

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

ST. PAUL.
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1872.

The salary of the clerk of the supreme court is six hundred dollars per annum.

The salary of the reporter of the supreme court is six hundred dollars per annum.

TITLE II.

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Salary of judges of district court.

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870-93

CHAPTER VIII.

COUNTIES AND COUNTY OFFICERS.

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TITLE I.

TERRITORIAL DIVISIONS.

Names of counties.

SECTION 1. The state is divided into the following counties: Aiken, Andy Johnson, Anoka, Becker, Benton, Bigstone, Blue Earth, Brown, Carlton, Carver, Cass, Chippewa, Chisago, Clay, Cottonwood, Crow Wing, Dakota, Dodge, Douglas, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Itasca, Jackson, Kanabec, Kandiyohi, Lac qui Parle, Lake, Le Sueur, Lincoln, Manomin, Martin, McLeod, Meeker, Mille Lacs, Monongalia, Morrison, Mower, Murray, Nicollet, Nobles, Olmsted, Ottertail, Pembina, Pine, Pipestone, Polk, Pope, Ramsey, Redwood, Renville, Rice, Rock, Saint Louis, Scott, Sherburne, Sibley, Stearns, Steele, Stevens, Todd, Traverse, Wabashaw, Wadena, Waseca, Washington, Watonwan, Winona, Wright.

Aiken county.

SEC. 2. The county of Aiken is established and bounded as follows: Beginning in the centre of the channel of the Mississippi river at the point where the line between townships forty-seven and forty-eight, north of the fourth principal meridian, intersects the same; thence eastwardly along said township line to the north-east corner of township forty-seven of range twenty-two; thence southwardly on the line between ranges twenty-one and twenty-two to the south-east corner of township forty-three of range twenty-two; thence westwardly on the line between townships forty-two and forty-three to the south-west corner of township forty-three of range twenty-four; thence northwardly on the line between ranges twenty-four and twenty-five to the south-west corner of township forty-four of range twenty-four; thence westwardly on the line between townships forty-three and forty-four to the south-west corner of township forty-four of range twenty-seven: thence northwardly on the line between ranges twenty-seven and twenty-eight to the centre of the channel of the Mississippi river; thence up the centre of said channel to the place of beginning.

Andy Johnson county.

SEC. 3. The county of Andy Johnson is established and bounded as follows: Beginning in the centre of the channel of the Red River of the North, at the point where the line between townships one hundred and thirty-six and one hundred and thirty-seven north of the fifth principal

meridian, first intersects the same; thence eastwardly along said township line to the north-east corner of township one hundred and thirty-six of range forty-four; thence southwardly on the line between ranges forty-three and forty-four to the south-east corner of township one hundred and thirty-seven of range forty-four; thence westwardly on the line between townships one hundred and twenty-nine and one hundred and thirty to the centre of the channel of the Red River of the North; thence along the main channel of said river, following the western boundary of the state, to the place of beginning.

SEC. 4. The county of Anoka is established and bounded as follows: Anoka county
Beginning at the south-east corner of township thirty-one of range twenty-two west of the fourth principal meridian; thence west on the township line between townships thirty and thirty-one to the centre of the main channel of the Mississippi river; thence up the main channel thereof to its intersection with the line between ranges twenty-five and twenty-six thence north along said range line to the north-west corner of section thirty of township thirty-four of range twenty-five; thence easterly on the section line to the north-east corner of section twenty-five of township thirty-four of range twenty-two; thence southerly on the line between ranges twenty-one and twenty-two to the place of beginning.

SEC. 5. The county of Becker is established and bounded as follows: Becker county.
Beginning at the north-west corner of township one hundred and forty-two, range forty-three; thence eastwardly along the line between townships one hundred and forty-two and one hundred and forty-three, to the north-east corner of township one hundred and forty-two, range thirty-six; thence southwardly along the line between ranges thirty-five and thirty-six to the south-east corner of township one hundred and thirty-eight, range thirty-six; thence westwardly along the line between townships one hundred and thirty-seven and one hundred and thirty-eight, to the south-west corner of township one hundred and thirty-eight, range forty-three; thence northwardly along the line between ranges forty-three and forty-four, to the place of beginning.

SEC. 6. The county of Benton is established and bounded as follows: Benton county.
Beginning in the centre of the main channel of the Mississippi river at the point where the line between townships thirty-eight and thirty-nine north of the fourth principal meridian intersects the same; thence to and along said township line to the north-west corner of township thirty-eight of range twenty-eight; thence southerly on the line between ranges twenty-seven and twenty-eight to the south-east corner of township thirty-six of range twenty-eight; thence west on the township line between townships thirty-five and thirty-six to the centre of the main channel of the Mississippi river; thence up and along said channel to the place of beginning.

SEC. 7. The county of Big Stone is established and bounded as follows: Big Stone county.
Beginning at the point where the line between townships one hundred and twenty-four and one hundred and twenty-five north of the fifth principal meridian intersects the western boundary of the state; thence eastwardly on said township line to the north-east corner of township one hundred and twenty-four of range forty-four; thence southerly on the line between ranges forty-three and forty-four to its intersection with the channel of the Minnesota river; thence up the main channel of said river to Big Stone lake; thence through said lake and along the western boundary of the state to the place of beginning.

SEC. 8. The county of Blue Earth is established and bounded as follows: Blue Earth county.
Beginning at the south-east corner of township one hundred and five north of range twenty-five west from the fifth principal meridian; thence westerly on the line between townships one hundred and four and

one hundred and five to the south-west corner of township one hundred and five of range twenty-nine; thence northerly on the line between ranges twenty-nine and thirty to the centre of the main channel of the Minnesota river; thence down said main channel to its intersection with the section line between sections thirteen and twenty-four of township one hundred and nine of range twenty-seven; thence east along the section lines to the north-east corner of section twenty-four of township one hundred and nine of range twenty-five; thence south on the range line between ranges twenty-four and twenty-five to the place of beginning.

Brown county

SEC. 9. The county of Brown is established and bounded as follows: Beginning at the intersection of the Minnesota river, and the range line between ranges twenty-nine and thirty; thence south on said line, to the township line between townships one hundred and seven and one hundred and eight; thence west on said line, to the range line between ranges thirty-three and thirty-four; thence north on said line, to the middle of the Minnesota river; thence south-easterly along the middle of the main channel of the Minnesota river to the place of beginning.

Carlton county.

SEC. 10. The county of Carlton is established and bounded as follows: Beginning at the north-east corner of township forty-nine north of range sixteen west from the fourth principal meridian; thence south on the range line between ranges fifteen and sixteen to its intersection with the main channel of the Saint Louis river; thence along the main channel of said river to the boundary line between Minnesota and Wisconsin; thence south along said line between Minnesota and Wisconsin to its intersection with the township line between townships forty-five and forty-six; thence westerly along said township line to the south-west corner of township forty-six of range twenty-one; thence north on the line between ranges twenty-one and twenty-two to the north-west corner of township forty-nine of range twenty-one; thence easterly on the line between townships forty-nine and fifty to the place of beginning.

Carver county

SEC. 11. The county of Carver is established and bounded as follows: Beginning in the centre of the main channel of the Minnesota river at its intersection with the line between ranges twenty-four and twenty-five; thence north on said range line to the south-east corner of section thirteen of township one hundred and fourteen north of range twenty-five west from the fifth meridian; thence west on the section line to the south-west corner of section eighteen in said township; thence north on the west line of said township to the north-west corner of said township; thence west on the line between townships one hundred and fourteen and one hundred and fifteen to the south-west corner of township one hundred and fifteen of range twenty-six; thence north on the range line between ranges twenty-six and twenty-seven to the north-west corner of town one hundred and seventeen of range twenty-six; thence east on the line between townships one hundred and seventeen and one hundred and eighteen to the north-east corner of town one hundred and seventeen of range twenty-five; thence south on the east line of said town to the south-east corner thereof; thence east on the line between townships one hundred and sixteen and one hundred and seventeen to the north-east corner of town one hundred and sixteen of range twenty-three; thence south on the line between ranges twenty-two and twenty-three to the centre of the main channel of the Minnesota river; thence up and along the centre of said channel to the place of beginning.

Cass county.

SEC. 12. The county of Cass is established and bounded as follows: Beginning at the intersection of the main channel of the Crow Wing river with the main channel of the Mississippi river; thence up the centre of the main channel of said Crow Wing river to its first intersection with the

range line between ranges thirty-two and thirty-three west from the fifth principal meridian; thence north on said range line to the north-east corner of township one hundred and thirty-eight of range thirty-three; thence west on the line between townships one hundred and thirty-eight and one hundred and thirty-nine to the south-west corner of township one hundred and thirty-nine of range thirty-five; thence north on the line between ranges thirty-five and thirty-six to the north-west corner of township one hundred and forty-two of range thirty-five; thence easterly on the line between townships one hundred and forty-two and one hundred and forty-three to its intersection with Itasca lake or the principal branch of the Mississippi river; thence down the main channel of said river to the place of beginning.

SEC. 13. The county of Chippewa is established and bounded as follows: Beginning at the north-west corner of township one hundred and twenty-two north of range forty west from the fifth principal meridian; thence easterly on the line between townships one hundred and twenty-two and one hundred and twenty-three to the north-east corner of town one hundred and twenty-two of range thirty-seven; thence southerly on the line between ranges thirty-six and thirty-seven to the south-east corner of town one hundred and eighteen of range thirty-seven; thence westerly on the line between townships one hundred and seventeen and one hundred and eighteen to the south-west corner of township one hundred and eighteen of range forty; thence northwardly on the line between ranges forty and forty-one to the place of beginning.

Chippewa
County.
Laws of 1866.

SEC. 14. The county of Chisago is established and bounded as follows: Beginning at the intersection of the main channel of the Saint Croix river with the line between townships thirty-two and thirty-three north on the fourth principal meridian; thence westerly on said township line to the south-west corner of township thirty-three of range twenty-one; thence northerly on the line between ranges twenty-one and twenty-two to the south-east corner of town thirty-six of range twenty-two; thence west on the south line of said town to the south-west corner thereof; thence north on the line between ranges twenty-two and twenty-three to the north-west corner of township thirty-seven of range twenty-two; thence east on the line between townships thirty-seven and thirty-eight to the centre of the main channel of the Saint Croix river; thence down along the centre of said channel to the place of beginning.

Chisago County.

SEC. 15. The county of Clay is established and bounded as follows: Beginning in the centre of the channel of the Red River of the North, at the first intersection of the line between townships one hundred and forty-two and one hundred and forty-three with said channel; thence eastwardly along said township line to the north-east corner of township one hundred and forty-two, range forty-four; thence southwardly on the line between ranges forty-three and forty-four, to the south-east corner of township one hundred and thirty-seven, range forty-four; thence westwardly on the line between townships one hundred and thirty-six and one hundred and thirty-seven to the centre of the channel of the Red River of the North; thence down the main channel of said river, following the western boundary of the State, to the place of beginning.

Clay County.

SEC. 16. The county of Cottonwood is established and bounded as follows: Beginning at the south-east corner of township one hundred and five north of range thirty-four west from the fifth principal meridian; thence north on the line between ranges thirty-three and thirty-four to the north-east corner of town one hundred and eight of range thirty-four; thence west on the line between townships one hundred and eight and one hundred and nine to the north-west corner of town one hundred and eight

Cottonwood
County.

of range thirty-eight; thence south on the line between ranges thirty-eight and thirty-nine to the south-west corner of town one hundred and five of range thirty-eight; thence east on the line between towns one hundred and four and one hundred and five, to the place of beginning.

Crow Wing
County.

SEC. 17. The county of Crow Wing is established and bounded as follows: Beginning at the south-east corner of town forty-three north of range twenty-eight west of the fourth principal meridian; thence north on the line between ranges twenty-seven and twenty-eight to the centre of the main channel of the Mississippi river; thence down along the centre of said channel to its intersection with the line between townships forty-two and forty-three; thence on said township line to the place of beginning.

Dakota County.

SEC. 18. The county of Dakota is established and bounded as follows: Beginning at the centre of the channel of the Minnesota river, opposite the mouth of Credit river; thence on a straight line to the north-east corner of township one hundred and twelve of range twenty-one west from the fifth meridian; thence south on the line between ranges twenty and twenty-one to the south-west corner of section thirty in town one hundred and twelve of range twenty; thence east on the section lines to the south-east corner of section twenty-five in township one hundred and twelve of range nineteen; thence north on the east line of said township to its intersection with the main channel of Cannon river; thence down along said channel to its intersection with the line between ranges seventeen and eighteen; thence north on said range line to the north-west corner of town one hundred and twelve of range seventeen; thence east on the line between one hundred and twelve and one hundred and thirteen to the south-east corner of town one hundred and thirteen of range seventeen; thence north on the east line of said town to the north-east corner thereof; thence east on the line between towns one hundred and thirteen and one hundred and fourteen to the south-east corner of section thirty-three in township one hundred and fourteen of range sixteen; thence north on the section line passing through the centre of said township to its intersection with the main channel of the Mississippi river; thence up along said channel to the mouth of the Minnesota river; thence up the centre of the channel of said Minnesota river to the place of beginning.

Dodge County.

SEC. 19. The county of Dodge is established and bounded as follows: Beginning at the south-east corner of township one hundred and five north of range sixteen west; thence west on the line between townships one hundred and four and one hundred and five to the south-west corner of township one hundred and five of range eighteen; thence north on the line between ranges eighteen and nineteen to the north-west corner of town one hundred and eight of range eighteen; thence east on the line between townships one hundred and eight and one hundred and nine to the north-east corner of town one hundred and eight of range sixteen; thence south on the line between ranges fifteen and sixteen to the place of beginning.

Douglas County.

SEC. 20. The county of Douglas is established and bounded as follows: Beginning at the north-east corner of township one hundred and thirty north of range thirty-six west from the fifth principal meridian; thence west on the line between townships one hundred and thirty and one hundred and thirty-one to the north-west corner of township one hundred and thirty of range forty; thence south on the line between ranges forty and forty-one to the south-west corner of town one hundred and twenty-seven of range forty; thence east on the line between towns one hundred and twenty-six and one hundred and twenty-seven to the south-east corner of town one hundred and twenty-seven of range thirty-six; thence north on the line between ranges thirty-five and thirty-six to the place of beginning.

SEC. 21. The county of Faribault is established and bounded as follows: Beginning at the south-east corner of township one hundred and one north of range twenty-four west; thence west on the boundary line between Minnesota and Iowa to the south-west corner of town one hundred and one of range twenty-eight; thence north on the line between ranges twenty-eight and twenty-nine to the north-west corner of town one hundred and four of range twenty-eight; thence on the line between towns one hundred and four and one hundred and five to the north-east corner of town one hundred and four of range twenty-four; thence south on the line between ranges twenty-three and twenty four to the place of beginning.

Faribault
County.

SEC. 22. The county of Fillmore is established and bounded as follows: Beginning at the south-east corner of township one hundred and one north of range eight west from the fifth meridian; thence north on the line between ranges seven and eight to the north-east corner of township one hundred and four of range eight; thence west on the line between townships one hundred and four and one hundred and five to the north-west corner of township one hundred and four of range thirteen; thence south on the line between ranges thirteen and fourteen to the south-west corner of township one hundred and one of range thirteen; thence east on the state boundary line to the place of beginning.

Fillmore County.

SEC. 23. The county of Freeborn is established and bounded as follows: Beginning at the south-east corner of township one hundred and one, north, of range nineteen west of the fifth meridian; thence west on the state boundary line to the south-west corner of town one hundred and one of range twenty-three; thence north on the line between ranges twenty-three and twenty-four to the north-west corner of township one hundred and four of range twenty-three; thence east on the line between townships one hundred and four and one hundred and five to the north-east corner of town one hundred and four of range nineteen; thence south on the line between ranges eighteen and nineteen to the place of beginning.

Freeborn county.

SEC. 24. The county of Goodhue is established and bounded as follows: Beginning at the south-west corner of township one hundred and nine north of range eighteen west; thence north on the range line between ranges eighteen and nineteen to its intersection with the center of the main channel of Cannon river; thence down the middle of said channel to the line between ranges seventeen and eighteen; thence north on said range line to the line between townships one hundred and twelve and one hundred and thirteen; thence east on said line to the south-west corner of township one hundred and thirteen of range sixteen; thence north on the west line of said township to the north-west corner thereof; thence east on the north line of said township to the south-west corner of section thirty-four of town one hundred and fourteen of range sixteen; thence north along the section line to the middle of the main channel of the Mississippi river; thence down the middle of said channel and of Lake Pepin to a point due east of the termination of the line between townships one hundred and eleven and one hundred and twelve; thence to and along said line to the north-east corner of township one hundred and eleven of range fourteen; thence south upon the east line of said town to the south-east corner thereof; thence west upon the south line of said township to the south-west corner thereof; thence south upon the line between ranges fourteen and fifteen to the line between townships one hundred and eight and one hundred and nine; thence west upon said township [line] to the place of beginning.

Goodhue county.

SEC. 25. The county of Hennepin is established and bounded as fol-

Hennepin
county.

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

Houston county. SEC. 26. The county of Houston is established and bounded as follows: Beginning in the middle of the main channel of the Mississippi river on the line between Iowa and Minnesota; thence west on the state boundary line to the south-west corner of township one hundred and one of range seven; thence north on the line between ranges seven and eight to the north-west corner of town one hundred and four of range seven; thence east on the line between townships one hundred and four and one hundred and five to the middle of the main channel of the Mississippi river; thence down the centre of said channel to the place of beginning.

Isanti county. SEC. 27. The county of Isanti is established and bounded as follows: Beginning at the south-east corner of section twenty-four in town thirty-four north of range twenty-two west from the fourth principal meridian; thence west upon the section lines to the south-west corner of section nineteen in township thirty-four of range twenty-five; thence north upon the line between ranges twenty-five and twenty-six to the north-west corner of town thirty-seven of range twenty-five; thence east upon the line between townships thirty-seven and thirty-eight to the north-east corner of town thirty-seven of range twenty-three; thence south upon the line between ranges twenty-two and twenty-three to the north-west corner of town thirty-five of range twenty-two; thence east on the north line of said town to the north-east corner thereof; thence south on the line between ranges twenty-one and twenty-two to the place of beginning.

Itasca county. SEC. 28. The county of Itasca is established and bounded as follows: Beginning on the north boundary line of the state in the middle of the Lake of the Woods; thence on a line running due south to the middle of the main channel of the Mississippi river; thence down said channel to the line between townships forty-seven and forty-eight north on the fourth meridian; thence east on said township line to the line between ranges twenty-one and twenty-two; thence due north to the boundary between the United States and British Possessions; thence westerly along said boundary to the place of beginning.

Jackson county. SEC. 29. The county of Jackson is established and bounded as follows: Beginning at the south-east corner of township one hundred and one north of range thirty-four west; thence north on the line between ranges thirty-three and thirty-four to the north-east corner of town one hundred and four north of range thirty-four west; thence west on the line between towns one hundred and four and one hundred and five to the north-west corner of town one hundred and four of range thirty-eight west; thence south on the line between ranges thirty-eight and thirty-

nine to the south-west corner of town one hundred and one of range thirty-eight, thence east on the state boundary line to the place of beginning.

SEC. 30. The county of Kanabec is established and bounded as follows. Beginning at the south-east corner of township thirty-eight, range twenty-three west; thence west to the south-west corner of township thirty-eight, range twenty-five west; thence north to the north-west corner of township forty, range twenty-five west; thence east to the south-west corner of township forty-one, range twenty-four west; thence north to the north-west corner of township forty-two, range twenty-four west; thence east to the north-east corner of township forty-two, range twenty-two west; thence south to the south-east corner of township forty-one, range twenty-two west; thence west to the north-east corner of township forty, range twenty-three west; thence south to the place of beginning. Kanabec county.

SEC. 31. The county of Kandiyohi is established and bounded as follows: Beginning at the south-east corner of township one hundred and seventeen, range thirty-three; thence running west to the south-west corner of township one hundred and seventeen, range thirty-six; thence north to the north-west corner of township one hundred and nineteen, range thirty-six; thence east to the north-east corner of township one hundred and nineteen, range thirty-three, and thence south to the place of beginning. Kandiyohi county.

SEC. 32. The county of Lac qui Parle is established and bounded as follows: Beginning in the centre of the channel of the Minnesota river at the intersection of the line between ranges forty-three and forty-four; thence northwardly on said range line to the north-west corner of township one hundred and twenty-four, range forty-three; thence eastwardly on the line between townships one hundred and twenty-four and one hundred and twenty-five, to the north-east corner of township one hundred and twenty-four, range forty-one; thence southwardly on the line between ranges forty and forty-one, to the south-east corner of township one hundred and eighteen, range forty-one; thence westwardly on the line between townships one hundred and seventeen and one hundred and eighteen to the centre of the channel of the Minnesota river; thence up the centre of the main channel of said river to the place of beginning. Lac qui Parle county.

SEC. 33. The county of Lake is established and bounded as follows: Beginning at the mouth of Knife river on the north shore of Lake Superior; thence due north to the boundary line between the United States and British Possessions; thence easterly on said boundary line to the boundary line between Minnesota and Wisconsin; thence westwardly on said state boundary to a point due south of the mouth of Knife river; thence to the place of beginning. Lake county. 1873-211

SEC. 34. The county of LeSueur is established and bounded as follows: Beginning at the centre of the main channel of the Minnesota river where the line between sections eighteen and nineteen of township one hundred and nine of range twenty-six crosses said river; thence east on said section line to the line between ranges twenty-four and twenty-five; thence south on said line to the line between townships one hundred and eight and one hundred and nine; thence east on said line to the line between ranges twenty-two and twenty-three; thence north on said range line to the line between townships one hundred and twelve and one hundred and thirteen; thence west on said township line to the north-west corner of town one hundred and twelve of range twenty-five; thence south on the west line of said town to its intersection with the main channel of the Minnesota river; thence following said channel to its next LeSueur county.

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

Lincoln county.
Laws of 1866, attaching territory to other counties.

SEC. 35. The county of Lincoln is established and bounded as follows: Beginning at the north-east corner of town one hundred and seventeen, of range thirty-one; thence in a southerly direction, along the range line between ranges thirty and thirty-one to the south-east corner of town one hundred and fifteen, of range thirty-one; thence in a westerly direction, along the town line between towns one hundred and fourteen and one hundred and fifteen, to the south-west corner of town one hundred and fifteen of range thirty-five; thence in a northerly direction, along the range line between ranges thirty-five and thirty-six, to the north-west corner of town one hundred and sixteen of range thirty-five; thence in an easterly direction, along the town line between towns one hundred and sixteen and one hundred and seventeen to the south-east corner of town one hundred and seventeen of range thirty-three; thence in a northerly direction, along the range line between ranges thirty-two and thirty-three, to the north-west corner of town one hundred and seventeen, of range thirty-two; thence east to the place of beginning.

Manomin county.

SEC. 36. The county of Manomin is established and bounded as follows: Beginning in the middle of the channel of the Mississippi river at its intersection with the line between townships twenty-nine and thirty, north of range twenty-four, west from the fourth meridian; thence east on said township line to the south-east corner of town thirty of range twenty-four; thence north on the east line of said town to the north-east corner thereof; thence west on the north line of said town to the centre of the channel of the Mississippi river; thence down the middle of said channel to the place of beginning.

Martin county.

SEC. 37. The county of Martin is established and bounded as follows: Beginning at the south-west corner of township one hundred and one, north of range twenty-eight west; thence north on the line between ranges twenty-eight and twenty-nine to the north-east corner of town one hundred and four of range twenty-nine; thence west on the line between townships one hundred and four and one hundred and five, to the north-west corner of town one hundred and four of range thirty-three; thence south on the line between ranges thirty-three and thirty-four to the south-west corner of town one hundred and one of range thirty-three; thence east on the line between Iowa and Minnesota to the place of beginning.

McLeod county.
Laws of 1866.

SEC. 38. The county of McLeod is established and bounded as follows: Beginning at the south-east corner of town one hundred and fifteen of range twenty-seven west from the fifth meridian; thence north on the line between ranges twenty-six and twenty-seven to the north-east corner of town one hundred and seventeen of range twenty-seven; thence west on the line between towns one hundred and seventeen and one hundred and eighteen to the north-west corner of town one hundred and seventeen of range thirty; thence south on the line between ranges thirty and thirty-one to the south-west corner of town one hundred and fourteen of range thirty; thence east on the line between towns one hundred and thirteen and one hundred and fourteen to the south-east corner of town one hundred and fourteen of range twenty-nine; thence north on the

east line of said town to the north-east corner thereof; thence east on the line between townships one hundred and fourteen and one hundred and fifteen to the place of beginning.

SEC. 39. The county of Meeker is established and bounded as follows: Beginning at the south-east corner of town one hundred and eighteen north of range twenty-nine west from the fifth meridian; thence north on the line between ranges twenty-eight and twenty-nine to the north-east corner of section twenty-four of town one hundred and twenty-one in range twenty-nine; thence west on the section lines to the north-east corner of section twenty-four of town one hundred and twenty-one of range thirty; thence north on the east line of said town to the north-east corner thereof; thence west on the line between towns one hundred and twenty-one and one hundred and twenty-two to the north-west corner of town one hundred and twenty-one of range thirty-two; thence south on the line between ranges thirty-two and thirty-three to the south-west corner of town one hundred and eighteen of range thirty-two; thence east on the line between townships one hundred and seventeen and one hundred and eighteen to the place of beginning. Meeker county.

SEC. 40. The county of Mille Lacs is established and bounded as follows: Beginning at the south-east corner of township thirty-six north of range twenty-six west from the fourth meridian; thence north on the line between ranges twenty-five and twenty-six to the north-east corner of township forty of range twenty-six; thence east on the line between townships forty and forty-one to the south-east corner of town forty-one of range twenty-five; thence north on the line between ranges twenty-four and twenty-five to the north-east corner of town forty-three of range twenty-five; thence west on the line between towns forty-three and forty-four to the north-west corner of town forty-three of range twenty-seven; thence south on the line between ranges twenty-seven and twenty-eight to the south-west corner of town thirty-six of range twenty-seven; thence east on the line between towns thirty-five and thirty-six to the place of beginning. Mille Lacs county.

SEC. 41. The county of Monongalia is established and bounded as follows: Beginning at the south-east corner of town one hundred and twenty of range thirty-three; and running thence in a westerly direction along the line between towns one hundred and nineteen and one hundred and twenty, to the south-west corner of town one hundred and twenty of range thirty-six; thence in a northerly direction along the range line, between ranges thirty-six and thirty-seven, to the north-west corner of town one hundred and twenty-two, of range thirty-six; thence in an easterly direction, along the lines between towns one hundred and twenty-two and one hundred and twenty-three, to the north-east corner of town one hundred and twenty-two, of range thirty-three; thence in a southerly direction along the line between ranges thirty-two and thirty-three to the place of beginning. Monongalia county. Laws of 1866. 18

SEC. 42. The county of Morrison is established and bounded as follows: Beginning in the main channel of the Mississippi river at its intersection with the line between townships thirty-eight and thirty-nine north on the fourth meridian; thence on said township line to the line between ranges twenty-seven and twenty-eight; thence north on said range line to the line between townships forty-two and forty-three; thence west on said township line to the centre of the main channel of the Mississippi river; thence down along said channel to the place of beginning. Morrison county 1867-16-

SEC. 43. The county of Mower is established and bounded as follows: Beginning at the south-east corner of township one hundred and one north of range fourteen west of the fifth principal meridian; thence west on the Mower county.

line between Minnesota and Iowa to the line between ranges eighteen and nineteen; thence north on said range line to the line between townships one hundred and four and one hundred and five; thence east on said township line to the north-east corner of town one hundred and four of range sixteen; thence south on the east line of said town to the north-east corner of section twelve in said town; thence east on the section line to the north-east corner of section twelve in town one hundred and four of range fourteen; thence south on the line between ranges thirteen and fourteen to the place of beginning.

Murray county.

SEC. 44. The county of Murray is established and bounded as follows: Beginning at the south-east corner of town one hundred and five north of range thirty-nine west; thence north on the line between ranges thirty-eight and thirty-nine to the north-east corner of town one hundred and eight of range thirty-nine; thence west on the line between townships one hundred and eight and one hundred and nine to the north-west corner of town one hundred and eight of range forty-three; thence south on the line between ranges forty-three and forty-four to the south-west corner of town one hundred and five of range forty-three; thence east on the line between towns one hundred and four and one hundred and five to the place of beginning.

Nicollet county.

SEC. 45. The county of Nicollet is established and bounded as follows: Beginning in the centre of the channel of the Minnesota river on the line between townships one hundred and eleven and one hundred and twelve north in range twenty-six; thence west on said township line to the centre of the channel of the Minnesota river in range thirty-three west; thence down along the middle of the main channel of said river to the place of beginning.

Nobles county.

SEC. 46. The county of Nobles is established and bounded as follows: Beginning at the south-east corner of township one hundred and one north of range thirty-nine west of the fifth principal meridian; thence north on the line between ranges thirty-eight and thirty-nine to the north-east corner of township one hundred and four north of range thirty-nine west; thence west on the line between townships one hundred and four and one hundred and five to the north-west corner of township one hundred and four of range forty-three; thence south on the line between ranges forty-three and forty-four to the south-west corner of town one hundred and one of range forty-three; thence east on the line between Minnesota and Iowa to the place of beginning.

Olmsted county.

SEC. 47. The county of Olmsted is established and bounded as follows: Beginning at the south-east corner of township one hundred and five north of range eleven west from the fifth principal meridian; thence west on the line between townships one hundred and four and one hundred and five to the north-east corner of town one hundred and four of range fourteen; thence south on the east line of said town to the south-east corner of section one in said town; thence west on the section line to the south-west corner of section six in town one hundred and four of range fifteen; thence north on the line between ranges fifteen and sixteen to the north-west corner of town one hundred and eight of range fifteen; thence east on the line between townships one hundred and eight and one hundred and nine to the north-east corner of town one hundred and eight of range thirteen; thence south on the east line of said town to the line between townships one hundred and seven and one hundred and eight; thence east on said township line to the north-east corner of town one hundred and seven of range eleven; thence south on the line between ranges ten and eleven to the place of beginning.

Otter Tail county.

SEC. 48. The county of Otter Tail is established and bounded as fol-

lows: Beginning at the north-west corner of township one hundred and thirty-seven, of range forty-three; thence eastwardly on the line between townships one hundred and thirty-seven and one hundred and thirty-eight, to the north-east corner of township one hundred and thirty-seven of range thirty-six; thence southwardly on the line between ranges thirty-five and thirty-six to the south-east corner of township one hundred and thirty-one of range thirty-six; thence westwardly on the line between townships one hundred and thirty and one hundred and thirty-one, to the south-west corner of township one hundred and thirty-one of range forty-three; thence northwardly on the line between ranges forty-three and forty-four to the place of beginning.

SEC. 49. The county of Pembina is established and bounded as follows: Beginning at a point in the middle of the main channel of the Red River of the North, opposite the mouth of Turtle river; thence east to a line running due south from the centre of Lake of the Woods; thence north on said line to the centre of said Lake of the Woods; thence westwardly on the line between the United States and British Possessions to the middle of the main channel of the Red river; thence up said river along the middle of the main channel thereof to the place of beginning. Pembina county.

SEC. 50. The county of Pine is established and bounded as follows: Beginning in the centre of the main channel of the St. Croix river on the line between townships thirty-seven and thirty-eight north of the fourth meridian; thence west on said township line to the south-west corner of town thirty-eight of range twenty-two; thence north on the line between ranges twenty-two and twenty-three, to the north-west corner of town forty of range twenty-two; thence east on the line between townships forty and forty-one, to the south-west corner of town forty-one of range twenty-one; thence north on the line between ranges twenty-one and twenty-two to the north-west corner of town forty-five of range twenty-one; thence east on the line between towns forty-five and forty-six, to the boundary line between Wisconsin and Minnesota; thence southerly along said boundary line to the place of beginning. Pine county.

SEC. 51. The county of Pipestone is established and bounded as follows: Beginning at the intersection of the line between townships one hundred and eight and one hundred and nine, with the western boundary of the state; thence eastwardly on said township line to the north-east corner of township one hundred and eight, range forty-four; thence southwardly on the line between ranges forty-three and forty-four, to the south-east corner of township one hundred and five, range forty-four; thence westwardly on the line between townships one hundred and four and one hundred and five, to its intersection with the western boundary of the state; thence north along said boundary to the place of beginning. Pipestone county.

SEC. 52. The county of Polk is established and bounded as follows: Beginning in the middle of the main channel of the Red River of the North, opposite the mouth of Turtle river; thence up along the centre of said channel to the line between townships one hundred and forty-two and one hundred and forty-three; thence easterly on said township line to Itasca lake or the Mississippi river; thence down the centre of the main channel of said river to a line running due south from the centre of the Lake of the Woods; thence north on said line to a line running due east from the mouth of Turtle river; thence west on said line to the place of beginning. Polk county.
Laws of 1866 relating to county of Beltrami.

SEC. 53. The county of Pope is established and bounded as follows: Beginning at the north-west corner of township one hundred and twenty-six, range forty; thence eastwardly on the line between townships one hundred and twenty-six and one hundred and twenty-seven, to the north-

Pope county.

east corner of township one hundred and twenty-six, range thirty-six; thence southwardly on the line between ranges thirty-five and thirty-six, to the south-east corner of township one hundred and twenty-three, range thirty-six; thence westwardly on the line between townships one hundred and twenty-two and one hundred and twenty-three, to the south-west corner of township one hundred and twenty-three, range forty; thence northwardly on the line between ranges forty and forty-one to the place of beginning.

Ramsey county.

SEC. 54. The county of Ramsey is established and bounded as follows: Beginning at the north-west corner of town thirty north of range twenty-three west of the fourth principal meridian; thence east on the line between townships thirty and thirty-one to the north-east corner of town thirty of range twenty-two; thence south on the line between ranges twenty-one and twenty-two to the south-east corner of section twenty-four in town twenty-eight of range twenty-two; thence west on the section line to the middle of the main channel of the Mississippi river; thence up the middle of said channel to the mouth of the Minnesota river; thence following the western channel of said Mississippi river, so as to include in Ramsey county the islands in said Mississippi river at and above the mouth of said Minnesota river, to the line between sections thirty-one and thirty-two of town twenty-nine in range twenty-three; thence north on the section line to the north-west corner of section five in said town; thence west on the north line of said town to the north-west corner thereof; thence north on the line between ranges twenty-three and twenty-four to the place of beginning.

Redwood county.
Laws of 1866 relating to county of McPhail

SEC. 55. The county of Redwood is established and bounded as follows: Beginning in the centre of the channel of the Minnesota river on the line between ranges thirty-three and thirty-four, west of the fifth meridian; thence south on said range line to the line between towns one hundred and eight and one hundred and nine; thence west on said township line to the western boundary of the state; thence north along said boundary line to the Bigstone lake; thence, following the main channel of the Minnesota river, to the place of beginning.

Renville county.
Laws of 1866.

SEC. 56. The county of Renville is established and bounded as follows: Beginning in the middle of the main channel of the Minnesota river on the line between townships one hundred and seventeen and one hundred and eighteen north, on the fifth principal meridian; thence west on said township line to the line between ranges thirty-six and thirty-seven; thence south on said range line to the line between townships one hundred and sixteen and one hundred and seventeen; thence east on said township line to the north-east corner of town one hundred and sixteen, of range thirty-six; thence south on the line between ranges thirty-five and thirty-six, to the line between townships one hundred and fourteen and one hundred and fifteen; thence east on said township line to the line between ranges thirty-one and thirty-two; thence south on said range line to the line between townships one hundred and eleven and one hundred and twelve; thence west on said township line to the centre of the main channel of the Minnesota river; thence up said channel, to the place of beginning.

Rice county.

SEC. 57. The county of Rice is established and bounded as follows: Beginning at the south-west corner of township one hundred and nine north, of range eighteen west of the fifth meridian; thence west on the line between towns one hundred and eight and one hundred and nine, to the line between ranges twenty-two and twenty-three; thence north on said range line to the township line between townships one hundred and twelve and one hundred and thirteen; thence east on said township line

to the line between ranges twenty and twenty-one ; thence south, on said range line to the north-west corner of section thirty-one of township one hundred and twelve, in range twenty ; thence east on the section line to the north-east corner of section thirty-six of town one hundred and twelve, in range nineteen ; thence south on the line between ranges eighteen and nineteen, to the place of beginning.

SEC. 58. The county of Rock is established and bounded as follows : Beginning at the intersection of the line between townships one hundred and four and one hundred and five, with the western boundary of the state ; thence eastwardly on said township line to the north-east corner of township one hundred and four range forty-four ; thence southwardly on the line between ranges forty-three and forty-four to the south-east corner of township one hundred and one, range forty-four ; thence westerly on the line between townships one hundred and one hundred and one, following the southern boundary of the state, to its intersection with the western boundary of the state ; thence due north along said boundary to the place of beginning.

Rock county.
Laws of 1866
changing name of
Rock to Lincoln.

SEC. 59. The county of Saint Louis is established and bounded as follows : Beginning at the south-west corner of township fifty north of range twenty-one west of the fourth meridian ; thence due north to the north boundary of the state ; thence east on the boundary line between the United States and British Possessions to a line drawn due north from the mouth of Knife river ; thence south on said line to the boundary between Minnesota and Wisconsin in Lake Superior ; thence following said boundary line and the main channel of the St. Louis river to the line between ranges fifteen and sixteen ; thence north on said range line to the line between townships forty-nine and fifty ; thence east on said township line to the place of beginning.

Saint Louis
county.

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SEC. 60. The county of Scott is established and bounded as follows : Beginning at the north east corner of township one hundred and twelve north in range twenty-one west of the fifth meridian ; thence west on the township line between townships one hundred and twelve and one hundred and thirteen to the middle of the main channel of the Minnesota river ; thence down said channel to the mouth of Credit river ; thence in a direct line to the place of beginning.

Scott county.

SEC. 61. The county of Sherburne is established and bounded as follows : Beginning in the centre of the main channel of the Mississippi river on the line between townships thirty-five and thirty-six ; thence east on said township line to the line between ranges twenty-five and twenty-six ; thence south on said range line to the centre of the main channel of the Mississippi river ; thence up said channel to the place of beginning.

Sherburne
county.

SEC. 62. The county of Sibley is established and bounded as follows : Beginning in the centre of the main channel of the Minnesota river on the line between townships one hundred and eleven and one hundred and twelve ; thence west on said township line to the line between ranges thirty-one and thirty-two ; thence north on said range line to the line between townships one hundred and fourteen and one hundred and fifteen ; thence east on said township line to the line between ranges thirty and thirty-one ; thence south on said range line to the line between townships one hundred and thirteen and one hundred and fourteen ; thence east on said township line to the line between ranges twenty-eight and twenty-nine ; thence north on said range line to the line between townships one hundred and fourteen and one hundred and fifteen ; thence east on said township line to the line between ranges twenty-five and twenty-six ; thence south on said range line to the north-west corner of section nine-

Sibley county.
Laws of 1866
detaching certain
counties from
McLeod county.

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

Stearns county.

SEC. 63. The county of Stearns is established and bounded as follows: Beginning in the centre of the main channel of the Mississippi river opposite the mouth of Clearwater river; thence up the middle of the main channel of said Clearwater river to the line between ranges twenty-eight and twenty-nine west of the fifth principal meridian; thence south to the north-east corner of section twenty-four of town one hundred and twenty-one of range twenty-nine; thence west on the section line to the south-west corner of section eighteen in said town; thence north on the west line of said town to the north-west corner of said town; thence west on the line between townships one hundred and twenty-one and one hundred and twenty-two to the line between ranges thirty-two and thirty-three; thence north on said range line to the line between towns one hundred and twenty-two and one hundred and twenty-three; thence west on said township line to the line between ranges thirty-five and thirty-six; thence north on said range line to the north-west corner of section thirty of town one hundred and twenty-seven in range thirty-five; thence east on the section line to the centre of the main channel of the Mississippi river nearly opposite the mouth of Platte river; thence down the centre of said channel to the place of beginning.

Steele county.

SEC. 64. The county of Steele is established and bounded as follows: Beginning at the south-east corner of town one hundred and five north of range nineteen west of the fifth principal meridian; thence west on the line between townships one hundred and four and one hundred and five to the line between ranges twenty-one and twenty-two; thence north on said range line to the line between townships one hundred and eight and one hundred and nine; thence east on said township line to the line between ranges eighteen and nineteen; thence south on said range line to the place of beginning.

Stevens county.

SEC. 65. The county of Stevens is established and bounded as follows: Beginning at the north-west corner of township one hundred and thirty, range forty-three; thence eastwardly on the line between townships one hundred and thirty and one hundred and thirty-one to the north-east corner of township one hundred and thirty, range forty-one; thence southwardly on the line between ranges forty and forty-one to the south-east corner of township one hundred and twenty-five, range forty-one; thence westwardly on the line between townships one hundred and twenty-four and one hundred and twenty-five, to the south-west corner of

township one hundred and twenty-five, range forty-three; thence northwardly on the line between ranges forty-three and forty-four to the place of beginning.

SEC. 66. The county of Todd is established and bounded as follows: Todd county.

Beginning in the centre of the main channel of the Mississippi river on the section line running parallel with, and two miles north of, the line between townships one hundred and twenty-six and one hundred and twenty-seven; thence west on said section line to the line between ranges thirty-five and thirty-six; thence north on said range line to the line between townships one hundred and thirty-three and one hundred and thirty-four; thence east on said township line to the line between ranges thirty-two and thirty-three; thence north on said range line to the centre of the main channel of Crow Wing river; thence down the centre of the main channel of said Crow Wing river and of the Mississippi river to the place of beginning.

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SEC. 67. The county of Traverse is established and bounded as follows: Traverse county.

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

SEC. 68. The county of Wabashaw is established and bounded as follows: Wabashaw county.

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

SEC. 69. The county of Wadena is established and bounded as follows: Wadena county.

Beginning at the south-west corner of township one hundred and thirty-four north, of range thirty-five west of the fifth principal meridian; thence north on the line between ranges thirty-five and thirty-six, to the north-west corner of town one hundred and thirty-eight, of range thirty-five; thence east on the line between townships one hundred and thirty-eight and one hundred and thirty-nine, to the north-east corner of town one hundred and thirty-eight, of range thirty-three; thence south on the line between ranges thirty-two and thirty-three to the south-east corner of town one hundred and thirty-four, of range thirty-three; thence west on the line between townships one hundred and thirty-three and one hundred and thirty-four, to the place of beginning.

Waseca county.

SEC. 70. The county of Waseca is established and bounded as follows: Beginning at the south-west corner of town one hundred and five, of range twenty-one west, of the fifth meridian; thence west on the line between towns one hundred and four and one hundred and five, to the south-west corner of town one hundred and five, of range twenty-four; thence north on the line between ranges twenty-four and twenty-five, to the north-west corner of town one hundred and eight, of range twenty-four; thence west on the line between townships one hundred and eight and one hundred and nine, to the north-east corner of town one hundred and eight, of range twenty-two; thence south on the line between ranges twenty-one and twenty-two, to the place of beginning.

Washington county.

SEC. 71. The county of Washington is established and bounded as follows: Beginning in the middle of the main channel of the Mississippi river on the line between sections twenty-three and twenty-six, of town twenty-eight north, in range twenty-two west; thence east on said section line to the line between ranges twenty-one and twenty-two; thence north on said range line to the line between townships thirty-two and thirty-three; thence east on said township line to the centre of the main channel of the St. Croix river; thence down the middle of said channel and of St. Croix lake to the Mississippi river; thence up the middle of the channel of said Mississippi river, to the place of beginning.

Watonwan county.

SEC. 72. The county of Watonwan is established and bounded as follows: Beginning at the north-east corner of town one hundred and seven, of range thirty, west of the fifth meridian; thence west on the line between townships one hundred and seven and one hundred and eight to the line between ranges thirty-three and thirty-four; thence south on said range line to the line between townships one hundred and four and one hundred and five; thence east on said township line to the line between ranges twenty-nine and thirty; thence north on said range line to the place of beginning.

Winona county.

SEC. 73. The county of Winona is established and bounded as follows: Beginning at the south-west corner of township one hundred and five north of range ten west; thence north on the line between ranges ten and eleven to the line between townships one hundred and eight and one hundred and nine; thence east on said township line to the centre of the main channel of the Mississippi river; thence down along the middle of said channel to the line between townships one hundred and four and one hundred and five; thence west on said township line to the place of beginning.

Wright county.

SEC. 74. The county of Wright is established and bounded as follows: Beginning at the most northern intersection of the Clearwater river with the line between ranges twenty-eight and twenty-nine; thence south on said range line to the line between townships one hundred and seventeen and one hundred and eighteen; thence east on said township line to the line between ranges twenty-four and twenty-five; thence north on said range line to the centre of the main channel of the south branch of Crow river; thence down the middle of said channel, and of the main channel of Crow river to the Mississippi river; thence up the middle of the main channel of the Mississippi river and of the Clearwater river to the place of beginning.

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TITLE II.

ORGANIZATION, POWERS AND DUTIES.

SEC. 75. Each organized county within this state is a body politic and corporate, and, as such, empowered to act for the following purposes: Powers of counties. 8 Min. 496.

First. To sue and be sued.

Second. To purchase and hold real and personal estate for the use of the county, and lands sold for taxes, as provided by law, and to purchase and hold for the benefit of the county, real estate sold by virtue of judicial proceedings in which the county is plaintiff.

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

Fourth. To make all contracts and do all other acts in relation to the property and concerns of the county, necessary to the exercise of its corporate powers.

SEC. 76. All real and personal estate conveyed by any form of conveyance, to any county, or the inhabitants thereof, or to any person for the use and benefit thereof, or its inhabitants, shall be deemed to be the property of such county; and all such conveyances have the same force and effect as if they were made to the inhabitants of such county by their corporate name. May hold real estate.

SEC. 77. The powers of the county, as a body politic and corporate, can only be exercised by the board of commissioners thereof, or in pursuance of a resolution by them adopted. Powers exercised by board of commissioners.

SEC. 78. Each county organized for judicial purposes, shall provide a suitable court house, and a suitable and sufficient jail, and fire-proof offices and other necessary buildings, and keep the same in good repair. County to provide suitable buildings.

SEC. 79. When any action is commenced against a county, the process shall be served on the clerk of the board of county commissioners, either during a session of the board, or so that a session shall be held at least ten days before the return day of such process, and the said clerk shall forthwith notify the county attorney for said county, and lay before the board of commissioners at their next annual meeting all the information he may have in regard to such action. The inhabitants of a county suing or being sued, may be jurors or witnesses, if otherwise competent or qualified according to law. Process, how served.

SEC. 80. In all actions or proceedings by or against a county, the name in which the county shall sue or be sued, shall be "the board of county commissioners of the county of _____," (the name of the county); but this provision shall not prevent other county officers, when authorized by law, from suing in their name of office for the benefit of the county. Who may be jurors and witnesses.

SEC. 81. When the claim of any person against a county is disallowed in whole or in part by the board of county commissioners, such person may appeal from the decision of such board to the district court in the same county by causing a written notice of such appeal to be filed in the office of the county auditor within thirty days after the decision appealed from was made, upon giving security for costs, to be approved by the county auditor. When the claim of any person against a county is allowed in whole or in part by the board of county commissioners, no order shall be issued in payment of such claim or any part thereof until the expiration of thirty days from the date of the decision; and the county attorney Actions, how brought.

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may in any case, and if the amount allowed exceeds twenty-five dollars he shall, upon the request of seven tax-payers of the county, on behalf of and in the name of such county, appeal from the decision of such board to the district court in the same county, by causing a written notice of such appeal to be filed in the office of the county auditor within thirty days after the date of the decision appealed from; and thereafter no order shall be issued in payment of any part of such claim, until the judgment of the district court in the proceedings shall be certified and filed in the office of the county auditor. When notice of appeal is filed as aforesaid, the district court shall have jurisdiction of the parties and of the subject matter of the proceeding and may compel a return to be made in the same manner as in case of an appeal from a judgment of a justice of the peace.

Proceedings on appeal.

SEC. 82. Upon an appeal being taken as provided in the preceding section, the county auditor shall without any fee or charge for such service, within ten days thereafter, file in the office of the clerk of the district court in the same county, a certified copy of the claim and a transcript from the record in the auditor's office of the action of the commissioners thereon, with a copy of the notice of appeal and the date of the filing thereof in his office. In case of an appeal by a claimant, the county auditor shall immediately notify the county attorney thereof. The proceeding shall be put upon the trial calendar among the issues of fact for trial at the next general term of the district court in the county, holden after eight days from the date of the appeal; and on or before the second day of such term, the court shall direct pleadings to be made up as in civil actions, and thereon the proceeding shall be tried, all questions of law arising on the case being summarily heard and determined upon the same pleadings; the issues of fact shall be tried as other issues of fact are tried in the same court, and judgment rendered and perfected as in civil actions; but no execution shall issue thereon, except for the collection of a counter claim, or the collection of costs and disbursements, in case of a judgment therefor against a claimant. An appeal from the judgment of the district court may be taken to the supreme court, as in civil actions, within thirty days after the actual entry of the judgment; if no appeal is taken within that time, a certified copy of the judgment shall be filed in the office of the county auditor, and if an appeal is taken to the supreme court, the determination of that court shall be certified to the district court and judgment entered in accordance therewith, and that judgment certified to and filed in the office of the county auditor. In all of which cases, after a certified copy of the judgment is filed in the office of the county auditor, orders shall be drawn on the county treasury in payment of any judgment in favor of a claimant; and execution may issue out of the district court for the collection of any costs against a claimant: *provided*, that in any case where costs are awarded against a claimant, and there is any allowance on the claim in his favor, the amount of such costs shall be deducted from such allowance; and in any case of an appeal the county may in the district court interpose as a counter claim any demand which the county has against such claimant and have execution for the collection of any judgment in its favor.

Judgment, how collected.

SEC. 83. When any judgment is recovered against the board of commissioners of any county, or against any county officer, in any action prosecuted by or against him in his name of office, where the same is to be paid by the county, no execution shall be awarded or issued upon such judgment except as herein provided; but, unless reversed, the amount of such judgment shall be levied and collected as other county charges, and when so collected shall be paid by the county treasurer to the person in whose favor such judgment was rendered, upon the delivery of a proper

voucher therefor; but if payment is not made in thirty days after the time the collector of taxes is required by law to make his return of county taxes, next after the rendition of such judgment, then execution may be issued on such judgment, but the property of the county only is liable thereon: *provided*, that if at the time of the rendition of such judgment, there are sufficient funds belonging to the county in the treasury, the treasurer shall pay the same upon application being made to him by the person in whose favor such judgment was rendered, his agent or attorney.

TITLE III.

COUNTY COMMISSIONERS.

1891-157

SEC. 84. Every county shall be deemed an organized county for the purposes of this title, and shall have a board of county commissioners. In those counties which poll eight hundred votes or more, the said board shall consist of five members, and in all other counties of three members, whose term of office shall be three years, and until their successors are elected or appointed and qualified.

Organized county to have board of commissioners.

SEC. 85. The counties which are organized into townships, shall be divided into a number of districts equal to the number of members constituting the board of commissioners of each county, respectively, and numbered in numerical order. The said districts shall be bounded by township or ward lines, be composed of contiguous territory, and contain as nearly as practicable, an equal population. The board of commissioners may re-district their counties respectively, after each United States or state census, taking the population as shown by their said census as the basis.

Counties with township organization to be divided into districts

SEC. 86. In each of said districts one commissioner shall be elected by the electors thereof, who shall, at the time of his election, be a resident of said district, and shall reside therein during his continuance in office; and the election of said commissioner shall be conducted in all respects like that of other county officers, and the returns made and certified to in like manner to the county auditor, who shall proceed to canvass the votes according to law, and issue certificates of election to the persons entitled to the same.

Commissioners for each district.

SEC. 87. Every county which has not a township organization, shall be divided into three commissioner districts, which shall contain as near an equal number of electors as convenient, and in one of each of said districts, a commissioner shall be elected, and the person elected from district number one shall hold his office for the term of one year; the person elected from district number two shall hold his office for the term of two years; and the person elected from district number three shall hold his office for the term of three years: and a commissioner shall be elected annually thereafter, for the term of three years: *provided*, that if the county commissioners are not elected as herein provided for, they shall be appointed by the governor from the qualified electors of the said county, and shall qualify in the same manner as commissioners elected in accordance with general laws.

Counties without township organization to be divided into three districts.

SEC. 88. At the first election, when the board of county commissioners will consist of five members, the person elected from district number one shall hold his office for one year, the persons elected from districts number two and three, for two years, and the persons elected from districts number four and five, for three years, and thereafter, the commissioners

Commissioners, term of office.

elected shall hold for the term of three years; and in every county, where the board of county commissioners will consist of three members, the person elected from district number one shall hold his office for one year, the person elected from district number two for two years, and the person elected from district number three for three years, and a commissioner shall be elected annually thereafter for three years.

Districting, on what based.

SEC. 89. For the first districting under this chapter, and for any re-districting to increase the number of commissioners from three to five, rendered necessary in consequence of increase of population, the votes cast at the last annual election shall be taken as the basis, but this shall not apply to a re-districting based upon any census taken under the authority of the United States or of this state.

Election, proceedings in case of a tie.

SEC. 90. If the requisite number of county commissioners is not elected by reason of two or more persons having an equal number of votes for the said office, the auditor shall give notice in writing to the persons so having an equal number of votes, to attend at the office of the auditor, at a time to be appointed by the said auditor, who shall then and there proceed publicly to decide by lot which of said persons shall be declared duly elected, and the said auditor shall make and deliver to the person thus declared duly elected, a certificate of his election as hereinbefore provided.

Commissioner to take oath.

SEC. 91. 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 constitution of this state, and faithfully and impartially to discharge the duties of his office as such commissioner, before any person authorized to administer oaths, which oath shall be certified on the back of such certificate, by the person administering the same, and said certificate so indorsed shall be filed with the clerk of the district court of the proper county, and thereupon, said commissioner shall enter upon the duties of his office.

Fees.

1873-164

SEC. 92. The county commissioners shall each receive three dollars per day for each day they are necessarily employed in transacting the county business, and six cents per mile for every mile traveled in going to or returning from the meeting of the county board, in the discharge of any official duty, computed by the nearest traveled route. But no county commissioner shall receive pay for more than twenty days in any one year, or be entitled to traveling fees for attendance on more than six sessions in any one year.

Quorum.

SEC. 93. A majority of the board of commissioners shall be a quorum; but no business shall be done unless voted for by a majority of the whole board.

Sessions of board.

1874-220

SEC. 94. The board of commissioners shall meet at the county seat of their respective counties, for the purpose of transacting such business as may devolve upon or be brought before them, on the first Tuesday of January and September in each year, and may hold such extra sessions as they deem necessary for the interest of the county. Such extra session shall be called by a majority of the board, and the clerk shall give at least ten days notice thereof to the commissioners, but no regular session shall continue longer than six days and no extra session longer than three days.

Vacancies, how filled.

SEC. 95. Whenever there is a vacancy in the office of county commissioner from death, resignation or otherwise, and the interests of the county require such vacancy to be filled before the next annual election, the probate judge, auditor and register of deeds of such county, or a majority of them, shall meet at the county seat and fill such vacancy, and the person so appointed shall continue in office until the next annual

election, and until the commissioner then elected is qualified and no longer; and the absence of any commissioner from the county for six months in succession, shall be deemed a resignation of office.

SEC. 96. The commissioners shall have and use the seal of the auditor of their county as their common seal, and copies of their proceedings when signed, sealed and attested, as provided by law, shall be evidence of such proceedings in any of the courts of this state.

Commissioners to have seal.

SEC. 97. The commissioners, at their annual session in January, or at their first session in each year, shall elect one of their number as chairman, who shall preside at the meetings of the board, and sign all documents requiring the signature of the board, and the signature of such person, as chairman of the board of commissioners, attested by the auditor, shall be as legal and binding as if the entire board had affixed their names: *provided*, that in case the chairman so elected, is absent at any meeting of the board, all documents requiring the signature of the board, shall be signed by all the members present.

To choose chairman.

SEC. 98. The board of commissioners, at their annual meeting in January, shall select from the qualified electors of the several election districts of their respective counties, or of the counties attached thereto for judicial purposes seventy-two persons, properly qualified, to serve as grand jurors, and the same number of persons, properly qualified, to serve as petit jurors, and shall make out separate lists thereof, which lists shall be certified and signed by the chairman of the board, attested by the clerk, and shall be forthwith delivered to the clerk of the district court: *provided*, that if in any county the county commissioners are not able to select the number required by this section for grand and petit jurors, they shall select a less number, and the highest number possible.

To select jurors in January.

SEC. 99. If for any cause such list is not made and delivered as aforesaid, by the board of county commissioners at their annual meeting in January, they shall make out and deliver the same as aforesaid, at any regular or special session thereafter.

May select at any session, when.

SEC. 100. In preparing such list the board of county commissioners shall select such persons as they know, or have good reason to believe are possessed of the qualifications of jurors and not exempt by law.

To select persons properly qualified.

SEC. 101. The board of commissioners shall provide offices for the sheriff, the register of deeds, and the 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, the clerk of the district court, 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; but said commissioners shall not appropriate for books, stationery and furniture to any one office in any one year more than one hundred dollars.

Shall provide books, &c., for county officers.

1870-104
1873-164

SEC. 102. In case the office of register of deeds becomes vacant by death, resignation or otherwise, the said board shall meet forthwith, at the place where their next regular meeting would be held, and appoint some suitable person to perform the duties of the said office until the next annual election, and until his successor is duly elected and qualified.

Shall appoint successor to register of deeds.

1872-125

SEC. 103. The board of commissioners on the ~~second~~ Tuesday of March annually, shall make a full and accurate statement of the receipts and expenditures of the preceding year, which statement shall contain a full and correct description of each item, from whom, and on what account received, to whom paid, and on what account expended, together with an accurate statement of the finances of the county at the end of the fiscal year, including all debts and liabilities of every description, and the assets and the other means to discharge the same, and shall within thirty days,

Shall make annual statement of receipts and expenditures

thereafter, have the same posted up at the court house door, and at two other public places in their county, and published in some newspaper therein, if there is one, for three successive weeks. Said board shall at its meeting in September and January of each year, examine and count all the funds in the treasury, and shall examine the accounts and vouchers of the auditor and treasurer, and make a written certificate of the condition of the treasury, and file the same with the auditor, showing how much money, and what kind, is in the treasury, and all other matters in connection therewith.

Shall examine accounts, organize and vacate towns.
6 Min. 133.

1869-43

SEC. 104. Said board have full power to examine and settle all accounts of the receipts and expenditures of the county, and shall have the care of the county property and the management of the county funds and business, except in cases otherwise provided for, but shall exercise no other powers than such as are given by law. Such board shall, in addition to the powers above enumerated, have power to set off, organize, and vacate towns, and change the boundaries thereof in their respective counties, to designate the time and place of holding the first election therein, and make all necessary orders for the disposition and preservation of the records of any town which may be vacated by said board: *provided*, that no town shall be vacated, nor any town with an area of thirty-six sections or less be divided or have any part stricken therefrom without first submitting the question to a vote of the electors of the town.

Shall appoint assessors.

SEC. 105. The board of commissioners of any county, not divided into towns, shall at their stated meetings in said county in each year, divide their county into road and assessment districts, and appoint a person of suitable qualifications as assessor for each district, and one as overseer of roads in each road district, who shall reside within the limits thereof, and shall respectively possess the powers and perform the duties of a town assessor and a town overseer of roads, and shall each hold his office for the term of one year.

Shall establish election districts.

SEC. 106. The commissioners of such county shall at their stated meetings in January and September, upon the petition of not less than ten legal voters, not residing within ten miles of any established election district, create and establish within said county an election district, at such point as will be most convenient for the persons so petitioning; but no place of holding elections shall be located in said election district within ten miles of any other place of holding elections previously established, nor shall the commissioners create any election district, except at the time of their stated meetings, and then only in compliance with the request of ten or more legal voters residing not less than ten miles from any established election district.

Shall appoint judges of election.

SEC. 107. The board of commissioners of such county at their session last before an election, shall appoint judges of election for each election district, and thereupon cause notice to be posted in at least three of the most public places in such county, containing a complete list of all such election districts, with the names of the several judges of election in each election district.

Officers to be elected.

SEC. 108. There shall be elected in each of such election districts, at the general state election, two justices of the peace and two constables, who shall hold their respective offices for the term of two years, and until their successors are elected and qualified, and shall take the oath of office and execute the bond required of town justices and constables, such bond [to be] approved by the chairman of the county board; and any vacancies that may occur in either of said offices, shall be filled by appointment of the county board.

Official oaths and papers, where filed.

SEC. 109. The official oaths and other papers required by law to be

filed in the office of town clerk, shall in all counties not divided into towns, be filed with the register of deeds for such county.

SEC. 110. No county commissioner shall receive any money or other valuable thing as a condition or inducement to voting for any contract under consideration of the board, nor shall he become a party to, or interested in, directly or indirectly, any contract made by the board; and every contract voted for or made contrary to the provisions of this section is void.

Commissioner not to take fee, nor be interested in contract.

TITLE IV.

COUNTY AUDITORS.

SEC. 111. There shall be elected in each organized county a county auditor, who shall hold his office for two years from the first Monday of March next succeeding his election, and until his successor is elected and qualified, and shall keep his office at the county seat.

Each county to elect auditor.

SEC. 112. Each county auditor, previous to entering upon the duties of his office, shall give bond to the state of Minnesota with two or more sureties, to be approved by the board of county commissioners in such penal sum, not less than two thousand dollars nor more than twenty thousand dollars, as the said commissioners require, conditioned for the faithful discharge of the duties of his office, and shall also take and subscribe the oath required by law, to be endorsed upon the said bond, which bond so endorsed, shall be filed and recorded in the office of register of deeds.

Auditor to give bond and take oath.

SEC. 113. If any county auditor fails to make settlement, or pay over all moneys with which he stands charged, at the time and in the manner prescribed by law, or misapplies any money which comes into his possession in the discharge of his official duties, the county commissioners shall commence an action against such auditor and his sureties, in the district court of said county, or other court of competent jurisdiction. Whenever an action is commenced against any delinquent county auditor in manner aforesaid, the commissioners of such county may at their discretion remove such auditor from office, and appoint some person to fill the vacancy thereby created until the next general election, and until a successor is elected and qualified.

Neglect of duty — penalty.

1871-152

SEC. 114. An action may be brought against the county auditor and his sureties in the name of the state of Minnesota, and for its use or for the use of any county or person injured by the misconduct in office of the auditor, or by the omission of any duty required of him by law.

Action against, how brought.

SEC. 115. If any person elected to the office of county auditor shall not give bond and take the oath aforesaid, on or before the first Monday of March next after his election, it shall be deemed a refusal to serve.

Effect of failure to qualify.

SEC. 116. When from any cause a vacancy happens in the office of county auditor, the board of county commissioners shall appoint some suitable person to fill such vacancy, and the person so appointed shall give bond, and take and subscribe the oath aforesaid, and shall hold his office until the next annual election, and until his successor is elected and qualified.

Vacancy, how filled.

SEC. 117. When any county auditor, having no deputy, is unable, by reason of sickness, or from any other cause, to perform the duties of his office, within the time specified by law for their performance, or when both the auditor and his deputy are so disabled by sickness or otherwise, the board of county commissioners shall appoint some suitable person to

Temporary disability, how provided for. 10 Min. 369.

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COUNTIES AND COUNTY OFFICERS.

[CHAP.]

do and perform the duties of county auditor, during such disability, and may require of the person so appointed such bond and security for the faithful discharge of the duties of the appointment, as they deem expedient.

Who ineligible. SEC. 118. No county commissioner, county surveyor, or county treasurer, is eligible to the office of county auditor.

May appoint deputy. SEC. 119. County auditors are authorized to appoint deputy auditors, by a certificate in writing, who shall, before entering upon the duties of their office, take and subscribe the oath required by law, which oath shall be endorsed on the certificate of appointment, and filed in the office of the register of deeds. Such deputies are authorized to sign all papers and do all other things which county auditors themselves may do. The county auditors shall be responsible for the acts of their deputies, and may revoke their appointment at any time. They shall require bonds of their deputies in such amounts and with such sureties as they may deem proper.

Shall be clerk of board. SEC. 120. The county auditor shall, by virtue of his office, be clerk of the board of county commissioners of his county, and keep an accurate record of their official proceedings, and carefully preserve all the documents, books, records, maps and other papers, required to be deposited or kept in his office.

Shall deliver money, books, papers, &c., to successors. SEC. 121. On going out of office he shall deliver up to his successor in office all the moneys, books, records, maps, documents, papers, vouchers, and other property in his hands belonging to the county; and in case of the death of any county auditor, his personal representatives shall, in like manner, deliver up all such books, moneys, records, maps, documents, and other property.

Keep account with treasurer. SEC. 122. He shall keep an accurate account current with the treasurer of his county, and when any person shall deposit with the auditor any receipt given by the treasurer for any money paid into the treasury, the auditor shall file such receipt in his office, and charge the treasurer with the amount thereof.

Claims, how allowed. SEC. 123. No claims against the county shall be paid otherwise than upon the allowance of the county commissioners upon the warrant of the chairman of the board, attested by the county auditor, except in those cases in which the amount due is fixed by law, or is authorized to be fixed by some other person or tribunal, in which cases the same shall be paid upon the warrant of the county auditor, upon the proper certificate of the person or tribunal allowing the same: *provided*, that no public money shall be disbursed by the county commissioners, or any of them, but the same shall be disbursed by the county treasurer, upon the warrant of the chairman of the board of county commissioners, attested by the county auditor, specifying the name of the party entitled to the same, on what account, and upon whose allowance, if not fixed by law; and all such orders shall be progressively numbered, and the number, date, and amount of each, and the name of the person to whom payable, and the purpose for which drawn, shall, at the time of issuing the same, be entered in a book to be kept by the auditor for that purpose.

Money, how disbursed. SEC. 124. The county auditor shall receive an annual salary to be fixed and determined by the board of county commissioners, and shall receive no other fee or reward for his services; but, if said auditor receives fees and perquisites, as provided by law, for the use of the county, he shall keep an account thereof, and pay the same into the county treasury upon the order of the chairman of said board.

Salary—fees.

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1868-58

1868-59

1869-47

1871-153

TITLE V.

COUNTY TREASURERS.

SEC. 125. In each county there shall be elected a county treasurer, whose term of office shall commence on the first day of March next succeeding his election, and continue for two years, and until a successor is elected and qualified. Each county to elect treasurer.

SEC. 126. The county treasurer, before he enters upon the duties of his office, shall take the oath required by law; which oath shall be subscribed and certified on the back of the certificate of his election, and filed and recorded in the office of the register of deeds; and he shall give bond with two or more sureties, freeholders, to be approved by the board of county commissioners, and in such sum as they direct, payable to the state of Minnesota, and conditioned for the safe keeping and paying over according to law, of all moneys which come into his hands for state, county, township, school, road, bridge, poor, town and all other purposes; which bond shall be filed and recorded in the office of the register of deeds in said county. Treasurer to take oath and give bond.

SEC. 127. If any person elected to the office of county treasurer, shall not give bond and take oath, as required by the preceding section, on or before the fifteenth day of January next succeeding his election, it shall be deemed a refusal to serve. Effect of failure to qualify.

SEC. 128. In case of a vacancy in the office of county treasurer, by death, resignation or otherwise, the board of county commissioners shall appoint some suitable person, a resident and qualified elector of their county, to be treasurer, who shall file the bond and take the oath prescribed by section one hundred and twenty-six aforesaid, and shall hold the office until a county treasurer is elected and qualified: *provided*, that no person who holds the office of county attorney, sheriff, register of deeds, county auditor, or county commissioner, at the time of said election, shall be eligible to said office of county treasurer. Vacancy, how filled.

SEC. 129. Each county treasurer shall keep his office at the county seat, and shall keep a fair and accurate account of all moneys by him received, showing the amount thereof, the time when, by whom, and on what account paid. He shall keep his books so as to show the amount received and paid on account of separate and distinct funds, or appropriations, which he shall exhibit in separate accounts: *provided*, that no money received for taxes charged in the duplicate of the current year, shall be entered by the treasurer on his account with the county until he makes his annual settlement with the county auditor and commissioners in each year. The treasurer's books shall be provided at the expense of the county. Who are ineligible.

SEC. 130. The county treasurer shall receive all moneys directed by law to be paid to him as such treasurer, and shall pay them out only upon the order of the proper authority. All moneys belonging to the county shall be paid out upon the order of the board of county commissioners, signed by the chairman thereof, and attested by the county auditor, and not otherwise. All moneys due the state, arising from the collection of taxes, or other sources, shall be paid upon the draft of the state auditor drawn in favor of the state treasurer, a duplicate copy of which the state auditor shall forward to the county auditor, who shall preserve the same and credit the county treasurer with the amount thereof. Treasurer to have office at county seat, and keep books.

SEC. 131. When any money is paid to the county treasurer (excepting that paid on account of taxes charged on the duplicate) the treasurer Shall receive and pay out moneys.

Give duplicate receipts.

1873-156 shall give to the person paying the same, duplicate receipts therefor; one of which such person shall forthwith deposit with the county auditor, in order that the county treasurer may be charged with the amount thereof.

Exhibit accounts to commissioners.

SEC. 132. On the last day of February and tenth day of October in each year, the treasurer shall exhibit his accounts since the last settlement, balanced to said day, to the board of commissioners and county auditor, and in the event of the board of commissioners not being in session, then to the county auditor alone, showing all the moneys received and disbursed by him since his last settlement, and the balance remaining in his hands. The books, accounts and vouchers of the treasurer, and all moneys remaining in the treasury, shall at all times be subject to the inspection and examination of the board of county commissioners, or any committee thereof.

Shall make settlement, when.

SEC. 133. The county treasurer shall, on the last day of February and on the tenth day of October in each year, make settlement with the board of commissioners, or with the county auditor of his county, and at such settlement in February return to said auditor the tax duplicate for the current year, showing the amount which remains unpaid thereon.

Shall settle with auditor, when.

SEC. 134. The county treasurer shall, on the last day of February, the fifteenth day of June, and the tenth day of October in each year, make settlement with the auditor of his county, and on the fifteenth day of March and the first day of November in each year, the county treasurer shall send by express, from the nearest public express office, to the state treasurer, all moneys by him received for state purposes, according to the last certificate of settlement with the auditor of his county, and the state auditor is hereby authorized to draw upon any county treasurer, in favor of the treasurer of state, for any money in the county treasury belonging to the state, at any time after the June settlement in each year, as herein provided for; and the county treasurer shall pay such drafts to an amount equal to the June certificate of settlement with the auditor of his county, and the state treasurer shall give duplicate receipts for the moneys so paid, one of which he shall deposit with the state auditor. And the county treasurer is hereby required to pay over to any town, city or school district treasurer, any money found to be in the county treasury, at either of the within named settlements, belonging to any town, city, road, or special school fund, or other fund, in the manner required by law.

Failure to settle—penalty.

SEC. 135. If any county treasurer fails to make settlement with the state treasurer within fifteen days of the time herein prescribed, he shall forfeit and pay the sum of one hundred dollars, in addition to the penalties provided in the next section, to be recovered in a civil action, which forfeiture shall be paid into the state treasury to the credit of the common school fund: *provided*, that the auditor of state at any time before an action is commenced, may for good cause shown, remit said penalty.

Action against.

SEC. 136. If any county treasurer fails to make return or settlement, or to pay over all money with which he stands charged, at the time and in the manner prescribed by law, the county auditor, on receiving instructions for that purpose from the auditor of state, or from the county commissioners of his county, shall cause an action to be commenced against such treasurer and his sureties, in the district court of his county; and judgment may be rendered therein against them for the amount due from such treasurer with interest and a penalty of ten per centum thereon.

May be removed, when.

SEC. 137. Whenever an action is commenced against any delinquent county treasurer, as aforesaid, the county commissioners may, at their discretion remove such treasurer from office, and appoint some one to fill the vacancy thereby created, as hereinbefore provided.

SEC. 138. The sheriff or other officer who collects any money from a delinquent county treasurer or his sureties, shall, within ten days after the collection thereof, pay the same into the treasury of the county to which such money is due.

Sherrif to pay over money collected of delinquent treasurer.

SEC. 139. If any sheriff or other officer, to whom an execution against a delinquent treasurer and his sureties is delivered, neglects or refuses to execute the same, or neglects or refuses to pay over any money collected thereon, as required in the preceding section, he and his sureties shall be liable to the same penalties, and shall be proceeded against in the same manner as is herein provided in relation to delinquent treasurers.

Officer refusing to execute process—penalty.

SEC. 140. If the deputy treasurer fails to pay over to his principal, on demand, any taxes or other money by him collected as deputy treasurer, the same proceedings may be had against him and his sureties at the instance of the treasurer, as are by this title authorized against treasurers for failing to make payment according to law.

Deputy treasurer, proceedings against.

SEC. 141. The county commissioners may require the county treasurer to give a new bond with sureties to be approved by them, whenever in the opinion of a majority of said commissioners, the sureties, or any of them, on the original bond are deemed insufficient for any cause, and may also require a new bond with sureties to be approved by them, whenever the penalty of such original bond is deemed insufficient: *provided*, that when a new bond is taken under the provisions of this section, the original bond and the rights and liabilities of the parties thereto, incurred or existing at or prior to the time of the approval and acceptance of such new bond, shall not be anyway affected or impaired.

New bond may be required.

SEC. 142. If any county treasurer fails or refuses to give such additional bond, for and during the time of ten days from and after the day on which said commissioners require said treasurer so to do, his office shall be considered vacant, and another treasurer shall be appointed agreeably to the provisions of section one hundred and twenty-eight of this title.

Effect of failure to give new bond.

SEC. 143. No county treasurer or deputy county treasurer shall either directly or indirectly contract for or purchase any orders or warrants issued by the county of which he is treasurer, or any state warrants or town orders, or of any city, town or other body politic for which he is the collector of taxes, at any discount whatever, upon the sum due on such orders or warrants; and if any treasurer or deputy treasurer directly or indirectly contracts for, purchases, or procures any such orders or warrants, at any discount whatever upon the sum for which the same are respectively issued, he shall not be allowed on settlement the amount of said warrants or orders, or any part thereof, and shall also forfeit the whole amount due on such warrants or orders, and shall also forfeit the sum of one hundred dollars for each and every breach of the provisions of this section, to be recovered in a civil action at the suit of the state for the use of the county. And the treasurer of state or the person to whom the county treasurer of any county is required to return the state, county, township, city, town, village, school or road tax, is hereby respectively prohibited from receiving from any county treasurer any orders, warrants or bonds in payment of taxes collected by him or his deputies, unless with said orders, warrants or bonds, said county treasurer shall file his affidavit with the treasurer of state or the person entitled to receive said tax, stating therein that all such orders, warrants and bonds were received at their par value; and whoever swears falsely in such affidavit is guilty of perjury, and upon conviction shall be punished by confinement in the state prison not more than three years.

Not to be interested in contract for warrants or orders—penalty.

SEC. 144. If any county treasurer loans any money belonging to his

Penalty for loaning county funds.

county, with or without interest, or uses the same for his own individual purpose, he shall forfeit and pay for every such offense a sum not exceeding one thousand dollars nor less than five hundred dollars, to be recovered in a civil action at the suit of the state, for the use of the county, city, town or body politic injured.

Shall publish statement of county affairs.

SEC. 145. The treasurer and auditor of every county conjointly shall make out and cause to be published in at least one newspaper of general circulation in the county in and for which they are such treasurer and auditor, a statement of the exact amount of money remaining in the treasury of such county on the last day of February and tenth day of October in every year, and oftener if the commissioners of the county direct, particularly specifying in such statement the amount belonging to each particular fund, together with all other property, bonds, securities, claims, assets and effects belonging to the county, in the custody or under the control of such treasurer. Such statement shall be signed by said county treasurer and auditor, and the expense of such publication shall be paid out of the county treasury, on warrants drawn by the chairman of the board of county commissioners, and attested by the county auditor, particularly specifying the same; and if at any time it is found that such statement was untrue or false, in regard to the amount of money or other property then on hand and in the treasury, the said treasurer and said auditor making the same shall, without regard to lapse of time, be deemed guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars.

May prosecute appeal bonds.

SEC. 146. The treasurers of the several counties may, in their official capacity, prosecute to final judgment and execution, all actions on bonds, notes, or other securities given to them or their predecessors in office, and all actions commenced by their predecessors in office, and pending at their removal therefrom.

Shall pay and deface orders. 4 Min. 104.

SEC. 147. The county treasurer when any order drawn on him as treasurer, by the auditor of the county, signed by the chairman of the board of county commissioners, is presented for payment, shall, if there is money in the treasury for that purpose, redeem the same, and shall write on the face of such order "redeemed," the date of the redemption, and sign his name thereto. County orders properly drawn and attested shall be entitled to preference as to payment, according to the time when presented; and upon the receipt of money into the treasury, the treasurer shall appropriate and set apart the money necessary for the payment of the county orders so presented.

Shall deposit orders.

SEC. 148. He shall, on the last day of February and the 10th day of October, in each year, deposit with the auditor of his county, all orders on the treasury by him redeemed, and take the auditor's receipt therefor, the said orders being at that time, and in presence of the treasurer, so far canceled by the auditor as to prevent their being again issued.

Shall be allowed express charges, when.

SEC. 149. Express charges shall be paid for forwarding state moneys, and mileage allowed to each county treasurer for traveling fees in going to and returning from the nearest express office, in order to send by express to the state treasurer, the moneys received by him for state purposes, at the rate of ten cents per mile, to be computed by the auditor of state, according to the distance on the nearest post route.

Fees.

SEC. 150. Each county treasurer shall be allowed, at the time of his settlement, for his services, three per cent. on all moneys by him collected, excepting that on which some other rate of compensation is fixed by law, and shall be credited with the sum paid by him for printing such advertisements as he is required to publish, at the rates prescribed by law, and

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1871 - 157
1873 - 159

with the sum paid by him for blank books and stationery, necessarily used in his office: *provided*, that no compensation shall be allowed to the treasurer on any moneys received from his predecessor in office, or his legal representatives: *provided further*, that the county treasurer shall receive for his services in counties where the annual tax collected is ten thousand dollars or less, five per cent.; on all sums collected over ten thousand and less than twenty thousand dollars, four per cent.; and when the amount collected is over twenty thousand dollars, three per cent. thereon: *provided also*, that the county treasurers shall receive one per cent. as fees, for receiving and disbursing all moneys on account of the sales of school lands, or the payment of interest on school lands. And for offering for sale all tracts of land in pursuance of section twenty-three, of an act entitled "an act prescribing the duties of county auditors," approved March 6th, 1860, they shall receive from the county three dollars per day, for a time not to exceed eight days.

SEC. 151. Each county treasurer on going out of office shall deliver to his successor in office all the public money, books, accounts, papers and documents in his possession; and in case of the death of any county treasurer, his legal representatives shall in like manner deliver up all such moneys, books, accounts, papers and documents as come into their possession.

Shall deliver money, books, &c., to successor.

TITLE VI.

REGISTERS OF DEEDS:

SEC. 152. In each county there shall be elected a register of deeds whose term of office shall be two years and until his successor is elected and qualified.

Each county shall elect register of deeds. 1868

SEC. 153. Every register of deeds, before he enters upon the duties of his office, shall take and subscribe the oath prescribed by law; which said oath shall be indorsed 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 is attached for judicial purposes; and he shall also give a bond, payable to the State of Minnesota, with good and sufficient sureties, in the penal sum of one thousand dollars, to be approved by the board of commissioners of his county, conditioned that he will faithfully and impartially fulfill the duties of his office.

Shall take oath and give bond.

SEC. 154. 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, shall deliver over promptly, all books, records, papers, and other property pertaining to his office; and if, on such application, he refuses to surrender up all books, records, and other property and papers belonging to said office, he shall forfeit and pay to the use of the proper county, fifty dollars for each and every day he so refuses, which may be recovered in an action brought upon his official bond.

Shall deliver records to successor.

Penalty for refusal.

SEC. 155. Every register of deeds shall keep two books, to be denominated respectively the grantor's and the grantee's reception book, each page of which shall be divided into seven columns in the following form, viz:

Books to be kept.

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

Register shall exhibit records free of charge.

SEC. 156. The register shall exhibit, free of charge, during the hours when his office is, or is required by law to be open, any of the records of his office, or papers in his official custody, to the inspection of any person demanding to see the same. But no register of deeds is bound to record any deed or mortgage or other instrument unless the fees therefor are tendered him in advance.

Fees payable in advance.

Shall keep books 5 Min. 508.

SEC. 157. He shall keep suitable books, and record at large and in full, word for word, any and all instruments left with him for record, keeping separate books of deeds, mortgages, and other instruments. He shall also keep in separate books an alphabetical index, wherein he shall record, under the proper letter of the alphabet, the name of each grantor and grantee in any deed, mortgage, or other instrument left with him for record.

May appoint deputy.

SEC. 158. He may appoint a deputy register in writing, who shall, before entering upon the duties of his office, take and subscribe an oath faithfully to perform the duties of his office, which oath shall be indorsed on the appointment, and recorded in the office of the register of deeds. Registers of deeds shall be responsible for the acts of their deputies, and may revoke their appointment at pleasure.

Record description of marks or brands.

SEC. 159. The register of deeds, on the application of any person residing in his county, shall record a description of the marks or brands, with which such person may be desirous of marking his horses, cattle, sheep or hogs; but the same description shall not be recorded for more than one resident of the same county.

Shall make abstracts of title to real estate.

SEC. 160. The register of deeds shall make out, under his certificate and seal, and deliver to any person requesting the same, a full and perfect

abstract of the title to any real estate, together with all incumbrances, liens and instruments, in any manner affecting such title as the same appears of record or on file in his office, on being paid his lawful fees therefor.

SEC. 161. No register of deeds shall record any conveyance, mortgage, or other instrument by which any interest in real estate is or may be in any way affected, unless the same is duly signed and executed and acknowledged, according to law; and any such officer offending herein, shall be adjudged guilty of a misdemeanor, and on conviction, be subject to fine and imprisonment, and liable in damages to the party injured in a civil action.

Not to record instruments unless properly executed.

SEC. 162. Registers of deeds are authorized and empowered to administer oaths, and take acknowledgments of deeds, conveyances, and other instruments in writing. But no deputy register shall have power to perform any of the acts authorized by this section.

May administer oaths.

SEC. 163. Every register of deeds shall have an official seal and affix the same to all documents requiring his official signature.

Shall have and use seal.

TITLE VII.

SHERIFFS.

SEC. 164. There shall be elected in each county a sheriff, who shall hold his office for two years, and until his successor is elected and qualified.

Each county shall elect a sheriff—term of office.

SEC. 165. Every person elected or appointed to the office of sheriff, shall, before he enters on the duties of said office, give bond to the state of Minnesota in the penal sum of five thousand dollars, with two or more sureties to be approved by the board of commissioners, and the approval indorsed thereon, conditioned that the said sheriff shall well and faithfully, in all things, perform and execute the duties of sheriff according to law, during his continuance in office, without fraud, deceit or oppression, which bond shall be filed and recorded in the office of register of deeds of his county. He shall also take the oath required by law, which shall be subscribed to and certified by the officer administering the same, on the back of his certificate of election, and filed and recorded in the office of register of deeds aforesaid.

Shall give bond and take oath.

SEC. 166. If any person elected to the office of sheriff does not give the bond and take the oath prescribed in the preceding section on or before the tenth day of January next succeeding his election, it shall be deemed a refusal to serve.

Effect of failure to qualify.

SEC. 167. The sheriff shall keep and preserve the peace in his county, for which purpose he is empowered to call to his aid such persons or power of his county as he deems necessary. He shall also pursue and apprehend all felons, execute all warrants, writs, and other process from a justice of the peace, district court, or other competent tribunal, directed to him by legal authority; shall attend upon the terms of the district court, keep his office at the county seat, and perform all the duties pertaining to his office.

Powers and duties.

SEC. 168. In case of a vacancy in the office of sheriff by death, resignation, or otherwise, the board of county commissioners shall forthwith appoint some suitable person to be sheriff of the county until the next general election, and until a successor is elected and qualified.

Vacancy, how filled.

SEC. 169. Every sheriff to whom any process is delivered in the

Sheriff shall give certificate, when

county where it is to be executed, shall, if required by the person delivering the same, give to such person a certificate, under his hand, without charge, wherein the names of the parties and the day of delivering the process shall be mentioned.

Failure to settle and pay over money—penalty.

SEC. 170. If any sheriff fails to settle with and pay over to the person entitled thereto any money he may have collected or received by virtue of any execution, process, judgment, order or decree, such person may proceed against the sheriff in a summary manner before the district court by an order upon the sheriff to show cause why he should not pay over such money; and upon the hearing thereof, the court shall order such sheriff to pay to the person entitled thereto, the amount found due with twenty per centum thereon as damages for such failure, and may commit such sheriff to the common jail until the order is complied with: *provided*, that nothing herein contained shall prevent such person from proceeding against such sheriff and his sureties on his official bond.

Neglect to return process—penalty.

SEC. 171. If any sheriff neglects to make due return of any writ, or other process, delivered to him to be executed, or is guilty of any misconduct in relation to the execution thereof, he may be proceeded against by the party interested in the manner provided in the preceding section, and in addition to requiring the performance of the duty neglected or the correction of the injury done, the court may impose upon such sheriff a fine for the use of the county, not exceeding two hundred dollars: *provided*, that nothing herein shall prevent the person injured from maintaining an action for damages against the sheriff or upon his official bond.

Taking illegal fees—penalty.

SEC. 172. No sheriff or other officer shall directly or indirectly ask, demand or receive for any services or acts by him performed in pursuance of any official duty, any more fees than are allowed by law, under penalty of forfeiting for such offense to the party aggrieved treble the sum so demanded or received, to be recovered in a civil action.

Not to become purchaser of property sold by him as sheriff.

SEC. 173. No sheriff shall become the purchaser, or procure any person to become the purchaser for him, of any property, real or personal, by him exposed to sale, by virtue of any execution or other process; and all such purchases made by any sheriff, or any other person in his behalf, shall be absolutely void.

May execute process, after expiration of term of office.

SEC. 174. Every sheriff going out of office by expiration of his term, and having any attachment, execution or other process in his hands, which he has begun to execute, by a levy upon property, shall be authorized to proceed thereon, and execute the same, and to sell and give title to the property so levied on, in the same manner as if still in office: *provided*, that if such late sheriff dies, becomes insane, removes from the state, or is in any manner unable to act, the sheriff in office shall, upon the delivery to him of such attachment, execution or other process, together with a certificate, return, or memorandum of the action of the late sheriff, under the same, if any, complete the execution thereof in the same manner, and with the like effect, as if such process had been originally delivered to him, and give title to any property so levied on by such late sheriff, and the return of such succeeding sheriff upon any such process, or his deed given in pursuance of the execution of any such process, shall be *prima facie* evidence of the disability of the late sheriff to complete the execution of such process or give such deed.

Successor may execute such process, when.

Shall keep prisoners safely—penalty for neglect.

SEC. 175. The sheriff shall receive and safely keep in prison all persons legally committed thereto, and shall not let out of prison any person so in his custody, unless discharged by due course of law, under penalty of being punished by fine and imprisonment: *provided*, that if there is no jail for the confinement of prisoners in the county, or the jail is insufficient, the sheriff, with the approbation of the judge of the district court,

shall employ such means as may be necessary for the safe keeping of all prisoners committed to his custody.

SEC. 176. Any sheriff or other officer, who legally arrests any person in any county, may pass across and through such parts of any other counties as he deems necessary to convey the person arrested to the place where he is to be conveyed, according to the command of the process by virtue of which such arrest is made.

May convey prisoner through other counties, when.

SEC. 177. No sheriff, deputy sheriff, or coroner, shall appear or practice as an attorney, solicitor, or counselor, in any court, nor draw or fill up any process, pleading, or proceeding, for any party in any action, nor with intent to be employed in the collection of any demand, or the service of any process, advise or counsel any person to commence any action or proceeding, nor shall any sheriff or deputy sheriff be eligible to any other civil office, except town or city marshal; and either of said officers for a violation of any of the provisions of this section, shall forfeit a sum not exceeding fifty dollars, to be recovered by the county in a civil action.

No sheriff, deputy, or coroner shall draw process, nor give counsel.

Not eligible to any civil office, except town or city marshal.

SEC. 178. Every sheriff shall appoint, under his hand and seal, a sufficient number of persons as deputy sheriffs, for whose acts he shall be responsible, and whom he may remove at pleasure. Each deputy shall, before entering on his official duties, take the oath required by law, which oath and appointment shall be filed and recorded in the registry of deeds of the proper county.

Shall appoint deputies.
3 Min. 413.

SEC. 179. The sheriff shall settle with and pay over to the board of county commissioners, at their regular sessions, and as often as they require, all money collected or received by him for the use of or belonging to the county.

Shall settle with commissioners, when.

TITLE VIII.

COUNTY ATTORNEYS.

SEC. 180. There shall be elected in each county, organized for judicial purposes, a county attorney, who shall hold his office for the term of two years, and until his successor is elected and qualified; such county attorney shall, before he enters upon the duties of his office, take and subscribe the oath required by law, and shall also execute a bond in the penal sum of one thousand dollars, to the board of county commissioners, with one or more sufficient sureties, to be approved by said commissioners, conditioned, that he will faithfully and impartially discharge the duties of county attorney, and pay over without delay, to the county treasurer, all moneys which come into his hands by virtue of his office, which bond, together with his oath of office, shall be deposited in the office of the clerk of the district court of the proper county.

Each county to elect attorney, who shall hold for two years.
3 Min. 63.

Shall take oath and give bond.

SEC. 181. The county attorney shall appear in all cases where the county is a party, and prosecute or defend for the county, as the case may be; give opinions and advice to the county commissioners or any other officers of said county, upon request of such commissioners or officers, upon all matters in which the county is or may be interested, or in relation to the official duties of any of said officers; attend on all terms of the district court for such county, and all other courts having criminal jurisdiction, and attend all preliminary examinations of criminals, when the magistrate before whom such examination is held, shall request his attendance, and furnish him with a copy of the complaint; attend before the grand jury of such county upon the special request of said jury, and examine witnesses in their presence; he shall give them advice in any

Duties of county attorney.

legal matter before them, and issue subpoenas and process to bring in witnesses before them, or any magistrate before whom he is conducting an examination, and shall attend all coroner's inquests at the request of the coroner, and shall draw all bills of indictment and all presentments found by the grand jury of his county, and shall prosecute all such presentments and indictments to their final determination in the district court. County attorneys, whenever requested by the attorney general, shall appear for the state in their respective counties, in any cause instituted by him, or before the land offices, in any case of application to pre-empt or locate any of the public lands claimed by this state, and assist him in the trial and preparation of any such case.

Not to receive fee.

SEC. 182. No county attorney shall receive any fee or reward from or on behalf of any prosecutor or other individual, for services in any prosecution or business to which it is his duty to attend.

Court may appoint, when.

SEC. 183. Whenever there is no county attorney for the county, or when he is absent at the session of the district court for the county, the court shall appoint, if necessary, by an order to be entered in the minutes of the court, some suitable person to perform for such term of court the duties required by law to be performed by the county attorney; and the person so appointed shall thereupon be vested with all the powers of such county attorney, for that purpose, and 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; which amount shall be deducted from the salary of the county attorney.

County attorney shall file account of money received.

SEC. 184. Every county attorney, on or before the first day of January in each year, shall make out and file in the office of the county auditor, an account in writing, under oath, of all moneys received by him during the preceding year, by virtue of his office; for fines, recognizances, forfeitures, penalties, or costs, and he shall specify in such account the name of the person from whom he received such moneys, the particular amount paid by such person, and the cause for which each payment was made, and shall at the same time, or previously, pay over such money to the county treasurer, and take a receipt and duplicate for the same, and file the duplicate with the county auditor.

Shall make report to attorney general.

SEC. 185. He shall, on or before the fifteenth day of November of each year, prepare and transmit in such form as the attorney general prescribes, a report of the number, character and result of all criminal cases prosecuted by him during the current year, together with the cost of each of said prosecutions to the county or state, and the amount of any fines or penalties collected, and if he neglects to do this, he shall forfeit and pay for the use of the county, the sum of ten dollars, to be recovered before a justice of the peace in the name of the state, at the instance of the attorney general.

Refusing to account, penalty.

SEC. 186. When the county attorney refuses or neglects to account for and pay over the moneys received by him, the county auditor shall cause an action to be instituted upon the bond of such county attorney, for the recovery of the money so received and unpaid by him, and for damages in failing to account.

Vacancy, how filled

SEC. 187. Whenever a vacancy occurs in the office of county attorney, the board of county commissioners at their first session thereafter, shall appoint some suitable person to be county attorney, who shall take the oath and file the bond required of the county attorney, and shall hold his office until the next general election, and until his successor is elected and qualified.

TITLE IX.

JUDGES OF PROBATE.

SEC. 188. Every judge of probate shall, before he enters upon the duties of his office, execute a bond to the county commissioners in the penal sum of one thousand dollars, with one or more sufficient sureties, to be approved by the said commissioners, conditioned for the faithful discharge of the duties required of him by law, and for the faithful application of all moneys and effects that may come into his hands in the execution of the duties of his office; and shall take the oath required by law, which bond and oath of office shall be filed and recorded in the office of the register of deeds.

Shall give bond and take oath.

SEC. 189. The judge of probate shall keep his office at the county seat, and keep a record of all orders, decrees and other official acts made or done by him, which record shall be open to the inspection of all persons without charge.

To have office at county seat and keep records.

SEC. 190. Whenever the term of office of any judge of probate expires, he shall deliver over to his successor in office, all books and papers relating to said office of judge of probate, in his possession, and upon failure to do so within five days after demand by his successor, he shall be liable to indictment and punishment by fine not exceeding one thousand, nor less than one hundred dollars.

Shall deliver books, &c., to successor.

SEC. 191. Every judge of probate may appoint a clerk who shall perform all the duties assigned him by law or said judge; such appointment shall be in writing, signed by the judge and filed in the office of the clerk of the district court of the county in which the same is made.

May appoint clerk.

SEC. 192. Before entering upon the duties of his office, such clerk shall take the oath required by law, and execute a bond to the county commissioners, with one or more sureties to be approved by them, in the penal sum of five hundred dollars, conditioned for the faithful discharge of his duties; said oath and bond shall be filed and recorded in the office of the register of deeds and an action may be maintained on said bond by any party aggrieved by a violation of the condition thereof.

Shall take oath and give bond.

TITLE X.

COURT COMMISSIONERS.

SEC. 193. There shall be chosen in each organized county, one person who shall be called a court commissioner and hold his office for the term of three years, and until his successor is elected and qualified.

Each county shall choose court commissioner.

SEC. 194. Court commissioners shall be men learned in the law; and shall have and may exercise the judicial powers of a judge of the district court at chambers.

Qualifications and powers. 3 Min. 353-39. 10 Min. 63.

SEC. 195. Before entering upon his duties each court commissioner shall execute to the board of county commissioners, a bond in the sum of two thousand dollars with surety to be approved by the board, conditioned for the faithful performance of the duties required of him by law, and shall take, and subscribe, an oath of office, which with his bond shall be filed and recorded in the office of the register of deeds.

Shall give bond and take oath.

SEC. 196. The court commissioner shall keep his office at the county seat, and keep a record of all proceedings had before him, in books

Shall have office at county seat and keep record of proceedings

procured at the expense of the county, which books shall be delivered to his successor in office.

Same person may be court commissioner and judge of probate.

SEC. 197. Nothing in this title shall prevent the same person from holding at the same time the office of judge of probate and that of court commissioner.

Vacancy, how filled.

SEC. 198. Whenever a vacancy occurs in the office of court commissioner, the judge of the district court for the district in which such county is situated, shall appoint some competent person to fill such vacancy, who shall give such bond and take such oath as is by law required of court commissioners and who shall hold his office until the next general election, and until his successor is elected and qualified.

TITLE XI.

COUNTY SURVEYORS.

Surveyor in each county—his term of office—shall take oath and give bond.

SEC. 199. There shall be elected in each county a surveyor, who shall hold his office for two years and until his successor is elected and qualified; he shall reside in the county for which he is elected, and shall, previous to his entering upon the duties of his office, take and subscribe the oath required by law, and give bond to the board of county commissioners in the sum of five hundred dollars, conditioned for the faithful discharge of his duties.

May appoint deputies.

SEC. 200. The said surveyor may appoint such number of deputies as he thinks proper, who shall severally take an oath, for the faithful performance of whose duties he shall be responsible, and by himself or one of his deputies shall execute any survey which may be required by order of any court, or upon application of any individual or corporation.

Shall keep record of surveys.

SEC. 201. The said surveyor shall keep a correct and fair record of all surveys made by him or his deputies, in a book to be provided by the county commissioners for that purpose, which he shall transmit to his successor in office; he shall also number such surveys progressively, and shall preserve a copy of the field notes and calculations of each survey, indorsing thereon its proper number, a copy of which, and also a fair and accurate plat, together with a certificate of survey, shall be furnished by said surveyor to any person requiring the same.

Rules for surveys.

SEC. 202. 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.

Rules for subdividing section.

SEC. 203. Whenever a surveyor is required to make a subdivision of a section, as established by the United States survey, he shall proceed as follows, whether the section is fractional or not, excepting on the northern and western tier of sections of those townships whose northern boundary is a "standard parallel," or "correction line," hereinafter provided for: commencing at either quarter section corner of the section, he shall run direct lines to the opposite quarter section corner of the section, and at the intersection of said lines he shall establish a common centre therefor, at which a post marked " $\frac{1}{4}$ S." on opposite sides, with a suitable instrument, shall be firmly fixed and driven into the ground, and if practicable two bearing trees shall be marked in the same manner, and their course and distance from the said post noted in the plat and field notes. In those townships whose northern boundary is a "standard parallel," or "correction line," but on which no quarter section posts are established

for the sections adjoining it on the south by the United States surveyors, the county surveyor, whenever required to subdivide such sections, shall establish a quarter post on such "standard parallel," or "correction line," equi-distant from the section posts established at the intersection of the parallel by the section lines south; such quarter post to be marked only on the side facing the south, and (when practicable) two bearing trees south of such line marked, and their course, and distance from such quarter post duly noted; the subdivision of such sections may then be proceeded with as hereinbefore directed.

SEC. 204. Any less subdivision than a quarter section shall be made in the following manner. If the quarter section is not fractional, as follows: Establish a course on the boundaries or lines marking the quarter section to be divided, equi-distant from the adjacent corners of the same, and from such corners run direct lines to the opposite corners, and establish a common centre of the quarter section at the intersection thereof. Any subdivision of the fractional north-east and north-west quarter sections on the north boundary, and of the fractional north-west and south-west quarter sections on the west boundary of townships, shall be made by ascertaining the distance by measurement from the quarter section posts to the north and west boundaries respectively, then, as the distance returned in the United States field notes or plats from the quarter section corner to the north and west boundaries respectively, is to the distance of the same found by measurement, so is the distance returned in such notes or plats as the width of the south half of the north-east quarter and the east half of the north-west quarter and south-west quarter respectively, to the required measurement of the same.

Rules for subdividing quarter section.

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SEC. 205. If the quarter section or section post, as originally fixed by the United States survey, is destroyed, the surveyor shall fix a new post on such land as he may be called upon to survey, with similar marks to those placed on like posts by the United States surveyors, graved therein; said posts to be fixed in accordance with the government field notes.

To erect new posts.

SEC. 206. Whenever a vacancy occurs in the office of county surveyor, the board of county commissioners, at their first session thereafter, shall appoint some suitable person to fill such vacancy until the next general election, and until a successor is elected and qualified.

Vacancy, how filled.

TITLE XII.

CORONERS.

SEC. 207. A coroner shall be elected in each organized county for the term of two years and until his successor is elected and qualified, who shall before he enters upon the duties of his office, give bond to the board of county commissioners in such penal sum, not less than five hundred dollars nor more than ten thousand dollars, with such sufficient sureties, not less than two, as the said board directs and approves, the condition of which bond shall be, in substance, the same as that required to be given by the sheriff, except in the description of the office, and take the oath required by law; which bond and oath shall be filed and recorded in the office of register of deeds.

Coroner in each county—term of office—shall give bond and take oath.

SEC. 208. When there is a vacancy in the office of sheriff the coroner shall exercise the powers and duties of said office until a sheriff is

To exercise powers and duties of sheriff, when.

elected and qualified; and when the sheriff for any cause is committed to the jail of his county, said coroner shall be keeper thereof during the time the sheriff remains a prisoner therein.

To be subject to liabilities of sheriff, when.

SEC. 209. Whenever the coroner executes the office of sheriff, he shall perform all the duties, and be subject to all liabilities and penalties imposed by law upon a sheriff duly elected and qualified.

Shall execute process when sheriff is a party.

SEC. 210. Every coroner shall serve and execute process of every kind, and perform all other duties of the sheriff, when the sheriff is a party in the action, or whenever affidavit is made and filed, as provided in the succeeding section; and in all such cases he shall exercise the same powers, and proceed in the same manner as prescribed for the sheriff in the performance of similar duties.

Process to be directed to coroner, when.

SEC. 211. Whenever any party, his agent or attorney, makes and files with the clerk of the district court, an affidavit, stating that he believes the sheriff of such county will not, by reason either of partiality or prejudice, consanguinity or interest, faithfully perform his duties in any action commenced, or about to be commenced, the clerk shall direct all process in such action to the coroner.

To take inquest, when.

SEC. 212. Coroners shall take inquest upon view of the dead body of such persons only as are supposed to have come to their death by violence, and not when the death is believed to have been, and was evidently, occasioned by casualty.

To summon jury.

SEC. 213. As soon as the coroner has notice of the dead body of any person supposed to have come to his death by violence, found or lying within his county, he shall make his warrant to the constable of the election district where such dead body is, or one of the adjoining election districts in the same county, requiring such constable forthwith to summon six good and lawful men of the county, to appear before such coroner at the time and place expressed in such warrant; and the warrant may be in substance as follows:

Form of warrant.

State of Minnesota, }
County of } ss.

The State of Minnesota:

To any constable of the county of _____, greeting:

You are hereby commanded immediately to summon six good and lawful men, of the county of _____ to appear before me, coroner of the said county, (state place and time,) then and there to inquire, upon view of the body of _____, there lying dead, how and by what means he came to his death; hereof fail not.

Given under my hand the _____ day of _____ A. D.

Coroner.

Constable to execute warrant.

SEC. 214. The constable to whom such warrant is directed and delivered, shall forthwith execute the same, and shall, at the time mentioned in the warrant, repair to the place where the dead body is, and make return thereof, and of his doings thereon, to the coroner, under his hand; and any constable who unnecessarily neglects or fails to execute or return such warrant, shall forfeit the sum of five dollars, and if any person summoned as a juror fails to appear without a reasonable excuse therefor, he shall forfeit the sum of five dollars, each of which forfeitures may be recovered to the use of the county by civil action, to be brought by the coroner before any justice of the peace in the county.

Oath of jurors.

SEC. 215. When the jurors who have been summoned appear, the coroner shall call over their names, and then, in view of the dead body, administer to them the following oath:

You do solemnly swear [or affirm, *as the case may be*] that you will diligently inquire, and due presentment make, on behalf of the state of Minnesota, when, how, and by what means, the person whose body lies

before you dead, came to his death, and return a true inquest thereof, according to your knowledge and such evidence as shall be laid before you; so help you God.

If the jurors or any of them shall not appear, the coroner may require the constable, or any other person whom he shall appoint, to return other jurors until a jury is obtained.

SEC. 216. The coroner may issue subpoenas for witnesses, returnable forthwith, or at such time and place as he shall direct. The persons served with subpoenas shall be allowed the same fees, and their attendance shall be enforced in the same manner by the coroner, and they shall be subject to the same penalties, as if they had been served with a subpoena in behalf of the state of Minnesota to attend in a criminal action before a justice of the peace.

Witnesses may be subpoenaed—fees.

SEC. 217. An oath to the following effect shall be administered to the witnesses by the coroner:

Oath of witnesses.

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

SEC. 218. 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 be subscribed by the witnesses respectively.

Testimony to be reduced to writing.

SEC. 219. The jury, upon inspection of the dead body, and after hearing the testimony, and making the needful inquiries, shall draw up and deliver to the coroner, the inquisition, under their hands, in which they shall find and certify when, how, and by what means the deceased person came to his death, and his name if it was known, together with all the material circumstances attending his death; and if it appears that his death was caused by criminal violence, the jurors shall further state who were guilty, either as principals or accessories, if known, or were, in any manner, the cause of his death, which inquisition may be, in substance as follows:

Duty of jury.

State 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 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 state of Minnesota, when, how, and by what means the said _____ (or person) came to his death, upon their oaths do say, [then insert when, how, and by what person, means, weapon or instrument he was killed.]

In testimony whereof, the said coroner and jurors of this inquest have hereunto set their hands the day and year aforesaid.

SEC. 220. 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 offense can be found; he shall also return to the same court, the inquisition, written evidence, and all recognizances and examinations by him taken, and may commit to the jail of the county any witnesses who refuse to recognize in such manner as he shall direct.

Witnesses may be bound over.

SEC. 221. If any person, charged by the inquest with having committed such offense is not in custody, the coroner shall have the same power as a justice of the peace, to issue process for his apprehension, and such warrant shall be made returnable before any justice of the peace, or other magistrate or court having jurisdiction of the case, who shall pro-

Person charged may be arrested.

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

Coroner to provide burial in certain cases.

SEC. 222. When any coroner takes an inquest upon view of the dead body of any person unknown, or being called for that purpose, shall not think it necessary, on view of such body, that any inquest should be taken, he shall cause the body to be decently buried, and all expenses of the inquisition and burial shall be paid by the county in which such dead body is found.

May appoint deputies.

SEC. 223. Every coroner is authorized and required to appoint one or more deputy coroners, who shall in the absence or inability to act, of the coroner, possess the same powers and be subject to the same liabilities as coroners. Each deputy shall be appointed in writing, and before entering upon the duties of his office, shall take and subscribe the oath required by law, and give bond to the board of county commissioners with sureties to be approved by said board, in such sum, not less than five hundred dollars, nor more than five thousand dollars, as said board directs, conditioned for the faithful performance of his official duties, which bond, oath and appointment shall be filed and recorded in the office of register of deeds.

Deputy shall act in his own name.

SEC. 224. Each deputy shall act in his own name as deputy coroner and hold his office during the pleasure of the coroner.

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TITLE XIII.

CLERK OF DISTRICT COURT.

Clerk shall give bond and take oath.

SEC. 225. Every clerk of the district court, before entering on the duties of his office, shall execute a bond to the board of county commissioners, with two or more sureties approved by said board in the penal sum of one thousand dollars, conditioned for the faithful discharge of his official duties, and take and subscribe the oath required by law; which oath and bond shall be filed and recorded in the office of the register of deeds.

Where to keep office—duties.

SEC. 226. Every clerk shall keep his office at the county seat and perform all duties which are or may be assigned him by law, and by the rules of the court of which he is clerk.

May appoint deputy.

SEC. 227. He may at his discretion, with the approval of the judge of his court, appoint a deputy clerk for whose acts he shall be responsible; said deputy shall be appointed under the hand and official seal of the clerk, with the approval of the judge indorsed on such appointment.

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Deputy shall take oath and give bond.

SEC. 228. Before any deputy clerk of the district court shall enter upon the duties of his office, he shall take and subscribe the oath required by law, which oath, together with the appointment of such deputy clerk, shall be filed and recorded in the office of the register of deeds; such deputy may be removed at the pleasure of the clerk.

Books to be kept by clerk.

SEC. 229. Every clerk shall procure at the expense of his county and keep the following books:

First. A register of actions, in which he shall enter the title of each action, a minute of each paper filed in the cause, and of all proceedings therein.

Second. A judgment book, in which shall be entered the judgment in each action.

Third. A docket, in which he shall enter alphabetically, the name of each party to the judgment, the amount of the judgment, and the precise time of his entry.

SEC. 230. Whenever any vacancy occurs in the office of clerk of the district court, the judge of the district court for the district in which such county is situate, shall appoint some suitable person to fill such vacancy, who shall give such bond and take such oath as is by law required of clerks of the district court, and who shall hold his office until the next general election, and until his successor is elected and qualified.

Vacancy, how filled.

CHAPTER IX.

RESIGNATIONS, VACANCIES AND REMOVALS.

SECTION

- 1. Resignations, how made.
- 2. When an office becomes vacant.
- 3. Governor may remove certain officers, when.

SECTION

- 4. Vacancy occurring during recess of legislature, how filled.
- 5. Appointees shall qualify, how.
- 6. Appointments shall continue how long.

SECTION 1. Resignations shall be made—

Resignations, how made.

First. By all incumbents of elective offices, to the officer authorized by law to fill a vacancy in such office by appointment, or to order a special election to fill such vacancy.

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Second. By all officers holding their offices by appointment, to the body, board or officer that appointed them, unless otherwise specially provided.

SEC. 2. Every office shall become vacant on the happening of either of the following events before the expiration of the term of such office:

Office becomes vacant, when.

First. The death of the incumbent.

Second. His resignation.

Third. His removal.

Fourth. His ceasing to be an inhabitant of the state, or if the office is local, his ceasing to be an inhabitant of the district, county, city, or village, for which he was elected or appointed, or within which the duties of his office are required to be discharged.

Fifth. His conviction of any infamous crime, or of any offense involving a violation of his official oath.

Sixth. His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit or file such oath or bond, within the time prescribed by law.

Seventh. The decision of a competent tribunal declaring void his election or appointment.

SEC. 3. The governor may remove from office any clerk of the supreme or district court, judge of probate, court commissioner, sheriff, coroner, register of deeds, county attorney, or county commissioner, any collector or receiver of public moneys, appointed by the legislature, or by the governor, by and with the advice and consent of the senate, or of both branches of the legislature, whenever it appears to him by competent

Governor may remove certain officers, when.

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