

Statutes
1878

THE
GENERAL STATUTES
OF THE
STATE OF MINNESOTA,

As Amended by Subsequent Legislation.

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

FOURTH EDITION.

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

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1883.

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.

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3. Salary of county attorneys.
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SECTION.

- 5-9. Salary of judges of probate, and how collected from estates and paid to judges.
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TITLE 1.

OF STATE OFFICERS.

*§ 1, subds. 6, 5, 11, 20, 23. See 1881 Sup't, p. 11.

*§ 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.)

12. That the salary of the deputy state treasurer be fixed at fifteen hundred dollars per annum. (1878, c. 71, § 1.)

13. That the salary of the clerk of the state land office for the year one thousand eight hundred and seventy-seven, and thereafter, be fixed at fifteen hundred dollars per annum. (1877, c. 100, § 1.)

14. The salary of state treasurer's clerk is one thousand dollars per annum. (1867, c. 101, § 1.)

15. The salary of adjutant general's clerk is twelve hundred dollars per annum. (1867, c. 101, § 1.)

16. That the salary of the janitor for the year eighteen hundred and seventy-five, and thereafter, be fixed at twelve hundred dollars per annum. (1875, c. 107, § 1.)

17. The salary of night watchman of the capitol is six hundred dollars per annum. (1867, c. 101, § 1.)

18. The judges of the supreme court shall each receive a salary of four thousand dollars per annum. (1875, c. 136, § 1.)

19. The salary of the clerk of the supreme court is hereby fixed at fifteen hundred dollars per annum, to be computed at that rate from and after January first, A. D. eighteen hundred and seventy three. (1873, c. 111, § 1.)

20. The salary of supreme court reporter is six hundred dollars per annum. (1867, c. 101, § 1.)

21. The salary of attorney general's clerk is two hundred dollars per annum. (1867, c. 101, § 1.)

22. The salary of the insurance commissioner's clerk is hereby fixed at twelve hundred dollars. (1878, c. 70, § 1.)

For salary of lieutenant governor see *ante*, c. 3, § 16.

For salary of the railroad commissioner, and that of his clerk, see *ante*, c. 6, § 68.

For salary of insurance commissioner, see *post*, c. 34, tit. 6.

For salary of superintendent of public instruction, and that of his clerk, see *post*, c. 36 § 51.

For salary of the warden and deputy warden of the state prison, see *post*, c. 120, § 42.

For salary of the public examiner, see *ante*, c. 6, § 96.

For salary of the commissioner of statistics, see *ante*, c. 6, § 88.

For salary of the clerk of the secretary of state, see *ante*, c. 6, § 12.

TITLE 2.

OF DISTRICT OFFICERS.

*§ 2. Judges of district court. The salary of each of the judges of the district court is two thousand five hundred dollars per annum. (*As amended 1867, c. 100, § 1.*)

TITLE 3.

OF COUNTY OFFICERS.

§ 3. Salary of county attorneys. The county attorneys shall receive a salary of not exceeding twelve hundred dollars per annum, to be fixed by the board of county commissioners, and paid quarterly from the treasury of the county, upon the warrant of the county auditor: *provided*, that any county attorney feeling himself aggrieved by the act of the county commissioners in fixing such salary, may appeal to the district court of the proper county, by filing with the county auditor thereof a notice of such appeal, within thirty days after such salary shall have been so fixed by such board of commissioners, or, in case the same shall have been fixed at any time prior to the passage of this act, then within thirty days after the passage thereof. And the judge of said court, upon such appeal being taken as aforesaid, shall, either in term time or in vacation, upon the application of such attorney, eight days notice thereof being given to the chairman of such board of commissioners or the county auditor, proceed to determine such appeal in a summary manner, and shall

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allow such sum for such salary as he shall deem just and reasonable (not exceeding twelve hundred dollars per annum,) and shall make an order therefor, to be filed in the office of the county auditor; and the amount so determined upon shall be the salary of such county attorney, from the time of the fixing of the salary by such county commissioners from which such appeal was taken, to the end of the term for which such salary was so fixed, and for which such county attorney was elected, unless altered or changed by such court or judge, for good cause shown. (*As amended 1870, c. 33, § 1.*)

§ 4. **County auditor and superintendent.** The salary of the county auditor and county superintendent of schools shall be fixed and determined by the board of county commissioners and paid from the county treasury.

For salary of county auditor, see *post, c. 8, § 142.*

For salary of county treasurer, see *post, c. 8, § 172.*

For salary of county superintendent, see *post, c. 36, § 61.*

*§ 5. **Judges of probate, salary fixed by population of county.*** There shall be allowed and paid to the several judges of probate in this state, in lieu of the fees, costs and perquisites heretofore allowed by law, an annual compensation for their services as follows: In counties having a population of one thousand inhabitants or less, the sum of one hundred dollars; and in all other counties the sum of one hundred dollars for the first thousand inhabitants, and an additional sum of fifty dollars for each additional thousand of population or major fraction thereof, to be paid quarter-yearly by the treasurer of the county, upon the warrant of the county auditor: *provided*, that, in the county of Ramsey, the compensation to be allowed and paid to the probate judge thereof, shall be the sum of two thousand dollars, and the clerk of probate court in said county of Ramsey shall be allowed and paid the sum of twelve hundred dollars, in the manner above provided. (*1875, c. 37, § 1, as amended 1877, c. 60, § 1.*)

*§ 6. **Same—population how determined.** The auditor, in determining the population of any county, shall take the United States census of eighteen hundred and seventy, or any census hereafter taken by the United States or the state of Minnesota, and add five per cent. of the population, as shown by the last census taken, for each year expiring after the year in which said census was taken. (*Id. § 2.*)

*§ 7. **Provision for clerk hire.** All probate judges whose salary exceeds the sum of twelve hundred dollars, may receive a further sum, to be annually fixed by the board of county commissioners, not exceeding five hundred dollars in any one year, for clerk hire; and all fees of judges of probate and clerks of probate, except as herein provided, are hereby abolished, and the probate judges in this state are hereby prohibited from taking or recovering either directly or indirectly, any fees whatever for their official services other than for taking acknowledgments of papers and administering oaths outside of the line of probate duties. (*Id. § 3.*)

*§ 8. **How county treasury to be reimbursed.** For the purpose of reimbursing the county treasury for the salaries provided to be paid in this act to the judge of probate, it shall be the duty of each executor, administrator or guardian to pay or cause to be paid to the county treasurer, for the use and benefit of the county in whose probate court proceedings are to be instituted to settle the estate of any deceased person, the following sums, according to the value of the estate and property of such deceased person, as shown by the inventory and appraisal, that is to say: ten dollars when such value shall exceed one thousand dollars, and shall not exceed five thousand dollars; twenty dollars when the value of such estate shall exceed the sum of five thousand dollars, and shall not exceed the sum of ten thousand dollars; thirty dollars when the value of the estate shall exceed the sum of ten thousand dollars, and shall not exceed the sum of fifteen thousand dollars; fifty dollars when the value of the estate shall exceed

*An act to fix the compensation of judges of probate, and provide a fund for payment of the same.

Approved March 9, 1875.

fifteen thousand dollars, and shall not exceed twenty thousand dollars; and seventy-five dollars in all cases where the value of the estate shall exceed the sum of twenty thousand dollars; and in addition all sums necessarily expended in serving or publishing notices required by law: *provided*, that in all cases where application is made for the appointment of any guardian for any minor or minors residing out of this state, but having property therein, or for the admission to probate of any will already probated in some other state, the person making such application shall pay, in lieu of the sums above named, the sum of ten dollars, and no other or different sum shall be required to be paid by any party seeking the aid of such probate court, except as provided above. (1875, c. 37, § 4.)

*§ 9. **Payments to be made to treasurer—receipts.** The payments provided for in the foregoing section shall be made to the treasurer of the proper county, who shall execute therefor duplicate receipts, one of which shall be filed with the county auditor, and one with the judge of probate of such county; and no proceedings of any kind shall be had in any cause pending in such probate court for the settlement of any estate, subsequent to the return of the inventory showing the value of such estate, until such receipt has been duly filed with such judge of probate: *provided*, that in estimating the amount of fees to be paid in proceedings now pending, the amount already paid shall be deducted from the maximum to be paid under provisions of this act: *and provided further*, that judges of probate shall be allowed to collect all fees due them for services rendered prior to April first, eighteen hundred and seventy-five. (*Id.* § 5.)

STANDING APPROPRIATIONS FOR SALARIES OF STATE OFFICERS.*

*10. **Appropriations for salaries.** That the following sums of money, or so much thereof as may be necessary, be and the same are hereby annually appropriated out of any moneys in the treasury belonging to the general revenue fund for the payment of the salaries of the officers of the state government.

1st. For salary of the governor, three thousand eight hundred dollars. (*As amended 1878, c. 29, § 1.*)

2d. For salary of the secretary of state and superintendent of public printing, eighteen hundred dollars.

3d. For salary of the state auditor and land commissioner, three thousand dollars. (*As amended 1878, c. 29, § 1.*)

4th. For salary of the state treasurer, three thousand five hundred dollars.

5th. For salary of the attorney general, two thousand dollars. (*As amended 1878, c. 29, § 1.*)

6th. For salary of the adjutant general, fifteen hundred dollars.

7th. For salary of the superintendent of public instruction, twenty-five hundred dollars.

8th. For salary of the railroad commissioner, three thousand dollars.

9th. For salary of the insurance commissioner, two thousand dollars.

10th. For salary of the librarian, fifteen hundred dollars. (*As amended 1878, c. 29, § 1.*)

11th. For salary of janitor, twelve hundred dollars. (*As amended, 1877, c. 54, § 1.*)

12th. For salaries of the engineers, night watchmen and fireman, eighteen hundred dollars.

13th. For salary of the military store keeper, four hundred dollars.

14th. For salary of the governor's private secretary, fifteen hundred dollars.

15th. For salary of the assistant secretary of state, one thousand dollars.

16th. For salary of the statistician, one thousand dollars.

*"An act to appropriate money for the payment of the salaries of the officers of the state government." approved March 5, 1874. (Laws 1874, c. 114, § 1.)

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

*§ 10, subds. 20, 22, 25, 26, 30. See 1888 Sup't, p. 11.

CHAPTER VIII.
COUNTIES AND COUNTY OFFICERS.

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