

GENERAL STATUTES

OF THE

STATE OF MINNESOTA

36

IN FORCE

JANUARY 1. 1889.

COMPLETE IN TWO VOLUMES.

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VOLUME 2, Supplement.—Changes effected in the General Statutes of 1878 by the General Laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H. J. HORN, Esq., with Annotations by STUART RAPALJE, Esq., and others, and a General Index by the Editorial Staff of the NATIONAL REPORTER SYSTEM.

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WITH

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and execution, and in case of his non-approval on account of any defect in the form or execution of the same, the attorney general shall indorse thereon the reasons for such non-approval, and the secretary of state shall require the officer or treasurer executing the said bond to execute without delay a bond perfected according to the statutes, which shall be approved, recorded, and filed as herein provided; but nothing in this act shall be construed as invalidating the original bond for any portion of such officer's or treasurer's term of office previous to the filing of the perfected bond with the secretary of state. (*Id.* § 3.)

***§ 157. When new bond required.**

The said board of auditors shall require any of the said officers or treasurers to give a new bond, with sureties to be approved by them, whenever, in the opinion of a majority of said board, the sureties, or any of them, on the original bond are deemed insufficient for any cause; and they shall also require a new bond, with sureties to be approved by them, whenever the penalty of such original bond is deemed insufficient: *provided*, that when a new bond is taken under the provisions of this section, the original bond, and the rights and liabilities of the parties thereto incurred or existing at or prior to the time of the approval and acceptance of such new bond, shall in nowise be affected or impaired. (*Id.* § 4.)

***§ 158. Treasurers of public institutions—Bonds.**

That the several boards of trustees and directors of the public institutions of the state be, and are hereby, instructed and required to fix the penal sum of the several treasurers of such institutions high enough to cover double the amount likely to come into their hands officially at any one time during the term for which such bond is given, and that they are required to call promptly for the renewal of the bond of any such treasurer on his reappointment or re-election to such office. (*Id.* § 5.)

CHAPTER 7.

SALARIES OF STATE OFFICERS.

TITLE 1.

OF STATE OFFICERS.

***§ 1. Governor.**

1. The salary of the governor is hereby fixed at five thousand dollars per annum, which shall include house-rent. (1878, c. 70, § 1, *as amended* 1885, c. 40, § 1.)

Secretary of state.

2. The salary of the secretary of state is thirty-five hundred dollars per annum, which shall also include his salary for superintending the public printing. (1867, c. 101, § 1, *as amended* 1874, c. 111, § 1; 1887, c. 225, § 2.*)

Fees to be turned into state treasury.

2b. All fees and charges whatever hereafter paid into the office of the secretary of state, including all fees received by such officer during the months of

*§ 1 of the act of 1887 provides: "That the salary of the secretary of state for the year one thousand eight hundred and eighty-seven, and annually thereafter, shall be thirty-five hundred dollars."

MINNESOTA STATUTES 1888 SUPPLEMENT

January and February, one thousand eight hundred and eighty-seven, except fees for notary public appointment, which fees shall be paid to the private secretary of the governor from and after the passage of this act, and remain in force until January first, one thousand eight hundred and eighty-nine, shall be turned over to the state treasury; and it shall be the duty of the secretary of state to make monthly statements in detail to the state auditor of fees received, and to pay the same to the state treasurer, according to such statement: *provided*, that the fees so to be paid to the state treasurer shall include all fees, of whatever nature, for every service rendered in said office, whether by the secretary, his assistant, or any clerk in the department. (1887, c. 225, § 3.)

* * * * *

State land commissioner.

4. The salary of the state land commissioner is sixteen hundred dollars per annum. (1867, c. 101, § 1, *as amended* 1874, c. 111, § 1; 1885, c. 36, § 1.)

* * * * *

Attorney general.

6. That the salary of the attorney general for the year one thousand eight hundred and eighty-five, and annually thereafter, shall be thirty-five hundred dollars.* (1885, c. 241, § 1.)

Adjutant general.

7. The salary of the adjutant general for the year one thousand eight hundred and eighty-seven, and annually thereafter, shall be two thousand dollars per annum. (1887, c. 213.)

State librarian.

8. [The salary of the state librarian is fixed at two thousand dollars. 1881, c. 174, § 1; *post*, *§ 10, subd. 10.]

* * * * *

Deputy state auditor.†

11. That the salary of the deputy state auditor be and the same is hereby fixed at twenty-five hundred dollars per annum, and said sum is hereby annually appropriated for the payment of the same. (1887, c. 234.)

Deputy state treasurer.

12. That the salary of the deputy state treasurer for the year A. D. one thousand eight hundred and eighty-two, and annually thereafter, shall be eighteen hundred dollars. (1881, *Ex. Sess.* c. 47, § 1.)

* * * * *

State treasurer's clerk.

14. That the sum of nine hundred dollars be and the same is hereby appropriated annually out of any moneys in the treasury belonging to the general revenue fund, for the payment of the salary of the state treasurer's clerk, which annual salary is hereby fixed at nine hundred dollars. (1885, c. 254.)

* * * * *

Supreme court reporter.

20. That the reporter of the supreme court be, in lieu of the copyright heretofore held by him and as a compensation for his services, as such reporter, shall receive an annual salary of fifteen hundred dollars. (1881, c. 103, § 9.)

* Former salary, Gen. Laws 1881, c. 150, § 1.
† See *ante*, c. 6, § 23. Also Gen. Laws 1881, c. 161, § 1.

Attorney general's clerk.

21. The salary of attorney general's clerk is fifteen hundred dollars per annum. (1867, c. 101, § 1, *as amended* 1881, *Ex. Sess.* c. 49, § 1; 1887, c. 252.)

Insurance commissioner's clerk.

22. The salary of the insurance commissioner's clerk is hereby fixed at fifteen hundred dollars per annum. (1887, c. 253, § 1.*)

Deputy clerk of supreme court.

23. The clerk of supreme court is hereby empowered to employ in his office a deputy clerk, who shall receive for his services the sum of one thousand dollars per annum, and the sum aforesaid is hereby annually appropriated out of any moneys in the treasury belonging to the general revenue fund for the payment of said salary. (1881, c. 160, § 1.)

TITLE 2.

OF DISTRICT OFFICERS.

***§ 2. Judges of district court.†**

The salary of each of the judges of the district court is thirty-five hundred dollars per annum. (*As amended* 1867, c. 100, § 1; 1881, c. 56, § 1.)

TITLE 3.

OF COUNTY OFFICERS.‡

§ 3. Salary of county attorneys.

The county attorneys shall receive a salary of not exceeding two thousand 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 deter-

*The preceding part of the section reads: "That section one of chapter seven of the General Statutes of one thousand eight hundred and seventy-eight be and the same is hereby amended so as to read as follows."

† See as to salaries of judges in second and fourth districts, *post*, c. 64.

‡ Salary of probate judge of Becker county, see Sp. Laws 1885, c. 249; same, Beltrami county, Sp. Laws 1887, c. 332; same, Blue Earth county, Sp. Laws 1881, *Ex. Sess.* c. 222; same, Clay county, Sp. Laws 1887, c. 325, Sp. Laws 1885, c. 109; same, Goodhue county, Sp. Laws 1881, c. 107; same, Hennepin county, Sp. Laws 1885, c. 255; same, Ramsey county, Sp. Laws 1887, c. 363; same, Rice county, Sp. Laws 1879, c. 306; same, St. Louis county, Sp. Laws 1883, c. 51, Sp. Laws 1887, c. 312; same, Winona county, Sp. Laws 1879, c. 309.

Salary of auditor of Hennepin county, Sp. Laws 1883, c. 295; Sp. Laws 1885, c. 95; same, Ramsey county, Sp. Laws 1887, c. 333, 363.

Salary of county attorney of Hennepin county, Sp. Laws 1887, c. 369; same, Ramsey county, *Id.* c. 363.

Compensation of surveyor of Hennepin county, Sp. Laws 1885, c. 245.

Salary of treasurer of Hennepin county, Sp. Laws 1883, c. 295, Sp. Laws 1885, c. 95; same, Ramsey county, Sp. Laws 1887, c. 363.

mine such appeal in a summary manner, and shall 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; 1885, c. 17.*)

The salary, as fixed by the county board, cannot be subsequently revised by the board during the incumbent's term of office. *Hawkins v. Watkins*, 34 Minn. 554, 27 N. W. Rep. 65, (MITCHELL, J., dissenting.)

***§ 8. Reimbursement of county treasuries.**

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, minor, spendthrift, or insane person, the following sums, according to the value of the estate and property of such deceased person, minor, spendthrift, or insane persons, shown by the inventory and appraisal; that is to say, ten dollars when such value shall exceed two thousand dollars, and shall not exceed five thousand dollars; twenty-five dollars when such value shall exceed five thousand dollars, and not exceed ten thousand dollars; thirty-five dollars when such value exceeds ten thousand dollars, and does not exceed fifteen thousand dollars; fifty dollars when such value exceeds fifteen thousand dollars, and does not exceed twenty thousand dollars; seventy-five dollars when such value exceeds twenty thousand dollars, and does not exceed thirty-five thousand dollars; one hundred dollars when such value exceeds thirty-five thousand dollars, and does not exceed fifty thousand dollars; two hundred dollars when such value exceeds fifty thousand dollars, and does not exceed seventy-five thousand dollars; three hundred dollars when such value exceeds seventy-five thousand dollars, and does not exceed one hundred thousand dollars; five hundred dollars when such value exceeds one hundred thousand dollars, and does not exceed one hundred and fifty thousand dollars; eight hundred dollars when such value exceeds one hundred and fifty thousand dollars, and does not exceed two hundred thousand dollars; one thousand dollars when such value exceeds two hundred thousand dollars, and does not exceed five hundred thousand dollars; five thousand dollars when such value exceeds five hundred thousand dollars; and, in addition, such executor, administrator, or guardian shall pay all sums necessarily expended in serving or publishing notices required by law. There shall be no discrimination made between resident and non-resident executors, administrators, or guardians, or the estate of residents or non-residents of the state. No other or different sum shall be required to be paid by any party asking the aid of such probate court except as provided above. (1874, c. 37, § 4, *as amended* 1885, c. 103, § 1.)

***§ 8a. When to take effect—Saving clause.**

This act shall take effect and be in force from and after its passage, save that estates now pending shall be required to pay no more than the law in force of which this is amendatory requires. (1885, c. 103, § 2.)

***§ 9a. County officers—Payment of salaries.**

The salaries of the county attorneys, judges of probate, and county super-

*The amendment of 1885, is "by striking out the words 'twelve hundred,' in the second line of said section and inserting in lieu thereof the words 'two thousand.'"

MINNESOTA STATUTES 1888 SUPPLEMENT

intendents of public schools, shall be paid monthly from the treasury of the county, upon the warrant of the county auditor. (1881, c. 126, § 1.)

STANDING APPROPRIATIONS FOR SALARIES OF STATE OFFICERS.

***§ 10. Appropriations for salaries.**

* * * * *
 1. For salary of the governor, five thousand dollars. (*As amended* 1878, c. 29, § 1; 1885, c. 40, § 2.)

* * * * *
 3. For salary of the state auditor and land commissioner, three thousand six hundred dollars. (*As amended* 1878, c. 29, § 1; 1885, c. 36, § 2.)

* * * * *
 5. For salary of the attorney general, thirty-five hundred dollars. (*As amended* 1878, c. 29, § 1; 1881, c. 159, § 2; 1885, c. 241, § 2.)

* * * * *
 10. That the sum of two thousand dollars be and the same is hereby appropriated annually out of any moneys in the treasury belonging to the general revenue fund for the payment of the salary of the state librarian, which annual salary is hereby fixed at the sum of two thousand dollars. (1881, c. 174, § 1.)

* * * * *
 12. For salary of the engineer, twelve hundred dollars; and for salary of fireman and day laborer, seven hundred and twenty dollars; and for salary of assistant engineer and night watchman, three hundred dollars. (*As amended* 1879, c. 32, § 2.)

* * * * *
 17. [For salary of deputy state auditor, see, *ante*, *§ 1, subd. 11. Former appropriation, 1881, c. 161, § 2.]

* * * * *
 20. For salary of the deputy treasurer, eighteen hundred dollars. (*As amended* 1881, *Ex. Sess.* c. 47, § 2.)
 [State treasurer's clerk, *ante*, *§ 3, subd. 14.]

* * * * *
 22. For salary of clerk of the attorney general, eighteen hundred dollars. (*As amended* 1881, *Ex. Sess.* c. 49, § 2; 1887, c. 252, § 2.)

* * * * *
 23. For salaries of judges of the supreme court and district courts, ninety-seven thousand dollars. (*As amended* 1879, c. 32, § 1; 1881, c. 80, § 1; 1881, *Ex. Sess.* c. 97; 1885, c. 98.)

* * * * *
 25. For salary of the reporter of the supreme court, from and after the first day of January next, A. D. one thousand eight hundred and eighty-two, fifteen hundred dollars. (*As amended* 1881, *Ex. Sess.* c. 41, § 1, and c. 97, § 1.)

* * * * *
 27. [Stricken out, 1879, c. 32, § 2.]
 28. For salary of messenger, six hundred dollars. (*As amended* 1879, c. 32, § 2.)
 29. For salary of insurance clerk, twelve hundred dollars. (1879, c. 32, § 1. See, *ante*, *§ 1, subd. 22.)
 *29. For the salary of book-keeper in state auditor's office, fifteen hundred dollars. (1883, c. 146, § 3.)

30. For salary of the clerk of the secretary of state, twelve hundred dollars. (1879, c. 32, *as amended* 1883, c. 148, § 2.)

*30. For salary of assistant land clerk in the state land-office, twelve hundred dollars. (1883, c. 146, § 3.)

31. For services of superintendent and labor on experimental fruit farm, one thousand dollars. (1879, c. 32.)

32. For salary of the public examiner, thirty-five hundred dollars. (*Id.*)

33. [For salary of deputy clerk of supreme court, one thousand dollars. See, *ante*, *§ 1, subd. 23.]

CHAPTER 8.

COUNTIES AND COUNTY OFFICERS.*

TITLE 1.

TERRITORIAL DIVISIONS.

*§ 2a. Aitkin county—Territory attached.

That lot four of section thirteen, and the fractional sections twenty-four, twenty-five, and twenty-six, all in township one hundred and thirty-six north, of range twenty-five west of the fifth principal meridian, be, and the same are, each and all thereof, detached from the county of Cass, in this state, and attached to the county of Aitkin, in this state. (1887, c. 117, § 1.)

*§ 2b. Transcripts of records.

That the register of deeds of the county of Aitkin shall, as soon as practicable, make, or cause to be made, transcripts of all records affecting the titles to the real property being and lying within the territory described in the first section of this act, at the expense of the county of Aitkin, and he shall record the same in the records of his office in and for said county, and when the same are so recorded, they shall have the same force and effect as if originally recorded in such records. (*Id.* § 2.)

*§ 8. Beltrami county.

That so much territory as is comprised within the following-described limits, coincident with lines of the United States land surveys when run and marked, be, and the same is hereby, established as the county of Beltrami: Beginning at the point where the line between ranges thirty-eight and thirty-nine intersects the line between townships one hundred and forty-two and one hundred and forty-three; thence northwardly on said range line to the boundary line between the United States and British possessions; thence eastwardly and along said boundary line to its intersection with the line between ranges twenty-nine and thirty; thence southwardly along said range line to the center of the main channel of the Mississippi river; thence up the center of the main channel of said river to its intersection with the line between

*See Gen. Laws 1879, c. 62, providing for the submission to the people of Lac qui Parle, Yellow Medicine, and Lincoln counties of the question of the establishment of Canby county.

As to regulation of employment bureaus, see *post*, c. 10.

For provisions relating to trust companies as sureties on official bonds, see *post*, c. 34.

For provisions relating to bounties for killing wolves and blackbirds, see *post*, c. 124.

For provisions in relation to distribution of seed grain, see *post*, c. 124.

As to mutilated, lost, and destroyed bonds, orders, and warrants, see *post*, c. 124.

In reference to drainage, see *post*, c. 124.