

COUNTY OFFICERS.

CHAPTER 23.

AN ACT TO PROVIDE FOR COUNTY OFFICERS.

*Be it enacted by the Legislative Assembly of the Territory of
Dakota:*

All counties
organized to
contain twenty
legal voters.
Shall have
what officers.

SECTION 1. That all counties, to entitle them to an organization, shall contain at least twenty legal voters.

SECT. 2. That all organized counties shall have the following described officers, to wit: three county commissioners, a register of deeds, sheriff, judge of probate, and coroner, justices of the peace, constables, county surveyor, and district attorney.

Duties of
county commis-
sioners.

SECT. 3. It shall be the duty of the county commissioners to superintend the location of county roads; to appoint the commissioners to locate the same; to establish election precincts, and appoint the judges of elections; to equalize the assessment roll, and to divide their counties into school districts as will best subserve the interest of the inhabitants of their respective counties.

Hold meetings
at county seat.

SECT. 4. The county commissioners shall hold their meetings at the county seat, and shall elect one of their own number chairman, to preside at their meetings. They shall permit no tax to be levied in any one year that will exceed fifteen mills on the dollar — territorial, school, and county tax inclusive — without the consent of the majority of the voters.

Limit to taxa-
tion.

Their compen-
sation.

SECT. 5. The county commissioners shall receive, as a compensation for their services, one dollar and fifty cents per day, and five cents a mile for travelling to and from place of meeting.

Annual meet-
ing, when held.

SECT. 6. The annual meeting of the board of county commissioners shall be held on the first Monday in June, and as often thereafter as they may deem expedient, not to exceed

four times in any one year. And no one session shall continue for a longer period than six days.

SECT. 7. All orders of the board of county commissioners shall be signed by the chairman and attested by the register of deeds.

All orders signed and attested.

SECT. 8. The register of deeds shall attend all meetings of the county commissioners, and shall act as clerk of the same, for which he shall receive the same compensation allowed to county commissioners.

Register act as clerk. Compensation.

SECT. 9. The register of deeds shall keep a record of the proceedings of the board of county commissioners in a book kept for that purpose, and the record of each meeting shall be signed by the chairman and attested by the register of deeds.

To keep record of proceedings, signed and attested.

SECT. 10. The register of deeds shall keep a true record (in proper books kept for the purpose) of all deeds, mortgages, bonds, and bills of sale handed him for record, provided the person or persons handing him the same for record, shall first pay to him twelve and a half cents per folio for recording the same. He shall record at large and in full, word for word. Every register of deeds, before he enters upon the duties of his office, shall take and subscribe an oath before the clerk of the court of his county, or some other person duly empowered to administer oaths, to support the constitution of the United States and the organic act organizing the Territory of Dakota, and faithfully and impartially to perform his duties as prescribed by law to the best of his ability, which said oath shall be indorsed on the back of his election certificate or appointment, recorded in a book kept in his office for the purpose, and filed in the office of the clerk of the court of the county, or if there is no such officer, with the clerk of the court of the county to which his county is attached for judicial purposes. He shall also give bonds with good and sufficient sureties, in the penal sum of one thousand dollars, to be approved by the board of commissioners of his proper county, conditioned that he will faithfully and impartially discharge the duties of his office.

Duties of register of deeds.

SECT. 11. The registers of deeds in the several counties of this territory, are hereby authorized to appoint deputy registers, who shall be appointed in writing, and shall, before entering upon the duties of their office, take and subscribe an

May appoint deputies; their responsibilities.

oath faithfully to perform the duties of their office, which oath shall be indorsed on the appointment and recorded in the office of register of deeds. The registers of deeds shall be responsible for the acts of their deputies, and may revoke their appointment at pleasure.

Duties of register when acting as canvasser.

SECT. 12. It shall be the duty of the register of deeds of each county to call to his assistance two justices of the peace, and, together with them, canvass all votes cast in his county; he shall make out and deliver certificates of election to the persons having the highest number of votes; to notify persons having an equal and the highest number of votes; to attend at his office and decide by lot which person shall be elected.

To make out poll books.

SECT. 13. It shall be the duty of the register of deeds to make out and deliver to the several judges of elections in his county, poll books.

To write notices of election, when.

SECT. 14. It shall be the duty of the register of deeds to write notices of elections to be held in the several precincts in his county, and deliver the same to the sheriff at least twenty days prior to any general election.

Commissioners to take oath and give bond.

SECT. 15. Each county commissioner, before entering upon the duties of his office, shall take an oath to support the constitution of the United States, and the organic act organizing the Territory of Dakota, which oath shall be subscribed to and recorded in the office of register of deeds. Each county commissioner, before entering upon the duties of his office, shall give bond with approved security in the penal sum of one thousand dollars for the honest and faithful discharge of the duties and trusts of his office, which bond shall be approved by the judge of probate, and filed and recorded in the office of the register of deeds.

Sheriff to take oath and give bond.

SECT. 16. It shall be the duty of the sheriff, before he enters upon the duties of his office, to take and subscribe an oath to support the constitution of the United States and the organic act organizing the Territory of Dakota, and to faithfully and impartially discharge the duties of his office, which oath may be taken by any person authorized by law to administer oaths in his county, which oath shall be recorded in the office of register of deeds. He shall, also, give bond, previous to entering upon the duties of his office, to the board of county commissioners of his county, in the penal sum of

four thousand dollars, with two or more securities, to be approved by the board of county 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, assessor, and collector of taxes, according to law, during his continuance in office, without fraud, deceit, or oppression, which bond shall be filed in the office of register of deeds of his proper county.

SECT. 17. The sheriff may appoint a deputy, who shall be empowered to perform all the duties devolving on the sheriff, the sheriff being responsible for the acts of his deputy, but no deputy shall be authorized to perform the duties of sheriff until he shall have taken an oath to support the constitution of the United States and the provisions of the act organizing the Territory of Dakota, and to perform the duties of his office faithfully and impartially, to the best of his ability, which oath shall be subscribed on the back of his appointment, and filed and recorded in the office of register of deeds of the proper county.

Sheriff may appoint deputy, with what responsibilities.

SECT. 18. It shall be the duty of the sheriffs to keep and preserve peace in their respective counties, for which purpose they are empowered to call to their aid such persons or power of their respective counties as they may deem necessary. They shall also pursue and apprehend all felons; they shall execute all writs, warrants, and other process from a justice of the peace or the district court, which shall be directed to them by legal authority. They shall attend at the district court, and the session of the board of county commissioners, when required by the latter to attend.

Duties of sheriff.

SECT. 19. The sheriff shall serve or post up all notices he may receive from the register of deeds or the board of county commissioners; he shall give notice of a special election when notified by the register of deeds, and notify the board of commissioners when any vacancy happens in the office of register of deeds; shall collect the county revenue, and pay over to the county treasurer all sums so collected, and take his receipt therefor, which receipt shall be a sufficient voucher for the board of commissioners to cancel the amount of such assessment roll charged in their books against said collector; and shall keep his office at the county seat, and shall generally do and perform all and singular the duties which are or

Same.

may be hereafter authorized by law to be performed by sheriff, assessor, or tax-collector.

In case of vacancy.

SECT. 20. In case of the office of sheriff becoming vacant by death, resignation, or otherwise, the board of county commissioners shall forthwith appoint some suitable person to be sheriff of the county during the unexpired term, or until the next general election.

Fees.

SECT. 21. The sheriff shall receive for serving every summons, execution, writ of attachment, or other precept of a court, twenty-five cents, and five cents a mile for every mile travelled in serving any of the aforementioned writs. He shall also receive ten cents for every election notice he may post, and the same fees for travelling as when serving writs.

Judge of probate to give bond and take oath.

SECT. 22. The judge of probate shall, before he enters upon the duties of his office, execute a bond to the board of county commissioners of his county, with sufficient security to be approved by them in the penal sum of four thousand dollars, and shall take an oath to support the constitution of the United States, and the act organizing the Territory of Dakota, which oath shall be recorded in the office of register of deeds in the proper county.

Shall keep record of transactions. Compensation.

SECT. 23. The judge of probate shall keep a record of all orders, decrees, and other official acts, made or done by him, which record shall be open to the inspection of all persons without charge; and he shall receive such compensation for his services as shall be allowed him by law.

May take oaths and acknowledgments.

SECT. 24. The several judges of probate in this territory shall have full power and authority to administer oaths in all cases where oaths are required to be made. They shall also be authorized to take acknowledgment of deeds.

Act as county treasurers, &c.

SECT. 25. The several judges of probate shall be county treasurers, ex-officio, and shall perform all the duties of that office, and shall receive five per cent. of all money received and paid out by them, by virtue of said office. They shall report the amount of county funds in their hands to the board of county commissioners of their respective counties at their annual meeting on the first Monday in June of each year, and as often thereafter as demanded by them, and disburse the same, subject to their order.

County surveyor to take oath and give bond.

SECT. 26. The county surveyor, previous to entering upon the duties of his office, shall take and subscribe an oath or

affirmation, faithfully to discharge the duties of the same, and shall give bond to the register of deeds of the proper county, in the sum of three hundred dollars, conditional for the faithful discharge of the same.

SECT. 27. It shall be the duty of said surveyor, by himself or deputy, to execute any survey which may be required by any court, or upon application of any person or corporation.

His duties.

SECT. 28. The said surveyor shall keep a fair and correct record of all surveys made by him or his deputy, 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.

Keep record of surveys, and give copies of same.

SECT. 29. The said surveyor and his deputies may demand and receive for their services the following fees, to wit: for each mile actually run with compass and chain, two dollars; for each succeeding mile thereafter, one dollar; for every in and out lot, in any town laid out and platted, twenty-five cents; for a plat and certificate, except town plats, fifty cents; for recording a survey, fifty cents. When employed surveying for the county, he shall receive two dollars and fifty cents per day.

Fees of surveyor and deputies.

SECT. 30. The coroner shall, before he enters upon the duties of his office, take and subscribe an oath to support the constitution of the United States, and the act organizing the Territory of Dakota, and to faithfully discharge the duties of his office to the best of his ability; and he shall be required to give bond to the county commissioners in the penal sum of two thousand dollars, with good and sufficient securities, conditioned for the faithful performance of his duty, which bond shall be filed with the register of deeds, and recorded in his office.

Coroner to take oath and give bond.

SECT. 31. When there shall be no sheriff or under sheriff in any organized county, it shall be the duty of the coroner in each county to exercise all the powers and duties of sheriff of his county until a sheriff shall be elected and qualified; and when the sheriff, for any cause, shall be committed to the jail

When he shall act as sheriff.

of his county, the coroner shall be keeper thereof during the time the sheriff shall remain a prisoner therein. The coroner shall receive the same fees as a sheriff, for like business.

Duties and compensation.

SECT. 32. The coroner shall perform all duties usually belonging to that office, and receive the usual compensation therefor. When the sheriff is sued, the coroner shall serve the papers on him.

District attorney take oath and give bond.

SECT. 33. The district attorney shall, before he enters on the duties of his office, take and subscribe an oath to support the constitution of the United States and the organic act organizing the Territory of Dakota, and faithfully and impartially discharge his duty to the best of his ability. He shall, also, execute a bond, with one or more sufficient sureties, to the board of county commissioners, to be approved by the register of deeds, in the sum of five hundred dollars, the condition of which bond shall be, that he will faithfully discharge the duties of the office of district attorney, and that he will pay over to the treasurer of his county all money which shall come into his hands by virtue of his office, which bond, together with the oath of office, shall be deposited in the office of register of deeds of such county.

Duties.

SECT. 34. It shall be the duty of the district attorneys of the several counties to appear in the district courts of their respective counties, and prosecute or defend on behalf of the county or territory all suits, indictments, applications, or motions, civil or criminal, in which the territory or county is interested as a party.

Receive no improper fees.

SECT. 35. No district attorney shall receive any fee or reward, from or on behalf of any prosecution or other individual, for services in any prosecution or business to which it shall be his duty to attend.

May receive what fees.

SECT. 36. The district attorney shall receive five dollars for every prosecution before a justice of the peace, and ten dollars for every prosecution before the district court, in which he shall be engaged for the county or territory.

Number of justices and constables.

SECT. 37. There shall not be less than two nor more than four justices of the peace in any one county, and the same number of constables.

Officers, when elected, and term of office.

SECT. 38. All the officers mentioned in this bill, shall be elected at the first general election in Dakota Territory, for the term of two years.

SECT. 39. The governor is hereby authorized to nominate, and with the advice and consent of the council, appoint the officers mentioned in this act, to hold their respective positions until the first general election, and their successors are elected and qualified.

Governor appoint until that time.

Approved April 24, 1862.

W. JAYNE, *Governor.*

CHAPTER 24.

AN ACT LEGALIZING THE ACTS OF CERTAIN OFFICERS OF THE COUNTY OF BIG SIOUX.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That the official acts of James M. Allen as register of deeds, and of James McCall as justice of the peace for the county of Big Sioux, as organized under the authority of the Territory of Minnesota, be and are hereby declared legal.

Official acts legalized.

SECT. 2. That this act shall take effect from and after its passage.

Take effect, when.

Approved May 8, 1862.

W. JAYNE, *Governor.*

COUNTY WARRANTS.

CHAPTER 25.

AN ACT LIMITING THE ISSUE OF COUNTY WARRANTS.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

SECTION 1. That all issue of county warrants amounting in the aggregate to a sum larger than the county tax levied

Issue larger than tax levied unlawful.