

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY
GEORGE B. YOUNG.

EDITED AND PUBLISHED UNDER THE AUTHORITY OF CHAPTER 67 OF THE LAWS
OF 1878, AND CHAPTER 67 OF THE LAWS OF 1879.

FOURTH EDITION.

WITH SUPPLEMENTS,
CONTAINING ALL THE GENERAL LAWS IN FORCE UP TO THE END OF
THE LEGISLATIVE SESSION OF 1883.

SAINT PAUL:
WEST PUBLISHING COMPANY.
1883.

- 17th. For salary of the chief clerk of state auditor, fifteen hundred dollars.
- 18th. For salary of the land clerk, fifteen hundred dollars. (*As amended 1878, c. 31, § 1.*)
- 19th. For salary of additional clerks in the state auditor's office, one thousand dollars.
- 20th. For salary of the deputy treasurer, fifteen hundred dollars.
- 21st. For salary of clerk of the superintendent of public instruction, twelve hundred dollars.
- 22nd. For salary of clerk of the attorney general, two hundred dollars.
- 23d. For salaries of the supreme, district and common pleas courts, thirty-nine thousand dollars.
- 24th. For salary of clerk of the supreme court, fifteen hundred dollars.
- 25th. For salary of the reporter of the supreme court, six hundred dollars.
- 26th. For salary of the marshal of the supreme court, two hundred dollars.
- 27th. For salary of the assistant janitor, three hundred and eighty dollars.
- 28th. For salary of messenger, one hundred and twenty dollars.

See 1883 Sup't, p. 11.

CHAPTER VIII.
COUNTIES AND COUNTY OFFICERS.

SECTION.

- 1. Names of counties.
- 2-82. Boundaries of counties.
- 83-91. Organization—powers—actions by and against—appeals—judgments, how collected.
- COUNTY COMMISSIONERS.
- 92-100. Number, election, term, qualifications, fees.
- 101-106. Meetings, quorum, filling vacancies, seal, chairman.
- 107-109. Jury list.
- 110-111. County offices, &c., to be furnished; place of keeping.
- 112. Vacancy in register's office.
- 113-118. Financial statement—amounts—claims to be verified.
- 119-121. Appointment of assessors, election districts and judges of elections.
- 122, 123. Justices and constables, filing official bonds.
- 124. Commissioners to be disinterested.
- 125-128. Section posts and land marks.
- COUNTY AUDITOR.
- 129, 130. Oath and bond.
- 131, 132. Proceedings against.
- 133-135. Failure to qualify—vacancy—temporary disability.
- 136. Certain persons ineligible.
- 137. Deputies.
- 138. Clerk of county commissioners.
- 139-141. Delivery to successor—account with treasurer—payment of claims against county.
- 142, 143. Salary and clerk hire.
- COUNTY TREASURER.
- 144-147. Election—oath—bond—vacancy—persons ineligible.
- 148-156. Accounts and books—receipts and payments—deposit in banks—board of auditors—settlements.
- 157-162. Penalties on treasurers, deputies and officers holding process against them.
- 163, 164. Additional bond.
- 165, 166. Speculation in warrants—loan of county funds.
- 167-170. Financial statement; suits by treasurers—cancelling orders.

SECTION.

- 171. Express charges and mileage.
- 172. Salary and clerk hire.
- 173. Books, &c., to be delivered to successor.
- REGISTERS OF DEEDS.
- 174-176. Election—qualification—delivery of books to successor.
- 177-180. Record books—tract indexes.
- 181. Deputy register.
- 182. Marks and brands.
- 183. Abstracts of title.
- 184. Register not to record imperfect instruments.
- 185. May administer oaths, &c.
- 186. Shall have seal.
- 187, 188. Shall indorse instruments—effect of indorsement.
- 189-191. Record of foreclosure certificates prior to 1862.
- SHERIFF.
- 192-194. Election, term and qualification.
- 195. General powers and duties.
- 196. Vacancy in office.
- 197. Receiving for process.
- 198, 199. Failure to pay over money or return process.
- 200, 201. Illegal fees—purchases at his own sales.
- 202. Execution of process after term has expired.
- 203, 204. Keeping of prisoners in jail and in transit.
- 205-207. Not to be attorney—may appoint deputies—shall account for and pay over county funds.
- 208, 209. Court deputies—jailors—compensation.
- COUNTY ATTORNEYS.
- 210, 211. Eligibility—term—oath—bond.
- 212, 213. Duties—must not receive fees.
- 213a, 214. Filling vacancy—appointment of assistant.
- 215-217. Reports and accounts—failure to account, &c.
- 218. Filling vacancy.
- JUDGES OF PROBATE.
- 219. Oath and bond.
- 220, 221. Office—record—books and papers.
- 222, 223. Clerk, appointment and qualification.

<p style="text-align: center;">COURT COMMISSIONERS.</p> <p>SECTION 224-227. Appointment—term—qualifications—powers—duties.</p> <p>228, 229. Eligibility—filling vacancy.</p> <p style="text-align: center;">COUNTY SURVEYORS.</p> <p>230-232. Election—qualification—compensation—deputies.</p> <p>233, 234. Surveys and records.</p> <p>235-237. Subdivision of sections and quarter sections—supplying posts.</p> <p>238. Filling vacancies.</p> <p style="text-align: center;">CORONERS.</p> <p>239. Election and qualification.</p> <p>240-243. When to act as sheriff.</p> <p>244-251. Inquests on dead bodies.</p>	<p style="text-align: center;">SECTION</p> <p>252-254. Binding over witnesses—arrest of person charged with murder, etc.—burial of dead body.</p> <p>255, 256. Deputies—appointment, powers, etc.</p> <p style="text-align: center;">CLERK OF DISTRICT COURT.</p> <p>257, 358. Election, qualification, place of office, duties.</p> <p>259, 260. Deputies, appointment powers, etc.</p> <p>261. Books to be kept.</p> <p>262. Filling vacancies.</p> <p>263, 264. Salary in certain counties.</p> <p style="text-align: center;">ADDITIONAL PROVISIONS.</p> <p>265-267. County officers to report perquisites—penalty for refusal—report to be published.</p> <p>268-270. Recorded bond to be sent to secretary of state—custody and use of such bond.</p>
---	--

TITLE 1.

TERRITORIAL DIVISIONS.

***§1. Names of counties.** The state is divided into the following counties: *Aitkin*, Anoka, Becker, [Beltrami], Benton, Big Stone Blue Earth, Brown, Carlton, Carver, Cass, Chippewa, Chisago, Clay, [Cook], Cottonwood, Crow Wing, Dakota, Dodge, Douglas, Faribault, Fillmore, Freeborn, Goodhue, [Grant], Hennepin, Houston, Isanti, Itasca, Jackson, Kanabec, Kandiyohi, *Kittson*, Lac qui Parle, Lake, Le Sueur, *Lincoln*, [Lyon], Martin, McLeod, Meeker, Mille Lacs, Morrison, Mower, Murray, Nicollet, Noble, Olmsted, Otter Tail, Pine, Pipestone, Polk, Pope, Ramsey, Redwood, Renville, Rice, Rock, Saint Louis, Scott, Sherburne, Sibley, Stearns, Steele, Stevens, [Swift], Todd, Traverse, Wabasha, Wadena, Waseca, Washington, Watonwan, *Wilkin*, Winona, Wright, [Yellow Medicine.]

The names in brackets do not appear in the General Statutes of 1866.

The county of Aitkin is that called Aiken in the General Statutes. The name was changed by Sp. Laws 1872, c. 145.

The county of Kittson is that called Pembina in the General Statutes. The name was changed by Laws 1878, c. 59.

The county of Wilkin is that called Andy Johnson in the General Statutes. The name was changed by Laws 1868, c. 115.

The county of Beltrami was established by Laws 1866, c. 46.

The county of Cook was established by Laws 1874, c. 100.

The county of Grant was established by Laws 1868, c. 109, § 5.

The county of Lyon was established by Laws 1869, c. 94.

The county of Swift was established by Laws 1870, c. 90.

The county of Yellow Medicine was established by Laws 1871, c. 98.

The county of Manomin, described in the General Statutes, was abolished, and its territory attached to Anoka county, by constitutional amendment, adopted in 1869. See Const. art. 11, § 7.

The county of Monongalia, described in the General Statutes, was consolidated with Kandiyohi by Laws 1870, c. 92.

The counties of Lac qui Parle and Lincoln, now existing, contain none of the territory embraced in the counties of the same names described in the General Statutes. The present county of Lac qui Parle was established by Laws 1871, c. 100. The present county of Lincoln was established by Laws 1873, c. 92.

The name of Rock county was changed to Lincoln, by Laws 1866, c. 45; but the county has, nevertheless, always borne its former name.

The date of organization of each county organized since the General Statutes of 1866, is given in the notes to the several counties.

***§ 2. Aitkin county.** The county of Aiken (Aitkin) is established and bounded as follows:

Beginning at the north-east corner of township fifty-two (52) north, of range twenty-two (22) west of the fourth (4) principal meridian; thence southwardly, along the line between ranges twenty-one (21) and twenty-two (22), to the south-east corner of township forty-three (43), of range twenty-two (22); thence westwardly, on the line between townships forty-two (42) and

forty-three (43), to the south-west corner of township forty-three (43) of range twenty-four (24); thence northwardly, on the line between ranges twenty-four (24) and twenty-five (25), to the south-west corner of township forty-four (44) of range twenty-four; thence westwardly, on the line between townships forty-three (43) and forty-four (44); to the south-west corner of township forty-four (44) of range twenty-seven (27); thence northwardly, on the line between ranges twenty-seven (27) and twenty-eight (28), to the centre of the channel of the Mississippi river; thence up the centre of said channel to its intersection with the guide meridian between ranges twenty-seven (27) west of the fourth (4) principal meridian, and twenty-five (25) west of the fifth principal meridian; thence northwardly, on said guide meridian, to the north-west corner of township fifty-two (52) north; thence eastwardly, along the line between townships fifty-two (52) and fifty-three (53) north, to the place of beginning. (1871, c. 96.)

The county was organized by the act above cited.

By this act the former county of Aitkin received an addition of territory from Cass and Itasca counties.

*§ 3. **Same—change of name.** That the name of Aiken county shall be and is hereby changed to Aitkin. (*Sp. L. 1872, c. 145.*)

*§ 4. **Andy Johnson, name changed to Wilkin.** That the name of the county of Andy Johnson be and is hereby changed to that of Wilkin county, in the state of Minnesota.

*§ 5. That the change of name shall in no way affect any rights, claims or immunities of any citizen or citizens of said state, or any other person or persons whomsoever; but said county shall proceed under the new precisely and in all respects as under the old name. (1868, c. 115.)

§ 6. (SEC. 4.) **Anoka county.** The county of Anoka is established and bounded as follows: 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. 36.) **Manomin county.** 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.

The county of Manomin was abolished and its territory annexed to Anoka county by an amendment to the constitution, adopted in 1869. See Const., art. 11, § 7.

§ 7. (SEC. 5.) **Becker county.** The county of Becker is established and bounded as follows: 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

MINNESOTA STATUTES 1878

8.]

COUNTIES AND COUNTY OFFICERS.

113

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.

This county was organized by Sp. Laws 1871, c. 100.

*§ 8. **Beltrami county.** That so much territory as is comprised within the following described limits, coincident with the lines of the U. S. land surveys when run and marked, be and the same is hereby established as the county of Beltrami:

Beginning at the point where the line between ranges thirty-eight (38) and thirty-nine (39), intersects the line between townships one hundred and forty-two (142) and one hundred and forty-three (143); thence northwardly, on said range to the north-west corner of township one hundred and fifty-four (154), range thirty-eight (38); thence eastwardly, on the line between townships one hundred and fifty-four (154) and one hundred and fifty-five (155), to the line between ranges twenty-nine (29) and thirty (30), or to the nearest range line east of the mouth of Turtle river; thence southwardly, on said range line, to the centre of the main channel of the Mississippi river; thence up the centre of the main channel of said river to its intersection with the line between townships one hundred and forty-two (142) and one hundred and forty-three (143); thence westwardly, along said township line, to the place of beginning. (1866, c. 46.)

This county was formed by the act above cited, from territory previously belonging to Itasca and Polk. It is not organized.

§ 9. (SEC. 6.) **Benton county.** The county of Benton is established and bounded as follows: 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.

§ 10. (SEC. 7.) **Big Stone county.** The county of Big Stone is established and bounded as follows: 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.

By laws 1868, c. 109, townships 123 and 124 of range 44 were transferred from Big Stone county to Stevens county. By section three of that act Traverse county was so bounded as to include the two northern tiers of townships in Big Stone county; but for reasons stated in a note to section 73, *post*, that section appears to have been inoperative and the present limits of Big Stone county remain as defined in the following act of 1876.

*Same—present boundaries. The boundaries of Big Stone county are hereby defined and declared to be as follows: 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-five; thence south to the south-east corner of township one hundred and twenty-three of range forty-five; thence east to the northeast corner of township one hundred and twenty-two of range forty-four; thence south on the line between ranges forty-four and forty-three to the intersection 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; and all the land and territory embraced within such boundaries is hereby declared to be and to constitute the county of Big Stone. All acts and parts of acts inconsistent with this act are hereby repealed. (*Sp. Laws 1876, c. 159.*)

This county is not organized.

§ 11. (SEC. 8.) **Blue Earth county.** The county of Blue Earth is established and bounded as follows: 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 line 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.

§ 12. (SEC. 9.) **Brown county.** 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.

By Laws of 1865, c. 71, fixing the boundaries of Brown, Cottonwood and Redwood counties, the first of these counties was thus bounded:

***Brown county.** The boundary line of Brown county is hereby established and shall hereafter be as follows:

Beginning at the intersection of the middle line of the Minnesota river and the range line between ranges twenty-nine and thirty; thence in a northwesterly direction, on the middle line of the main channel of the Minnesota river, to the range line between ranges thirty-three and thirty-four; thence south, on said line to the township line between townships one hundred and nine and one hundred and ten; thence west on said line to the range line between ranges thirty-five and thirty-six; thence south on said line to the township line between townships one hundred and seven and one hundred and eight; thence east on said line to the range line between ranges twenty-nine and thirty; thence north on said line to the place of beginning. (*1865, c. 71, § 3.*)

This act having been duly ratified by popular vote, the boundaries thus fixed were the legal boundaries of the county at the time of the passage of Gen. St. c. 8. By section 9 of that chapter: (*supra*), the county of Brown, as bounded in the act of 1865, was shorn of four townships, viz., townships 108 and 109 of ranges 34 and 35, town 108 of range 34 and town 108 of range 35 being added to Cottonwood county, and town 109 of range 34 and town 109 of range 35, being added to Redwood county. But as this section of the General Statutes, thus changing the lines of these counties, was not submitted to the popular vote, as required by Const. art. 11, § 1, in case of organized counties, it never became a law, and the boundaries of Brown county remain as established by the act of 1865.

§ 13. (SEC. 10.) **Carlton county.** 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.

This county was organized by Laws 1870, c. 96.

§ 14. (SEC. 11.) **Carver county.** 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.

§ 15. (SEC. 12.) **Cass county.** 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.

By the act changing the boundaries of Aitkin county (Laws 1871, c. 96,) certain territory is detached from the eastern part of Cass county and added to Aitkin. See *ante*, § 2.

Cass county was organized by Laws 1872, c. 79, and disorganized by Sp. Laws 1876, c. 208. See 23 M. 40.

*§ 16. **Chippewa county.** The county of Chippewa is established and bounded as follows: Beginning in the middle of the main channel of the Minnesota river on the range line between ranges thirty-eight (38) and thirty-nine (39); thence north to the northwest corner of township one hundred and sixteen (116) north, of range thirty-eight west; thence east, to the northeast corner of township one hundred and sixteen (116) north, of range thirty-seven (37) west; thence north to the northeast corner of township one hundred and twenty-two north, of range thirty-seven (37) west; thence west to the northwest corner of township one hundred and twenty-two north, of range forty-three (43) west; thence south

to the centre of the main channel of the Minnesota river; thence down the said river to the place of beginning. (1868, c. 113.)

The northern part of Chippewa county was established as Stevens county by Laws 1870, c. 90. See *post*, § 71.

§ 17. (SEC. 14.) **Chisago county.** 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.

§ 18. (SEC. 15.) **Clay county.** 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.

This county was organized by Laws 1872, c. 80.

see 1883 Suppl. p. 11.

§ 19. **Cook county.** That all that portion of the territory of the present county of Lake, state of Minnesota, bounded and described as follows: Beginning at a point on the north shore of Lake Superior, on the range line between ranges five (5) and six (6) west of the fourth principal meridian; thence north, on said range line to the boundary line between the United States and the British Possessions; thence easterly, on said boundary line, to the boundary line between the states of Minnesota and Michigan; thence southerly, on said state boundary line, to the boundary line between the states of Minnesota and Wisconsin; thence westwardly, on said state boundary line, to a point where a southerly prolongation of the range line first mentioned would intersect the state boundary line; thence north to the place of beginning, be and the same hereby is established as the county of Cook. (1874, c. 100.)

This county is composed of territory formerly forming part of the county of Lake. It was established and its organization directed by the act of 1874 above cited.

§ 20. (SEC. 16.) **Cottonwood county.** 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 a 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 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.

By the act of February 23, 1865, (Laws 1865, c. 71) defining the boundaries of Cottonwood, Brown and Redwood counties, the first of those counties is bounded as follows:

***Cottonwood county.** The boundary line of Cottonwood county is hereby established, and shall hereafter be as follows: Beginning at the southwest corner of township one hundred and eight range thirty three, thence west on the township line to the range line between ranges thirty-five and thirty-six; thence north on said line to the township line between townships one hundred and eight and one hundred and nine; thence west on said line to the range line between ranges thirty-eight and thirty-nine; thence south on said line to the township line between townships one hundred and four and one hundred and five; thence east on said line to the range line between ranges thirty-three and thirty-four; thence north on said line to the place of beginning. (1865, c. 71, § 2.)

This act having been duly ratified by popular vote, the boundaries therein established were the legal boundaries of Cottonwood county at the time of the passage of Gen. St. c. 8. By Section 16 of that chapter (*supra*) township 108 of range 34 and township 108 of range 35 were transferred from Brown to Cottonwood county. But as this change in the lines of these counties was not submitted to popular vote, as required by Const. art. 11, § 1, in case of organized counties, section 16 never became a law, and the boundaries of Cottonwood county remain as fixed by the act of 1865. The county was organized by Laws 1873, c. 94: and see Laws 1870, c. 89.

§ 21. (Sec. 17.) **Crow Wing county.** 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. § 21.

§ 22. (Sec. 18.) **Dakota county.** 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. See 1883 Sup'l., p. 11.

***Same—change of western boundary.** The boundary line between Scott and Dakota counties shall be as follows: Commencing at the south-east corner of township one hundred and thirteen north, of range twenty-one west; thence running north, on the east line of said township, to the north-east corner thereof; thence running west, on the north line of said township, to the south-west corner of section thirty-five, in township one hundred and fourteen north, of range twenty-one west; thence north, on section line, to the south-west quarter of

section thirty-five, in township one hundred and fifteen, range twenty-one; thence west to the south-west corner of the south-east quarter of section thirty-four, in said township one hundred and fifteen, range twenty-one; thence north to the middle of the channel of the Minnesota river. (1871, c. 97, § 1.)

By Laws of 1874, c. 101, the northern boundary of Dakota county was changed by the transfer of certain territory to Ramsey county. See *post*, § 59.

§ 23. (SEC. 19.) **Dodge county.** 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.

§ 24. (SEC. 20.) **Douglas county.** 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.

§ 25. (SEC. 21.) **Faribault county.** 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.

§ 26. (SEC. 22.) **Fillmore county.** 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.

§ 27. (SEC. 23.) **Freeborn county.** The county of Freeborn is established and bounded as follows: Beginning at the southeast 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 northwest 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.

§ 28. (SEC. 24.) **Goodhue county.** 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 centre 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

*§ 29. **Grant county.** The county of Grant is established and bounded as follows: Beginning at the north-east corner of township one hundred and thirty (130) north, of range forty-one (41) west; thence west, to the north-west corner of township one hundred and thirty (130) north, of range forty-four (44) west; thence south, to the south-west corner of township one hundred and twenty-seven (127) north, of range forty-four (44) west; thence east to the south-east corner of township one hundred and twenty-seven (127) north, of range forty-one (41) west; thence to the place of beginning. (1868, c. 109, § 5.)

This county was formed by Laws 1868, c. 109, § 5, from territory previously comprised in the counties of Stevens, Traverse and Wilkin. It was organized by Laws 1873, c. 91.

§ 30. (SEC. 25.) **Hennepin county.** The county of Hennepin is established and bounded as follows: 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.

§ 31. (SEC. 26.) **Houston county.** 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.

§ 32. (Sec. 27.) **Isanti county.** 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.

§ 33. (Sec. 28.) **Itasca county.** 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 of 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.

By Laws 1866, c. 46, the western boundary of Itasca county was changed, a part of its territory being transferred to the new county of Beltrami. See *ante*, § 8.

By Laws 1871, c. 96, certain territory in the south-easterly part of Itasca county was transferred to Aitkin county. See *ante*, § 2. The county is not organized.

§ 34. (Sec. 29.) **Jackson county.** 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.

§ 35. (Sec. 30.) **Kanabec county.** 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.

§ 36. (Sec. 31.) **Kandiyohi county.** 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.

(SEC. 41.) **Monongalia county.** 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.

By Laws 1870, c. 92, the counties of Kandiyohi and Monongalia were consolidated under the name of Kandiyohi.

§ 37. (SEC. 49.) **Kittson county.** The county of Kittson 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 westerly, 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.

The name of this county was changed from Pembina to Kittson, by Laws 1878, c. 59. See *post*, § 54. The county is not organized.

*§ 38. **Lac qui Parle county.** The county of Lac qui Parle is hereby established, and the boundary lines thereof shall be as follows: Commencing at the intersection of the middle line of the Minnesota river with the range line between ranges forty and forty-one; thence in a northwesterly direction, along the middle line of the Minnesota river, to the western boundary of the state; thence south, along the western boundary line of the state, to the township line between townships one hundred and fifteen and one hundred and sixteen; thence east, along the township line between townships one hundred and fifteen and one hundred and sixteen, to the range line between ranges forty-one and forty-two; thence north, along the range line between ranges forty-one and forty-two, to the township line between townships one hundred and sixteen and one hundred and seventeen; thence east, along the township line between townships one hundred and sixteen and one hundred and seventeen, to the range line between ranges forty and forty-one; thence north, along the range line between ranges forty and forty-one, to the place of beginning. (1871, c. 100, § 1.)

This county comprises no part of the territory which constituted the county of the same name described in the General Statutes. The above described county was created by Laws 1871, c. 100, and was organized by the same act. The territory comprising it formed part of Redwood county as described in the General Statutes.

§ 39. (SEC. 33.) **Lake county.** 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.

§ 40. (SEC. 34.) **LeSueur county.** 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 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.

*§ 41. **Lincoln county.** That all that part of the territory of the county of Lyon, state of Minnesota, west of range numbered forty-three west of the fifth principal meridian, be and the same is hereby established as the county of Lincoln, by which name it shall be described and known. (1873, c. 92, § 1.)

This county includes no part of the territory which composed the county of the same name described in the General Statutes. It was formed out of Lyon county by Laws 1873, c. 92, and organized by the same act.

*§ 42. **Lyon county.** The boundary line of Lyon county is hereby established and shall hereafter be as follows: Beginning at the south-east corner of township one hundred and nine (109), range forty (40); thence due north to the north-east corner of township one hundred and thirteen (113), range forty west of the fifth principal meridian; thence west to the boundary line of the state of Minnesota; thence south, on the boundary line of the state, to the township line between townships one hundred and eight (108) and one hundred and nine (109); thence east on said township line to the place of beginning. (1869, c. 94, § 1.)

The territory thus formed into Lyon county was comprised in Redwood county as described in the General Statutes. By Laws 1873, c. 92, § 1, all that part of Lyon county lying west of range forty-three was formed into the county of Lincoln. It is recognized as organized in Sp. Laws 1872, c. 88, fixing its county seat, and in Laws 1873, c. 92, establishing Lincoln county.

§ 43. (Sec. 37.) **Martin county.** 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.

§ 44 (Sec. 38.) **McLeod county.** 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.

§ 45. (SEC. 39.) **Meeker county.** 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.

* Same—townships added. That the townships numbered one hundred and seventeen, of ranges numbered thirty-one and thirty-two, are hereby detached from the county of Renville, and attached to the county of Meeker, and the said townships are hereby declared to be a part of said Meeker county, in this state. (1870, c. 97, § 1.)

§ 46. (SEC. 40.) **Mille Lacs county.** 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.

* § 47. **Morrison County.** The county of Morrison is established and bounded as follows: Beginning on the range line between townships forty-two and forty-three north, of range twenty-eight west, at the north-east corner of said township forty-two north, of range twenty-eight west; thence west, on said range* line, to the centre of the main channel of the Mississippi river; thence running up said channel to the mouth of the Crow Wing river; thence up the main channel of said river until the same intersects the range line between townships one hundred and thirty-three north, of range thirty-one and thirty-two west; thence south, on said range line, to a point directly west of the middle of the main channel of the Mississippi river, opposite the mouth of Platt river; thence east to the middle of the main channel of the Mississippi river; thence up said channel to a point west of the range* line between townships thirty-eight and thirty-nine north, of range thirty-two west; thence east, following said range* line, to the south-east corner of township thirty-nine, north of range twenty-eight west; thence north, on the range line between townships thirty-nine north and range twenty-seven and twenty-eight west, following said range line to the beginning. (1867 c. 116, § 1.)

* This should read "township" instead of "range."

* Same—Southern boundary. That all that portion of the county of Stearns lying north of the section line running due east from the north-east corner of said section thirty-six, township one hundred and twenty-seven, range thirty-two, to the

Mississippi river, be and the same is hereby detached therefrom, and added to and made a portion of the county of Morrison. (1870 c. 98, § 1.)

§ 48. (SEC. 43.) **Mower county.** 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 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.

§ 49. (SEC. 44.) **Murray county.** 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.

This county was organized by Laws 1872, c. 82.

§ 50. (SEC. 45.) **Nicollet county.** 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.

*Sec. 51a. See 1881 Sup't, p. 12.

§ 51. (SEC. 46.) **Nobles county.** 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.

The organization of this county was legalized by Laws 1874, c. 83.

§ 52. (SEC. 47.) **Olmsted county.** 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

MINNESOTA STATUTES 1878

8.]

COUNTIES AND COUNTY OFFICERS.

125

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.

§ 53. (SEC. 48.) **Otter Tail county.** The county of Otter Tail is established and bounded as follows: 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.

* **Same—Towns added.** Townships 131, 132, 133, 134, 135, and 136, in range 44 west, are hereby detached from the county of Wilkin, and the same are hereby attached to and made a part of Otter Tail, county as hereinafter provided. (1872, c. 87, § 1.)

*§ 54. **Pembina county changed to Kittson.** The name of the county of Pembina is hereby changed to the county of Kittson, and the said county of Pembina shall be known and be termed for all purposes whatever as the county of Kittson, but without prejudice to any legal or judicial proceedings now pending. (1878, c. 59, § 1.)

§ 55 (SEC. 50.) **Pine county.** 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 northwest 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.

§ 56. (SEC. 51.) **Pipestone county.** 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.

This county is not organized.

§ 57. (SEC. 52.) **Polk county.** 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;

§ 56, 57. See 1881 Sup'l, p. 13. And § 57. See 1883 Sup'l, p. 12.

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.

By Laws 1866, c. 46, the eastern boundary of Polk county was changed, certain territory being transferred to the new county of Beltrami. Organized by Laws 1873, c. 98.

*§ 58. **Pope county.** The boundary line of Pope county is hereby established, and shall hereafter be as follows: Beginning at the north-east corner of township one hundred and twenty-six (126) north, of range thirty-six (36) west of fifth principal meridian; thence west to the north-west corner of township one hundred and twenty-six (126) north, of range forty (40) west; thence south to the south-west corner of township one hundred and twenty-three (123) north, of range forty (40) west; thence east to the south-east corner of township one hundred and twenty-three (123) north, of range thirty-six (36) west; thence north to the place of beginning. (1866, c. 44, § 1.)

The territory comprised within the boundaries established by Laws 1866, c. 44, is identical with that forming Pope county, as described in the General statutes. The county was organized by laws 1866, c. 44.

§ 59. (SEC. 54.) **Ramsey county.** 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.

* **Same—territory added.** That all of that part of Dakota county lying north of the south boundary line of sections seven and eight and nine, of township number twenty-eight, range twenty-two west, and section twelve of township twenty-eight, range twenty-three west, are hereby detached from the county of Dakota, and attached to the county of Ramsey, for all purposes whatsoever. The south-west quarter of the south-east quarter of section seven, town twenty-eight, range twenty-two west, is excepted from the provisions of this act, and shall remain a part and portion of Dakota county. (1874, c. 101, § 1.)

§ 60. (SEC. 55.) **Redwood county.** 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 Big Stone lake; thence, following the main channel of the Minnesota river, to the place of beginning.

By the act of February 23, 1865, (Laws 1865, c. 71,) establishing the boundaries of Redwood, Brown and Cottonwood counties, the first of those counties was bounded as follows:

***Redwood county.** The boundary line of Redwood county is hereby established, and shall hereafter be as follows:

Beginning at the intersection of the middle line of the Minnesota river and the range line between ranges thirty-three and thirty-four; thence in a north-westerly direction on the middle line of the main channel of the Minnesota river to the western boundary line of the state of Minnesota; thence in a southerly direction on the boundary line of the state to the township line

between townships one hundred and eight and one hundred and nine; thence east on said line to the range line between ranges thirty-five and thirty-six; thence north on said line to the township line between townships one hundred and nine and one hundred and ten; thence east on said line to the range line between ranges thirty-three and thirty-four; thence north on said line to the place of beginning. (1865, c. 71, § 1.)

This act having been duly ratified by popular vote, the boundaries therein established were the legal boundaries of Redwood county at the time of the passage of Gen. St. c. 8. By section 55 of that chapter, township 109 of range 34, and township 109 of range 35 were transferred from Brown to Redwood county. But as this change in the lines of these counties was not submitted to popular vote, as required by Const. Art. 11, § 1, in case of organized counties section 55 never became a law, and the boundaries of Redwood county remained as fixed by the act of 1865.

The following counties have been formed from the territory comprised within the foregoing boundaries of the county of Redwood:

Lyon, by Laws 1869, c. 94. See *ante* § 42.

Yellow Medicine, by Laws 1871, c. 98. See *post* § 82.

Lac qui Parle, by Laws 1871, c. 100. See *ante* § 38.

*§ 61. **Renville county.** 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 eleven (111) and one hundred and twelve (112) north; thence east to the south-east corner of township one hundred and twelve (112) north of range thirty-two (32) west of the fifth meridian; thence north to the north-east corner of township one hundred and fourteen (114) north; thence west to the north-west corner of township one hundred and fourteen (114) north, of range thirty-two west; thence north to the north-east corner of township one hundred and sixteen (116) north; thence west to the north-west corner of township one hundred and sixteen (116) north, of range thirty-eight west; thence south to the centre of the main channel of the Minnesota river; thence down the main channel of said river to the place of beginning; *provided*, that if, after the passage of this act, it shall be judicially determined that townships one hundred and fifteen, one hundred and sixteen and one hundred and seventeen, of range thirty-one, and townships one hundred and fifteen, one hundred and sixteen and one hundred and seventeen, of range thirty-two, are not a part of the county of McLeod, then and in that case the said townships shall constitute a part of the county of Renville notwithstanding the provisions of this act. (1868, c. 110, § 1.)

By Laws 1866, c. 50, it was provided that the above mentioned towns (then forming part of the old county of Lincoln) should be transferred to McLeod county, the act to take effect upon its ratification by the electors of McLeod county. Such ratification was proclaimed by the governor on December 20, 1866. The effect of it, however, was to reduce the area of Lincoln county to six townships or only 216 square miles, in violation of Const. Art. 11, § 1, which forbids any reduction below 400 square miles, and therefore these townships remained in Lincoln county until, by the above section, that county was merged in Renville county.

By Laws 1870, c. 97, two of these towns, viz., 117 of range 31, and 117 of range 32, were detached from Renville county and added to Meeker county. See *ante* § 45.

§ 62. (SEC. 57.) **Rice county.** 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.

§ 63. (SEC. 58.) **Rock county.** 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.

This county was organized by Laws 1870, c. 91.

By Laws 1866, c. 45, the name of Rock county was changed to Lincoln, the act to take effect when the territory then forming the county of Lincoln should be attached to and form part of other counties. By laws 1868, c. 110, Lincoln county was merged in Renville county (see *ante*, §61), but Rock county has always retained its original name, and in 1873 a new county of Lincoln was created. See *ante*, § 41.

§ 64. (SEC. 59.) **Saint Louis county.** The county of Saint Louis is established and bounded as follows: Beginning at the southwest 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 (*wcst*) on said township line to the place of beginning.

The last line in the above boundaries must necessarily run west, and not east as it is laid down in the General Statutes.

§ 65. (SEC. 60.) **Scott county.** 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 Minnesotariver; thence down said channel to the mouth of Credit river; thence in a direct line to the place of beginning.

The eastern line of Scott county was altered by laws 1871, c. 97 changing the boundary between Scott and Dakota counties. See *ante*, § 22.

§ 66. (SEC. 61.) **Sherburne county.** 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.

§ 67. (SEC. 62.) **Sibley county.** 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 northwest corner of section nineteen, of township one hundred and fourteen,

MINNESOTA STATUTES 1878

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.

*This should read "north-east" instead of "north-west."

§ 68. (Sec. 63.) **Stearns county.** 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.

By laws 1870, c. 98, § 1, changing the boundary between Stearns and Todd and Morrison counties, certain territory was transferred from Stearns to Morrison county. See *ante*, § 47.

* **Same—northern boundary.** That the boundary line between the counties of Stearns and Todd in this state is hereby established and designated as follows: Commencing at the south-west corner of section number thirty, township number one hundred and twenty-seven north, of range number thirty-five west of the fifth principal meridian; thence due east, on the section line running east and west, to the south-east corner of section number twenty-five, township number one hundred and twenty-seven north of range number thirty-two west of the meridian aforesaid; and the boundary line between the said counties of Stearns and Todd is hereby declared to be so [as] designated in this section. (1874, c. 102, § 1.)

§ 69. (Sec. 64.) **Steele county.** 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

MINNESOTA STATUTES 1878

ranges eighteen and nineteen; thence south on said range line to the place of beginning.

*§ 70. **Stevens county.** The county of Stevens is established and bounded as follows: Beginning at the north-east corner of township one hundred and twenty-six (126) north, of range forty-one (41) west, of the fifth principal meridian; thence west to the north-west corner of township one hundred and twenty-six (126) north, of range forty-four (44) west; thence south to the south-west corner of township one hundred and twenty-three (123) north of range forty-four west; thence east to the south-east corner of township one hundred and twenty-three (123) north, of range forty-one (41) west; thence to the place of beginning. (1868, c. 109, § 1.)

This county is recognized as organized in Sp. Laws 1872, c. 89.

*§ 71. **Swift county.** The boundary lines of Swift county are hereby established and hereafter shall be as follows: Beginning at the north-east corner of township number one hundred and twenty-two north, of range number thirty-seven west of the fifth principal meridian; thence west to the north-west corner of township number one hundred and twenty-two north, of range number forty-three west; thence south to the centre of the main channel of the Minnesota river; thence in a south-easterly direction, along the main channel of said river, to the intersection of the township line between townships one hundred and nineteen and one hundred and twenty; thence east, along said township line, to the south-east corner of township number one hundred and twenty, range number thirty-seven; thence north to the point of beginning. (1870, c. 90, § 1.)

This county was formed out of Chippewa county by the act above cited, which recognizes it as organized.

*§ 72. **Todd county.** The county of Todd is established and bounded as follows: Beginning in the centre of the main channel of Crow Wing river, where said river is crossed by the range line between townships one hundred and thirty-three north, of range thirty-one and thirty-two west; thence up said channel to the range¹ line between townships one hundred and thirty-three and one hundred and thirty-four north of range thirty-two west; thence west on said range¹ line to the north-west corner of townships one hundred and thirty-three north, of range thirty-five west; thence south on the range line between townships one hundred and thirty-three north, of ranges thirty-five and thirty-six west, following the range line to a point directly west of the middle of the main channel of the Mississippi river opposite the mouth of Platte river; thence east to the range line between townships one hundred and twenty-seven north, of ranges thirty-two and thirty-one west; thence north, following said range line to the place of beginning. (1867, c. 116, § 2.)

¹ This should read *township*.

The southern boundary line of Todd county was changed by Laws 1874, c. 102. See *ante*, § 68.

§ 73. (SEC. 67.) **Traverse county.** The county of Traverse is established and bounded as follows: 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.

By Laws 1868, c. 109, §§ 1 and 5, the eastern range of townships in Traverse county, as above described, were transferred to Grant and Stevens counties, respectively. See *ante*, §§ 29 and 70. Section 3 of the act of 1868 is as follows:

*§ 70. See 1881 Sup't, p. 13.

***Traverse county.** The county of Traverse is established and bounded as follows: Beginning at the north-east corner of township one hundred and twenty-six (126) north, of range forty-five (45) west, to the western boundary of the state; thence south along the said boundary of the state to the intersection of the township line between townships one hundred and twenty-two (122), and one hundred and twenty-three (123); thence east to the south-east corner of township one hundred and twenty-three (123) north, of range forty-five (45) west; thence north to the place of beginning. (1868, c. 109, § 3.)

On comparison of this section with section 79, *post*, defining the boundaries of Wilkin county, towns 127, 128, and 129, of ranges 45, 46, and 47, appear to be without the limits of any county. By this section the two upper tiers of townships of Big Stone county are included in Traverse county which would leave to Big Stone county less than 400 square miles; while, without the territory thus taken from Big Stone county, Traverse county, itself, as defined in this section, would contain less than 400 square miles; from which it would seem to follow that the boundaries of Traverse county as established by the General Statutes are not affected by this section. See Const. art. 11, § 1.

§ 74. (Sec. 63.) **Wabasha county.** The county of Wabasha is established and bounded as follows; 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*¹ and one hundred and *fifteen*²; 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*³ and one hundred and *sixteen*⁴; 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.

For these corrections see Pub. St. c. 1, § 48, § 61, § 80 and § 83, by which the limits of Wabasha county at the time of the passage of the General Statutes are defined. If the change in the General Statutes were intentional, and not the result of a mere clerical error, still it did not affect the then existing boundaries of the county, not having been ratified by popular vote, as required by Const. Art. 11, § 1.

1. This should read "ten" instead of "fourteen."

2. This should read "eleven" instead of "fifteen."

3. This should read "eleven" instead of "fifteen."

4. This should read "twelve" instead of "sixteen."

§ 75. (Sec. 69.) **Wadena county.** The county of Wadena is established and bounded as follows: Beginning at the southwest 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.

This county was organized by Laws 1873, c. 97.

§ 76. (Sec. 70.) **Waseca county.** 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-

[74a. See 1881 Sup't. l. p. 13.

And § 75.

See 1883 Sup't. p. 12.

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.

§ 77. (SEC. 71.) **Washington county.** 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.

§ 78. (SEC. 72.) **Watonwan county.** 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.

§ 79. **Wilkin county.** That so much of the county of Wilkin as is embraced in the following described territory, to wit: commencing at the north-east corner of township 136 of range 45 west; running thence west, on the town line between 136 and 137, to the state line; thence in a southerly direction, along the west line of the state of Minnesota, to the town line between 129 and 130; thence east, on said town line, to the south-east corner of township 130 of range 45 west; thence north, on the range line between ranges 44 and 45, to the place of beginning, is hereby declared to be an organized county, with all the rights, privileges and immunities of other organized counties within this state. (1872, c. 83, § 1.)

The foregoing description includes all of the county called Andy Johnson in the General Statutes (the name of which was changed to Wilkin by Laws 1868, c. 115,) excepts towns 131 to 136, both inclusive, of range 44, transferred to Otter Tail by Laws 1872, c. 87, and town 130 of range 44, transferred to the new county of Grant, by Laws 1868, c. 109. See *ante*, § 29 and § 54.

§ 80. (SEC. 73.) **Winona county.** 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.

§ 81. (SEC. 74.) **Wright county.** 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.

*§ 82. **Yellow Medicine county.** The county of Yellow Medicine is hereby established, and the boundary lines thereof shall be as follows: Commencing at the intersection of the middle line of the Minnesota river with the range line between ranges thirty-seven and thirty-eight; thence in a northwesterly direction, along the middle line of said river, to the intersection thereof with the range line between ranges forty and forty-one; thence south, along the range line between ranges forty and forty-one, to the township line between townships one hundred sixteen and one hundred and seventeen; thence west, along the township line between towns one hundred sixteen and one hundred seventeen, to the range line between ranges forty-one and forty-two; thence south, along the range line between ranges forty-one and forty-two, to the township line between townships one hundred fifteen and one hundred sixteen; thence west, along the township line between townships one hundred fifteen and one hundred sixteen, to the western boundary of the state; thence south, along the western boundary of the state, to the township line between townships one hundred thirteen and one hundred fourteen; thence east, along the township line between [townships] one hundred thirteen and one hundred fourteen, to the range line between ranges thirty-nine and forty; thence south along the range line between ranges thirty-nine and forty, to the township line between townships one hundred twelve and one hundred thirteen; thence east, along the township line between townships one hundred twelve and one hundred thirteen, to the range line between ranges thirty-seven and thirty-eight; thence north, along the range line between ranges thirty-seven and thirty-eight, to the place of beginning.

This county was formed and organized by Laws 1871, c. 98, from territory formerly included in Redwood county.

TITLE 2.

ORGANIZATION, POWERS AND DUTIES.

§ 83. (SEC 75.) **Powers of counties.** Each organized county within this state is a body politic and corporate, and, as such, empowered to act for the following purposes:

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.

3 M. 441 (496); 14 M. 67, 498; 16 M. 151; 22 M. 97.

§ 84. (SEC. 76.) **May hold real estate.** 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.

§ 85. (SEC. 77.) **Powers, how exercised.** 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.

§ 86. (SEC. 78.) **Counties to provide buildings.** Each county organized for judicial purposes shall provide at the county seat 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. (*As amended 1870, c. 44, § 1.*)

§ 87. (SEC. 79.) **Suits against counties—Service of process—Jurors and witnesses.** 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.

§ 88. (SEC. 80.) **County how named in suits.** 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.

§ 89. (SEC. 81.) **Appeal from board of county commissioners.** 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 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.

14 M. 67.

§ 90. (SEC. 82.) **Proceedings on such appeal.** 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 counterclaim, 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 counterclaim, any demand which the county has against such claimant, and have execution for the collection of any judgment in its favor.

^{15 M. 324.}
 § 91. (SEC. 83.) **Enforcement of judgments against counties.** 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 3.

COUNTY COMMISSIONERS.

§ 92. (SEC. 84) **Every county to have board of commissioners.** 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.

§ 93. (SEC. 85.) **Counties organized into townships.** 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

MINNESOTA STATUTES 1878

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.

§ 94. (SEC. 86.) **Commissioners for each district.** 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.

§ 95. (SEC. 87.) **Counties without township organization.** 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.

§ 96. (SEC. 88.) **Commissioners, term of office.** 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 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.

§ 97. (SEC. 89.) **Basis for districting.** 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.

§ 98. (SEC. 90.) **Election proceedings in case of a tie.** 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.

§ 99. (SEC. 91.) **Commissioners to take oath.** Each person elected as 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 endorsed 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.

§ 100. (SEC. 92.) **Pay of county commissioners.** The county commissioners shall each receive three dollars per day for each day they are necessarily employed in transacting the county business, and ten cents per mile for every mile travelled in going to and returning from the meeting of the county board in the discharge of any official duty, computed by the nearest travelled route; but no county commissioner shall receive pay for more than twenty days in any one year, or be entitled to travelling fees for attendance on more than six sessions in any one year. (*As amended 1873, c. 44, § 1.*)

§ 101. (SEC. 93.) **Quorum.** 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.

21 M. 33.

§ 102. (SEC. 94.) **Meetings of county commissioners.** The board of county 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 on the 4th Monday of July, in each year; and may hold such extra sessions as they deem necessary for the interest of the county. Such extra sessions 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. (*As amended 1874, c. 74, § 1.*)

*§ 103. **Change of time for sessions.** Every thing or act required of said board of county commissioners, or which they were authorized to do, at their September session, as heretofore authorized, shall be done hereafter at their July sessions, provided for in the foregoing section. (*1874, c. 74, § 2.*)

§ 104. (SEC. 95.) **Vacancies, how filled.** 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.

§ 105. (SEC. 96.) **Seal—Evidence of proceedings.** 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.

§ 106. (SEC. 97.) **To choose chairman.** 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.

§ 107. (SEC. 98.) **Selection of jurors, when and how made.** 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: *and provided further*, that in the county of Hennepin the number of persons so selected as grand jurors shall be one hundred and thirty-five (135), and to serve as petit jurors, two hundred and fifty (250): *and provided further*, that in all counties where the population shall exceed ten thousand (10,000) people, no person shall be included in such list who was included in the last previous annual list, and any person having served as a juror for one (1) term of court, shall be retired from such list, and shall not be again drawn during the same year: *and provided further*, that in counties having two or more terms of court in one year, after the first term of said court, the clerk of the court shall retire from the original list the names of all persons who have served at said term, and notify the county commissioners thereof, and it shall be the duty of the county commissioners at their next session after said term, to select new names, equal in number to those retired, and the said clerk shall add the names so selected to the original list. (*As amended 1877, c. 10, § 1; 1878, c. 18, § 1.*)

§ 108. (SEC. 99.) **Same—Failure to select in January.** 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.

§ 109. (SEC. 100.) **Same—who to be selected.** 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.

§ 110. (SEC. 101.) **Offices &c. to be provided for county officers.** The board of commissioners shall provide offices, and necessary fuel for heating the same, for the county auditor, treasurer, register of deeds, sheriff, the judge of probate and clerk of the district court, and suitable furniture for the use of said offices, and desks and safes or vaults for the preservation and security of the books and papers belonging thereto; and shall provide all books and stationery necessary for the use of the above mentioned offices, and the probate court and county surveyor; but not more than one hundred dollars shall be appropriated for books, stationery and furniture for any one office in any one year. (*As amended 1870, c. 44, § 2; 1873, c. 45, § 1.*)

*§ 111. **Where county offices are to be held.** That all counties recently organized, or that may hereafter be organized, the county officers may respectively hold their offices at their respective places of abode until the board of county commissioners of such counties shall have provided offices at the county seat for the accommodation of such officers as are by law required to keep their offices at the county seat; but it shall be the duty of the board of county commissioners of such counties to provide the requisite offices, within three years from their organization, at the county seat of the county: *provided*, that this act shall not apply to Douglas county. (*1867, c. 114, § 1.*)

§ 112. (SEC. 102.) **Vacancy in office of register of deeds.** 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.

§ 113. (SEC. 103.) **Annual statement of receipts and expenditures.** The board of commissioners on the third 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, 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. (*As amended 1872, c. 59, § 1.*)

§ 114. (Sec. 104.) **Powers of commissioners—Organizing and vacating towns.** Said board have final 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, except in the cases provided for in section two (2) of chapter ten of said general statutes. (*As amended 1869, c. 32, § 1.*)

*§ 115. **Claims to be itemized before allowance.** Before any account, claim or demand against any town or county of this state, for any property or services for which such town or county shall be liable, shall be audited or allowed by the board of officers authorized by law to audit and allow the same, the person in whose favor such account, claim or demand shall be, or his agent, shall reduce the same to writing in items, and shall verify the same to the effect that such account, claim or demand is just and true, that the money therein charged was actually paid for the purposes therein stated, that the property therein charged was actually delivered or used for the purposes therein stated, and was of the value therein charged, and that the services therein charged were actually rendered, and of the value therein charged; or, in case such services were official, for which fees are prescribed by law, then that the fees or amounts charged therefor are such as are allowed by law, and that no part of such account, claim or demand has been paid: *provided*, that the provisions of this act shall not apply to any claim or demand for an annual salary, or per diem of jurors or witnesses, fixed by or in pursuance of any statute. (*1869, c. 27, § 1.*)

*§ 116. **Verification of claims—punishment of perjury.** The verification required by the preceding section may be made before any officer authorized by law to administer oaths, or before any member of the board to which the account, claim or demand shall be presented to be audited; and every member of any such board is hereby authorized to administer the proper oath in such cases; and every person who shall wilfully or knowingly swear falsely on any such cases shall be deemed guilty of wilful perjury, and be punished accordingly: *provided*, that in case any such account, claim or demand shall be made or presented by any administrator or executor on behalf of the estate of a deceased person, he shall not be required to verify the same, but may prove the same otherwise to the satisfaction of the board. (*Id. § 2.*)

*§ 117. **Auditing of verified claims.** Whenever any account, claim or demand against any town or county shall have been verified in the manner prescribed in this act, the board of officers to whom the same shall be presented may receive and

consider the same, and may allow or disallow the same in whole or in part as to such board or officers shall appear just or lawful, saving to such claimants the right of appeal. (1869, c. 27, § 3.)

*§ 118. **Penalty for allowing accounts not itemized.** Any member of such board who shall audit and allow any account, claim or demand required by this act to be itemized and verified, without the same having been first duly itemized and verified, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. (*Id.* § 4.)

§ 119. (SEC. 105.) **Commissioners to appoint assessors.** 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.

§ 120. (SEC. 106.) **To establish election districts.** 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.

See 1883 Suppl., p. 13.

§ 121. (SEC. 107.) **To appoint judges of election.** 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.

§ 122. (SEC. 108.) **Justices and constables.** 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.

§ 123. (SEC. 109.) **Official oaths and papers, where filed.** 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.

§ 124. (SEC. 110.) **Commissioners not to appoint themselves to office, &c.** No county commissioner shall be appointed or elected by the board of county commissioners of which he is a member, to any office or position of trust to which such commissioners are authorized by law to appoint or elect; nor shall any compensation or salary be paid to any person heretofore or hereafter so appointed or elected. And no county commissioner shall receive any money or other valuable thing as a condition or inducement to voting for any contract or other thing 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 appointment or election heretofore or hereafter made, and every contract or payment voted for or made contrary to the provisions of this section, is void;

and any violation of this section hereafter committed shall be a malfeasance in office, which will subject the commissioner so offending to be removed from office. (*As amended 1876, c. 73, § 1.*)

*§ 125. **Commissioners to re-establish section posts.** The board of county commissioners of any county where it shall be made to appear to their satisfaction, at any regular or special meeting, that the section posts or monuments established by the United States have been destroyed, or are becoming obscure, shall have power to authorize and direct a competent surveyor of the county to re-survey, re-locate and re-establish such section posts or monuments, by having permanently placed at such government corners an iron or stone or wood post or monument, of a durable character, of such size and construction as in their discretion may be deemed desirable; and such surveyor shall be paid for such services and expenses out of the general fund of the county; and in making such survey, the said surveyor shall keep full and accurate notes thereof, and shall file a certified copy of the same in the office of the register of deeds of said county. (*1875, c. 33, § 1.*)

*§ 126. **Commissioners to establish township landmarks.** That it shall be the duty of the county commissioners of every county in this state having a population of over five thousand, to cause to be placed at the north-east section stake, on the north-east corner of every government township in their respective counties, a landmark; said landmark shall be of a stone not less than eight inches square and two feet long, sunk the full depth in the ground, duly marked on the top by chisel marks, the number and range of said township and section, or an iron post, two inches square and thirty inches long, with flat head six inches square, with letters on the top indicating the town, range and section; the expenses to be paid out of the county treasury, as other expenses of said county are paid. (*1875, c. 32, § 1.*)

*§ 127. **By whom located.** Said landmarks shall be located by the county surveyor of each county, and, where there be no county surveyor, then by a competent surveyor employed by said commissioners, and shall be located, if possible, where the government stake was located, or as near as can be; and the same shall be considered and taken *prima facie* evidence as the legal corner of said government section one in said government township, according to government survey. (*Id.* § 2.)

*§ 128. **Penalty for injuring landmarks.** It shall be unlawful for any person to remove, destroy or deface said landmarks, and upon conviction of the same shall be deemed guilty of a misdemeanor, and be punished by fine and imprisonment, or both, in the discretion of the court, not more than one hundred dollars and not less than twenty-five dollars, and not more than thirty days imprisonment in the county jail of the county. (*Id.* § 3.)

TITLE 4.

COUNTY AUDITORS.

§ 129. (SEC. 111.) **Each county to elect auditor.** 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.

§ 130. (SEC. 112.) **Auditor to give bond and take oath.** 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 the register of deeds.

§ 131. (SEC. 113.) **Proceedings against auditor for malfeasance in office.** 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. And when complaint in such action is made, the said commissioners shall cause a copy thereof to be forthwith furnished to the governor of the state, who shall, if the complaint alleges any of the acts of neglect or offences hereinbefore recited, suspend such auditor temporarily, and cite him to appear and show cause why such suspension should not continue during the pendency of the action. Either party may produce competent evidence, by affidavits or otherwise, at the time of such hearing; and if there appears to be reasonable grounds to support the charges of said complaint, the governor may continue such suspension during the pendency of the action; otherwise he shall restore him to office. In case of suspension, under the provisions of this section, such auditor, if restored to office, shall not be deprived of his salary during the time of suspension, and his reasonable expenses in defending himself upon such hearing before the governor shall be paid by the county. If upon the trial of such action such auditor is adjudged guilty of any neglect of duty, or offence charged, the office shall be deemed to be vacant. (*As amended 1871, c. 89, § 1.*)

§ 132. (SEC. 114.) **Action on auditor's bond.** 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.

§ 133. (SEC. 115.) **Effect of failure to qualify.** 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.

§ 134. (SEC. 116.) **Vacancy, how filled.** 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.

§ 135. (SEC. 117.) **Temporary disability provided for.** 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 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.

Crowell v. Lambert, 10 M. (369).

§ 136. (SEC. 118.) **Who ineligible.** No county commissioner, county surveyor, or county treasurer, is eligible to the office of county auditor.

§ 137. (SEC. 119.) **May appoint deputy.** 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.

§ 138. (SEC. 120.) **Shall be clerk of board.** 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, and prepare a financial statement of the county annually, unless otherwise ordered by the county commissioners. (*As amended 1878, c. 7, § 1.*)

§ 139. (SEC. 121.) **Shall deliver money, books, papers, &c., to successors.** 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.

§ 140. (SEC. 122.) **Shall keep account with treasurer.** 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.

§ 141. (SEC. 123.) **Claims, how allowed—money, how disbursed.** 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.

^{16 M. 106.}

§ 142. (SEC. 124.) **Salaries of auditors—allowance for clerk hire.** The salary of the county auditors shall be regulated by the value of the property in their respective counties, as fixed by the state board of equalization for the preceding year, as follows: In counties where the amount of taxable property does not exceed the sum of one and one-half million dollars, they shall be entitled to receive six mills on each dollar of the first one hundred thousand dollars, and one mill on each dollar of all amounts in excess of said last named sum, and less than two hundred thousand dollars, and one-third of one mill on each dollar on all amounts in excess of said last named sum. In counties where the value of the taxable property for the preceding year, as fixed by the said board of equalization, exceeds the sum of one and one-half million dollars, the county auditor shall be entitled to receive five mills on each dollar of the first one hundred thousand dollars, and one half of one mill on each dollar of all amounts in excess of said sum and less than two million dollars, and one-fifth of one mill on each dollar of all sums in excess thereof. In [all] counties where the valuation of taxable property exceeds one million dollars, the county auditor shall be allowed for clerk hire one fifth of one mill on each dollar of such amount of taxable property not exceeding five million dollars, and on all sums in excess of five million dollars, one-twentieth of one mill on each dollar

§ 111, 142. See 1881 Sup'l., p. 14. And § 132. See 1883 Sup'l., p. 13.

thereafter; *provided*, that no county auditor shall receive more than twelve hundred dollars per annum for his personal services in counties where the valuation does not exceed four million dollars, nor more than fifteen hundred dollars in counties where the valuation exceeds four million dollars, and does not exceed six million dollars, nor more than two thousand dollars in counties where such valuation exceeds eight million dollars and does not exceed ten million dollars, nor more than two thousand five hundred dollars where such valuation exceeds ten million dollars. And all moneys received as fees or percentage in excess of the amounts provided for in this act shall be paid by the auditor, at the end of each year, into the revenue fund of the county. (*As amended 1877, c. 120, § 1.*)

^{20 M. 388.}
 *§ 143. **Clerk hire, how paid.** The allowance for clerk hire in all cases shall be for actual services rendered, and shall be paid monthly to such clerk or clerks by the treasurer of the county, upon the order of the county auditor accompanied by his certificate that such services have been rendered; and in no case shall the county auditor be entitled to receive allowance for clerk hire, unless such service has been rendered. (*1877, c. 120, § 2, as amended 1878, c. 47, § 1.*)

TITLE 5.

COUNTY TREASURERS.

§ 144. (SEC. 125.) **Each county to elect treasurer.** 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.

§ 145. (SEC. 126.) **Treasurer to take oath and give bond.** 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, conditioned that such person shall faithfully execute the duties of his office, and 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 register of deeds in said county. (*As amended 1877, c. 11, § 1.*)

^{18 M. 199; 22 M. 97; 23 M. 551.}
 § 146. (SEC. 127.) **Effect of failure to qualify.** 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.

§ 147. (SEC. 128) **Vacancy, how filled—who are ineligible.** 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.

§ 148. (SEC. 129.) **Treasurer to have office at county seat, and keep books.** 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.

§ 149. (SEC. 130.) **Receipt and payment of moneys.** 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.

§ 150. (SEC. 131.) **Board of auditors for counties—their duties.** When any money is paid to the county treasurer, excepting that paid on account of taxes charged on duplicate, the treasurer 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; and there is hereby created a board of auditors for each of said counties in this state, which board shall consist of the county auditor, chairman of the board of county commissioners, and clerk of the district court of either of said counties in this state, whose duty it shall be to carefully examine and audit the accounts, books and vouchers of the treasurer of their respective counties, and to count and ascertain the kind, description and amount of funds in the treasury of said county or belonging thereto, at least three times in each year, without previous notice to the treasurer, and make report thereof, and of their acts and doings in the premises, to the county commissioners at their next meeting after such examination, and to publish the result of such examination in one or more newspapers in their respective counties, and also to witness and attest the transfer and delivery of accounts, books, vouchers and funds by any out-going treasurer to his successor in office, and report the same to the board of county commissioners at their next meeting after the terms of office of any treasurer shall expire.

Second. **Deposit of public funds.** All the funds of any of said counties in this state shall be deposited by the county treasurer in one or more designated national banks, or state or private bank or banks, on or before the first day of each month, in the name of the proper county of which said board are officers. Such bank, or banks, or bankers, shall be designated by the said board of auditors, in their discretion, after advertising in one or more newspapers published in their respective counties for at least two weeks for proposals, and receiving proposals stating what security would be given to said county for such funds so deposited, and what interest on monthly balances of the amount deposited, upon condition that said funds with accrued interest shall be held subject to draft and payment at all times on demand: *provided*, that the amount deposited in any bank or banking house shall not exceed the assessed capital stock of said bank or banking house, as shall appear on the duplicate tax list. Every payment of the county treasurer shall be made on the warrant of the county auditor, or the chairman of the board of county commissioners, duly attested by the county auditor.

Third. Treasurer's books. The treasurer shall keep the books of his office in such way and manner as to show plainly and accurately every receipt and disbursement or payment daily, and on the same day on which such receipts and payments, or either of them, actually occurs; and no unfinished business shall be kept or entered upon loose memoranda or slips of paper; and the said treasurer's books shall be balanced plainly and accurately every business day.

Fourth. Security required of the public depositories. Before any national, state or private bank or banker shall be designated as such depository, such bank or banker shall deposit with such treasurer a bond payable to said county, and signed by not less than five freeholders of said county as sureties, which bond shall be approved by the board of county commissioners, and shall be in such amount as said board shall direct, which amount shall be at least double the amount of funds to be deposited with such bank or banker. It is hereby made the duty of the officers designated, and also of the board of county commissioners of the several counties in this state, to comply with all the provisions of this act: *provided*, that counties in which there are no such banks or bankers may be exempt from the provisions of this act so far as it relates to the depositing the funds of such counties with any such banks or bankers, if, in the judgment of the auditing board and board of county commissioners of any such county, it would be detrimental to the interest of such county to make such disposition.

22 M. 196. (As amended 1873, c. 38, § 1.)

*§ 151. **Compensation of board.** The board of auditors shall each be entitled to the sum of three dollars for each day actually employed in the discharge of their duties under this act. (1873, c. 38, § 2.)

*§ 152. **Penalty of neglect of duty by any member.** Any member of the board of auditors hereby created, or of the board of county commissioners, who shall neglect or omit to discharge any of the duties imposed by this act, shall be deemed guilty of a misdemeanor and upon conviction shall be liable to a fine of not less than one hundred dollars and not more than five hundred dollars. (*Id.* § 3.)

*§ 153. **Exemption from liability for funds.** Whenever any portion of the funds of any county shall be deposited by any county treasurer in the manner as provided in this act, such treasurer and the sureties on his bond shall be exempt from all liability thereon by reason of the loss of any such deposited funds from the failure, bankruptcy, or any other acts of any such bank or banker, to the extent and amount of such funds in the hands of such bank or banker at the time of such failure or bankruptcy. (*Id.* § 4.)

§ 154. (Sec. 132.) **Treasurer to exhibit accounts to commissioners.** 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.

§ 155. (Sec. 133.) **To make settlement, when.** 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.

§ 156. (Sec. 134.) **When settlement between auditor and treasurer to be made.** 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 the 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 his 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 moneys 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 money 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, and to take duplicate receipts therefor, one of which he shall transmit by mail, on or before the fifteenth day of March next thereafter, to the clerk or recorder of the town, city or school district, to which treasurer the money is paid, which receipt shall be filed and safely kept by said clerk or recorder in his office. (*As amended 1869, c. 34, § 1.*)

§ 157. (Sec. 135.) **Failure to settle—penalty.** 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.

§ 158. (Sec. 136.) **Action against treasurer.** 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.

§ 159. (Sec. 137.) **Removal of treasurer.** 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.

§ 160. (Sec. 138.) **Money collected of delinquent treasurer.** 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.

§ 161. (Sec. 139.) **Refusal of officer to execute process against treasurer, etc.** 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.

§ 162. (Sec. 140.) **Proceedings against deputy treasurer.** 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 his title authorized against treasurers for failing to make payment according to law.

§ 163. (Sec. 141.) **New bond may be required.** 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 any-wise affected or impaired.

§ 164. (SEC. 142.) **Effect of failure to give new bond.** 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.

§ 165. (SEC. 143.) **Not to speculate in orders or warrants.** 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.

§ 166. (SEC. 144.) **Not to loan county funds.** If any county treasurer loans any money belonging to his county with or without interest, or uses the same for his own individual purpose, he shall forfeit and pay for every such offence 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.

§ 167. (SEC. 145.) **To publish statement of county affairs.** 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.

§ 168. (Sec. 146.) **To prosecute bonds.** 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 the removal therefrom.

§ 169. (Sec. 147.) **To pay and deface orders.** 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.

4 M. 64 (104); 16 M. 106.

§ 170. (Sec. 148.) **To deposit orders.** 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 cancelled by the auditor as to prevent their being again issued.

§ 171. (Sec. 149.) **To be allowed express charges, when.** Express charges shall be paid for forwarding state moneys, and mileage allowed to each county treasurer for travelling 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.

§ 172. (Sec. 150.) **Salaries of county treasurers, how regulated.** The county treasurer shall be allowed, at the time of his settlement, all sums paid by him for printing such advertisements as he is required at the rates prescribed by law, and all the sums paid by him for blank books and stationery necessarily used in his office; and shall receive for his services one-half of one per cent. as fees for receiving and disbursing all moneys on account of sales of school lands, or the payment of interest on school lands; and on all other moneys by him collected or received as such county treasurer for each year's services as follows: Four and one-half cents on each dollar for the first ten thousand dollars; three cents on each dollar on the second ten thousand dollars; and two cents on each dollar on all sums over twenty thousand dollars and less than sixty thousand dollars, and one per cent. on each dollar on all sums over sixty thousand dollars, to [be] paid on the warrants of the county auditor out of the revenue fund of the county: *provided*, that no compensation be allowed the treasurer on any moneys received from his predecessors in office or his legal representatives, or on any moneys received from the current school fund of the state apportioned by the superintendent of public instruction: *provided*, that no treasurer shall receive more than twelve hundred dollars for his personal services in any one year, in counties where the valuation of taxable property is less than four million dollars; nor more than fifteen hundred dollars in counties where the valuation of the taxable property exceeds four million dollars and does not exceed six million dollars; nor more than two thousand dollars where such valuation exceeds eight million dollars and does not exceed ten million dollars; nor more than two thousand five hundred dollars where such valuation exceeds ten million dollars; and all moneys received as fees or percentage, in excess of amount

provided for in this act, shall be paid by the county treasurer, at the end of each year, into the revenue fund of the county. (*As amended 1877, c. 120, § 3.*)

§ 173. (Sec. 151.) **To deliver money, books, &c., to successor.** 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.

TITLE 6.

REGISTERS OF DEEDS

And 1883 Sup't, p. 14.
See 1881 Sup't, p. 13.

§ 174. (Sec. 152.) **Election-term of office.** 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, who shall hold his office at the county seat of the county in which he shall have been elected. (*As amended 1868, c. 38, § 1.*)

§ 175. (Sec. 153.) **To take oath and give bond.** 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 fulfil the duties of his office.

§ 176. (Sec. 154.) **To deliver records to successor.** 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.

§ 177. (Sec. 155.) **Books to be kept by register.** 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:

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.
---	----------	----------	-----------------	---------------------------------	----------------	---

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.
---	----------	----------	-----------------	---------------------------------	----------------	---

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 parti-

culars 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.

Mapes v. Com'rs of Olmsted Co., 11 M. (367); 23 M. 171.

* § 178. **To keep tract index books—compensation—where kept—duty of register.** The county commissioners of every county in this state are hereby authorized to procure, at the expense of their counties respectively, and keep in the office of the register of deeds of such county, a suitable book or books, substantially bound, and so ruled and arranged that opposite to the description of each section of land or sectional lot, and town, city or village lot and block (which description shall be arranged in numerical order) shall be a blank space, of a convenient size, in which shall be entered the letter or letters, numeral or numerals, indicating the volume of the records referred to, designating deeds by the letter "D," and mortgages by the letter "M," (or deeds may be designated from mortgages by being minuted in black ink, and mortgages minuted in red ink), and other records by appropriate initials or abbreviations, together with the page of the volume upon which each and every record affecting or encumbering the titles to the whole or any part thereof may be found. And such county commissioners shall pay for making such entries in such books, a sum not exceeding two cents for each necessary entry or description in such book or books as to all entries made therein of records of instruments which were recorded prior to the making of such tract index. After such tract index shall have been made, it shall be kept in the office of the register of deeds, as one of the records of such office, and the register of deeds is hereby required to note in such tract index a like minute of every instrument affecting the title to any land which shall be filed for record in such county, such minute to be made opposite to each parcel of land the title to which is or may be affected by such instruments: *provided*, that in case there now is any accurate tract index or abstract of title in any county in this state owned by any individual, the county commissioners may purchase such tract index or abstracts instead of causing a tract index to be made, and thereafter the register of deeds shall make the appropriate entries therein of each instrument filed, or filed for record in his office, and relating to real estate, and shall receive a fee of ten cents for indexing each transfer of deeds and mortgages hereafter, the same to be paid by persons presenting the same for filing, for record or discharging an instrument on the margins of record, and shall make abstracts for persons demanding the same at a fee of fifteen cents for each transfer. (1871, c. 93, § 1, as amended 1873, c. 42, § 1.)

§ 179. (SEC. 156.) **To exhibit records free of charge—fees payable in advance.** 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.

§ 180. (SEC. 157.) **Shall keep record books, indexes, etc.** 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, or of a discharge of any mortgage made by an entry in the margin of the record thereof, which entry upon such alphabetical index shall show the book and page of the record where the mortgage so discharged is recorded. (*As amended 1876, c. 72, § 1.*)

5 M. 401 (508); 15 M. 171.

§ 181. (SEC. 158.) **May appoint deputy.** 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.

§ 182. (SEC. 159.) **To record description of marks or brands.** 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.

§ 183. (SEC. 160.) **To make abstracts of title to real estate.** 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.

§ 184. (SEC. 161.) **Not to record instruments unless properly executed.** 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.

§ 185. (SEC. 162.) **May administer oaths, etc.** 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.

§ 186. (SEC. 163.) **Shall have and use seal.** Every register of deeds shall have an official seal, and affix the same to all documents requiring his official signature.

*§ 187. **Duty of register—when instruments deemed to be recorded.** That it shall be the duty of every register of deeds to endorse upon every instrument recorded by him, over his official signature, the time when it was received, and the book and page in which it was recorded; and every instrument shall be considered as recorded at the time so noted. (*1870, c. 53, § 1.*)

*§ 188. **When valid—when may be received as evidence.** The certificate so made as aforesaid shall be valid without the official seal of the register being attached thereto; and the certificate or endorsement heretofore made upon such instruments by registers of deeds, in the form of a certificate, are hereby legalized and declared to be a sufficient compliance with the provisions of the statute on this subject, and shall be received in evidence notwithstanding the same may not be attested by the official seal of such register. (*Id. § 2.*)

*§ 189. **Sheriff's certificates previous to 1862 to be recorded.** Every register of deeds shall record in a book of deeds all certificates now on file in his office made by sheriffs upon sales of real estate on mortgage foreclosures, judgments and execution

prior to May ten, one thousand eight hundred and sixty-two (1862), upon being paid by the party requesting such instrument to be recorded the proper fee therefor. (1877, c. 77, § 1.)

*§ 190. **Record, when made.** Every register of deeds shall record in a book of deeds all such certificates not on file in his office when the same are delivered and left for record, and the fees for such recording shall be paid by the person delivering the same. (*Id.* § 2.)

*§ 191. **Record to be prima facie evidence.** The recording of such certificates shall have the effect of a record of the same from the time when they were filed in the office of the register of deeds, and shall be *prima facie* evidence of the facts therein set forth. (*Id.* § 3.)

TITLE 7.

SHERIFFS.

§ 192. (SEC. 164.) **Each county shall elect a sheriff—term of office.** 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.

§ 193. (SEC. 165.) **Sheriff to take oath and give bond.** 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.

§ 194. (SEC. 166.) **Effect of failure to qualify.** 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.

§ 195. (SEC. 167.) **Powers and duties of sheriff.** 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.

^{20 M. 73.} § 196. (SEC. 168.) **Vacancy, how filled.** 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.

§ 197. (SEC. 169.) **Sheriff shall give certificate, when.** Every sheriff to whom any process is delivered in the county where it is to be executed, shall, if required by the person delivering the same, give to such person a certificate, under his hand, without charge, wherein the names of the parties and the day of delivering the process shall be mentioned.

§ 198. (SEC. 170.) **Failure to settle and pay over money—penalty.** 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.

§ 199. (SEC. 171.) **Neglect of duty—penalty.** 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.

§ 200. (SEC. 172.) **Taking illegal fees—penalty.** 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 offence, to the party aggrieved, treble the sum so demanded or received, to be recovered in a civil action.

§ 201. (SEC. 173.) **Not to buy at execution sales, etc.** 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.

§ 202. (SEC. 174.) **Outgoing sheriff may complete execution of process.** 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.

§ 203. (SEC. 175.) **To keep prisoners safely—penalty for neglect.** 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.

§ 204. (SEC. 176.) **May convey prisoners through other counties when.** 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.

§ 205. (SEC. 177.) **Disabilities of sheriff.** No sheriff, deputy sheriff, or coroner, shall appear or practice as an attorney, solicitor, or counsellor, 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.

§ 206. (SEC. 178.) **Deputy sheriffs.** 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.

3 M. 304 (413); 14 M. 537; 16 M. 20.

§ 207. (SEC. 179.) **Sheriff to settle with commissioners.** 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.

*§ 208. **Deputy sheriffs attending court.** That on or before the holding of any term of the district courts or courts of common pleas of this state, the judge thereof shall determine and fix by his order the number of deputies which shall be necessary for the sheriff of that county to have in attendance upon such term of court; and thereupon such sheriff shall designate and appoint such deputies. Such deputies, appointed as aforesaid, shall be paid their per diem, to be determined by the court, for attendance upon such court, in the same manner as provided by law for the payment of grand and petit jurors. (1873, c. 43, § 1.)

*§ 209. **Compensation of jailors.** The judge of the district court for each county shall also determine, from time to time, the compensation that shall be allowed for the services of a jailor or turnkey in the county jail; which compensation shall be paid monthly, out of the county treasury, upon the warrant of the county auditor; such jailor or turnkey to be appointed by the sheriff of such county, subject to the approval of the judge. (*Id.* § 2.)

TITLE 8.

COUNTY ATTORNEYS.

§ 210. (SEC. 180.) **Qualification, term, oath and bond.** There shall be elected in each county organized for judicial purposes, a county attorney, who shall be a person duly admitted to practise law in all courts of this state, 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 file with the clerk of the district court of said county a duly certified copy of the order admitting him to practise law in this state, 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. (*As amended 1876, c. 71, § 1.*)

3 M. 28 (62); 23 M. 17.

MINNESOTA STATUTES 1878

156

COUNTIES AND COUNTY OFFICERS.

[CHAP.

*§ 211. **Justice of the peace ineligible.** Any person who may hold the office of justice of the peace shall be ineligible to hold the office of county attorney, and no person shall hold both said offices at the same time. (1874, c. 87, § 1.)

§ 212. (SEC. 181.) **Duties of county attorney.** 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 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.

16 M. 381.

§ 213. (SEC. 182.) **Not to receive fees.** 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.

§ 213a. (SEC. 183.) **Vacancy, how filled.** Whenever there is no county attorney for any organized county in this state, the board of county commissioners of such county may, in their discretion, from time to time employ any suitable person being an attorney of a court of record, to perform the legal services which such county may need; and whenever there is no county attorney for the county, or when he is absent at the session of the district court for the county, and no attorney has been employed by the board of county commissioners to attend at such session, 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 employed or appointed shall receive a reasonable compensation for his services, to be allowed by the board of county commissioners, and paid out of the treasury of such county, which amount shall be deducted from the salary of the county attorney. (As amended 1875, c. 29, § 1.)

*§ 214. **Assistant attorney appointed by court.** That the several judges of the district courts in this state may, by order to be duly entered on the minutes, at any term of the court, appoint any attorney of the court to act as, or in place of, or to assist the county attorney in any business or proceeding before the grand jury or in court, whether there be a county attorney present at such term or not; and the person so appointed shall take the usual oath of office, and shall thereupon be fully authorized to be present before the grand jury at any time when the county attorney might by law be present before that body: *provided*, that no compensation shall be paid by the county to such person so appointed by the court to assist the county attorney, when that officer is present at the term when such appointment is made, except the same be paid with the consent of the county attorney, and be deducted from the regular salary of that officer. (1876, c. 66, § 1.)

See 1881 Sup'lt, p. 18.
*§ 213a.

§ 215. (SEC. 184.) **County attorney to file accounts.** 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.

§ 216. (SEC. 185.) **To make report to attorney general.** 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.

§ 217. (SEC. 186.) **Refusal to account, penalty.** 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.

§ 218. (SEC. 187.) **Vacancy, how filled.** 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 9.

JUDGES OF PROBATE.

§ 219. (SEC. 188.) **Shall give bond and take oath.** 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.

§ 220. (SEC. 189.) **To have office at county seat and keep records.** 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.

§ 221. (SEC. 190.) **Shall deliver books, &c., to successor.** 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.

§ 222. (SEC. 191.) **May appoint clerk.** 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.

§ 223. (Sec. 192.) **Clerk to take oath and give bond.** 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.

TITLE 10.

COURT COMMISSIONERS.

§ 224. (Sec. 193.) **Each county shall choose court commissioner.** 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.

§ 225. (Sec. 194.) **Qualifications and powers.** 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.

§ 226. (Sec. 195.) **To give bond and take oath.** 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.

§ 227. (Sec. 196.) **To have office at county seat and keep record.** The court commissioner shall keep his office at the county seat, and keep a record of all proceedings had before him, in books procured at the expense of the county, which books shall be delivered to his successor in office.

§ 228. (Sec. 197.) **May be judge of probate.** 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.

§ 229. (Sec. 198.) **Vacancy, how filled.** 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 11.

COUNTY SURVEYORS.

§ 230. (Sec. 199.) **Surveyor in each county—term, oath and bond.** 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, and he shall have power to administer oaths to chainmen and other persons under his charge. (*As amended 1875, c. 30, § 1.*)

* § 231. **Compensation.** That the county surveyors of the several counties of this state shall be entitled to receive four dollars per day, as compensation for their services, for each day employed in the discharge of their duties as such surveyors, including the time necessarily spent in travelling to and from the field of their labor. (1867, c. 96, § 1.)

§ 232. (SEC. 200.) **May appoint deputies.** 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; and each of said deputies shall have power to administer oaths to chainmen and other persons under their charge. (As amended 1875, c. 30, § 2.)

§ 233. (SEC. 201.) **Shall keep record of surveys.** 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.

§ 234. (SEC. 202.) **Rules for surveys.** 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. f 232;

§ 235. (SEC. 203.) **Rules for subdividing sections.** 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; and in all sections on the northern or western boundary lines of townships, the surveyor, in making a subdivision of such sections, shall commence at the quarter-section corner on the south or east boundary of the section, (as the case may be,) and run a line to a point intersecting a direct (right angle) line running from the quarter-section corners east and west, or north and south, at a point equi-distant from the said quarter-section corners; and at said point of intersection he shall establish a post for a common centre, as hereinbefore provided for; and from said common centre he shall continue the line northerly or westerly, in a direct line, to the quarter-section corner on the north or west section line, (as the case may be.) In those townships whose northern boundary is a standard parallel or correction line, but upon 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, equidistant 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 be then proceeded with as hereinbefore directed. (As amended 1875, c. 31, § 1.) See 1881 Supp. 1, pp. 18, 19.

§ 236. (SEC. 204.) **Dividing quarter sections—copies of U. S. plats and field notes to be filed.** 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, equidistant 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 the south-west quarter, respectively, to the required measurement of the same.

That all surveys made after the passage of this act by county surveyors, or other surveyors, shall be made in strict conformity to the original United State government surveys; and to enable surveyors to conform to the requirements of this act, the county commissioners of each county are hereby required to procure and keep on file in the office of the register of deeds certified copies of the original plats and field notes of the United States government surveys in their respective counties. (*As amended 1870. c. 43, § 1.*)

§ 237. (SEC. 205.) **Surveyor to supply lost posts.** 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.

§ 238. (SEC. 206.) **Vacancy, how filled.** 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.

TITLE 12.

CORONERS.

§ 239. (SEC. 207.) **Coroner in each county—term, bond and oath.** 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.

§ 240. (SEC. 208.) **To act as sheriff in case of vacancy.** 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 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.

MINNESOTA STATUTES 1878

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.

§ 248. (SEC. 216.) **Witnesses may be subpoenaed—fees.** 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.

§ 249. (SEC. 217.) **Oath of witnesses.** An oath to the following effect shall be administered to the witnesses by the coroner:

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.

§ 250. (SEC. 218.) **Testimony to be reduced to writing.** 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.

§ 251. (SEC. 219.) **Duty of jury—Form of inquisition.** 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:

State of Minnesota, }
County of } ss.

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.

§ 252. (SEC. 220.) **Witnesses may be bound over—Return to court.** If the jury find that any murder, manslaughter, or assault has been committed on the deceased, the coroner shall bind over, by recognizance, such witnesses as he shall think proper, to appear and testify at the next court to be held in the same county at which indictment for such offence can be found; he shall also return to the same court, the inquisition, written evidence 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.

§ 253. (SEC. 221.) **Person charged may be arrested.** If any person charged by the inquest with having committed such offence 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 in the case, who shall proceed therein in the same manner that is required of justices of the peace (or other court) in like cases.

§ 254. (SEC. 222.) **Coroner to provide burial in certain cases.** 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.

§ 255. (SEC. 223.) **Deputy coroners—their powers, oath and bond.** 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.

§ 256. (SEC. 224.) **Vacancy in office, how filled.** Each deputy shall act in his own name as deputy coroner, and hold his office during the pleasure of the coroner; and whenever a vacancy occurs in the office of coroner, 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. (*As amended 1871, c. 92, § 1.*)

TITLE 13.

CLERK OF DISTRICT COURT.

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

§ 258. (SEC. 226.) **Where to keep office—duties.** 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.

§ 259. (SEC. 227.) **Deputy clerks.** He may, at his discretion, with the approval of the judge of his court, appoint one or more deputy clerks, for whose acts he shall be responsible. Said deputy or deputies shall be appointed under the hand and official seal of the clerk, with the approval of the judge endorsed on such appointment; and the deputy or deputies appointed under and in pursuance of the provisions of this article, may administer oaths, take acknowledgments, and perform all the duties pertaining to the office of clerk of district courts. (*As amended 1877, c. 12, § 1.*)

§ 260. (SEC. 228.) **Deputy shall take oath and give bond.** 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.

§ 261. (SEC. 229.) **Books to be kept by clerk.** 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.

MINNESOTA STATUTES 1878

§ 262. (SEC. 230.) **Vacancy, how filled.** 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.

*§ 263. **Salaries of clerks of district courts.** In all counties where the fees of the clerk of the district court do not exceed five hundred dollars per annum, the said clerk shall receive from the county treasurer of his county, unless prohibited by the county commissioners of said county, a sum which, together with the fees of his office, shall be equal to five hundred dollars per annum: *provided*, the population of such county exceeds forty-five hundred, as shown by the last state census. (1866, c. 22, § 1, as amended 1868, c. 95, § 1.)

*§ 264. **Clerk to file statement on oath of fees.** The clerks of the district court mentioned in section one of this act, shall, on the first Mondays of January and June in each year, file with the county auditor of their respective counties a statement in writing, under oath, showing the whole amount of fees of their office, by whom paid or to whom charged, and for what purpose, for the term ending on the first Monday of January and June of each year. (*Id.* § 2.)

ADDITIONAL PROVISIONS AS TO COUNTY OFFICERS.

*§ 271, 272, 273. See 1883 Sup't., pp. 14, 15.

*§ 265. **County officers to report perquisites.** It is hereby made the duty of the clerk of any court, probate judge, sheriff and register of deeds of the several counties in this state, to report to the county commissioners of their respective counties, on the first day of January of each year during their official term, a certified and sworn statement in detail of all the costs, fees, percentages, penalties, allowances, or other perquisites of every kind charged in his office during the preceding year. (1873, c. 41, § 1.)

*§ 266. **Penalty for making no statement or a false one.** If any of said officers shall, with intent to violate this act, fail to furnish the statement herein required at the time and in the manner herein specified; or if any of said officers shall wilfully make any such statement false in any material matter, knowing the same to be so, he shall, upon conviction in the court of common pleas or district court of such county, be adjudged of misconduct in office, and shall be condemned to pay a fine not less than three hundred dollars nor more than one thousand dollars. (*Id.* § 2.)

*§ 267. **Aggregate amount of perquisites to be published.** It shall be the duty of the county commissioners of the several counties in this state to publish in the official paper of the county, during the first week of January in each year, the aggregate amount received by each of said officers, according to their sworn statements, as required by section one of this act. (*Id.* § 3.)

*§ 268. **Bonds of county officials to be filed with secretary of state.** That all official bonds of county officers which are now or which may hereafter be required to be filed and recorded in the office of the register of deeds of the county where such officers reside respectively, shall be forwarded by such register of deeds, when so recorded, to the secretary of state, who shall file the same in his office, and retain the same for the use of all parties interested therein. (1874, c. 89, § 1.)

*§ 269. **How bond to be removed.** No bond so filed in the office of the secretary of state shall be removed therefrom except upon the written order of the judge of some court of record of the state before whom an action is pending to enforce the conditions of such bonds. (*Id.* § 2.)

*§ 270. **Copy of bond to be evidence.** A copy of any such official bond so filed in the office of the secretary of state, and duly certified by him under his hand and seal of office to be a true copy of the original bond or [on] file in his office, may be used as evidence in all the courts of this state, and shall have the same force and effect as if the original bond were produced in court.