

has been no further change in the boundaries of Brown County since the addition of 1864.

The county, as is well known, was named in honor of Joseph Renshaw Brown. No record has been found of the discussion in the legislature apropos of the naming of the county.

T. C. B.

#### VARIATIONS OF THE BOUNDARY BETWEEN CASS AND CROW WING COUNTIES, 1887-98

*In re* Crow Wing and Cass Counties, Minnesota.

I am about to prepare a petition for a division of these counties, or rather, to have the southwest corner of Cass County made a part of Crow Wing County. This part of Cass County contains about nineteen sections, and extends from Pine River down to Pillager.

We understand that part of Cass County formerly belonged to Crow Wing County, and we have looked over some Minnesota reports as some of these matters were discussed or decided by the Supreme Court of Minnesota, mainly 23 Minnesota, 40; 64 Minnesota, 378; 66 Minnesota, 519.

What we would mainly like to know is, since these cases are not very clear on the point, how long this part of Cass County has been a part of Crow Wing County, and we hope you have some record of that fact.

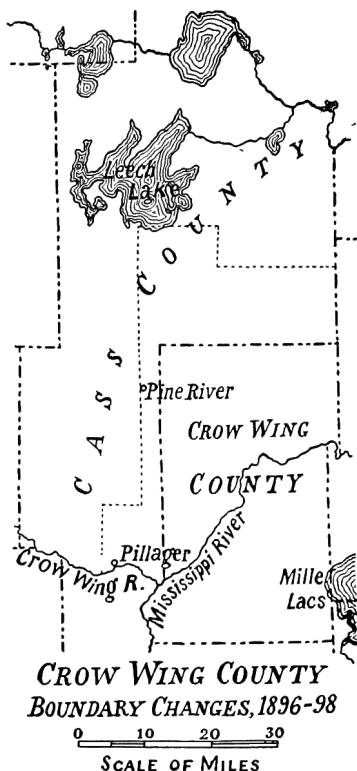
SWANSON AND SWANSON, Lawyers  
By HILDING SWANSON, Brainerd

Only the eastern portion of that section of Cass County which "extends from Pine River down to Pillager" has ever been attached to Crow Wing County. In 1896 the latter county annexed portions of Cass County bordering upon its northern and western boundaries. In order to make clear the proceedings by which the annexation was made, however, it is necessary to review something of the history of the counties.

Cass County was established in 1851 and Crow Wing County in 1855. The latter county was organized in 1870, and, in 1872, Cass County was organized. The organization of Cass County was abandoned in 1876, however, and the county re-

mained without organization until 1897. Previous to 1887 the Mississippi River marked the western border of Crow Wing County, but in that year the area of the county was more than doubled by the addition of all the territory now within its borders and west and north of the Mississippi — land which had belonged to the unorganized county of Cass. In 1896, under the provisions of an act approved March 21, 1895, "for the enlargement of organized counties by attaching thereto and incorporating therein territory from an adjoining unorganized county," Crow Wing County again annexed a portion of Cass County. The act is published as chapter 298 of the Minnesota *Laws* for 1895 (p. 696-698).

The act provided that petitions signed by fifty-five per cent of the legal voters of the county wishing to attach territory and by fifty-five per cent of the voters of the "territory proposed to be attached" be presented to the secretary of state. "Then said secretary of state shall at once file said petitions and immediately notify the governor and state auditor of the receipt of the same, and they shall immediately meet and consider said petitions, and if they be found to conform to law, they or a majority of them, shall so certify, and immediately thereupon the governor shall issue his proclamation . . . declaring



the said territory described in said petition detached from the unorganized county or counties of which it was formerly a part and attached to and incorporated within said organized county."

In October and November, 1895, petitions asking for the annexation of certain portions of Cass County to Crow Wing County were circulated in the districts concerned and on November 30 they were presented to the secretary of state. On February 19, 1896, the "state annexation commission" met in the governor's office to act upon the petition. Governor David M. Clough voted against the addition of territory to Crow Wing County, but State Auditor Robert C. Dunn and Secretary of State Albert Berg approved the annexation. The governor thereupon issued his proclamation, which is published in four weekly issues of the *Brainerd Dispatch* beginning February 28. Preliminary proceedings are reported in the issues of the same newspaper for November 1, 1895, and February 21, 1896.

The territory thus annexed to Crow Wing County and described in the governor's proclamation is outlined on the accompanying map by the broken line running through Pine River and touching Leech Lake at the north. This district remained a part of Crow Wing County until January 6, 1898, when, by a decision of the state supreme court in which the procedure by which the annexation had been made was declared illegal, this county was reduced to its former limits and Cass County was again enlarged. The case is recorded in 66 *Minnesota*, 519-535.

B. L. H.



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