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THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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

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

County officers how long to hold their office.

CHAPTER 9.

OF JUSTICES OF THE PEACE AND CONSTABLES.

SECTION

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

SECTION

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

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

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

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

Who may be elected Justice of the peace.

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

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

so as aforesaid, to sue such justice and his sureties, or any of them, in a civil action, and on proof that the said justice has neglected or refused, to pay any such sum of money, by him collected, as aforesaid, then, and in every such case, judgment shall be given against the parties defendant in such suit, for the moneys so collected, together with interest and costs, according to the condition of such bond; *Provided, always,* That a copy of such bond, under the official certificate of the clerk, with whom the same is filed and recorded, shall be legal evidence of the contents and execution thereof, in all courts.

Judges of election to make return of persons elected justices of the peace

SEC. 4. The judges of election, in the several precincts, shall make a return to the clerk of the board of county commissioners, of the several persons who may be elected justices of the peace, in pursuance of the provisions of this chapter; and the said clerk shall issue to the persons so elected, certificates of such election, under the seal of said board, which shall be sufficient evidence of such election, for all purposes whatever.

Jurisdiction of justices of the peace, office where to be kept.

SEC. 5. The jurisdiction of justices of the peace, elected in pursuance of the provisions of this chapter, shall be co-extensive with the limits of the county in which they shall be elected, and no other or greater, whether said county be attached to any other county, or whether any other county be attached to it: *Provided,* That every justice elected under the provisions of this chapter, shall keep his office in the precinct for which he may be elected, and not elsewhere.

In case of vacancy, docket where to be deposited.

SEC. 6. If any justice of the peace, die, resign, or remove out of the town or precinct for which he may be elected, or his term of office be in any other manner terminated, the docket, books, records, papers, and documents appertaining to his office, or relating to any suit, matter or controversy, committed to him in his official capacity, shall be delivered to the nearest justice in the same county, who may thereupon proceed to hear, try and determine such matter, suit or controversy, or issue execution thereon, in the same manner as it would have been lawful for the justice, before whom such matter or suit was commenced, to have done.

When county divided, justice of the peace to continue to act as such.

SEC. 7. When a county shall be divided, any justice of the peace of the original county, whose place of residence may be embraced within the limits of the new county, shall continue to discharge the duties of the justice of the peace in said county, until his successor shall be elected and qualified.

OF CONSTABLES.

Two constables to elect in each precinct for one year.

SEC. 8. At each general election, there shall be elected by the qualified electors of each precinct, in each of the organized counties of this territory, two constables, whose term of office shall continue one year, and until their successors shall be elected and qualified, and who shall be residents of the precinct for which they shall be elected.

Constables to give bond.

SEC. 9. Every person elected or appointed to the office of constable, before he enters upon the duties of his office, and within the time prescribed by law for filing his oath of office, shall execute an instrument in writing, with two or more sufficient sureties, to be approved by the clerk of the board of county commissioners, which writing shall in substance be in the following form:

Form of bond.

A. B., chosen a constable in the precinct of _____ in the county of _____ and territory of Minnesota, and C. D. and E. F. his sureties, do hereby jointly and severally agree, to pay to each and every person who may be entitled thereto, all such sums of money, as the said constable may become liable to pay for, on account of any moneys

which may come into his hands, by virtue of his office, or for the neglect of any official duty.

Dated the _____ day of _____ A. D. _____
A. B.
C. D.
E. F.

Executed in presence of _____ }
Clerk of the board of commissioners. }

SEC. 10. The clerk of the board of county commissioners, shall endorse on such instrument, his approval of the sureties therein named, and shall file the same in his office, and a copy of such instrument, certified by the clerk of the board of county commissioners, shall be presumptive evidence in all courts, of the execution thereof by such constable and his sureties, and all actions against a constable and his sureties upon any such instrument, shall be prosecuted within two years after the expiration of the year for which the constable named therein, shall have been elected.

Clerk of board of commissioners' allowance on bond.

SEC. 11. Any constable may, within his county, serve any writ, process, or order, lawfully directed to him, by any judge of probate, coroner, or justice of the peace, and generally do and perform, all acts by law required of constables, and shall receive the same fees as are by law paid to the sheriff, for like services.

Duties of constables.

SEC. 12. Should there be no constable elected, in any town or precinct, the county commissioners are authorized to appoint one constable, in such town or precinct, to serve until the next annual election, and who shall qualify as above stated.

When there are no constables, commissioners to appoint.

CHAPTER 10.

OF RESIGNATIONS, VACANCIES AND REMOVALS, AND OF SUPPLYING VACANCIES.

SECTION

- 1. Resignations to whom made.
- 2. What events to create vacancy.
- 3. When governor to declare office vacant.
- 4. Governor may remove certain officers.
- 5. Collectors and receivers of public moneys may be removed by governor.

SECTION

- 6. The governor may fill vacancies in certain offices.
- 7. County commissioners may fill vacancies in certain county offices.
- 8. Persons appointed to fill vacancies, to qualify, &c.

RESIGNATIONS.

SEC. 1. Resignations shall be made as follows, to wit:

1. By the treasurer of the territory, auditor of the territory, attorney general, superintendent of common schools, and by all officers appointed by the governor, or by the governor by and with the advice and consent of the council, shall be made to the governor.

Resignations to whom made.

2. By all officers who hold their offices by election, to the officer or officers respectively authorized by law, to order a special election to fill such offices respectively.