

apples with long keeping standard apples to develope [hardy] long keeping varieties of the apple tree suitable to this climate; and said experiment shall be conducted by some person to be designated by the Governor, and who shall receive annually the sum of one thousand dollars as compensation for his services, and to pay for such [necessary] labor as he may employ in conducting the said experiments. He shall report annually to the Board of Regents of the State University, who shall transmit said report to the Governor.

SEC. 3. The sum of one thousand dollars is hereby appropriated to carry out the provisions of section two of this act.

Appropriation.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 8, 1878.

### CHAPTER 83.

AN ACT TO PROVIDE FOR THE APPOINTMENT AND TO PRESCRIBE THE DUTIES OF A PUBLIC EXAMINER FOR THE STATE OF MINNESOTA.

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

SECTION 1. That one competent person, who shall be a skillful 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 employee 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.

Public examiner—by whom appointed—bonds—term of office:

SEC. 2 . 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

Duties of examiner.

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.

SEC. 3. 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 accordance 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.

SEC. 4. 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 Minne-

Shall visit public institutions at irregular times.

Uniform and correct system of book keeping to be introduced and enforced.

Financial standing of bondsmen to be ascertained.

Refusal or neglect of county officers to be reported to attorney general.

Officers may be suspended.

Banking institutions to be visited.

sota, 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 enquire 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, agent 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.

Securities and assets of banks to be investigated.

Infringement of laws.

SEC. 5. 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.

Reasonable and needed facilities for examination must be furnished by officers.

SEC. 6. 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

Obstructing or misleading to be punished.

Full power to examine all books, papers etc.

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 (\$1000), or imprisonment in the State prison for a period of one year.

May issue subpoenas and administer oaths.

Annual report to the Governor.

SEC. 7. 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.

Salary and contingent funds—indirect compensation prohibited.

SEC. 8. 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.

Attorney general to act with examiner.

SEC. 9. 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.

Inconsistent acts repealed.

SEC. 10. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 12, 1878.