

James C. Child
35
THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
MOSES SHERBURNE and WILLIAM HOLLINSHEAD, Esqrs.,
COMMISSIONERS.

PUBLISHED BY STATE AUTHORITY.

SAINT PAUL:
THE PIONEER PRINTING COMPANY.

1859.

sioners of any county, the process shall be served on the clerk of the said board, and whenever such suit or proceedings shall be commenced, it shall be the duty of the said clerk forthwith to notify the district attorney of the county thereof, and to lay before the board of commissioners, at their next annual meeting, all the information he may have in regard to such suit or proceedings.

(261.) SEC. XI. Any action in favor or against a county, which if prosecuted by or against an individual, could be prosecuted before a justice of the peace, may be prosecuted by or against such county in like manner before a justice of the peace.

Suits by or against counties may be brought before justice of the peace.

(262.) SEC. XII. In all suits or proceedings prosecuted by or against counties, or by or against county officers in their name of office, costs shall be recoverable as in suits between individuals.

Costs recoverable in all cases.

(263.) SEC. XIII. When any judgment shall be recovered against the board of commissioners of any county or against any county officer in an action prosecuted by or against him in his name of office, where the same should be paid by the county, no execution shall be awarded or issue upon such judgment, except as herein provided; the same, unless reversed, 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.

Execution against commissioners not to issue, except in certain cases.

CHAPTER 2.

COUNTY SEATS.

SECTION

1. On petition of one-half of voters of county commissioners shall give notice of vote on removal of county seat—one point only to be voted for; when located by vote, no vote to be again taken for three years.
2. Form of ballot to be voted.
3. Manner of canvassing the votes.

SECTION

4. Votes on county seats to be governed by this act.
5. County seat being removed, county officers to remove to new location within twenty days.
6. Special acts of this session repealed.
7. Act takes effect on passage.

An Act to provide for the location of the County Seats in the Counties of this State.

(Passed March 18, 1858.) C.B.

(1.) SECTION I. [As amended by general laws of 1858, page 101:] Be it enacted by the legislature of the state of Minnesota, That when a number of legal voters of any county in this state equal to one-half the highest number of votes cast at the next preceding general election, in such county,

SEE (Minnesota) 1858
petition for vote.

shall, at least thirty days previous to the next ensuing election, petition the county commissioners of such county to be allowed to vote on the removal or location of the county seat of such county, to any point within such county, the said commissioners shall cause to be inserted in the notices for the next general election an article requiring the voters of such county to vote on the removal of the county seat to the point named in the petition. That only one point of removal shall be voted for in each year, and that point shall be the one presenting the largest number of petitioners: *provided*, that the same point was not voted for at the last preceding election, and that it shall be lawful for said petitioners to deposit any sum of money or bonds, with county treasurer, which they may propose to donate for the erection of public buildings at the point petitioned for: *provided*, that in any of the counties of the state in which the county seat has been or shall hereafter be located, by a vote of the electors of said county, the place at which the county seat is so located, shall be and remain the county seat, at least three years from the time of taking such vote; and no new vote shall be had on the re-location of the county-seat until the expiration of said three years.

Commissioners to give notice of vote.

One point of removal to be voted for.

Money may be donated to county seat.

County seat being located by vote; no vote to be again taken for three years.

Ballot; form of

(2.) SEC. II. The voters of any county so notified, shall vote at the next general election on the removal of their county seat, by ballot, written or printed, as follows: "For county seat at _____," (*filling the blank with the place named in the petition,*) or "Against county seat at _____," (*filling the blank as above,*) and if a majority of the votes cast are for the point named in the petition, then that place shall be the county seat, otherwise the county seat shall remain as above.

Canvass of votes.

(3.) SEC. III. The votes for and against the removal of the county seat shall be returned and canvassed in the same manner as the votes for county officers.

This act to govern all changes.

(4.) SEC. IV. No county seat in any county in this state shall be removed in any other manner than that prescribed in this act, except by the amendment or repeal of this act.

County officers to remove to new location.

(5.) SEC. V. If, on canvassing the votes, a majority of them are found to be in favor of removal, then all the county officers who are required to hold their offices at the county seat, shall, within twenty days after such canvass, move their offices to the point so elected as the county seat.

Special acts of this session repealed.

(6.) SEC. VI. All special acts passed by this legislature providing for submitting to a vote of the people the removal of the county seat, in any county in this state, organized previous to the first day of December, A. D. 1857, are hereby repealed.

(7.) SEC. VII. This act shall take effect from and after its passage.