

and sixty-two, and every year thereafter, a general election shall be held in the several election districts of the State, which said election shall also be known as the annual election of the State. And the several State, County, and Judicial District officers, members of the Senate and House of Representatives of the State, and Representatives in the Congress of the United States, shall be elected at the annual election next preceding the expiration of the term of each of the said officers respectively; and that on the year when a President and Vice President of the United States are to be chosen, a number of electors of President and Vice President of the United States, equal to the number of Senators and Representatives to which this State may be entitled in the Congress of the United States, shall be elected at said election.

Change of time
of holding annual
elections

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal of acts in-
consistent with
this act

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved September 22d, 1862.

CHAPTER III.

An Act to create a Board of Auditors for the adjustment of claims for war expenditures, and to define the powers and duties of said Board.

- SECTION 1. Election of Board of Auditors—how elected—for what purpose created.
 2. Auditors to file bond for faithful performance of duty—in what sum.
 3. When Board of Auditors to meet—when expiration of term of office.
 4. Fees of Board of Auditors.
 5. What claims to be audited by said Board—penalty for perjury.
 6. Powers of majority of said Board.
 7. Secretary of State to furnish necessary books, stationery, &c.
 8. Board to keep correct account of transactions—proceedings to be submitted to next Legislature.
 9. Penalty for malfeasance in office.
 10. What to constitute a quorum.
 11. Act, when to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. There shall be elected by the Legislature

Election of Board
of Auditors—how
elected—for what
purpose created

of the State of Minnesota, in joint convention assembled, at such time as may be agreed upon by the two houses during the present session, a special board of Auditors, to consist of three persons, whose duty it shall be to audit and determine under such rules and regulations as they may adopt, not inconsistent with this act, upon the validity and amounts of all claims or demands against this State on account of services rendered or property sold, taken or appropriated for military purposes, or for supplies, transportation, subsistence materials, munitions of war, or any other matters furnished to or taken by this State or those claiming to act for the State, or the general government, for the purpose of raising volunteers for the suppression of the southern rebellion, or for the protection of the frontier, or other settlements against Indian depredations, or the prosecution of the Indian war now existing, or for arms, subsistence, horses, transportation, or other property or service heretofore or hereafter to be furnished for any of the purposes aforesaid.

Auditors to file
bond for faithful
performance of
duty—in what
sum

Sec. 2. Before entering upon the duties of his office, each of the persons so elected shall enter into bonds, with two or more sufficient sureties, to be approved by the Governor, in the sum of five thousand dollars, payable to the State of Minnesota, conditioned for the faithful discharge of his official duties, and shall take and subscribe an oath of office, faithfully and impartially to discharge the duties of his said office, according to the best of his ability; which oath, together with his bond, shall be deposited in the office of the Secretary of State.

When Board of
Auditors to meet
—when expiration
of term of
office

Sec. 3. At such time as the Governor shall designate, after the said special Board of Auditors shall have been elected and qualified, they shall assemble in St. Paul, at such suitable place as may have been provided for them, and then and there enter upon their duties, and shall continue their session from day to day, or at stated periods, and at such place or places other than St. Paul, as they may appoint, as the exigencies of the duties required of them may demand, until all the claims accruing under the several classes of war expenditures mentioned in section one of this act shall have been audited and adjusted. *Provided*, That the duties of said Board and the term of office of the members thereof shall cease and expire on the first day of January next.

Sec. 4. The said Auditors shall be entitled to and

receive from the treasury of the State, to be paid upon the warrant of the State Auditor, the sum of three dollars per diem for each and every day that each of said Auditors shall be engaged in the transaction of his official business. For the purpose of aiding in the transaction of their official business, and keeping a record thereof, they may employ a clerk, at a salary of two dollars per diem, to be paid in the same manner that is herein prescribed for the payment of the per diem of the members of the Board.

Fees of Board of Auditors

SEC. 5. No account or claim against the State, other than those accruing under the several classes of war expenditures mentioned in section one of this act, shall be audited or adjusted by the said special Board of Auditors; and no claim or demand whatever, embraced within the provisions of the first section of this act, shall be audited or allowed, except as herein provided for. All accounts or claims presented to said Board shall be accompanied by the oath or affirmation of the party presenting the same, and said Board may require such further testimony as they may deem necessary to establish the correctness of such account or claim; and in any proceeding or examination under this act they shall have full power to administer any oath therein, to send for persons and papers, and to issue any subpoena or process to compel the attendance of witnesses to give testimony on behalf of the State or such claimant, which subpoena or process may be served by any constable or sheriff of the State; and any wilful false swearing on the part of any person giving testimony on such examination, or taking any oath or affidavit in said proceedings, shall be deemed perjury, and be punishable by imprisonment in the State prison not less than two nor more than five years.

What claims to be audited by said board—penalty for perjury

SEC. 6. In all cases where the Board of Auditors, or a majority of them, shall be of the opinion that the prices charged are unreasonable and exorbitant under the circumstances under which the obligation was contracted, they shall have full power to reduce the same to such sum as they shall deem just and equitable.

Powers of majority of said Board

SEC. 7. All books, stationery and blanks necessary for the transaction of the business of the said special Board of Auditors shall be furnished by the Secretary of State, and upon the fulfillment and completion of the

Who to furnish necessary books, stationery, &c

duties of their office all records, accounts, and other property of the office, shall be deposited with the Secretary of State.

To keep correct account of transactions—to be submitted to next Legislature SEC. 8. The said Board shall keep a full and correct account of all their transactions, to be submitted to the Legislature at the commencement of the next regular session.

Penalty for malfeasance SEC. 9. Any of the members of the special Board of Auditors, or their clerk, who shall be convicted in any court of competent jurisdiction of fraud, peculation, or malfeasance in office, or of any complicity in any fraud or peculation, shall be punished by imprisonment in the State prison for a period of not less than six months or more than ten years.

Quorum SEC. 10. Two of said special Auditors shall constitute a quorum for the transaction of business, and in case of meeting at stated periods, the time and place of meeting shall be advertised in one of the daily papers published in St. Paul.

SEC. 11. This act shall take effect immediately.

Approved September 24th, 1862.

CHAPTER IV.

An Act to provide for the organization, equipment and discipline of the military forces of the State.

TITLE I.

- SECTION 1.** Who subject to military duty.
2. Who to be enrolled in the militia and infantry companies of the State—enrollment to be made from military roll in the office of County Auditor.

TITLE II.

1. Commissioned officers, how appointed.
2. Staff of the Commander-in-chief—of whom to consist—when commission to expire.
3. How captains and subalterns to be chosen.