

Statutes  
1878

THE  
GENERAL STATUTES  
OF THE  
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

PREPARED BY  
GEORGE B. YOUNG.

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FOURTH EDITION.

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

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## CHAPTER VI.

## STATE OFFICERS.

## SECTIONS

1-6. To have care of state property—to appoint thanksgiving—to convene legislature in extra session, how—to appoint private secretary and janitor—to provide great seal.

## SECRETARY OF STATE.

7-12. To keep office at capitol—have custody of records and great seal—may appoint deputy—to prepare halls for legislature—to index and distribute laws—to publish constitution and amendments—may employ clerk.

## AUDITOR.

13, 14. Office, oath, bond and seal.  
15-18. To audit accounts and draw warrants—to keep record of accounts and warrants, and keep account with treasurer.  
19, 20. To report financial statement to legislature and submit his books to examination.  
21, 22. May administer oath—shall furnish certified copies.  
23, 24. May appoint chief clerk—duties of clerk—penalties on auditor and clerk.  
25-31. Duplicate warrants in place of those lost or destroyed.

## TREASURER.

32, 33. Office, oath and bond.  
34-37. To keep accounts, receive and pay out moneys, etc.—to report to legislature—board of auditors—to deposit in banks on interest.  
38-40. Not to discount warrants—accountable for losses—judgment for state on motion.  
41, 42. State a preferred creditor—treasury dues, how paid.  
43, 44. Receipts credited to different funds—borrowing from sinking fund, etc.

## ATTORNEY GENERAL.

45-47. Office—to appear in supreme and district courts.  
48-50. To prosecute official bonds and revenue defaulters—to protect school lands.  
51, 52. To advise state officers, and prepare contracts, etc.  
53. May take appeals without giving bond.  
54, 55. To keep records and make reports.

## LIBRARIAN.

56. State library, what it consists of.  
57, 58. Oath, bond and duties of librarian.  
59. Power of judges of supreme court over library.  
60. Exchange of reports.  
61. Disposal of receipts from fines, etc.

## CLERK OF SUPREME COURT.

62. Oath—bond—deputy.  
63, 64. To procure records and supplies for court—to perform his duties in person.  
65. Publication of syllabus.

## JANITOR.

## SECTIONS

66. Appointment and duties.

## RAILROAD COMMISSIONER.

67-69. Election—term—oath—bond salary—general duties.  
70-72. Report of commissioner—of companies—examination of companies' books.  
73-77. Discrimination and extortion by companies forbidden—penalties therefor, how enforced.

## COMMISSIONER OF STATISTICS

78-79. Duties of commissioner to ask, and of officers to furnish information.  
80. Report of acreage, crops, etc.  
81-84. Registry and return of births, deaths and causes of death.  
85-87. Commissioner to furnish blanks and make report.  
86. Penalties for refusing information.  
88. Appropriation.

## PUBLIC EXAMINER.

89. Appointment—bond—term of office.  
90-92. Power and duties in respect to state institutions, state and county officers, and banking and moneyed corporations.  
93, 94. Facilities to be furnished examiner—his power to examine books and witnesses, etc.  
95-97. His annual report—compensation—attorney general to aid him.

## STATE BOARD OF HEALTH.

98-102. Constitution—powers and duties—meetings—the secretary and his salary.

## COMMISSIONERS OF FISHERIES.

103-106. Appointment—term of office—duties.

## STATE BOARD OF IMMIGRATION.

107-114. Appointment—duties—secretary—quorum—appropriation—expenses—reports.

## INSPECTOR OF MINERAL OILS.

115. Appointment—term—removal.  
116. To inspect and mark oil, by himself or deputies—to reject, and report as dangerous, oil below the 110 degree test.  
117. Oath and bond of inspector and deputies—fees and records.  
118. Place of inspection—sale before inspection—false brands, etc.  
119. Complaints for violating law.  
120. Inspector not to deal in oil.  
121. Penalty for vending inferior oil.  
122. Inspection at railroad stations, etc.  
123. Actual test to be marked on packages.

## TITLE 1.

## GOVERNOR.

§ 1. Governor custodian of state property. The governor is the legal custodian of all the property of the state not specially entrusted to other officers by law; and is authorized and empowered to take summary possession of such property without any process of law; and to adopt such measures as he deems proper to preserve it from injury or deterioration.

§ 2. **Shall appoint day of thanksgiving.** He shall by proclamation set apart one day in each year, as a day of solemn and public thanksgiving to Almighty God for his blessings to us as a state and nation; and no business shall be transacted on that day at any of the departments of state.

§ 3. **Shall convene extra session by proclamation.** Whenever he convenes an extra session of the legislature, he shall do so by proclamation, giving such notice as he deems necessary to inform the members of the legislature of the time of assembling; and when assembled, he shall state to them the purposes for which they are convened.

§ 4. **Shall appoint private secretary.** He shall appoint his private secretary, who shall enter in a book kept for that purpose, all such letters written by and to the governor as are official and important, and such other letters as the governor directs. Said book shall be deposited in the office of the executive by the private secretary, and carefully preserved, and the governor shall produce the letter-books before the legislature whenever requested.

§ 5. **To provide new seal, when.** Whenever the great seal of the state is lost, or so worn or defaced as to render it unfit for use, the governor shall provide a new one.

§ 6. **Shall appoint janitor of the capitol.** He is authorized and required to appoint a suitable person as janitor of the capitol, to hold said office during the pleasure of the governor.

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## TITLE 2.

### SECRETARY OF STATE.

§ 7. **To keep office in capitol, and have custody of records.** The secretary of state shall keep his office in the capitol, in rooms provided and furnished by the state; he shall have the custody of the state seal and all the records of the state.

§ 8. **May appoint assistant secretary.** He may appoint in writing an assistant secretary of state, who, before entering on his duties, shall take and subscribe the oath required by law, which oath and appointment shall be filed in his office.

§ 9. **Shall prepare halls for legislature.** Immediately previous to any regular adjourned or extra session of the legislature, the secretary shall cause the halls in which the session is to be held to be suitably prepared for that purpose, and shall be in attendance at each regular session to call the members of the house of representatives to order and preside until a speaker is elected.

§ 10. **Shall make indexes to laws and documents.** He shall cause indexes to the laws and executive documents to be prepared as soon as practicable after the adjournment of each session of the legislature, and distribute said laws when printed in the manner required by law.

\*§ 11. **Shall publish constitution and amendments.** That the secretary of the state be and he is hereby directed to prepare and cause to be published in the volume of the general laws of this state for this year eighteen hundred and seventy-three, the constitution of this state with such amendments thereto as are now of force; and that said secretary be also directed to cause any amendments to said constitution that shall hereafter be adopted, to be published in the volume of the general laws of this state that shall be published next after such amendments shall be adopted, with proper notes, in all cases, to indicate the date of adoption respectively of such amendments. (1873, c. 35, § 1.)

\*§ 12. The secretary of state is hereby empowered to employ in his office a clerk, who shall receive for his services one thousand dollars per annum, to be paid out of the state treasury as other clerks of the state department are paid. (1876, c. 96, § 1.)

## TITLE 3.

## AUDITOR.

§ 13. (SEC. 11.) **Shall keep office at capitol—shall give bond.** The auditor shall keep his office at the seat of government, and perform all the duties appertaining thereto which are required of him by law or resolution of the legislature. Before entering on the duties of his office, he shall enter into bond with one or more sureties, to be approved by the governor, in the sum of twenty thousand dollars, payable to the state of Minnesota, conditioned for the faithful discharge of his official duties; he shall take and subscribe the oath required by law, which oath and bond shall be deposited in the office of the secretary of state.

§ 14. (SEC. 12.) **Shall keep a seal.** He shall keep a seal, with the device, "the seal of the auditor for Minnesota," and all official copies taken from the records or other documents, in his office shall be under said seal, and be certified and signed by the auditor.

§ 15. (SEC. 13.) **Shall examine accounts and draw warrants.** All accounts and claims against the state, which are by law directed to be paid out of the treasury of the state, shall be presented to the auditor, who shall examine and adjust the same, and issue warrants, payable at the state treasury, for the sums which are found due from the state, specifying in each warrant the date of its issue, and the name of the person to whom payable; said warrants shall be printed on separate sheets of paper, and each shall be entered and numbered, and the number corresponding therewith shall be on the part of the sheet from which such warrant is cut; and all such parts of sheets containing the corresponding numbers, shall be carefully preserved by the auditor in his office.

§ 16. (SEC. 14.) **Shall enter each warrant in book.** The auditor shall enter, in progressive order, in books to be by him provided for that purpose, the number of each warrant by him issued, the amount thereof, the date of its issue, and the name of the person to whom issued.

§ 17. (SEC. 15.) **Shall keep records of accounts.** He shall make and preserve in his office, in suitable books, to be procured at the expense of the state, fair and accurate records of all such public accounts and other documents as are by law made returnable to his office, and keep a file, in progressive order, of all receipts and other vouchers relating to the business of his office.

§ 18. (SEC. 16.) **Shall keep account with state treasurer.** He shall keep a regular account with the treasurer of state, in suitable books, to be provided as aforesaid, in which he shall charge the treasurer with all moneys by him received, and credit him with all warrants by him redeemed and deposited in the office of the auditor.

§ 19. (SEC. 17.) **Shall make annual statement of receipts and disbursements.** The auditor shall annually make out an accurate statement of the receipts and disbursements of the treasury for the preceding year, ending on the last day of the month previous to the one during which the legislature commences its annual sessions; also of any unexpended balances of the several appropriations, the amount remaining in the treasury, the amount of warrants issued and not redeemed (if any), and report the same to each branch of the legislature, on the third day of its session, together with such remarks on the finances of the state as he deems proper for the consideration of the legislature.

§ 20. (SEC. 18.) **Shall submit books to legislature.** Whenever required, the auditor shall submit his books, accounts and vouchers to the inspection of the legislature, or any committee thereof appointed for that purpose.

§ 21. (SEC. 19.) **May administer oaths.** The auditor is authorized to administer an oath to parties and witnesses in support of the justice of such accounts as are exhibited to him for liquidation, and to certify the same accordingly.

§ 22. (SEC. 20.) Shall furnish certified copies of surveys. He shall deliver to any person applying therefor, a certified copy of any survey, or any other document in his office, on being paid ten cents for each hundred words contained therein, and twenty-five cents for each plat of survey laid down in such copy.

§ 23. (SEC. 21.) May appoint chief clerk. He may appoint a chief clerk, whose appointment shall be evidenced by a certificate under the official seal of the auditor, and continue during his pleasure. Said clerk, previous to entering upon the duties of his appointment, shall give bond, with two or more sureties, in the penal sum of ten thousand dollars, payable to the state of Minnesota, and conditioned for the faithful performance of the duties of his office. In case of the absence or inability of the auditor, the chief clerk shall perform the several duties required of the auditor.

§ 24. (SEC. 22.) Penalty for violation of duty. Any auditor of state or chief clerk who violates any of the provisions of this title, shall, on conviction thereof, be punished by imprisonment in the state prison for a period of not more than ten years.

\*§ 25. When duplicate warrant may issue. That whenever the state auditor, under and by virtue of the provisions of the laws of this state, issues any state warrant upon the state treasurer in favor of any state or county officer, or other person, company or corporation, for the payment of any moneys out of the state treasury, and the said warrant shall become lost or destroyed, it shall be the duty of the said state auditor to issue a duplicate warrant in favor of the state or county officer, or other person, company or corporation, to whom the original warrant was issued, or to any person, company or corporation legally holding under them, in the manner, and subject to the provisions, hereinafter contained in this act. (1874, c. 13, § 1.)

\*§ 26. Owner of lost warrant to make affidavit. Whenever any warrant drawn by the state auditor for the payment of any money out of the state treasury, as in the first section of this act enumerated, and the same shall become lost or destroyed, any person, company or corporation who was the legal holder or owner of said warrant at the time it so became lost or destroyed, shall make an affidavit, particularly describing the said warrant as to date, amount, number, and fund out of which it was to be satisfied, and also shall state in said affidavit such other facts concerning the loss or destruction of the original warrant as he may have in his possession or knowledge, and shall request in such affidavit that a duplicate warrant may be issued in his favor, and shall file the same with the state auditor within one year after the loss of any warrant as aforesaid. (*Id.* § 2.)

\*§ 27. Bond to be given, notice published. If it appears that the person, company or corporation filing such affidavit is entitled to receive such duplicate warrant as aforesaid, the state auditor may issue such duplicate warrant as aforesaid in favor of the person, company or corporation who are entitled to receive the same; but if he has any reason to believe, or if it appears possible or probable, that any person, company or corporation may be in anywise damaged by the issuance of such duplicate warrant, he shall in such cases require from the person, company or corporation applying for such duplicate warrant a bond, with good and sufficient sureties, which shall be made payable to the state of Minnesota, and shall be drawn in double the amount of the original warrant, and shall be approved by and filed with the state auditor before such duplicate warrant shall issue, conditioned for the benefit of any person, company or corporation damaged by the issuance of such duplicate warrant; and if the state auditor has grave doubts from any cause that the statements contained in the affidavit are untrue, he may, in cases where the amount of the warrant is two hundred dollars or over, publish in some newspaper having general circulation the circumstances of the case as contained in the affidavit, and shall give notice of some day certain when he will issue such duplicate warrant which

shall be not less than thirty days after the first publication of the notice. (1874, c. 13, § 3.)

\*§ 28. **Original warrant to be cancelled.** Whenever a duplicate warrant shall be issued under the provisions of this act, the original warrant shall thereupon be cancelled, and the state of Minnesota relieved from any claim or liability for the payment of such original warrant. (*Id.* § 4.)

\*§ 29. **Discretion of auditor—state not liable.** The state auditor shall use his discretion in carrying out the provisions of this act as appears to him to be right, and in accordance with justice and honesty: *provided*, that in no case shall the state be liable for any damages accruing under the provisions of this act. (*Id.* § 5.)

\*§ 30. **When reduplicate may issue.** Warrants may be reduplicated under the provisions of this act in cases where the duplicate becomes lost or destroyed. (*Id.* § 6.)

\*§ 31. **Punishment in case of fraud.** Any person who shall secure a duplicate warrant under the provisions of this act, who is not legally entitled to the same, shall be liable to indictment in any of the courts of this state having jurisdiction, for the crime of embezzlement or perjury as the case may be. (*Id.* § 7.)

## TITLE 4

### TREASURER.

§ 32. (Sec. 23.) **Treasurer shall keep office at capitol—have a seal—general duties.** The treasurer of state shall keep his office at the capitol, and by himself or deputy attend therein during the usual business hours of each day, Sundays and holidays excepted; he shall have and use a seal, and have charge of and safely keep all public moneys which are paid into the treasury, and pay out the same as directed by law, and perform all such other duties as are required of him by law.

§ 33. (Sec. 24.) **Shall give bond and take oath.** Before entering on his duties, the treasurer shall give bond, with five or more sureties to be approved by the governor and state auditor, in the sum of four hundred thousand dollars, payable to the state of Minnesota, and conditioned for the faithful discharge of his duties as treasurer, and shall take and subscribe the oath required by law; which bond and oath shall be deposited with the secretary of state. The legislature may, at any time during the continuance in office of the treasurer, require him to give such additional security as they may deem necessary for the complete safety of the state. (*As amended 1874, c. 12, § 1.*)

§ 34. (Sec. 25.) **Shall keep account of receipts and disbursements.** The treasurer shall keep an accurate account of the receipts and disbursements at the treasury, in books provided for that purpose at the expense of the state, specifying the names of persons from whom received, to whom paid, on what account the same is received or paid out, and the time of such receipt or payment.

§ 35. (Sec. 26.) **Shall receive and redeem warrants.** He shall receive in payment of public dues, the warrants drawn by the auditor of state, in conformity to law, or redeem the same, if there is money in the treasury appropriated for that purpose; and on redeeming such warrant or receiving the same in payment, he shall cause the person presenting such warrant to endorse the same; and the treasurer shall write on the face of such warrant, "redeemed," and shall enter in his book, in separate columns, the number of such warrant, its date, amount, the name of the person to whom payable, and the date of payment.

§ 36. (Sec. 27.) **Shall deposit warrants with auditor.** The treasurer shall, on the first Monday of March, June, September and November, annually, deposit in the office of the auditor of state all warrants by him redeemed or received in payment at the treasury, and take the auditor's receipt therefor.

§ 37. (Sec. 28.) **Shall make and publish report—board of auditors.** He shall report to each branch of the legislature on the third day of their session, and to the governor whenever by him required, the state of the public accounts and of the state and school funds, plainly exhibiting the amount by him received from every source, and all and singular the items thereof, the amount paid out during the preceding year, and each and every item thereof, and where such funds are, and the balance remaining in the treasury, and each and every item thereof; and shall once in two months publish, in one or more of the daily newspapers printed and published at the capital of the state, a condensed statement of the condition of the several funds in his hands belonging to the state at the date of such publication: and there is hereby created a board of auditors of the state treasury and the funds thereof, consisting of the governor, secretary of state and attorney general, whose duty it shall be to carefully examine and audit the accounts, books and vouchers of the treasurer, and to count and ascertain the kinds and description and amounts of funds in the treasury as belonging thereto, at least four times in each year, without previous notice to the treasurer, and make report thereof, and of their acts and doings in the premises, to each branch of the legislature as early as the third day of their session; and also to witness and attest the transfer and delivery of accounts, books, vouchers and funds by any outgoing treasurer to his successor in office, and report the same in their report aforesaid next after the term of office of any treasurer shall expire: *provided*, that all funds belonging to the permanent school fund, or the permanent university fund, or any other permanent fund of any state institution, shall, as soon as the same amounts to the sum of one thousand dollars, be at once invested in interest-bearing bonds, as provided in chapter thirty-three (33) of the laws of 1873.\*

(2.) **Shall deposit funds in banks.** All the funds of the state shall be deposited in one or more banks located in the capital of the state immediately on their receipt by the treasurer, in the name of the state of Minnesota; such bank or banker shall be selected by the treasurer, and shall be required, prior to the receipt of any such deposits, to give to such treasurer, for the use of the state of Minnesota, a personal bond, to the satisfaction of such treasurer and said board of auditors, in at least double the amount to be so deposited, and with at least five sureties, who shall all justify in the manner provided for the justification of sureties on bonds in civil actions, as security for the amount so to be deposited with such bank or banker: *provided*, however, that the taking of such security shall not be construed in any manner to release the said treasurer or his bondsmen from their liability to the state for any money so deposited.

(3.) **Interest on deposits.** Such bank or banker shall pay to the treasurer, for the use of the state of Minnesota, such fair and equitable interest on all daily balance in their hands belonging to the state as may be agreed upon between such bank or banks and the treasurer, which interest shall in no case be at a less rate than that paid for the time being on daily balances by the leading banks of the city of New York.

(4.) **Shall keep accurate books.** The treasurer shall keep the books of the treasury department by the system known as double entry, and in such a manner as to show plainly and accurately every receipt and disbursement daily, and on the same day on which such receipt and disbursement or either of them actually occurs; and no unfinished business shall be kept or entered upon loose memoranda or strips of paper; and the said treasurer's cash book shall be balanced plainly and accurately every business day; and every payment by the state treasury shall be made on the warrant of the state auditor, and by check on a depository of state funds, and such check shall bear on its face the name of the payee and the number of the warrant for which drawn, and shall be drawn to the order of the payee. (*As amended 1874, c. 11, § 1.*)

\*See post, c. 33, § 44.

§ 38. (SEC. 29.) Shall not purchase warrants at discount. The treasurer shall in no case purchase or receive any warrant redeemable at the treasury, or any audited account, at a less value than is expressed therein; nor shall he receive any fee or reward for transacting any business connected with the duties of his office.

§ 39. (SEC. 30.) Accountable for losses. If the treasurer neglects to call to account, as directed by law, any delinquents, whereby the public revenue suffers loss, he shall be accountable for the sums due by such delinquents, as if the same had actually been paid over to him.

§ 40. (SEC. 31.) In default, state may obtain judgment, on motion. Whenever it appears that the treasurer has not accounted for and paid over the public moneys as directed by law, the state may move for and obtain judgment against the treasurer and his sureties, first giving to the persons against whom such motion shall be made, five day's notice of the time and place thereof, and said treasurer shall be further liable to a criminal action, and upon conviction be punished by imprisonment in the state prison for a term of not more than twenty years.

§ 41. (SEC. 32.) State debts to have preference in case of insolvency. If any treasurer, or other person indebted to the state, becomes insolvent, the debt of the state shall be paid first of all debts, notwithstanding any attachment against his effects, or any voluntary assignment thereof to pay debts, or for other purposes.

§ 42. (SEC. 33.) Treasury dues, in what payable. Treasury dues shall be paid in gold, silver, treasury drafts, national currency, or warrants.

\*§ 43. Receipts to be credited to different funds. All moneys received into the treasury in pursuance of law from railroad, telegraph, insurance\* and other companies, in lieu of taxation, shall be credited to the fund for the support of the prison and the charitable and educational institutions of the state; and all moneys received from delinquent taxes, and all moneys received in excess of the amount required for the purposes for which the same were levied, together with such sums as may be received from the United States in payment of war claims, shall be placed to the credit of the general revenue fund. (1872, c. 19, § 3.)

\*§ 44. Use of sinking and other funds. That the state treasurer is authorized to borrow and use temporarily from the sinking or other funds, other than any school funds, eighty thousand dollars, or so much thereof as may be necessary to supply any deficiency that may exist in the revenue fund: *provided*, that it will not impair said respective funds so that they cannot meet all demands as the exigences may require. (1874, c. 9, § 1.)

## TITLE 5.

### ATTORNEY GENERAL.

§ 45. (SEC. 34.) Shall keep office at capitol—postage. The attorney general shall keep his office at the seat of government, in a room provided and furnished by the state, and the accounts for postage upon his official correspondence shall be audited and allowed by the auditor and paid out of the state treasury.

§ 46. (SEC. 35.) Shall appear for state in supreme court. He shall appear for the state in the trial and argument of all causes in the supreme court wherein the state is directly interested.

§ 47. (SEC. 36.) Shall appear in district court when. He shall, upon the written request of the governor, prosecute any person charged with an indictable offence, and appear in the district court in all criminal cases, when requested by the county attorney of the county in which the same arise, whenever the public interest

\*The moneys received from insurance companies in lieu of taxes are now paid into the general revenue fund. See laws 1876, c. 23, and *post*, c. 34, tit. 6.

requires it; and in such cases may attend upon and advise the grand jury, in the same manner and for the same purpose as county attorneys are now authorized and required to do; and shall also appear in civil actions in which the state is interested, whenever, in his opinion, the public interest requires it. (*As amended 1867, c. 94, § 1.*)

§ 48. (SEC. 37.) **Shall prosecute official bonds and persons holding school lands.** He shall cause to be prosecuted the official bonds of all delinquent officers in which the state may be interested, and institute actions against all persons holding or pretending to hold any portion of any of the school sections of this state adversely to the state, whenever, in his opinion, such actions can be sustained.

§ 49. (SEC. 38.) **Shall appear for state in cases of pre-emption of school lands.** Whenever notice of any application to pre-empt any portion of the school sections of this state under and by virtue of the provisions of the joint resolution of congress, entitled "A resolution relative to sections sixteen and thirty-six in the territories of Minnesota, Kansas and Nebraska," passed March 3d, 1857, is served upon the attorney general, he shall personally, or by the county attorney of the county where such application is made, cause an appearance to be entered on behalf of the state, and cause to be subpoenaed all necessary witnesses on behalf of the state, and take such measures in the premises as will, in his opinion, best promote the public interest.

§ 50. (SEC. 39.) **Shall prosecute delinquent revenue officers and corporations.** He shall cause to be prosecuted all assessors and other officers connected with the revenue laws of this state, for all such delinquences and offences against those laws as come to his knowledge. Said actions shall be brought in the district court of the county in which the defendants or any one of them resides or is found. If it comes to his knowledge that any incorporated company has offended against the laws of the state, misused, surrendered, abandoned or forfeited its corporate authority or any of its franchises or privileges, he shall cause proceedings to be instituted against it.

§ 51. (SEC. 40.) **Required to give legal advice.** He shall, when required, give legal advice to the governor, the secretary, auditor and treasurer of state, the warden and directors of the penitentiary, and the state superintendent of public instruction, and directors of benevolent institutions, in all matters relating to their official business, and shall give his written opinion upon any question of law to either house of the legislature when required. (*As amended 1868, c. 40, § 1.*)

§ 52. (SEC. 41.) **Shall prepare forms of contracts.** He shall prepare suitable forms of contracts, bonds, obligations and other instruments for the use of the officers of the state, when requested by the governor, secretary, auditor or treasurer.

§ 53. (SEC. 42.) **May take appeal without giving security.** Upon all appeals taken by the attorney general on behalf of the state, or any of its officers, no security is required.

§ 54. (SEC. 43.) **Shall keep register of actions and opinions.** The attorney general shall keep, in a book furnished by the state, a register of all actions, demands, complaints, writs, informations, and other proceedings, prosecuted or defended by him officially, together with all the proceedings had in respect thereof, and also a register of all written official opinions given by him, which said books he shall deliver to his successor at the expiration of his term.

§ 55. (SEC. 44.) **Shall make annual report.** He shall make an annual report to the governor, stating the number, character, condition and result of the actions prosecuted or defended by him in behalf of the state (to which shall be appended a tabular statement of offences reported to him by the county attorneys,) the cost of prosecuting or defending each action, and the amount of fines and penalties collected. He shall also direct attention to any defect in the practical operation of the laws relating to schools, revenue, and criminal offences, and suggest such amendments as in his judgment are necessary to subserve the public interest.

## TITLE 6.

## LIBRARIAN.

\*§ 56. **State library—of what it shall consist.** The state library shall consist of the books, pamphlets, maps, charts and documents of every kind now belonging to the same, together with such others as it may acquire by gift, purchase, exchange or otherwise. (1878, c. 88, § 1.)

\*§ 57. **Librarian—oath—bond.** The governor, by and with the advice and consent of the senate, shall appoint a librarian, who shall hold his office for two years, and until his successor is appointed and qualified. Before entering upon his duties, he shall take the oath of office, and give a bond to the state, in the sum of two thousand dollars, with two sureties, to be approved by the governor, conditioned for the faithful performance of his official duties, the safe-keeping and delivery to his successor of all property belonging to the library, and the proper disbursement or payment to his successor of all moneys coming into his hands as librarian. Such oath and bond shall be filed in the office of the secretary of state. (*Id.* § 2.)

\*§ 58. **Duties of the librarian.** The librarian shall have the custody and charge of all property belonging to the library. He shall, under the direction and control of the judges of the supreme court, attend to all sales, purchases [and exchanges of books, pamphlets or other documents,] for the same. He shall, as respects himself, obey, and, as respects other persons, enforce such rules and regulations as may be prescribed for the government and conduct of the library and its affairs. He shall, with or without suit, collect in his own name, for the use of the library, such damages as may be sustained by injury to, or failure to return, any books or other property of the library, as well as all fines imposed by any of the rules or regulations before mentioned. He shall keep a book in which he shall enter a detailed and chronological account of all exchanges, purchases and sales of books, pamphlets or other documents. On the first day of December in each year, he shall make a report to the governor, containing a list of the books added to the library during the preceding twelve months, designating which have been added by gift, which by exchange, and which by purchase; a list of the books lost during the said twelve months; a statement of the amount collected for the use of the library during the same period, for loss of books or injury thereto, and for fines; and also a statement of the amount expended for the library, designating in a general way the purposes for which such expenditures have been made. (*Id.* § 3.)

\*§ 59. **Judges of supreme court to control library.** The judges of the supreme court shall exercise a general oversight of the library. They shall have power to adopt all such rules and regulations for the government and conduct of the same and its affairs as they may deem proper, and also rules prescribing penalties and fines for any violation thereof. Such rules and regulations shall be posted up in conspicuous places in the room occupied by the library. Such judges are authorized to direct such purchases of books, pamphlets and documents for the library, and to direct such sales and exchanges of books, pamphlets and documents in the library as they may deem best, subject, however, to the exception that no copies of the statutes (including the session laws) of the territory or state of Minnesota shall be sold, exchanged, or in any way disposed of. (*Id.* § 4.)

\*§ 60. **Exchange of reports with other states.** Immediately upon receiving the volumes of the reports of the supreme court, the secretary of state shall furnish the librarian with a number of copies thereof equal to the number of states and territories of the United States; and thereupon it shall be the duty of the librarian (instead of the secretary of state as now required by law) to transmit one copy thereof to the governor or librarian of each of said states and territories. (*Id.* § 5.)

\*§ 61. **Disposal of receipts.** All moneys received for books sold, or for injury to or failure to return books or other property of the library, or for fines, shall be expended for the benefit of the library. (1878, c. 88 § 6.)

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## TITLE 7.

### CLERK OF THE SUPREME COURT.

§ 62. (SEC. 60.) **Clerk shall take oath and give bond—may appoint deputy.** The clerk of the supreme court, before he enters upon the duties of his office, shall take and subscribe the oath required by law, and execute a bond to the governor, with one or more sureties to be approved by him, in the penal sum of one thousand dollars, conditioned for the faithful performance of his duties, which bond shall be for the use of the state, and, with said oath, filed in the office of the secretary of state. The said clerk may appoint a deputy, who shall take and subscribe the oath required by law, which shall be filed in said court; the said clerk is responsible for the acts of his deputy.

§ 63. (SEC. 61.) **Shall procure records, stationery, &c.** The said clerk, unless otherwise provided for by law, shall procure the necessary records, stationery, lights, fuel and furniture for the use of the supreme court, the same to be paid for out of the state treasury by the proper accounting officers thereof, upon the certificate or order of the said clerk.

§ 64. (SEC. 62.) **Shall personally perform duties.** He shall personally perform all the duties assigned him by law and the rules of the said court. Whenever the clerk is unavoidably absent and unable to perform his duties, his deputy may perform all the duties of said office.

§ 65. (SEC. 63.) **Shall furnish copy of syllabus for publication.** Whenever a syllabus is filed by the judges of the supreme court, as required by law, the clerk shall immediately thereafter make and furnish a copy thereof to the publishers of such daily papers in the city of St. Paul as consent to publish the same without charge, accompanied with the title of the action.

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## TITLE 8.

### JANITOR.

§ 66. (SEC. 64.) **Janitor shall keep offices in order.** It shall be the duty of the janitor to keep in order the several rooms in the capitol occupied by the various public officers, to make fires therein, and perform such other duties in and about the capitol building as the governor may direct and as are usually required of such functionaries.

### RAILROAD COMMISSIONER.\*

\*§ 67. **Election of railroad commissioner—term of office—oath of office—bond—vacancy, how filled.** There shall be elected at the general election in November, eighteen hundred and seventy-five, and every two years thereafter, a state railroad commissioner, who shall hold his office for two years, and until his successor is elected and qualified. Such commissioner shall take the oath of office prescribed by law, and shall give a bond, with surety [sureties] to be approved by the governor, in the sum of ten thousand dollars, conditioned for the faithful performance of his duties as such commissioner. And whenever, from any cause, a vacancy

*\*An act providing for the appointment and election of a railroad commissioner, defining his duties, and to prevent extortion and unjust discrimination by railroad corporations in this state. Approved March 8, 1875. (Laws 1875, c. 103.)*

occurs in the office of railroad commissioner, the governor shall appoint some suitable person to fill such vacancy, who, upon taking the oath of office, and giving the bond required by law, shall hold his office until his successor is elected and qualified: *provided*, that until the office is filled by election, the governor shall appoint a suitable person to fill the vacancy in such office. (1875, c. 103, § 1.)

\*§ 68. **Where office to be held—salary—secretary.** The said commissioner shall hold his office in the capitol in St. Paul. He shall receive a salary of three thousand dollars per annum, to be paid as the salaries of other state officers are paid, and shall be provided at the expense of the state with necessary office furniture and stationery, and he shall have authority to appoint a secretary, who shall receive a salary of twelve hundred dollars per annum.\* (*Id.* § 2.)

\*§ 69. **General duties of commissioner.** The railroad commissioner shall enquire into any neglect or violation of the laws of this state, by any railroad corporation doing business therein, or by the officers, agents or employes of any such company, and shall also, from time to time, carefully examine and inspect the condition of each railroad in this state, and of its equipment, and the manner of its conduct and management, with relation to the public safety and convenience. He shall also examine into, and ascertain, the pecuniary condition and the manner of financial management of each and every railroad company doing business in this state. (*Id.* § 3.)

\*§ 70. **Report, when to be made—to contain what.** The said railroad commissioner shall, on or before the first day in December in each year, make a report to the governor of his doings for the preceding year, containing such facts, statements and explanations as will disclose the working of the system of railroad transportation in this state, and its relations to the general business and prosperity of the citizens of the state, and such suggestions and recommendations in respect thereto as may to him seem appropriate. Said report shall also contain as to every railroad corporation doing business in this state—

*First.*—The amount of its capital stock.

*Second.*—The amount of its preferred stock, if any, and the conditions of its preferment.

*Third.*—The amount of its funded debt, and the rate of interest thereof.

*Fourth.*—The amount of its floating debt.

*Fifth.*—The cost of its road and equipment, including permanent way, buildings and rolling stock, all real estate used exclusively in operating the road, and all fixtures and conveniences for transactions of its business.

*Sixth.*—The estimated value of all other property owned by such corporation, with a schedule of the same, not including lands granted in aid of its construction.

*Seventh.*—The number of acres originally granted in aid of construction of its road by the United States or by this state.

*Eighth.*—Number of acres of such lands remaining unsold.

*Ninth.*—A list of its officers and directors, with their respective places of residence.

*Tenth.*—Such statistics of the road and of its transportation business for the year as may, in the judgment of the commissioner, be necessary and proper for the information of the legislature, or as may be required by the governor. Such report shall exhibit and refer to the condition of such corporation on the first day of July of each year, and the details of its transportation business transacted during the year ending June thirtieth of that year. (*Id.* § 4.)

\*§ 71. **Companies to make reports—penalty for failure.** To enable said commissioner to make such a report, the president or managing officer of each railroad corporation doing business in the state, shall annually make to the said commissioner,

\*Laws 1878, c. 97, appropriated "for incidental expenses of the railroad commissioner's office two hundred dollars: *provided*, that this shall be in lieu of all clerk hire."

in the month of October, such returns, in the form which he may prescribe, as will afford the information required for his said official report; such returns shall be verified by the oath of the officer making them; and any railroad corporation whose return shall not be made as herein prescribed, within the month of October, shall be liable to a penalty of one hundred dollars for each and every day after the thirty-first day of October that such return shall be wilfully delayed or refused, (1875, c. 103. § 5.)

\*§ 72. **Comm'r may examine books of companies, etc.—penalty for obstructing him.** The said commissioner shall have power, in the discharge of the duties of his office, to examine any of the books, papers or documents of any such corporation, or to examine, under oath or otherwise, any officer, director, agent, or employee of any such corporation; he is empowered to issue subpoenas and administer oaths in the same manner and with the same power to enforce obedience thereto in the performance of his said duties, as belong and pertain to courts of law in this state; and any person who may wilfully obstruct said commissioner in the performance of his duties, or who may refuse to give any information within his possession that may be required by said commissioner, within the line of his duty, shall be deemed guilty of a misdemeanor, and shall be liable, on conviction thereof, to a fine not exceeding one thousand dollars, in the discretion of the court. (*Id.* § 6.)

\*§ 73. **Discrimination in rates forbidden.** No railroad corporation shall charge, demand or receive from any person, company or corporation, for the transportation of persons or property, a greater sum than it shall at the same time charge, demand or receive from any other person, company or corporation, for a like service from the same place, and upon like condition and similar circumstances; and all concessions of rates, drawbacks, and contracts for special rates shall be open to all persons, companies or corporations alike, under similar circumstances. (*Id.* § 7.)

\*§ 74. **Other discrimination forbidden.** No railroad company shall charge, demand or receive from any person, company or corporation, an unreasonable price for the transportation of persons or property, or for the handling or storing of any freight, or for the use of its cars, or for any privilege or service afforded by it in the transaction of its business as a railroad corporation. (*Id.* § 8.)

\*§ 75. **Companies to furnish proper facilities, etc.** It shall be the duty of any railroad corporation, when within their power to do so, and upon reasonable notice, to furnish suitable cars to any and all persons who may apply therefor, for the transportation of any and all usual kinds of freight, and to receive and transport such freight with all reasonable dispatch, and to provide and keep suitable facilities for the receiving and handling the same at any depot on the line of its road. (*Id.* § 9.)

\*§ 76. **Penalty for extortion, etc.** Any railroad corporation who shall violate any of the provisions of this act as to extortion or unjust discrimination, shall forfeit for every such offence to the person, company or corporation aggrieved thereby, three times the actual damages sustained or overcharges paid by the said party aggrieved, together with the cost of suit, to be recovered in a civil action therefor. (*Id.* § 10.)

\*§ 77. **Actions arising under this act.** In all cases arising under the provisions of this act, the rules of evidence and practice shall be the same as in other civil actions, and appeals may be granted to either party from a justice court to the district court, and from the district court to the supreme court, in the same manner and upon the same terms as in other civil actions. (*Id.* § 11.)

## COMMISSIONER OF STATISTICS.\*

\*§ 78. **Duties of commissioner of statistics.** It shall be the duty of the commissioner of statistics annually to collect and compile, from official and any other reliable source, the statistics of the state of Minnesota pertaining to its agriculture, manufactures and population, including statistics relating to all departments of labor in the state, especially in its relation to the commercial, industrial, social and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industry of the state, including all useful facts which he may be able to gather, bearing upon the material and social interests of the state, and tending to afford, at home and abroad, a correct knowledge of resources and progress. (1870, c. 25, § 1, as amended 1878, c. 26, § 1.)

\*§ 79. **Duty of officers of whom commissioner may require information—compensation.** The said commissioner of statistics shall have power to address general or special inquiries, with printed instructions and blanks for answers, or otherwise at his discretion, to any state, district, county, city or town officer, and it shall be the duty of such officer to answer fully and promptly such general or special questions as may be addressed to them by said commissioner on all matters of information which can be gathered from documents or records in their official keeping; and for such services said officers shall be allowed from their respective county treasuries just and reasonable compensation, computing the same at fifteen cents for every folio furnished by them, including all preparatory labor requisite to obtain the condensed results desired; or they shall receive, if they so elect, forty cents per hour for each hour actually occupied in furnishing such information, the same to be properly verified. (1870, c. 25, § 2.)

\*§ 80. **Township assessor and county auditor to report crops, etc.** Each township assessor shall on the first Monday in July, annually, transmit to the county auditor a complete statement in abstract of the number of acres cultivated for the current year within his assessment district in each of the following crops, together with the area and product for the year immediately preceding, of wheat, rye, oats, barley, buckwheat, corn, beans, peas, potatoes, sorghum, cultivated and wild hay, flax, hops, fruit trees in bearing, berries, bees, honey, and other farm produce; and also the number of milch cows two years old and over, cattle under two years old, and other cattle two years old and over, horses under three years old and horses over three years old, mules, sheep, hogs and poultry. Suitable blanks for such statements shall be furnished to said assessors by the county auditor, prepared and supplied by the commissioner of statistics. Any assessor who shall fail or omit to perform said duties in any respect shall be subject to a forfeiture of a sum not exceeding fifty dollars for each and every offence; and it shall be the duty of the county auditor to inform the county attorney, for prosecution for the recovery of said penalty, in every instance of such delinquency. Each county auditor shall carefully compile and forward to the commissioner of statistics a full abstract of said returns on the second Monday of July, under a penalty of fifty dollars, to be forfeited to the state, for every failure to perform such duty, which said abstract shall be tabulated in convenient form for general information, and a printed copy furnished to each and every newspaper in the state by said commissioner, as soon as practicable thereafter, and not later than the third Monday of July annually. (*Id.* § 3, as amended, 1876, c. 87, § 1.)

\*§ 81. **Register of births and deaths—form of blanks to be used.** The clerk of each city and town in this state shall receive or obtain and register the following facts concerning the births and deaths occurring therein, separately numbering and recording the same in the order in which he receives them, designated in separate columns, viz: In the registry of births, the date of the birth, the

\*An act to provide for the collection and publication of statistics, approved March 4, 1870.  
By section 1 of this act it was provided that the assistant secretary of state should be *ex officio* commissioner of statistics.

name of the child (if it have any), the sex and color of the child, the names and places of birth of the parents, and the date of the record. In the registry of deaths, the date of the death, the name of the deceased, the sex, the color, the condition (whether single, widowed or married), the age, the place of birth, the names and place of birth of the parents, the disease or cause of death, and the date of the record. And the county auditor of each county shall furnish each city and town clerk within his county, at the expense of the county, a book in which to register the facts concerning the births and deaths as above provided. (1870, c. 25, § 4, as amended 1871, c. 49, § 1.)

\*§ 82. **Notice of births and deaths.** Parents shall give notice to the clerk of their city or town of the births and deaths of their children; every householder shall give like notice of every birth and death happening in his house; the oldest person next of kin shall give such notice of the death of his kindred; the keeper or other proper officer of every workhouse, poorhouse, reform school, jail, prison, hospital, asylum, or other public or charitable institution, shall give like notice of any birth and death happening among the persons under his charge. Whoever neglects or refuses to give such notice for the period of thirty days after the occurrence of a birth or death, shall forfeit a sum not exceeding twenty dollars, to be collected as other fines are collected by law. (*Id.* § 5.)

\*§ 83. **Physician to report cause of death of patients, etc.** Any physician having attended a person during his last illness, shall, when requested, within fifteen days after the decease of such person, forthwith furnish for registration a certificate of the duration of the last sickness, the disease of which the person died, and the date of his decease, as nearly as he can state the same. If any physician refuses or neglects to make such certificate, he shall forfeit the sum of twenty-five dollars, to be collected as other fines are collected by law. (*Id.* § 6.)

\*§ 84. **Return of registry of births and deaths.** The clerk of each city and town shall annually, on or before the tenth day of January, transmit to the clerk of the district court of the county embracing such city or town, a certified copy of the registry of births and deaths which have occurred therein during the year ending on the last day of the preceding December. He shall receive from his county treasury, for obtaining, registering and returning the facts herein required, twenty-five cents for each birth or death so obtained, registered or reported; and for refusal or neglect to perform such duties, as herein required, he shall forfeit a sum not exceeding fifty dollars for each offence, to be collected as other fines are collected. The said clerk of the district court shall record said returns of births and deaths in a suitable book or books to be provided for that purpose, and kept in his office, and shall annually, on or before the twentieth day of January, transmit to the commissioner of statistics an abstract of such record. The said clerk shall be entitled to receive from the county treasury of his respective county, for the services herein required, the sum of ten cents for each birth and death so registered as aforesaid, on pain of forfeiture as hereinbefore provided. (*Id.* § 7, as amended 1871, c. 49, § 1.)

\*§ 85. **Commissioner to furnish blanks.** It shall be the duty of the commissioner of statistics to prepare and furnish to the officers who are herein required to register and report births and deaths as aforesaid, suitable blanks and instructions to facilitate the regular, prompt and uniform performance of the duties required of them; such blanks and instructions to be forwarded to the clerks of the district courts, and by them distributed to the officers aforesaid. (*Id.* § 8.)

\*§ 86. **Penalty for refusal of information.** Any person who by this act is required to give information to the commissioner of statistics, and who shall refuse or neglect to answer the inquiries addressed to him by that officer upon matters of fact or record in his official possession, shall forfeit to the state of Minnesota any sum

# MINNESOTA STATUTES 1878

not exceeding fifty dollars for each offence, to be collected as other fines are collected by law. (1870, c. 25, § 9.)

\*§ 87. **Report of commissioner.** The said commissioner of statistics shall, during the month of January in each year, make a written report to the governor, giving in a concise and available form the results of his labors, which shall be communicated by the governor to the legislature, and be printed, distributed and bound with the executive documents, as provided by law. (*Id.* § 10.)

\*§ 88. **Standing appropriation.** To cover all the disbursements necessary under the provisions of this act, the sum of one thousand dollars shall be annually appropriated, which sum shall include the compensation of said commissioner of statistics for the performance of the duties herein specified, and all clerk hire, stationery and incidental expenses: *provided*, that the sum of two hundred dollars is hereby annually appropriated as a contingent fund to aid in collecting said statistics and distributing the same. (*Id.* § 11, as amended 1878, c. 26, § 2.)

## PUBLIC EXAMINER.\*

\*§ 89. **Appointment—bond—term of office.** That one competent person, who shall be a skilful accountant, and well versed as an expert in the theory and practice of book-keeping, and who is not an incumbent of any public office under the state, or any county, municipality or public institution therein, and who is not a stockholder, officer, trustee, assignee, or employe of any banking, moneyed or savings institution or corporation created under the laws thereof, shall be appointed by the governor, by and with the advice and consent of the senate, who shall be styled public examiner, and who shall take and file with the secretary of state an oath of office, and execute to the state a bond, with at least three sureties to be approved by the governor, in the penal sum of fifty thousand dollars (\$50,000) for the faithful discharge of his duties. He shall hold the office for the term of three (3) years, and execute the duties thereof as herein prescribed until his successor shall be appointed and qualified; and in case of a vacancy by death, removal, resignation or otherwise, the governor shall fill the same by appointment. (1878, c. 83, § 1.)

\*§ 90. **Powers and duties of examiner in regard to state institutions.** The said public examiner is authorized and empowered by this act, and it shall be his duty, in his discretion, to assume and exercise a constant supervision over the books and financial accounts of the several public, educational, charitable, penal and reformatory institutions belonging to the state. He shall prescribe and enforce correct methods for keeping the financial accounts of said institutions, and instruct the proper officers thereof in the due performance of their duties concerning the same. It shall be his duty to visit each of said state institutions at irregular periods, without previous notice to the officers thereof, at least twice each year, and make an exhaustive examination of the books and accounts thereof, including a thorough inspection of the purposes and detailed items of expenditures and of the vouchers therefor. (*Id.* § 2.)

\*§ 91. **Powers and duties in respect to state and county officers.** It shall be the duty of the public examiner to order and enforce a correct and, as far as practicable, uniform system of book-keeping by state and county treasurers and auditors, so as to afford a suitable check upon their mutual action, and insure the thorough supervision and safety of state and county funds. He shall have full authority to expose false or erroneous systems of accounting, and, when necessary, instruct state and county officers in the proper mode of keeping the same. It shall be his duty to ascertain the character and financial standing of all present and proposed bondsmen of state and county officers, and he shall have full powers to approve or reject any or all such sureties in accord-

\*An act to provide for the appointment, and to prescribe the duties, of a public examiner for the state, of Minnesota. Approved March 12, 1878. (Laws 1878, c. 83.)

ance with the knowledge so obtained. He shall require of county treasurers from time to time, as often as he shall deem necessary, a verified statement of their accounts, and he shall personally visit said offices without notice to them, at irregular intervals, at least once in each year, and at such times make a thorough examination of the books, accounts and vouchers of such officers, ascertaining in detail the various items of receipts and expenditures; and it shall be [his] the duty to inspect and verify the character and amount of any and all assets and securities held by said officers on public account, and to ascertain the character and amount of any commissions, percentages, or charges for services exacted by such officers without warrant of law. The examiner shall report to the attorney general the refusal or neglect of county officers to obey his instructions; and it shall be the duty of said attorney general to promptly take action to enforce compliance therewith. The said examiner shall report to the governor the result of his examinations, as well as any failure of duty by financial officers, as often as he thinks required by the public interests; and the governor may cause the results of such examinations to be published, or, at his discretion, to take such action for the public security as the exigency may demand; and, if he shall deem the public interests to require, he may suspend any such officer from further performance of duty until an examination be had, or such security obtained as may be demanded for the prompt protection of the public funds. (1878, c. 83, § 3.)

\*§ 92. Powers and duties in respect to banking institutions. The examiner under this act shall in like manner and with like authority visit, without prior notice, each of the banking, savings, and other moneyed corporations created under the laws of this state or the territory of Minnesota, and thoroughly examine into their affairs, and ascertain their financial condition, at least once in each year. It shall be his duty to carefully inspect and verify the validity and amount of the securities and assets held by such institutions, examine into the validity of the mortgages held by savings banks, and see that the same are duly recorded, and ascertain the nature and amount of any discount or other banking transactions which he may deem foreign to the legitimate and lawful purposes of savings institutions. He shall inquire into and report any neglect or infringement of the laws governing such banking, moneyed and savings institutions, and for such purposes shall have power to examine the officers, agents and employees thereof, and persons doing business therewith. He shall forthwith report the condition of such corporations, so ascertained, to the governor, together with his recommendations or suggestions respecting the same, and the governor may cause the same to be published, or, in his discretion, take such action as the emergency may seem to demand. (*Id.* § 4.)

\*§ 93. Facilities for examination to be furnished—penalty for refusal. To enable said examiner to perform the services herein required of him, the trustees and financial officers and managers of the several state institutions, the county and state treasurers and auditors, and other county and state officers, and the officers and employees of all banking, moneyed and savings institutions herein referred to, shall afford all reasonable and needed facilities, and it is hereby made the duty of all such trustees, officers, managers and employees to make returns and exhibits to the said examiner, under oath, in such form and at such time or times as he shall prescribe; and each and every person so required, who shall refuse or neglect to make such return or exhibit, or [to] give such information as may be required by said examiner, shall be deemed guilty of felony; and if any person, in making such exhibit, or giving such information, or affording any statement required under this act, on his oath, shall knowingly swear falsely concerning the same, he shall be deemed guilty of perjury and punished accordingly. (*Id.* § 5.)

\*§ 94. **Power of examiner to examine books and witnesses—penalty for obstructing him.** Every person who shall wilfully obstruct or mislead the public examiner in the execution of his duties as herein prescribed, shall be subject to a conviction and punishment therefor in the same way as is provided for the conviction and punishment of persons obstructing or hindering other officers, ministerial, judicial or executive, under the authority and law of this state. And the said examiner shall have full power and authority, for the various purposes herein named, to examine any of the books, papers, accounts, bills, vouchers, or other documents or property of any or all of the aforesaid state institutions, moneyed, banking and savings corporations, and county and state officers, and custodians of county and state funds, and also to examine under oath any or all of the trustees, managers, officers, employees or agents, of such institutions and moneyed and savings corporations, and other persons in control of or doing business with said moneyed and savings institutions, and the county and state officers, and custodians of county and state funds aforesaid. The said examiner is empowered to issue subpoenas and administer oaths, in the same manner and with the same power to enforce obedience thereof in the performance of his said duties as belong and pertain to courts of law in this state; and any person refusing access by said examiner to any such books or papers, or any trustee, manager, officer, agent, clerk, employee, or other person aforesaid, who shall obstruct said access, or refuse to furnish any required information, or who shall in any manner hinder the thorough examination, required by this act, of the officers, or of the affairs, books, accounts, papers and finances of the state, moneyed, banking and savings institutions, or pertaining to the county and state officers aforesaid, shall be deemed guilty of a felony, and shall be liable on conviction to [a] fine of one thousand dollars or imprisonment in the state prison for a period of one year. (1878, c. 83, § 6.)

\*§ 96. See 1881 Sup't, p. 10.

\*§ 95. **Annual report to the governor.** Said examiner shall make an annual written report to the governor, of his various proceedings, embodying therein an abstract of the condition and statistics of the several institutions, and county and state finances, as ascertained by him, which report shall be printed to the number of one thousand copies, and be included with other official reports in the volume of executive documents. (*Id.* § 7.)

\*§ 96. **Salary and contingent fund—indirect compensation prohibited.** For the services required under this act, the public examiner shall receive an annual salary of thirty-five hundred dollars (\$3500), and a contingent fund of one thousand dollars (\$1000) for clerk hire, office rent, stationery, and all other expenses incident to the duties of his office, which sums shall be paid by the state treasurer in the same manner as other salaries and expenses of state officers are paid; and if the said examiner shall directly or indirectly receive any compensation or pay for any services or extra service, or for neglect of service, other than is provided in this act, he shall be deemed guilty of felony, and, on conviction thereof, shall be subject to a fine not exceeding ten thousand (\$10,000) dollars, or imprisonment in the state prison not exceeding ten years, or both, in the discretion of the court. (*Id.* § 8.)

\*§ 97. **Attorney general to act with examiner.** It shall be the duty of the attorney general to aid, when called upon by the public examiner, in any investigation or matter needing legal advice and inquiry, and to supervise the prosecution of all offenders under the provisions of this act. (*Id.* § 9.)

#### STATE BOARD OF HEALTH.\*

\*§ 98. **Governor to appoint board of health.** The governor shall appoint seven physicians, one from the city of St. Paul, and the other six from different sections of the state, who shall constitute the state board of health and vital statistics. The physicians so appointed shall hold their offices for four years, and until their

\*An act to establish a state board of health, approved March 4th, 1872. (Laws 18 72, c. 15.)

successors are appointed, and all vacancies in the board shall be filled by the governor. (1872, c. 15, § 1.)

\*§99. **Duties of the board.** The state board of health shall place themselves in communication with the local board[s] of health, the hospitals, asylums, and public institutions throughout the state, and shall take cognizance of the interests of health and life among the citizens generally. They shall make sanitary investigations and inquiries respecting the causes of disease, especially [of] epidemics; the source of mortality, and the effects of localities, employments, conditions and circumstances on the public health; and they shall gather such information in respect to these matters as they may deem proper for diffusion among the people. They shall devise some scheme whereby medical and vital statistics of sanitary value may be obtained, and act as an advisory board to the state in all hygienic and medical matters, especially such as relate to the location, construction, sewerage and administrations of prisons, hospitals, asylums and other public institutions. They shall at each annual session of the legislature make a report of their doings, investigations and discoveries, with such suggestions as to legislative action as they may deem proper. They shall also have charge of all matters pertaining to quarantine, and authority to enact and enforce such measures as may be necessary to the public health. (*Id.* § 2.)

\*§ 100. **Regular meetings and officers.** The board shall hold regular meetings at least once every three months, one of which meetings shall be held at the capitol during the session of the legislature. Their first meeting shall be held at the capitol within ten days after their appointment shall have been made, and three members shall always constitute a quorum for business. They shall elect, from their own number, a president and permanent secretary; the latter shall be their executive officer. No member, except the secretary, shall receive any compensation; but the actual expenses of any and all the members, while engaged in the duties of the board, shall be allowed and paid to the extent authorized by this act. (*Id.* § 3.)

\*§ 101. **Duties of secretary.** The secretary shall perform and superintend the work prescribed in this act, and shall perform such other duties as the board may require. He shall furnish to the legislature when in session such information cognate to this act as from time to time they may deem necessary. (*Id.* § 4.)

\*§ 102. **Salary of secretary and expenses of board.** The secretary of the board shall receive from the treasury, in quarterly payments, an annual salary of five hundred dollars, and his necessary and actual travelling expenses incurred in the performance of official duties, after they have been audited by the board and approved by the governor; and all other necessary expenses arising in his office shall be paid out of the treasury in the same manner as those of the different departments of state government: *provided*, that the expenses of said board shall not exceed the sum of fifteen hundred dollars per annum, (*Id.* § 5, as amended 1873, c. 7, § 1.)

#### COMMISSIONERS OF FISHERIES.\*

\*§ 103. **Governor to appoint commissioners of fisheries—commissioners to appoint agent—compensation of agent.** The governor shall appoint immediately after the passage of this act, three commissioners of fisheries, who shall hold their offices for the term of one year,† and until their successors are appointed, and shall serve without compensation for the ensuing year: *provided*, that thereafter the said board of commissioners may, by resolution, designate one member of the board as the business agent of the board; and it shall be his duty to keep minutes of the acts and proceedings of said board from time to time, including a detailed

\*An act to amend an act entitled an "act to provide for the reception and disposition of the quota of fish and spawn allotted to this state by the United States," approved March fifth, eighteen hundred and seventy-four. Approved March 9, 1875. (Laws 1875, c. 152.) This act supersedes the act of 1874.

†See post § 106.

list of all expenditures; to collect, classify and present to said board such statistics, data and information as the board may order, or he may think tend to promote the object of this act, and to conduct the correspondence, take charge of and safely keep the reports, books, papers, documents, specimens, &c., which may be collected by the commissioners; and to prepare an annual report of the board to the governor, showing what has been done by the board for the current year, the performance of their duties, the amount expended by them, and the objects for which the expenditures were made; which report shall contain such recommendations for legislative action as the commissioners may deem best calculated to promote the cultivation and increase of, and to cheapen, the more useful food fishes within the state. For the performance of these duties, and of such other duties as may be ordered by the board, the said agent shall be paid, from the funds appropriated, such sum as the board by resolution shall designate, not exceeding one thousand dollars per annum. (1875, c. 152, § 1.)

See 1883 Suppl., p. 9.  
And §§ 107, 108, 109, 110.  
See 1871 Suppl., p. 10.  
\*§ 107, 108, 109, 110.

\*§ 104. **Duty of commissioners.** It shall be the duty of such commissioners to make application for and receive from the United States commissioner of fisheries, such quota of stock, spawn or fry as may be allotted from time to time to this state; and to purchase or procure from the fish commissioners of other states, or from other persons or sources, the eggs or fry of such species or varieties of food fishes as the commissioners may deem desirable; and to hatch the spawn and plant the fry so received or procured, in such lakes and streams in the state as shall in their judgment afford the best opportunity for the success of this enterprise; and further to make investigations on the subject of and experiments in fish culture, calculated to promote the objects of this act within the state. It shall be the duty of the commissioners to see that the report of their proceedings and recommendations, required by the first section of this act, shall be made to the governor on or before the first Monday of December of each year, and the governor shall lay the same before the legislature on the assembling thereof. (*Id.* § 2.)

\*§ 105. **One commissioner from each congressional district.** Provided\* that the fish commissioners hereafter appointed under the said act of March five (5), one thousand eight hundred and seventy-four (1874), and of the said act amendatory thereto, approved March nine (9), one thousand eight hundred and seventy-five (1875), shall be appointed one (1) from each congressional district of this state. (1878, c. 42, § 1.)

\*§ 106. **Term of office.** The term of office of the said fish commissioners shall be three (3) years from and after their appointment, and the governor shall nominate such commissioners immediately after the approval of this act, who shall serve without any compensation direct or indirect. (*Id.* § 2.)

#### STATE BOARD OF IMMIGRATION†.

\*§ 107. **Appointment.** There is hereby created a state board of immigration, which shall consist of the governor and two persons from each congressional district, to be appointed by the governor and confirmed by the senate. The governor shall be president of this board. (1878, c. 90, § 1.)

\*§ 108. **Duties of the board.** It shall be the duty of the state board of immigration created under the foregoing section to do everything which may enhance and encourage immigration to this state, by disseminating information regarding the advantages offered by this state to immigrants. (*Id.* § 2.)

\*§ 109. **May employ secretary.** The board may employ a suitable person to act as secretary and to do such other work in the way of corresponding, distributing papers, pamphlets and maps, and writing articles, as they may order. (*Id.* § 3.)

\*This section as printed here is a proviso added to Laws, 1877, c. 161, § 1, which was a temporary appropriation act.

†An act to promote immigration, approved March 7, 1878. (Laws 1878, c. 90.)

\*§ 110. **Quorum for business.** Five members of the board shall constitute a quorum, and a majority of all members, shall have authority to act on all questions brought before the board. (1878, c. 90, § 4.)

\*§ 111. **Appropriation for the use of the board.** Five thousand dollars (\$5,000), or so much thereof as may be necessary, are hereby appropriated, out of any money in the treasury not otherwise appropriated, for the use of the board of immigration, and to be expended by them for the purposes named in the preceding sections. (*Id.* § 5.)

\*§ 112. **Subject to its order.** The money hereby appropriated shall remain in the treasury, subject to the order of the board. (*Id.* § 6.)

\*§ 113. **No compensation to the board.** The members of the state board of immigration shall receive no compensation for their services, but shall be reimbursed to the amount of their actual expenses. (*Id.* § 7.)

\*§ 114. **Reports to the legislature.** It shall be the duty of said board to make reports of their labors and proceedings to the state legislature. (*Id.* § 8.)

#### INSPECTOR OF ILLUMINATING OILS.\*

\*§ 115. **Appointment, term and removal of inspector.** That there shall be appointed by the governor, by and with the advice and consent of the senate, a suitable person, resident of the state, who is not interested in manufacturing, dealing or vending any illuminating oils manufactured from petroleum, as state inspector of oils, whose term of office shall be two years from the date of his appointment, or until his successor shall be appointed and qualified. The governor shall have power to remove such person from office whenever it shall appear to him from good and sufficient evidence that such officer is guilty of malfeasance or non-feasance in the performance of his duty, and may fill any vacancy arising from such removal, from resignation, death or removal from the state, by a new appointment. (1876, c. 90, § 1.)

\*§ 116. **Inspection of oil and marking of packages—penalty for selling rejected oil—110 degree test.** It shall be the duty of said state inspector of oils to examine and test the quality of all such oils offered for sale by any manufacturer, vendor, dealer; and if, on testing or examination, the oils [shall] meet the requirements hereinafter specified, he shall affix his brand or device, and the date of the inspection, with the word "approved," upon the barrel, cask or other package containing the same; and it shall be lawful for any manufacturer, vendor or dealer to sell the same as an illuminator; but if the oil so tested shall not meet the said requirements, he shall mark in plain letters on said barrel, cask or package, with device and date as aforesaid, the words "unsafe for illuminating purposes;" and it shall be unlawful for the owner thereof to sell such oil for illuminating; and if any person shall sell or offer for sale such rejected oil, he shall be deemed guilty of a misdemeanor, and shall be punished as provided in section four of this act: *provided*, however, that all oils inspected under this act shall be inspected within the state of Minnesota. The state inspector provided for in this act is hereby empowered to appoint a suitable number of deputies; and he shall appoint one such deputy for each and every county, on application to him to that end, which said deputies are hereby empowered to perform the duties of state inspector, and shall be liable to the same penalties as the state inspector: *provided*, that the state inspector may remove any of said deputies from office at any time, for reasonable cause. It shall be the duty of the inspector and his deputies to provide themselves, at their own proper expense, with the necessary instruments and apparatus for testing the quality of said illuminating oils, and for marking the packages in which the same may be contained; and, when called upon for that purpose, to promptly inspect all oils herein mentioned, and to report as dangerous or inferior all oils which, by reason

\*An act to provide for the inspection of illuminating oils manufactured from petroleum or coal oils. Approved March 2, 1876. (Laws 1876, c. 90.)

of being adulterated, or for any other reason, will, at the temperature of one hundred and ten degrees of Fahrenheit's thermometer, emit an explosive gas or vapor, or [is] inferior in quality for illuminating purposes: *provided*, that the quantity of oil used in this test shall not be less than half a pint. The oil tester and mode of testing adopted, recommended by the state board of health, shall be used and followed by the state inspector and his deputies. Said inspector and his deputies are hereby empowered, and shall, upon application and the tender of fees herein provided, enter during business hours into any store, shop or warehouse in which such illuminating oils are kept for sale, and inspect and test such oils, marking the packages in which the same are contained, as hereinbefore provided. The decision of any deputy inspector on any package of oil shall be subject to appeal to the state inspector, whose decision shall be final. (1876, c. 90, § 2, as amended 1877, c. 71, § 1.)

\*§ 117. *Oath and bond of inspector and deputies—fees and records.* The person appointed state inspector shall, before he enters upon the duties of his office, take an oath or affirmation prescribed by the laws of this state, and shall execute a bond to the state of Minnesota, in the sum of five thousand dollars, with such sureties as shall be approved by the secretary of state, conditioned for the faithful performance of his duties under this act, which bond so approved shall be filed with the secretary of state. Each deputy inspector appointed shall, before entering upon the duties of his office, take a like oath or affirmation, and execute a bond as aforesaid, of not less than one thousand or more than five thousand dollars, as may be directed by the state inspector, which bond, with said sureties as shall be approved by the judge of probate, be, with his approval thereon, filed in the office of the clerk of the district court for the county to which such deputy is appointed. Such inspector or deputy shall be entitled to demand or receive from the owner or party calling upon him, or for whom he shall inspect, the sum of forty cents for testing and marking a single barrel, cask or package; thirty cents each when not exceeding five in number; twenty-five cents each when not exceeding ten in number, and twenty cents each when in number or packages greater than ten, submitted at one time for inspection. And it shall be the duty of every deputy inspector to keep a true and accurate record of all oils inspected by him, which record shall state the date of inspection, the number of packages, the number of gallons therein, so near as they can be ascertained, and the name of the person for whom inspected, and shall make to the state inspector, at the end of each month, a report containing a true transcript of such record. And it shall be the duty of the state inspector to keep a like record of all oils inspected by him, and at the end of each year to make a report to the secretary of state of the number of packages and gallons so inspect[ed] therein; also amount of inferior or unsafe oil for illuminating purposes, with the name of dealer in whose hands found, and from whom received by said dealer. Such records shall be open to inspection of any and all persons interested. (*Id.* § 3.)

\*§ 118. *Place of inspection—sale before inspection—use of false brands, etc.* All illuminating oil manufactured, refined or compounded within this state, of petroleum, coal oil, or their products, in part or in whole, shall be inspected before being removed from the manufactory or refinery. And if any person or persons, whether manufacturer, vendor or dealer, shall sell to any person within this state any such illuminating oils, whether manufactured in this state or not, before having the same inspected as provided in this act, he shall be deemed guilty of a misdemeanor, and he shall be subject to a penalty in any sum not exceeding five hundred (500) dollars. And if any manufacturer, vendor or dealer of such oils shall falsely brand the package, cask or barrel containing the same, as provided in sections one (1) and two (2) of this act, or shall use barrels, casks or packages having the inspector's brand thereon,

without having the oil inspected, he shall be deemed guilty of a misdemeanor, and he shall be subject to a penalty in any sum not exceeding five hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail for a term not exceeding six months, or both, at the discretion of the court. (1876, c. 90, § 4.)

\*§ 119. **Complaints for violation of law.** It shall be the duty of the state inspector and of every deputy inspector who shall know of the violation of any of the provisions of this act, to enter complaint before any court of competent jurisdiction against any person so offending; and all justices of the peace within their respective counties shall have power to order any person violating any of the provisions of this act to enter into a recognizance, and with sufficient sureties in such sum as to them may seem proper, for his appearance at the next term of the district court, to answer to such complaint or charges as may be made against him. (*Id.* § 5, as amended 1878, c. 37, § 1.)

\*§ 120. **Inspector, etc., not to deal in oil.** No inspector or deputy inspector shall, while in office, traffic directly or indirectly in any article which he is appointed to inspect. For the violation of this section he shall be liable to a penalty not exceeding one thousand dollars. (*Id.* § 6.)

\*§ 121. **Penalties for vending or using inferior oil—gas may be used.** No person shall fraudulently adulterate, for the purpose of sale or use, any kerosene or coal oils to be used for illuminating purposes; nor shall any person knowingly sell or offer for sale, or knowingly use, any kerosene or coal oils, or any of the products thereof, which, by reason of being adulterated, or for any other reason, will, at the temperature of one hundred and ten (110) degrees of Fahrenheit's thermometer, emit an explosive vapor or gas, or be deficient in quality for illuminating purposes: *provided*, that the quantity used for tests shall not be less than one-half pint; *and provided further*, that the gas or vapor from said oils may be used for illuminating purposes, when the oils from which said gas or vapor is generated are contained in reservoirs outside the building illuminated by such gas. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail not more than one year, or by a fine not exceeding five hundred dollars, or by both fine and imprisonment, in the discretion of the court. (*Id.* § 7, as amended 1877, c. 71, § 1.)

\*§ 122. **Inspection of oils at railroad or river stations.** All oils in quantities less than fifty barrels shall be inspected at a railroad or river station, unless the party requesting such inspection shall pay the inspector in advance in addition to the compensation heretofore provided by law, ten cents per mile for each mile necessarily travelled in going [to] and returning from the place where such inspection is to be made, the distance to be computed from the place of residence of such inspector. Said inspector and each of his deputies is also authorized and empowered to enter, during business hours, without being requested so to do, into any store, shop, yard or warehouse, or other place in which he believes oil uninspected or unsafe for illuminating purposes are found, and inspect and test such oils, and to mark in the manner hereinbefore provided the packages or barrels inspected; and in such cases the inspector shall be entitled to demand and receive from the owner or claimant of the oil inspected the same fees and mileage as in other cases herein prescribed. Any person or persons who shall sell or refill an empty cask or barrel having the inspector's brand "approved" thereon, without first erasing the brand, shall be guilty of a misdemeanor, and shall be subject to the penalty provided in the last part of section four (4), of this act. (*Id.* § 8, as amended 1878, c. 37, § 1.)

\*§ 123. **Actual test to be marked in plain figures.** It shall be the duty of the state inspector to mark in plain figures on each package the actual test of oil contained in each barrel, cask or package inspected by him or his deputies, indi-

cating at what temperature of Fahrenheit's thermometer the same would emit an explosive gas or vapor. (1877, c. 71, § 2.)

INSURANCE COMMISSIONER.

(See post c. 34, tit. 6.)

SUPERINTENDENT OF PUBLIC INSTRUCTION.

(See post c. 36, § 49.)

CHAPTER VII.

SALARIES OF STATE OFFICERS.

SECTION.

1. Salaries of state officers.
2. Salaries of district judges.
3. Salary of county attorneys.
4. Salary of county auditors and superintendent.

SECTION.

- 5-9. Salary of judges of probate, and how collected from estates and paid to judges.
10. Standing appropriations for salaries.

TITLE 1.

OF STATE OFFICERS.

\*§ 1. 1. The salary of the governor is hereby fixed at three thousand eight hundred dollars per annum, which shall include house rent. (1878, c. 70, § 1.)

2. The salary of the secretary of state is fifteen hundred dollars per annum, and in addition thereto he shall receive the sum of three hundred dollars per annum for superintending the public printing. (1867, c. 101, § 1, as amended 1874, c. 111, § 1.)

3. The salary of the state auditor is hereby fixed at two thousand dollars per annum. (1878, c. 70, § 1.)

4. The salary of the state land commissioner is one thousand dollars per annum. (1867, c. 101, § 1, as amended 1871, c. 111, § 1.)

5. The salary of the state treasurer is three thousand five hundred dollars per annum. (1867, c. 101, § 1, as amended 1874, c. 111, § 1.)

6. The salary of the attorney general is hereby fixed at two thousand dollars per annum; and, in addition thereto, he shall receive ten dollars per day for each and every day of actual and necessary attendance upon court. (1878, c. 70, § 1.)

7. The salary of the adjutant general is fifteen hundred dollars per annum; and, in addition thereto, such sum or sums of money as may be by him necessarily expended in the care and management of the arms and other military equipments belonging to the state. (1867, c. 101, § 1, as amended 1874, c. 111, § 1.)

8. The salary of the state librarian is hereby fixed at fifteen hundred dollars. (1878, c. 70, § 1.)

9. From and after the passage of this act the salary of the governor's private secretary shall be one thousand five hundred dollars per annum. (1870, c. 40, § 1.)

10. The salary of assistant secretary of state is one thousand dollars per annum. (1867, c. 101, § 1.)

11. The salary of the chief clerk in the state auditor's office for the year one thousand eight hundred and seventy, and annually thereafter, shall be fifteen hundred dollars. (1870, c. 41, § 1.)

\*cf. subds. 6, 5, 11, 20, 23. See ISSI Sup't, p. 11.