register of deeds to be elected, term of service.
2. Bond and oath of office to be filed.
3. To deliver over books and papers to his successor.
4. Form of book to be kept by register of deeds.
5. Register of deeds to keep suitable books and records.
6. Register may appoint deputy in writing.

SECTION

7. Register to attend meetings of the board of county commissioners as clerk of the board; duties as clerk of the board.
8. To make out notices of election.
9. Register of deeds to canvass votes; to make out and deliver certificates of election.
10. Register to make out statement of amount of taxes for treasurer, also duplicate of tax roll for collector.

Register of deeds to be elected, term of service.

SEC. 1. At the first general election in each and every county (hereafter) organized for county purposes, and every two years thereafter, there shall be elected a register of deeds, who shall also be clerk of the board of commissioners in each county, and shall continue in office for the period of two years, and until his successor is duly elected and qualified.

Bond and oath of office to be filed.

SEC. 2. Every register of deeds, before he enters upon the duties of his office, shall take and subscribe an oath before the clerk of the district court, or judge of probate, of his proper county, to support the constitution of the United States and the provisions of the act of congress organizing the territory of Minnesota, and faithfully and impartially to perform the duties of his office, as prescribed by law, to the best of his abilities; which said oath shall be endorsed on the certificate of his election or appointment, recorded in a book kept for the purpose in his office, and filed in the office of the clerk of the district court of the county, or if there is no such officer, with the clerk of the district court of the county to which his county may be attached for judicial purposes. He shall also give a bond, with good and sufficient securities, in the penal sum of one thousand dollars, to be approved by the board of commissioners of his proper county, conditioned that he will faithfully and impartially fulfill the duties of his office.

To deliver over books and papers to his successor.

SEC. 3. It shall be the duty of every register of deeds at the expiration of the term for which he was elected, or appointed, on application by his successor, duly elected or appointed, and qualified as aforesaid, to deliver over promptly, all books, records, papers and other property pertaining to his office; and if any person, on such application, shall refuse 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 shall so refuse, to be recovered before any court in the territory having competent jurisdiction, for the recovery of which fine, his official bond may be put in suit.

Form of book to be kept by register of deeds.

SEC. 4. Every register of deeds shall keep a book, each page of which shall be divided into seven columns, in the following form, viz:

Date of reception.	Grantor.	Grantee.	Where situated.	To whom delivered after record.	Fees received.	Remarks.
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The register of deeds shall enter in the said book all deeds and other instruments left to be recorded, and all copies left as cautions or noti-

ees of liens, in the order in which they are received, noting in the first column the day, hour and minute of reception, and the other particulars in their appropriate columns. In the last column he will note the kind of instrument and the book and page in which it is recorded. He shall also certify upon each instrument recorded by him, 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. But no register of deeds shall be bound to record any deed, mortgage or other instrument, unless the fees therefor shall be tendered him in advance.

SEC. 5. The register of deeds shall also keep suitable books, and shall record at large and in full, word for word, any instrument left with him for record, keeping separate books for deeds, mortgages and other instruments.

Register of deeds to keep suitable books and records.

SEC. 6. The registers of deeds in the several counties of this territory, are hereby authorized to appoint deputy registers, who shall be appointed in writing, and shall, before entering upon the duties of their office, take and subscribe an oath faithfully to perform the duties of their office, which oath shall be endorsed on the appointment, and recorded in the office of the register of deeds. The registers of deeds shall be responsible for the acts of their deputies, and may revoke their appointment at pleasure.

Register may appoint deputy in writing.

SEC. 7. The registers of deeds shall attend the meeting of the board of commissioners of their respective counties, and do and perform all the duties imposed by law, and the clerk of said board shall keep fair books, wherein shall be entered the minutes of the proceedings of the board and all accounts of the county, shall attest all orders issued by the board for the payment of money, and enter the same in numerical order in a book to be kept for that purpose, and shall copy into books, the reports of the treasurer of the receipts and disbursements of their respective counties, and whenever the duplicate shall be put into the hands of the collector, it shall be the duty of said register of deeds to send a statement of the sum wherewith such collector stands charged, to the county treasurer; and the said register of deeds, shall receive such compensation not exceeding three dollars per day, during the sittings of said board, as may be by said board deemed reasonable; and also such compensation as the board may deem proper for extra services authorized by law, or directed by the said board, which shall be audited by the board at each regular session thereof; the clerk filing a bill of items which shall be regulated by the act concerning costs and fees.

Register to attend meetings of board of county commissioners as clerk of the board.

Duties as clerk of the board.

SEC. 8. The register of deeds shall, previous to any election, make out and deliver to the proper officer, notices of such election pursuant to the statute regulating elections.

To make out notices of election.

SEC. 9. It shall be the duty of the register of deeds of each county, 1. To canvass all votes given in his county at any election, and make out abstracts thereof.

Register of deeds to canvass votes.

2. To make and deliver to the person or persons elected, certificates of such election.

To make out and deliver certificates of election.

3. To notify persons having an equal and the highest number of votes, to attend at his office, and decide by lot which person shall be elected.

4. To perform and discharge all duties in relation to the matters contained in this section, according to the statute regulating elections.

SEC. 10. It shall be the duty of the register of deeds, within fifteen days of the acceptance and filing by the board of commissioners of the assessment roll of the county assessor, to make out a certified statement of the amount of taxes assessed, and deliver the same to the coun-

Register to make out statement of amount of taxes for treasurer; also, duplicate of tax roll for collector.

COUNTY TREASURERS.

ty treasurer, and also to make a duplicate or transcript of the roll or rolls aforesaid, and deliver the same, together with a precept in the name of the United States, under his hand and the seal of the board of commissioners, directed to the collector of his county, commanding him to collect the taxes charged in such transcript by demanding payment of the persons charged therein, and making sale of the goods and chattels, of the persons mentioned in said transcript, if necessary, and that he pay over the moneys collected by him by virtue of said precept as therein directed, and return such precept, together with the transcript of the roll aforesaid, and accounts of his acts thereon to the board of county commissioners, on or before the first Monday in January next ensuing the date thereof.

ARTICLE III.

OF COUNTY TREASURERS.

SECTION

1. Treasurer elected, term of service.
2. Oath of office, and bond to be filed.
3. In case of vacancy, commissioners to appoint treasurer; proviso.
4. To receive money belonging to county and pay same on order of board.
5. To keep account of receipts, &c., and to settle accounts when required.
6. To collect from delinquent collectors amount not accounted for.

SECTION

7. Treasurers prosecute suits in certain cases.
8. Order of preference in paying county orders.
9. Money advanced for the use of the county, and judgments, to be first paid.
10. Treasurer not to purchase or receive county orders for less than their face; penalty.
11. To receive money paid for licenses, &c.; compensation for.
12. County treasurer, where to hold his office; may appoint deputy.

Treasurer elected term of service.

SEC. 1. There shall be elected at the annual election in each county in this Territory, hereafter organized for county purposes, by the qualified voters of such county, some suitable person, being a resident of the same county, to be the county treasurer, to continue in office for one year, and until his successor is elected and qualified.

Oath of office and bond to be filed.

SEC. 2. The county treasurer, before he enters on the duties of his office, shall take an oath to support the constitution of the United States, and the provisions of the act organizing the territory of Minnesota, which oath shall be taken before the clerk of the district court or judge of probate, and 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 shall give a bond for the faithful discharge of the duties of his office, with sufficient sureties in such sums as the board of commissioners shall direct, which bond shall be approved by the said board.

In case of vacancy, commissioners to appoint treasurer.

SEC. 3. In case of a vacancy in said office of county treasurer, by death, resignation, or otherwise, it shall be the duty of the board of county commissioners to appoint some suitable person, a resident of the county, to be treasurer, who shall hold his office until the next succeeding first day of January, and shall qualify according to the provisions of this chapter: *Provided*, That no person who holds the office of district attorney, sheriff, register of deeds, or county commissioner, shall be eligible to said office.

Proviso.

To receive money belonging to county, and pay same on order of board.

SEC. 4. It shall be the duty of the county treasurer to receive all moneys due, and accruing to the county, to pay and disburse the same on orders drawn by the board of county commissioners of their county,

attested under seal, by the clerk of the said board, and not otherwise : *Provided*, That the first moneys which may be returned by the collector from the duplicate of any year, shall be appropriated to the payment of the amount due the territory for that year; from the county; which amount shall be paid upon drafts or warrants on the treasurer of the territory, countersigned by the territorial auditor.

SEC. 5. The treasurer shall keep a just and true account of all moneys received and disbursed; and hold the same at all times ready for the inspection of said board, and shall, at every term of said board, furnish them with a statement thereof; ballanced to the first day of said term, showing all the moneys received and disbursed by him since his last settlement, and the ballance remaining in his hands, together with the arrearages of taxes in the hands of the collector; and he shall, at the session of the board of commissioners in January in each year, settle his accounts with the said board, and produce his vouchers, which, being allowed, shall be cancelled by them by writing the word cancel on the face of such order, which shall be retained and filed by the clerk of said board.

To keep account of receipt, &c., and to settle accounts when required.

SEC. 6. It shall moreover be the duty of the treasurer; as soon as he shall have received, from the clerk of the board of commissioners, a statement of the amount of taxes put in the hands of the sheriff or collector of his county, or of his predecessors, and which shall not have been accounted for, forthwith to proceed to collect from such delinquent, his securities, heirs, executors, or administrators, the sum of sums in arrears, and due from him or them, to the county; and in like manner, when such treasurer shall be furnished by the clerk, with a statement of fines or forfeitures received by any officer for the use of the county, he shall forthwith proceed to collect the same according to law, and place the same, when collected, to the credit of the county.

To collect from delinquent collectors amount not accounted for:

SEC. 7. The treasurers of the several counties may, in their official capacity, prosecute, to final judgment and execution, any suits upon bonds, notes, and other securities given to them or their predecessors in office, and any suits commenced by their predecessors in office, and pending at their removal therefrom.

Treasurer may prosecute suits in certain cases:

SEC. 8. County orders, properly attested, shall be entitled to a preference as to payment, according to the time in which they may be presented; and upon the receipt of moneys into the treasury, it shall be the duty of the treasurer to appropriate and set apart the sum for the discharge of such county orders so presented: *Provided, however*, That the treasurer and county collector are hereby required to receive county orders in the payment of county tax, without regard to the priority of the numbers of any such order or orders.

Order of preference in paying county orders.

SEC. 9. When money has been advanced by any clerk or other county officer, for the use and benefit of his county, pursuant to the requisitions of law, or when there is any judgment or judgments against the county, the board of commissioners shall cause the same to be first paid by the county treasurer.

Money advanced for the use of the county and judgments to be first paid.

SEC. 10. No treasurer, or other county officer, or other person doing county business, shall, either directly or indirectly, purchase or receive in payment, exchange, or in any way whatever, any county order, or any claim against his county, during the period for which he may be elected, for a less amount than that expressed on the face of such order or demand against the county; and any person offending against the provisions of this section, on conviction thereof, upon indictment, shall be fined for every such offence in any sum not exceeding two hundred dollars.

Treasurer not to purchase or receive county orders for a less amount than their face.

Penalty:

SEC. 11. The county treasurer shall receive all taxes for licenses or otherwise, belonging to the county, and shall have, for his services,

To receive money paid for licences, &c.

Compensation for.

County treasurer, where to hold his office. May appoint deputy.

two per centum for all moneys received and paid out for the county, excepting money arising from the sale of lots at a county seat, in which case he shall receive no more than one per cent. for both receiving and paying out the same.

SEC. 12. The county treasurer shall hold his office at the county seat, and may appoint, in writing, a deputy, for whose acts he shall be responsible, and who shall take an oath for the faithful performance of the duties of his office, which oath shall be subscribed and certified on the back of the appointment, and filed and recorded in the office of the register of deeds, and the said deputy may be removed at the pleasure of the treasurer, and such removal noted on the record of his appointment in the office of register of deeds.

ARTICLE IV.

OF SHERIFFS.

SECTION

1. Sheriff to be elected for two years.
2. Sheriff to be collector of taxes.
3. To execute bond and take an oath of office.
4. Sheriff, when qualified.
5. To appoint deputy sheriff; sheriff responsible for acts of deputy.
6. Sheriff to have charge of jail and prisoners.
7. To preserve the peace, may call to his aid the power of the county; duties as collector of taxes.
8. Vacancy in office of, how filled.
9. Writs, sheriff to give certificate of, &c.
10. Proceedings when sheriff fails to pay over money collected by him.
11. When to settle with commissioners for money collected for taxes.

SECTION

12. Not to receive more fees than is allowed by law.
13. Not to purchase property sold by him on execution.
14. May finish certain business after expiration of his office.
15. Sheriff's and jailors to receive and keep persons charged with crime.
16. Fees for collecting taxes.
17. Sheriff, &c., arresting person in one county, may pass another.
18. Sheriff, deputy or coroner not to practice as attorney or counsel.
19. Sheriff, when liable to fine or attachment, or action for damages.
20. When coroner to execute bond.

Sheriff to be elected for two years.

Sheriff to be collector of taxes.

To execute bond and take an oath of office.

SEC. 1. There shall be elected, by the qualified voters in each and every county hereafter organized, a sheriff, who shall hold his office for two years, and until his successor shall be elected and qualified.

SEC. 2. The sheriff of each county shall also be collector of taxes in his county, and perform, all and singular, the duties required by law to be performed by sheriff and tax collector respectively.

SEC. 3. Every person elected or appointed to the office of sheriff, shall, before he enters on the duties of said office, enter into bonds to the board of county commissioners of his county, in the penal sum of five thousand dollars, with two or more sureties, to be approved by the board of commissioners, and the approval endorsed thereon, conditioned that the said sheriff shall well and faithfully, in all things, perform and execute the duties of sheriff, and collector of taxes, according to law, during his continuance in office, without fraud, deceit, or oppression, which bond shall be filed in the office of register of deeds of his proper county. He shall also take an oath to support the constitution of the United States and the provisions of the act of congress organizing the territory of Minnesota, and faithfully and diligently to perform the duties of sheriff and tax collector during his continuance in office; and said oath shall be subscribed to and certified on the back of his certifi-

SHERIFFS.

cate of election, and filed and recorded in the office of register of deeds of the county for which said sheriff is elected.

SEC. 4. All persons duly elected sheriff in this territory shall be qualified, as prescribed by law, at the regular session of the board of county commissioners in January next succeeding the day of their election.

Sheriff, when qualified.

SEC. 5. The sheriff of each county shall, as soon as may be after he has qualified, appoint, under his hand and seal, some proper person deputy sheriff, who is hereby empowered to do and perform all the duties devolving on the sheriff of the county; and the sheriff shall be responsible for the acts of his deputy, and may remove said deputy at pleasure; and in case of the death or removal of any deputy sheriff, the sheriff shall forthwith appoint another person to the office; but no deputy sheriff shall enter upon the duties of his office until he has taken an oath to support the constitution of the United States, and the provisions of the organic act of the territory of Minnesota, and to perform the duties of his office faithfully, impartially, and to the best of his ability, which oath shall be subscribed on the back of his appointment, and filed and recorded in the office of register of deeds of the proper county.

To appoint deputy sheriff.

Sheriff responsible for acts of deputy.

SEC. 6. Every sheriff shall have the custody of the jails and prisons of his county and the prisoners in the same, and shall appoint keepers thereof, for whose conduct he shall be responsible, and whom he may remove at pleasure; and no sheriff or deputy sheriff can hold any other civil office except deputy marshal, nor be allowed to practice law in any court of which they are officers.

Sheriff to have charge of jail and prisoners.

SEC. 7. It shall be the duty of the sheriff to keep and preserve the peace in their respective counties, for which purpose they are empowered to call to their aid such persons or power of their respective counties as they may deem necessary. They shall also pursue and apprehend all felons; they shall execute all warrants, writs, and other process from a justice of the peace or the district court, which shall be directed to them by legal authority; they shall attend at the sessions of the district court and of the board of county commissioners; they shall serve or post up all notices they may receive from the board of commissioners or from the register of deeds; they shall give notice of a special election, when notified by the register of deeds, and shall notify the board of commissioners when any vacancy happens in the office of register of deeds; shall collect the county revenue, and pay over to the county treasurer all sums so collected, and take his receipt therefor, which receipt shall be a sufficient voucher for the board of commissioners to cancel the amount of such assessment roll charged in their books against said collector; and shall keep his office at the county seat, and shall generally do and perform all, and singular the duties which are, or hereafter may be authorized by law to be performed by sheriff or tax collector.

To preserve the peace, may call to his aid the power of the county.

Duties as collector of taxes.

SEC. 8. In case of the office of sheriff becoming vacant by death, resignation, or otherwise, it shall be the duty of the deputy sheriff to give notice thereof to the board of county commissioners of the proper county, who shall forthwith appoint some suitable person to be sheriff of the county during the unexpired term, or until the next general election.

Vacancy in office of, how filled.

SEC. 9. Every sheriff to whom any writ shall be 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 writ, shall be mentioned.

Writs, sheriff to give certificate of, &c.

SEC. 10. If any sheriff shall fail to settle with, and pay over to the board of county commissioners according to law, any money which he may have collected or received belonging to such county, or shall neg-

Proceeding when sheriff fails to pay over money collected by him.

lect or refuse to pay over any money he may have collected by virtue of any execution or process, or shall willfully neglect his duties to the injury of the said board, or any person or persons, it may be lawful for the said board of commissioners, or such person or persons entitled to receive the same, or who may have been injured as aforesaid, to proceed against such sheriff in a summary way, before the district court by motion, by giving such sheriff three days notice of such application, and recover the amount due, or damage done, with twenty per cent. damages thereon for such neglect, and shall have execution therefor with costs, and may proceed against such sheriff, and his sureties for such delinquency upon his bond of office: *Provided*, That in all such cases, if the sheriff shall satisfy or pay the amount claimed by the party prosecuting, with costs, under the direction of the court, before final judgment, or in any subsequent prosecution before inquest found, all further proceedings upon such bond or judgment, shall be stayed by the court.

When to settle with commissioners for money collected for taxes.

SEC. 11. It shall be the duty of each and every sheriff in this territory to make a settlement with the board of county commissioners of his county, for the taxes and moneys collected by him, or due the county, at the April term of such board, annually, and as often thereafter as he shall be required by the board of commissioners.

Not to receive more fees than is allowed by law.

SEC. 12. No sheriff, or other officer, by color of their office, shall directly or indirectly ask, demand, or receive, for any services or acts by them performed in pursuance of any duty of their office, any greater or more fees than they are allowed by law, on pain of forfeiting for such offence to the party aggrieved treble the sum so demanded or received, together with costs of suit.

Not to purchase property sold by him on execution.

SEC. 13. No sheriff shall become the purchaser, nor 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 null and void.

May finish certain business after expiration of his office.

SEC. 14. Every sheriff going out of office at the expiration of his term, and having any writ of fieri facias, or fee bill, which he may have levied but not collected, or any tax list uncollected, shall be, and is hereby authorized, to proceed on and collect such execution, fee bill, of tax list, in the same manner as if his office had not expired.

Sheriffs and jailors to receive and keep persons charged with crime.

SEC. 15. Sheriffs and jailors shall receive from any constable, or other officer, without charge, and safely keep in prison, all felons indicted or taken in the fact, who shall be taken by any constable, or other officer, and not of their own authority let out of prison, any person in their custody by virtue of any process, for any felony, or upon any condemnation, or committal by any special order of any court or justice of the peace, upon pain of being punished by fine and imprisonment: *Provided*, That if there shall be no jail for the confinement of prisoners in the county, or the jail shall be insufficient, it shall be the duty of the sheriff, with the approbation of the judge of the district court, to employ such means as may be necessary for the safe keeping of all prisoners committed to his custody.

Fees for collecting taxes.

SEC. 16. Each sheriff shall receive the following fees for the collection of the county taxes: Four dollars for every hundred dollars by him collected, and the same proportion for less sums, to be retained by him in making payment, and credited therefor in his settlement with the board of county commissioners; three per centum commission where goods are distrained, and taxes, commission and charges paid before sale; five per centum commission on sales of distress and charges for keeping property distrained, together with the tax and charges out of the moneys received therefrom. On sales of real estate, in all cases

DISTRICT ATTORNEYS.

where, by law, sheriffs are authorized to sell the same for taxes, three per centum on the amount for which the same is exposed to sale, and twenty-five cents for each certificate of sale under this article, which are to be added to and estimated in the sum for which any tract of land, or lot, or part thereof, shall be sold.

SEC. 17. Any sheriff, or other officer, who shall have legally arrested any person in any county in this territory, may pass across and through such parts of any other counties as shall be in the ordinary route of travel from the place where such person shall have been arrested, to the place where he is to be conveyed, according to the command of the process, by virtue of which such arrests have been made.

Sheriff, &c., arresting person in one county, may pass another.

SEC. 18. No sheriff, deputy sheriff, or coroner, shall appear or practise as an attorney, solicitor, or counsellor, in any court, nor shall they draw or fill up any writ, pleading, or proceeding, for any party in any suit, nor shall they, 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 suit or proceeding; and either of said officers for a violation of any of the provisions of this section, shall forfeit a sum not exceeding fifty dollars.

Sheriff, deputy, or coroner not to practise as attorney or counsel.

SEC. 19. Whenever any sheriff shall neglect to make due return of any writ, or other process, delivered to him to be executed, or shall be guilty of any misconduct in relation thereto, he shall be liable to fine or attachment, or both, at the discretion of the court; such fine, however, not to exceed two hundred dollars, and also to an action for damages to the party aggrieved.

Sheriff, when liable to fine or attachment, or action for damages.

SEC. 20. Whenever the coroner shall execute the office of sheriff, the coroner so executing such office, shall perform all the duties, and be subject to all the liabilities and penalties imposed by law upon a sheriff duly elected and qualified.

When coroner to execute bond.

ARTICLE V.

OF DISTRICT ATTORNEYS.

SECTION

1. District attorney to be elected and term of service.
2. To execute bond to commissioners of the county.
3. The duties of district attorney.
4. When to give opinion to the board of commissioners and other officers.

SECTION

5. Not to receive fee in certain cases.
6. Commissioners may appoint district attorney in certain cases.
7. To file with the treasurer an account of moneys received by him for the county.
8. Penalty for neglect.
9. To attend grand jury when required.

SEC. 1. There shall be elected in each of the counties in this territory, which are or may hereafter be organized for judicial purposes, a district attorney, who shall hold his office for the term of two years, and shall, before he enters upon the duties of his office, take and subscribe an oath to support the constitution of the United States and the organic act of this territory, and to discharge the duties of the office of district attorney according to the best of his ability.

District attorney to be elected, and term of service.

SEC. 2. The person so elected district attorney shall also, before he enters upon the duties of his office, execute a bond to the board of commissioners of the county for which he was elected, in the penal sum of

To execute bond to the board of commissioners of the county.

five hundred dollars, with one or more sufficient sureties, to be approved by the register of deeds of such county, the condition of which bond shall be that he will faithfully discharge the duties of the office of district attorney, and that he will pay over to the treasurer of his county, all moneys which shall come into his hands by virtue of his office, which bond, together with the oath of office, shall be deposited in the office of register of deeds of such county.

His duties.

SEC. 3. It shall be the duty of the district attorneys of the several counties to appear in the district courts of their respective counties, and prosecute or defend on behalf of the county, or territory, all suits, indictments, applications or motions, civil or criminal, in which the territory or county are interested as a party.

When to give opinion to the board of commissioners and other officers.

SEC. 4. The district attorneys shall, without fee or reward, give opinions and advice to the board of commissioners, and other civil officers of their respective counties, when requested by such board or officers, upon all matters in which the county is, or may be interested, or relating to the discharge of the official duties of such board or officers, in all cases where the territory or county may have an interest.

Not to receive fee in certain cases.

SEC. 5. No district 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 shall be his duty to attend.

Court may appoint district attorney in certain cases.

SEC. 6. Whenever there shall not be a district attorney for the county, or when the district attorney be absent, at the session of the district court for the county, it shall be the duty of the court to appoint, by an order to be entered in the minutes of the court, some suitable person to perform, for the time being, the duties required by law to be performed by the district attorney; and the person so appointed shall thereupon be vested with all the powers of such district attorney for that purpose, and the person so appointed shall receive a reasonable compensation for his services, to be allowed by the board of commissioners, and paid out of the treasury of such county.

To file with the treasurer an account of moneys received by him for the county.

SEC. 7. Every district attorney in this territory, on or before the first day of January in each and every year, shall file, in the office of the county treasurer, an account in writing, verified by his affidavit, to be filed with said account, 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 may have received such moneys, the particular amount paid by each person, and the cause for which each payment was made, and shall, at the same time, pay over such moneys to the county treasurer.

Penalty for neglect.

SEC. 8. Whenever any district attorney shall refuse or neglect to account for and pay over the moneys received by him as required by the preceding section, it shall be the duty of the county treasurer to cause suit to be instituted upon the bond of such district attorney for the recovery of the moneys so received and unpaid by him.

To attend grand jury when required.

SEC. 9. Whenever required by the grand jury of his county, it shall be the duty of the district attorney to attend before them for the purpose of examining witnesses in their presence, or of giving them advice in any legal matter before them, and to issue subpoenas and other process to bring up witnesses and draw bills of indictment.

ARTICLE VI.

OF JUDGES OF PROBATE.

SECTION

- 1. Judge of probate to be elected, to take oath of office and execute bond.
- 2. To keep a record which shall be open to inspection.

SECTION

- 3. May administer oaths.
- 4. To deliver books and papers to successor in office.

Sec. 1. There shall be elected in each of the organized counties of this territory, a judge of probate, who shall hold his office for the term of two years, and shall, before he enters upon the duties of his office, execute a bond to the treasurer of the county in which he may have been elected, in the penal sum of one thousand dollars, with one or more sufficient sureties, to be approved by the said treasurer, 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 take an oath or affirmation to support the constitution of the United States, and well and faithfully to discharge the duties of his office, which bond and oath of office shall be filed in the office of the treasurer of the county.

Judge of probate to be elected, to take oath of office and execute bond.

Sec. 2. The judge of probate shall 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; and he shall receive for his services such compensation as shall be allowed by law.

To keep a record which shall be open to inspection.

Sec. 3. The several judges of probate in this territory, shall have full power and authority to administer oaths in all cases where oaths are by law required to be made.

May administer oaths.

Sec. 4. Whenever the term of office of any judge of probate of this territory shall expire, it shall be his duty to 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 the successor of such judge of probate, he shall be liable to indictment and punishment by fine not exceeding one thousand, nor less than one hundred dollars.

To deliver books and papers to successor.

ARTICLE VII.

OF COUNTY SURVEYORS.

SECTION

- 1. County surveyor to be elected for two years to take oath and give bonds.
- 2. May appoint deputies, who shall take oath.
- 3. Duty of surveyor.
- 4. To keep a record and preserve field notes, &c.
- 5. Fees of county surveyor.
- 6. Fees of chainman and marker, they to be sworn.

SECTION

- 7. Courses to be expressed according to the true meridian.
- 8. In case of vacancy, commissioners to appoint.
- 9. Term of office.
- 10. Sections and subdivisions, how to be divided.

County surveyor to be elected for two years, to take oath and give bond.

SEC. 1. The qualified electors in each of the organized counties of the territory shall, at the annual election, elect a surveyor who shall reside in the county for which he shall have been elected, and shall, previous to his entering upon the duties of his office, take and subscribe an oath or affirmation faithfully to discharge the duties of the same, and shall give bond to the clerk of the board of county commissioners of the proper county, in the sum of five hundred dollars, conditioned for the faithful discharge of his duties.

May appoint deputies, who shall take oath.

SEC. 2. The said surveyor may appoint such number of deputies as he may think proper, who shall severally take an oath or affirmation of office, and for the faithful performance of whose duties he shall be responsible. The certificate of the county surveyor elected as aforesaid, or any of his deputies, shall be admitted as legal evidence in any court in this territory, but the same may be explained or rebutted by other evidence; and if said surveyor or either of his deputies, be interested in any tract of land, a survey of which becomes necessary, such survey may be executed by any competent person to be appointed by the court before which such matters shall be pending.

Duty of surveyor.

SEC. 3. It shall be the duty of said surveyor, by himself or one of his deputies, to execute any survey which may be required by order of any court, or upon application of any individual or corporation.

To keep a record and preserve field notes, &c.

SEC. 4. 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, endorsing 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.

Fees of county surveyor.

SEC. 5. The said surveyor and his deputies may demand and receive for their services the following fees to wit: For the first mile actually run with a compass and chain, three dollars, for each succeeding mile thereafter, one dollar; for each mile run with a compass alone, one dollar; for every in and out lot laid out and platted in any town or addition thereto, thirty-seven and one-half cents; for a plat and certificate, except town plats, fifty cents; for recording a survey, fifty cents.

Fee of chainman and marker, they to be sworn.

SEC. 6. If the party for whom the survey is made does not furnish chainmen and markers, the county surveyor, or his deputies, may employ the necessary chainmen and markers, and shall receive one dollar and fifty cents per day for each chainman and marker so employed, and each chainman and marker so employed in any survey by any county surveyor, or his deputies, shall, before they commence the duty assigned to them, take an oath or affirmation before the said surveyor who is hereby authorized to administer the same, faithfully and impartially to discharge the duties of chainman or marker, as the case may be.

Courses to be expressed according to the true meridian.

SEC. 7. 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.

In case of vacancy, commissioners to appoint.

SEC. 8. If the office of county surveyor be at any time vacant in any county, the board of county commissioners for such county, is hereby empowered to appoint and authorize some competent person to perform the duties of surveyor in such county, until a county surveyor shall be duly elected.

Term of office.

SEC. 9. Each surveyor elected, as aforesaid, shall hold his office for the term of two years, and until his successor in office shall be elected and qualified.

SEC. 10. Whenever a surveyor is required to make a subdivision of a section as established by the United States survey, he shall proceed as follows, except when the section is fractional; commencing at either quarter section corner of the section, he shall run north or south, east or west, across said section, and establish a common centre therefor, at which a post shall be firmly fixed and driven into the ground, and if practicable, two bearing trees shall be marked with a suitable instrument, one quarter S, and their course and distance from the said post noted in the plat and field notes; any less subdivision than a quarter section shall be made by proceeding in the same manner, except in fractional sections, the corners of which shall be established and noted as before provided for, the surveyor denoting the quantity upon the bearing trees as one eighth or one sixteenth of a section, as the case may be.

Sections and subdivisions, how to be divided.

ARTICLE VIII.

OF CORONERS.

SECTION

1. Coroner to be elected for two years and to give bond.
2. When coroner to act as sheriff.
3. When to serve process, &c.
4. Same.
5. Shall take inquest upon view of dead body.
6. When shall issue warrant to constable to summon jury; form of warrant.
7. Constable to execute warrant.
8. Oath to be administered to jury.
9. Coroner may issue subpoenas for witnesses.
10. Form of oath to be administered to witnesses.

SECTION

11. Testimony to be reduced to writing.
12. Jury shall deliver to coroner, inquisition, &c., form of inquisition.
13. Where crime has been committed, coroner to bind over witnesses.
14. Coroner to have same power as justice in certain cases.
15. Shall cause the body of deceased strangers to be buried.
16. In case of absence of coroner, justice of the peace or judge of probate may discharge duties of.

SEC. 1. A coroner shall be elected in each organized county in this territory, for the term of two years, who shall, before he enters upon the duties of his office, give bond to the 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 treasurer of his county shall direct and approve, 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 such bond shall be filed with the clerk of the district court of the proper county.

Coroner to be elected for two years, and to give bond.

SEC. 2. When there shall be no sheriff, or under sheriff, in any county organized for judicial purposes, it shall be the duty of the coroner, in each county, to exercise all the powers and duties of sheriff of his county, until a sheriff shall be elected and qualified; and when the sheriff, for any cause, shall be committed to the jail of his county, such coroner shall be keeper thereof during the time the sheriff shall remain a prisoner therein.

When coroner to act as sheriff.

SEC. 3. Every coroner shall serve and execute process of every kind, and perform all other duties of the sheriff, when the sheriff shall be a party in the case, or whenever affidavit shall be 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

When to serve process, &c.

the sheriff in the performance of similar duties; and in such cases, the coroner of any county attached to another for judicial purposes, may, in like manner, serve and execute such process, and perform such duties within his own county; and in all such cases, coroners and their sureties shall be liable in the same manner, and to the same extent, as sheriffs are made liable in similar cases.

When to serve process, &c.

SEC. 4. Whenever any party, his agent or attorney, shall make and file, 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, prejudice, consanguinity or interest, faithfully perform his duties in any suit commenced, or about to be commenced, the clerk shall direct the original or other process in such suit, to the coroner, who shall execute the same in like manner as the sheriff might or ought to have done.

Shall take inquest upon view of dead body.

SEC. 5. Coroners shall take inquest upon view of the dead body of such persons only as shall be 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.

When shall issue warrant to constable to summon jury.

SEC. 6. As soon as any coroner shall have 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 precinct where such dead body is, or one of the adjoining precincts in the same county, requiring such constable forthwith to summon six good lawful men of the county, to appear before such coroner at the time and place expressed in such warrant; and the warrant may be issued with or without a seal, and in substance as follows:

Form of warrant.

Territory of Minnesota, }
County of } ss.

To either of the constables in the county of greeting:
In the name of the United States, 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, at the house of or the place called within the town or precinct of at the house of , then and there to inquire upon the 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.

Constable to execute warrant.

SEC. 7. The constable to whom such warrant shall be 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 to the coroner, and of his doings thereon, under his hand; and any constable who shall unnecessarily neglect or fail to execute or return such warrant, shall forfeit the sum of five dollars; and if any person summoned as a juror shall fail to appear without a reasonable excuse therefor, he shall forfeit the sum of five dollars, which forfeiture may be recovered to the use of the county, with costs of suit, by civil action, to be brought by the coroner before any justice of the peace in the county; and the jurors summoned as above, shall be allowed one dollar each for their attendance on said jury.

Oath to be administered to jury.

SEC. 8. When the jurors who have been summoned shall appear, the coroner shall call over their names, and then, in view of the dead body, administer to them the following oath:

You solemnly swear, or affirm, (as the case may be) that you will diligently inquire, and due presentment make, on behalf of the United States of America, when, how and by what means the person whose body lies before you dead, came to his death, and you shall return a true

inquest thereof, according to your knowledge and such evidence as shall be laid before you, so help you God.

If the six jurors shall not appear, the coroner may require the constable, or any other person whom he shall appoint, to return jurors from the bystanders, to complete that number.

SEC. 9. 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 United States of America, to attend a justice's court.

Coroner may issue subpoenas for witnesses.

SEC. 10. An oath to the following effect shall be administered to the witnesses by the coroner :

Form of oath to be administered to witnesses.

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

SEC. 11. The testimony of all witnesses examined before any inquest shall be reduced to writing by the coroner, or some other person, by his direction, and subscribed by the witnesses, respectively, giving it in.

Testimony to be reduced to writing.

SEC. 12. The jury, upon the inspection of the dead body, and after hearing the testimony, and making all 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 shall appear that he was murdered, 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 :

Jury shall deliver to coroner inquisitions, &c.

Territory of Minnesota, }
County of } ss.

Form of Inquisition.

An inquisition taken at , in the county of , on the day of , A. D. , before , coroner of the said county of , upon the view of the body of , or a person lying there dead, by the oaths of the jurors whose names are hereunto subscribed, who being sworn to inquire on behalf of the United States of America, 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.

SEC. 13. 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, all recognizances and examinations by him taken, and may commit to the jail of the county any witnesses who shall refuse to recognize in such manner as he shall direct.

Where crime has been committed, coroner to bind over witnesses.

SEC. 14. If any person, charged by the inquest with having committed such offence, shall not be 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 of the case,

Coroner to have same power as justice in certain cases.

who shall proceed therein in the same manner that is required of justices of the peace (or other court) in like cases.

Shall cause the body of deceased strangers to be buried.

SEC. 15. When any coroner shall take an inquest upon the view of the dead body of any stranger, 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 shall be found.

In case of absence of coroner, justice of the peace or judge of probate may discharge duties of.

SEC. 16. In case of the absence of the coroner, any justice of the peace or judge of probate, being notified of any dead body as before mentioned, shall be authorized, and they are hereby required to appoint some suitable person to hold an inquest on the same, and the person so appointed shall have the same powers that are hereby conferred on the said coroner.

ARTICLE IX.

OF ASSESSORS.

SECTION

1. Three assessors to be elected for one year.
2. To take an oath of office and give bond.
3. To receive blank assessment roll from board of commissioners.
4. Personal property not exempt from taxation, how assessed.
5. Property to be examined by assessor, the owner to be notified.
6. Notice of the examination of the assessment roll to be given.

SECTION

7. Penalty of, for a neglect of duty.
8. Assessor to make out and keep duplicate of assessment roll.
9. Compensation of assessors.
10. Assessor to make out a list of the inhabitants of his district, and file the same with the secretary of the territory; a list of those liable to do military duty.

Three assessors to be elected for one year.

SEC. 1. At the time of holding the general election in each and every year, there shall be elected, in each of the organized and unorganized counties of this territory, three assessors, who shall have the qualifications of voters as prescribed by law, and who shall hold their office for one year, and until their successors are elected and qualified.

To take an oath of office and give bond.

SEC. 2. The said assessors, so elected, shall each, on or before the first Monday in January next succeeding their election, file with the board of county commissioners of their proper county, or of the county to which they may be attached for judicial purposes, a bond, with one or more sufficient sureties to be approved of by said board, in such sum as the said board shall direct, conditioned for the faithful performance of his duties, and shall take and subscribe an oath, or affirmation, before some person authorized to administer oaths, to support the constitution of the United States, and faithfully and impartially to discharge the duties of his office, according to law and to the best of his abilities.

To receive blank assessment roll from board of commissioners.

SEC. 3. The assessors, after qualifying as above prescribed, shall receive from the board of county commissioners, a blank assessment roll and a plat or chart of their respective districts, and shall, during the month of June, in the year for which they were elected to serve, assess all the taxable property within their respective districts, and shall deliver to the board of county commissioners, on or before the first Monday of July thereafter, a full and complete assessment roll, which roll shall set forth a full and precise description of the lands or

town lots as owned by each person therein named, which description shall correspond with the plan or map of the original survey, or the plan or plat of any town laid out and recorded according to law, and said lands and all town lots shall be valued at their true cash value, taking into consideration the improvements on the land, and in the surrounding country; the quality of the soil; its convenience to navigation; public roads; mill privileges, and other local advantages.

SEC. 4. All personal property, not exempt from taxation, shall be assessed according to its true value in cash, and it shall be the duty of each assessor, to value all improvements on claimed lands, within his district, as personal property.

Personal property not exempt from taxation, how assessed.

SEC. 5. All property to be assessed, shall be examined by the assessor, and in case of personal property, the owner thereof shall be notified of the time of such examination, if he is to be found, and any assessor may, at his discretion, swear any person to give a true account of his or her property, according to the best of his or her knowledge and belief, and should any person or persons, when so required, refuse to testify as aforesaid, such assessor shall ascertain the taxable property of such person or persons, from the best information to be derived from other sources, and the person or persons so refusing to testify, shall pay to such assessor, the sum of five dollars for extra trouble, which sum may be recovered in a civil action, in the name of said assessor, in any court having competent jurisdiction.

Property to be examined by assessor, the owner to be notified.

SEC. 6. Each assessor shall give three weeks public notice, in some newspaper printed in their respective counties, or by posting up in three conspicuous places within their several districts, notices setting forth, that on the last Monday in June, the assessors will attend at the office of the register of deeds of their proper county, and with the assistance of the said register of deeds, will publicly examine the assessment rolls, and correct all errors in valuations, descriptions or qualities of lands, lots, or other property, and it shall be the duty of persons interested, to be and appear at the time and place appointed, and if it shall appear during said examination, that there is any lands, lots, or other property assessed twice, or assessed beyond its actual value, or assessed in the name of a person not the owner thereof, or any lands, lots, or other property not assessed, the register and assessors shall make the necessary corrections.

Notice of the examination of the assessment roll to be given.

SEC. 7. If any assessor shall fail to attend at the time and place required, he shall be liable, under this article, for a violation of his duty, and suffer such fine, or imprisonment, or both, as the district court shall impose, *Provided*, That it may be competent for any assessor, in case of his being prevented by sickness, or any other unavoidable cause, from attending as above provided, to appoint some capable and discreet person, having the qualifications of a voter, his deputy, who shall do and perform all the duties of the assessor he represents, and for whose acts the said assessor shall be responsible, and said deputy shall, before he enters on the discharge of the duties of his office, take and subscribe, before the register of deeds, an oath faithfully and impartially to perform the duties devolving upon him, which oath shall be filed in the office of the register of deeds.

Penalty of, for a neglect of duty.

SEC. 8. It shall be the duty of each assessor to make out and retain in his possession, a duplicate of his assessment roll, and shall make the necessary corrections therein, from time to time, so that such duplicate will correspond with the assessment roll or file in the office of the register of deeds, and also to make a plat of the government survey and town plats within his district, and note thereon the owner of each tract of land, and of each town lot, and deliver such duplicate, assessment roll and plat, and other documents relating thereto, to his successor in office.

Assessor to make out and keep duplicate of assessment roll.

Compensation of assessors.

Sec. 9. Each assessor shall receive a compensation of two dollars, for each and every day actually and necessarily employed in the discharge of the duties of his office, and such reasonable compensation for the copy of the assessment roll and the plat of the survey as the board of commissioners may allow, which compensation shall be paid out of any moneys not otherwise appropriated in the county treasury.

Assessor to make out a list of the inhabitants of his district, and file the same with the secretary of the territory.

Sec. 10. It shall be the duty of each assessor to make out a list of the inhabitants of his district, and file such list with the secretary of the territory, on or before the first Monday of July in each year, and such assessor shall also keep a copy of such list so filed, and deliver the same to his successor in office; and it is hereby made the duty of every head of a family, innkeeper, or other person, to give a true statement of all names of persons in their families or living on their premises, and a refusal or neglect to comply with the requirements of this section, shall subject the person so refusing or neglecting to give a true list as aforesaid, after the same has been demanded, to a fine of not less than two nor more than ten dollars, to be recovered before any justice of the peace of the county in the name of the board of commissioners for the proper county, which fine when so recovered, shall be paid into the county treasury; and it shall also be the duty of such assessor to make out a true list of all the persons in his district, liable to perform military duty under the laws of this territory, and file the same with the register of deeds of his county.

List of those liable to do military duty.

ARTICLE X.

OF ROAD SUPERVISORS.

SECTION

1. Supervisors of roads to be elected each year in each precinct.
2. To take, and file with register of deeds, an oath of office and give bond.
3. Board of commissioners when to appoint supervisors of roads.
4. To make a list of persons liable to work on the road before 1st of March.
5. Who liable to work on the roads.
6. To order out persons liable to work between 1st of April and October; penalty for refusing to work on the roads.
7. Process not to issue for the recovery of penalty in certain cases.
8. Person when and where to appear to work on roads.
9. Not work, roads not properly laid out.
10. To erect guide posts at the forks of roads.
11. To give certificate of extra labor.
12. Supervisor to keep a book, &c.

SECTION

13. To make statement to board of commissioners; statement what to contain.
14. Commissioners to assess road tax on property in each precinct; proviso.
15. Supervisor to enter all moneys collected by him, for taxes, fines, &c.
16. To open all highways laid out according to law, and keep the same in repair; general duties of.
17. Supervisor to return list of delinquent taxes to commissioners.
18. Not to have more than fifteen men work on the road at one time; roads most traveled to be first repaired.
19. Penalty for injuring guide post.
20. To collect all fines, forfeitures, and penalties.
21. Penalty for neglect to perform the duties of the office of.
22. Compensation of supervisors of roads.

Supervisors of roads to be elected each year in each precinct.

SEC. 1. There shall be elected at the general election in each and every year, one supervisor of roads in each road district in this territory, who shall be a resident of the road district for which he is elected, and who shall hold his office for one year, and until his successor is elected and qualified,

SEC. 2. Said supervisor of roads shall execute a bond to the county treasurer of his county, with two or more sufficient sureties to be approved by said county treasurer in the penal sum of five hundred dollars, conditioned for the faithful performance of his duties as supervisor of roads, according to law, and that he will well and truly pay into the county treasury, all moneys that may come into his hands by virtue of his said office, which bond shall be filed in the office of the register of deeds of his proper county.

To take, and file with register of deeds, an oath of office and give bond.

SEC. 3. Whenever any supervisor of roads, elected in any road district in this territory, shall not qualify as above prescribed, on or before the first Monday in January succeeding said election, it shall be the duty of the board of commissioners to appoint some suitable person in said road district, to be supervisor of roads, who shall qualify as above prescribed.

Board of commissioners when to appoint supervisors of roads.

SEC. 4. It shall be the duty of the supervisor of roads to obtain the names, and make out a list of all male persons between the ages of twenty-one and fifty years, residing within his road district, which list shall be completed on or before the first day of March, in each and every year, and in case any person as aforesaid shall locate within his road district, after the said first of March, the supervisor shall enroll his name and he shall be liable to labor on the road the same time and in the same manner that those originally enrolled are liable to labor; but any person who has labored during any one year, in one road district, and has a certificate thereof, shall be credited with the time so labored in the same manner as if the labor had been performed in the road district in which he resides.

To make a list of persons liable to work on the road before 1st of March.

SEC. 5. Every male person between the age of twenty-one and the age of fifty years, who is able to perform manual labor, shall be subject to labor or furnish some person to labor three days in each year, under the direction of the supervisor of roads, on the roads within his road district, and when practicable and convenient, each person shall be allowed to labor on the road or roads passing nearest to his place of residence.

Who liable to work on the roads.

SEC. 6. The supervisor of roads shall order out every person within his road district, subject to road labor as aforesaid, between the first days of April and October, annually, to perform the work necessary on the public roads within his road district, and if any person subject to labor on the roads as aforesaid, shall, after being notified by the supervisor, or any other person by request, or direction of the supervisor, either personally or by leaving a written notice at his usual place of abode, refuse or neglect, having had three days previous notice to attend by himself or suitable substitute, on the day and at the hour and place designated, or having attended, shall refuse to obey the directions of the supervisor, or shall pass his time in idleness and inattention to the duties assigned him, every such delinquent shall forfeit and pay for each day he shall so refuse or neglect to attend, or for any of the offences above specified, the sum of two dollars to be recovered in a civil action before any justice of the peace having competent jurisdiction, at the suit of the supervisor, within whose road district such delinquent may reside, and all moneys thus collected shall be paid over to the county treasurer of the proper county, by the said supervisor.

To order out persons liable to work between 1st of April and October.

Penalty for refusing to work on the roads.

SEC. 7. Whenever it shall happen that in consequence of sickness, absence from home, or any other good cause, a person does not attend, in obedience to the notice of the supervisor, at the time and place appointed, and said person is willing to perform or cause to be performed, the labor required by this article; no process shall be issued for the recovery of the penalty above prescribed, but the supervisor shall employ said person or his substitute at another time and place to be designated by said supervisor.

Process not to issue for the recovery of penalty in certain cases.

Person when and where to appear to work on roads.

SEC. 8. Every person notified to labor on the road, under any of the provisions of this article, shall be required to appear at the place appointed by the supervisor, at the hour of eight o'clock in the forenoon, with such necessary tools and implements as may be in his possession, or as said supervisor may direct; and the said supervisor may, if necessary, order any person owning the same, to furnish a team of horses, or oxen, and wagon, cart, scraper, or plough, to be employed or used on the roads, under the direction of said supervisor; and every person who labors one day with a team of horses, or oxen, furnished by him, shall be allowed two days' service; and every person who furnishes, at the request of the supervisor, a cart, wagon, scraper, or plough, shall be allowed such compensation as the supervisor may think reasonable.

Not work, roads not properly laid out.

SEC. 9. No supervisor shall work, or cause to be worked, under the provisions of this article, any road, or cartway, that has not been properly laid out, according to the provisions of law.

To erect guide posts at the forks of roads.

SEC. 10. Each supervisor, within his road district, shall erect, by setting the same firmly in the ground, and keep up at the forks of every public road, a post at least six inches in diameter, and not less than twelve feet high, and a guide or figure-board, containing an inscription in legible letters, directing the way and distance to the next town or public place, situated on each road respectively; and when any public road shall become obstructed by the fall of timber, or any other cause, or any bridge shall be impaired, or become dangerous for the passage of teams, or travelers, the supervisor of the road district, upon being notified thereof, shall forthwith cause such obstructions to be removed, or bridge repaired; and all persons ordered out for such purpose, after having had one day's notice, shall be subject to the same restrictions, and liable to the same penalties, imposed by the sixth section of this article.

To give certificate of extra labor.

SEC. 11. When any person shall, under the direction of his supervisor, perform more than three days' labor on the public road, in any one year, the said supervisor shall give such person a certificate, specifying the amount of extra labor so performed, which certificate may be transferred, and received in discharge of the labor of any other person within the same road district, to the amount of labor contained in the said certificate, or may be received from the holder in satisfaction of labor on the roads, in any subsequent year, to the amount contained in said certificate: *Provided*, That no person shall be required to perform more than two days' extra labor in any one year; and extra labor shall be required only in conformity to the provisions of the preceding section.

Supervisor to keep a book, &c.

SEC. 12. Each supervisor of roads shall keep a book, in which he shall enter the names of all persons within his road district, subject to work on the roads; and whenever any person shall be called out, and work on the roads, under the provisions of this article, the supervisor shall forthwith credit such person with the time he so worked; and if persons subject to work on the roads in any road district, shall refuse, or neglect, to work the time prescribed, the supervisor of roads of said road district, shall forthwith institute suit against all such persons, as prescribed by the sixth section of this article.

To make statement to board of commissioners.

Statement what to contain.

SEC. 13. It shall be the duty of each supervisor of roads in this territory, to lay before the board of commissioners of their proper county, on the first Monday of July, in each and every year, a statement of the number and length of the public roads within their respective road districts, the repairs necessary on said roads, including the repairs of bridges, the number of persons subject to labor on the roads within the road district, the labor already performed during the year, the number of days' service yet due, the probable number of delinquents within

the road district, and the probable sum, if any, necessary, over and above the labor still due, to put the public roads in the road district in thorough repair.

SEC. 14. It shall be the duty of the board of commissioners, at their regular meeting in July, to assess such tax as they may deem necessary, not exceeding one-third of one per cent., on the real estate in each road district in their county, as returned by the county assessors, as well of non-residents as of residents, and cause the register of deeds forthwith to make out and deliver to each supervisor of roads, a tax roll of the taxes so assessed in his road district, with a precept, under seal; and the said supervisor is hereby authorized and empowered to collect the same, in the same manner, and under the same restrictions and liabilities, as if done and performed by the sheriff for the collection of county taxes: *Provided*, That each person so assessed, may discharge the tax thus imposed in labor, under the direction of the supervisor, at the rate of one dollar for each day's labor.

Commissioners to assess road tax on property in each precinct.

Provido.

SEC. 15. Each supervisor shall enter in a book, to be kept for the purpose, all moneys he shall receive by virtue of his office, as well from delinquents, as provided in section six of this article, as all taxes and fines collected under the provisions of this article, setting forth the person from whom and for what received; and shall, on the first Monday in October, in each year, lay before the board of commissioners of his county, a complete statement of all his doings as supervisor of roads, during his term, and shall well and truly pay over to the county treasurer of his county, all moneys remaining in his hands, as such supervisor taking a receipt therefor.

Supervisor to enter all moneys collected by him for taxes, fines, &c.

SEC. 16. The supervisor of roads shall open, or cause to be opened, all public roads and highways, which may have been, or may be, laid out and established according to law, in any part of his road district, and shall keep the same in good repair; he shall contract for the building of all bridges required and authorized in his road district, and not built by the labor of the persons required to labor in his road district, taking a good and sufficient bond for the faithful performance of the contract; he shall employ all persons required to labor on roads in his road district, to be paid for out of the road tax assessed in his road district; and he shall have authority, for the purposes of this article, to purchase, with any money which may come into his hands as supervisor, for the use of his road district, any ploughs, scrapers, or other implements, which he may think proper; and to enter upon any lands adjoining or near any road, and gather, dig, and carry away, any gravel, sand or stone, and cut down, and carry off, any wood, or trees, necessary for the making, or repairing, of any road; and may enter upon any lands adjoining or lying near a road in his road district, and cut, or open, such ditches, or drains, and construct such drains as shall be necessary for the making, or preservation, of said road; in all which as little damage shall be done to the owner of the property as possible: *Provided*, That when any damage is sustained by the owner of any land, by reason of the taking away of any of the materials mentioned in this section, such owner shall be entitled to recover a reasonable compensation therefor.

To open all highways laid out according to law, and keep the same in repair.

General duties of.

SEC. 17. In all cases where the supervisor of roads is unable to collect the road tax from any person within his district as provided by the fourteenth section of this article, it shall be the duty of such supervisor of roads to return a list of such delinquents, certified on oath, to the board of commissioners of the county, at their session on the first Monday in October, and the said commissioners shall, after adding ten per cent. to the tax of said delinquent, furnish the sheriff of the proper county with a true copy of such list, and the tax due from each; with a

Supervisor to return list of delinquent taxes to commissioners.

precept thereto attached, under the seal of said board of commissioners, and the sheriff shall thereupon proceed to collect such tax in the same manner, at the same time, and under the same provisions that the county revenue is collected.

SEC. 18. It shall be the duty of each supervisor of roads, so to arrange his list and call out the persons subject to road labor, as not to have more than fifteen persons at work on the same day; and in selecting, the roads most traveled, shall be first repaired, and when persons are employed by the supervisor, to open or repair roads, to be paid for from the road tax, he shall not pay more than one dollar per day for each person.

SEC. 19. Any person who shall wilfully break down or deface the inscription on a guide post, or a guide board, or any person who shall wilfully and intentionally obstruct any public road, or any person who shall wilfully and intentionally break down or destroy any bridge, or draw, or stop, or fill any ditch or drain, shall be punished by a fine of not less than ten, nor more than fifty dollars and costs of suit, to be recovered before any justice of the peace, having jurisdiction of the same, and shall further be liable for any damage resulting therefrom, to any person suing for the same.

SEC. 20. It shall be the duty of all supervisors of roads, to collect by suit, or otherwise, in his own name, as such supervisor, all fines, forfeitures and penalties arising and accruing under the provisions of this article, and to expend the same in the employment of men, when necessary, to put the roads of his road district in good repair, but no such expenditure shall be made, until after all the persons of his road district, liable to labor on the road, shall have been notified to perform said labor.

SEC. 21. Any supervisor of roads who shall neglect or refuse to perform the several duties enjoined upon him by this article, after having qualified according to law, or who shall, under any pretence whatever, give or sign any receipt or certificate purporting to be a receipt or certificate for money paid and labor performed, unless the money shall have been paid or the labor performed prior to the giving or signing such receipt or certificate, such supervisor so offending, shall forfeit for every such offence, not less than five nor more than fifty dollars for the use of his county, to be recovered by an indictment in the district court or in a civil action before any justice of the peace having jurisdiction of the same, in the name of the county treasurer, and it is hereby made the duty of the prosecuting attorney to institute suits against all supervisors so offending, within the limits of his county, and collect the same on the official bond of said supervisor.

SEC. 22. Every such supervisor of roads shall receive at the rate of two dollars per day, while necessarily employed in the performance of any of the duties required by this article, to be paid out of the county treasury on the order of the board of commissioners, after being by them sanctioned, and the report of the doings of said supervisor of roads shall have been received and approved by said board of commissioners.

Not to have more than fifteen men work at one time.

Roads most traveled, to be first repaired.

Penalty for injuring guide post.

To collect all fines, forfeitures, and penalties.

Penalty for neglect to perform the duties of the office of.

Compensation of supervisors of roads.

ARTICLE XI.

OF CLERKS OF THE DISTRICT COURTS.

SECTION

1. Clerks of district courts to be appointed by Judge.
2. Clerk where to keep his office.
3. Clerk to take an oath of office, and give bond.
4. Who may institute suit on bond of clerk.

SECTION

5. Duties of clerk.
6. Clerk may appoint deputy.
7. Deputies to take an oath of office, to be filed with register of deeds.
8. In the absence of the clerk, deputy may perform the duties of.

SEC. 1. There shall be appointed a clerk of the district court in each of the organized counties in this territory, which appointment shall be made by the judge of the district in which such county is situated; in writing under his hand and may be revoked at any time by the said judge.

Clerks of district courts to be appointed by Judge.

SEC. 2. The clerk appointed in pursuance of the preceding section, shall keep his office at the county seat of his county.

Clerk where to keep his office.

SEC. 3. Before entering upon the duties of his office, each clerk of the district courts of this territory shall execute a bond to the treasurer of his county, with two or more sufficient sureties to be approved by the said treasurer in the penal sum of one thousand dollars, conditioned for the faithful discharge of his duties as clerk of the district court of his county; the said clerk shall also take and subscribe an oath or affirmation, that he will support the constitution of the United States, and faithfully and honestly discharge the duties of his said office according to the best of his abilities, which oath or affirmation shall be certified on the back of said bond, and filed with the treasurer of the county.

Clerk to take an oath of office and give bond.

SEC. 4. Any person who may at any time be injured or aggrieved by reason of the violation of the duties of his office, on the part of any such clerk of the district court, or by any wilful neglect or refusal to perform any of the duties pertaining to the office of clerk of the district court, as the same are or may be prescribed by law, may institute legal proceedings upon the bond of such clerk, and collect thereon double the amount of damages actually sustained by such aggrieved person, which suit may be brought before any court of competent jurisdiction, and the county treasurer is also authorized and required for every such violation or neglect of duty, to collect a fine of not less than fifty dollars, for any such violation of duty, or refusal or neglect on the part of said clerk of the district court.

Who may institute suit on bond of clerk.

SEC. 5. It shall be the duty of the clerk of the district court, to perform all duties which are or may be assigned him by law, and by the rules of the court of which he is clerk, made in pursuance of the statute in such case provided.

Duties of clerk.

SEC. 6. Each and every clerk of the district court, may, at his discretion, with the sanction of the judge of his court, appoint a deputy clerk of the district court for whose acts the said clerk shall be responsible, the said deputy shall be appointed under the hand and official seal of the clerk, with the sanction of the judge endorsed on the back of such appointment.

Clerk may appoint deputy.

SEC. 7. Before any deputy clerk of the district court shall enter upon the duties of his office, he shall take and subscribe the same oath or

Deputy to take an oath of office, to be

Filed with register of deeds.

affirmation prescribed, and required to be taken by the clerk of the district court, which oath or affirmation, together with the appointment of such deputy clerk, shall be filed in the office of the register of deeds of the proper county, and any clerk of the district court may at any time remove any deputy appointed by him under the provisions of this article.

In the absence of the clerk, deputy may perform the duties of.

SEC. 8. In the absence of the clerk of the district court from his office or from the court, the deputy appointed under, and in pursuance of the provisions of this article, may perform all the duties pertaining to the office of clerk of the district court.

ARTICLE XII.

MISCELLANEOUS PROVISIONS CONCERNING COUNTY OFFICES,

SECTION

1. Certain officers to keep their offices at county seat, and keep same open.
2. When county officer shall execute bond and take oath of office.

SECTION

3. Deputies to take and file oath of office.
4. Copies of papers, &c., on file with certain officers, to be evidence.
5. County officers how long to hold their office.

Certain officers to keep their offices at county seat, and keep same open.

SEC. 1. Every sheriff, clerk of the district court, register of deeds, and county treasurer, shall keep his office at the seat of justice of his county, and in the office provided by the county, if any such has been provided, and if there be none established then at such place as shall be fixed by special provisions of law, or if there be no such provisions, then at such place as the board of county commissioners shall direct, and shall keep the same open during the usual business hours each day, Sundays excepted, and all books and papers required to be kept in their offices, shall be open for the examination of any person, and if any of said officers shall neglect to comply with the provisions of this section, he shall forfeit for each day he shall so neglect, the sum of five dollars.

When county officers shall execute bond and take oath of office.

SEC. 2. Every county officer named in the preceding chapter, shall before entering upon the duties of his office and within twenty days after receiving official notice of his election or appointment, or within twenty days after the commencement of the term for which he was elected or appointed, execute and deposit his official bond as prescribed by law, and every such officer shall also within the same time, take and subscribe the oath of office, prescribed by law before some officer authorized to administer oaths, and deposit the same with his official bond to be filed and preserved therewith.

Deputies to take and file oath of office.

SEC. 3. Every deputy appointed by any of said officers, shall, before entering upon his duties under such appointment, take and subscribe the like oath of office, as that above required of the officers appointing him, and shall deposit the same in the office where the bond of such officer is deposited; and in case he shall neglect to take and deposit such oath as aforesaid, he shall forfeit and pay one hundred dollars.

Copies of papers, &c., on file with certain officers to be evidence.

SEC. 4. Copies of all documents, writs, proceedings, instruments, papers and writings, duly filed, or deposited in the office of any judge of probate, register of deeds, clerk of the district court, county treas-

urer, or clerk of the board of county commissioners, and transcripts from the books of records, or proceedings, kept by any of said officers, with the seal of his office affixed, shall be evidence in all cases, equally and in like manner, as the originals.

SEC. 5. Every county officer named in the preceding chapter, shall hold his office, subject to removal as provided by the laws of this territory, until his successor is elected, or appointed, and qualified.

County officers how long to hold their office.

CHAPTER 9.

OF JUSTICES OF THE PEACE AND CONSTABLES.

SECTION

1. Two justices of the peace to be elected in each precinct, term of service.
2. Who may be elected justice of the peace.
3. Oath of office and bond to be filed with clerk of district court.
4. Judges of election to make return of persons elected justices of the peace.
6. Jurisdiction of justices of the peace, office where to be kept.
6. In case of vacancy, docket where to be deposited.

SECTION

7. When county divided, justice of the peace to continue to act as such.
8. Two constables to be elected in each precinct for one year.
9. Constables to give bond; form of bond.
10. Clerk of board of commissioners allowance on bond.
11. Duties of constables.
12. When there are no constables, commissioners to appoint.

SEC. 1. There shall be elected, by the qualified voters of each precinct, in each of the organized counties of this territory, two justices of the peace, whose term of office shall continue two years, and who shall be residents of the precinct for which they may be elected.

Two justices of the peace to be elected in each precinct, term of service.

SEC. 2. No person shall be elected to the office of justice of the peace, who is not a citizen of the United States, and who shall not have resided in the territory at least six months next before his election.

Who may be elected justice of the peace.

SEC. 3. Every justice of the peace, elected in either of the counties of this territory, shall, before he enters upon the duties of his office, take and subscribe an oath, or affirmation, in writing, to support the constitution of the United States, and the laws of this territory, and faithfully to discharge and perform all the duties of his said office, according to the best of his abilities and understanding, which oath, or affirmation, shall be filed in the office of the clerk of the district court of the county in which such justice of the peace may reside, and shall execute to the treasurer of the same county, a bond, with two sufficient sureties, to be approved by the treasurer of the said county, and filed in the office of the said clerk of the district court, in the penal sum of five hundred dollars, conditioned, that he will pay over, on demand, all moneys received by him by virtue of his office, to the person or persons entitled to the same; and the said justice, and his sureties, shall be liable, in said bond, to each and every person for whom such justice shall collect money, and refuse to pay the same; and it shall be competent for any person, to whom such justice and his sureties may have become liable,

Oath of office and bond to be filed with clerk of district court.