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# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE  
THE STATUTES OF THE STATE, BY ACT OF THE  
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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11 begin on the first day of November of each year, and end  
12 on the last day of October of the succeeding year.

1 SECT. <sup>40</sup>28. All state officers and boards of officers, and  
2 the officers of all such institutions and buildings as are re-  
3 quired to make annual reports to the legislature, or to the  
4 governor, shall make such reports to the governor on or <sup>c 40</sup>  
5 before the fifth day of December of each year; and for the <sub>1861—p. 157, Sect. 7.</sub>  
6 purpose of making out such reports, the fiscal year is de-  
7 clared to begin on the first day of December of each year,  
8 and to end on the last day of November of the succeeding  
9 year. The governor, upon receiving such reports, shall  
10 cause the same forthwith to be printed by the state printer,  
11 and the governor shall lay before the legislature all such  
12 reports in printed form at the same time with his annual  
13 message.

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## CHAPTER VI.

### STATE OFFICERS.

#### TITLE I.

#### G O V E R N O R .

1 SECTION 1. The governor is the legal custodian of all the  
2 property of the state, not specially entrusted to other offi- <sup>c 5</sup>  
3 cers by law; and is authorized and empowered to take sum- <sub>C. S. p. 125, Sect. 2.</sub>  
4 mary possession of such property without any process of  
5 law; and to adopt such measures as he deems proper to  
6 preserve it from injury or deterioration.

1 SECT. 2. He shall by proclamation, set apart one day <sup>c 5</sup>  
2 in each year, as a day of solemn and public thanksgiving <sub>C. S. p. 126, Sect. 8.</sub>  
3 to Almighty God, for his blessings to us as a state and na-  
4 tion, and no business shall be transacted on that day at any  
5 of the departments of state.

1 SECT. 3. Whenever he convenes an extra session of the <sup>c 9</sup>  
2 legislature, he shall do so by proclamation, giving such notice <sub>C. S. p. 128, Sect. 9.</sub>  
3 as he deems necessary to inform the members of the legis-  
4 lature of the time of assembling; and when assembled he  
5 shall state to them the purposes for which they are con-  
6 vened.

1 SECT. 4. He shall appoint his private secretary, who  
2 shall enter in a book kept for that purpose, all such letters

c. 5  
c. S. p. 126, Sect. 12. 3 written by and to the governor, as are official and impor-  
4 tant; and such other letters as the governor directs. Said  
5 book shall be deposited in the office of the executive by the  
6 private secretary, and carefully preserved, and the gover-  
7 nor shall produce the letter books before the legislature  
8 whenever requested.

c. 5  
c. S. p. 126, Sect. 13. 1 SECT. 5. Whenever the great seal of the state is lost,  
2 or so worn or defaced as to render it unfit for use, the gov-  
3 ernor shall provide a new one.

c. 45  
1861-p. 167, Sect. 1.  
1 SECT. 6. He is authorized and required to appoint a  
2 suitable person as janitor of the capitol, to hold said office  
3 during the pleasure of the governor.

## TITLE II.

## SECRETARY OF STATE.

New Section. 1 SECT. 7. The secretary of state shall keep his office in  
2 the capitol in rooms provided and furnished by the state;  
3 he shall have the custody of the state seal and all the re-  
4 cords of the state.

c. 5  
c. S. p. 126, Sects. 15  
& 16 combined. 1 SECT. 8. He may appoint in writing an assistant secre-  
2 tary of State, who, before entering on his duties, shall take  
3 and subscribe the oath required by law, which oath and ap-  
4 pointment shall be filed in his office.

c. 4  
c. S. p. 122, Sect. 21  
Amended. 1 SECT. 9. Immediately previous to any regular adjourn-  
2 ed or extra session of the legislature, the secretary shall  
3 cause the halls in which the session is to be held, to be suit-  
4 ably prepared for that purpose, and shall be in attendance  
5 at each regular session to call the members of the house of  
6 representatives to order, and preside until a speaker is  
7 elected.

New Section. 1 SECT. 10. He shall cause indexes to the laws and exec-  
2 utive documents to be prepared as soon as practicable after  
3 the adjournment of each session of the legislature, and dis-  
4 tribute said laws when printed in the manner required by  
5 law.

## TITLE III.

## AUDITOR.

1 SECTION 11. The auditor shall keep his office at the

2 seat of government, and perform all the duties appertaining  
 3 thereto which are required of him by law or resolution of  
 4 the legislature. Before entering on the duties of his office, <sup>c 5</sup>  
 5 he shall enter into bond with one or more sureties, to be C. S. p. 127, Sects.  
 20 & 14 combined.  
 6 approved by the governor, in the sum of twenty thousand  
 7 dollars, payable to the state of Minnesota, conditioned for  
 8 the faithful discharge of his official duties; he shall take and  
 9 subscribe the oath required by law, which oath and bond  
 10 shall be deposited in the office of secretary of state.

1 SECT. 12. He shall keep a seal, with the device, "the <sup>c 5</sup>  
 2 seal of the auditor for Minnesota," and all official copies C. S. p. 127, Sect.  
 21.  
 3 taken from the records, or other documents in his office,  
 4 shall be under said seal, and be certified and signed by the  
 5 auditor.

1 SECT. 13. All accounts and claims against the state,  
 2 which are by law directed to be paid out of the treasury of  
 3 the state, shall be presented to the auditor, who shall ex- <sup>c 5</sup>  
 4 amine and adjust the same, and issue warrants, payable at C. S. p. 127, Sects: 22  
 & 25 combined.  
 5 the state treasury, for the sums which are found due from  
 6 the state, specifying in each warrant the date of its issue,  
 7 and the name of the person to whom payable; said war-  
 8 rants shall be printed on separate sheets of paper, and each  
 9 shall be entered and numbered, and the number correspond-  
 10 ing therewith shall be on the part of the sheet from which  
 11 such warrant is cut; and all such parts of sheets containing  
 12 the corresponding numbers, shall be carefully preserved by  
 13 the auditor in his office.

1 SECT. 14. The auditor shall enter, in progressive order, <sup>c 5</sup>  
 2 in books to be by him provided for that purpose, the num- C. S. p. 127, Sect.  
 26.  
 3 ber of each warrant by him issued, the amount thereof, the  
 4 date of its issue, and the name of the person to whom  
 5 issued.

1 SECT. 15. He shall make and preserve in his office in <sup>c 5</sup>  
 2 suitable books, to be procured at the expense of the state, C. S. p. 127, Sect.  
 27.  
 3 fair and accurate records of all such public accounts and  
 4 other documents as are by law made returnable to his office,  
 5 and keep a file in progressive order of all receipts and other  
 6 vouchers relating to the business of his office.

1 SECT. 16. He shall keep a regular account with the <sup>c 5</sup>  
 2 treasurer of state, in suitable books, to be provided as C. S. p. 127, Sect.  
 28.  
 3 aforesaid, in which he shall charge the treasurer with all  
 4 moneys by him received, and credit him with all warrants  
 5 by him redeemed and deposited in the office of the auditor.

1 SECT. 17. The auditor shall annually make out an ac-  
 6

<sup>c 5</sup>  
C. S. p. 126, Sect.  
29.

2 curate statement of the receipts and disbursements of the  
3 treasury for the preceding year, ending on the last day of  
4 the month previous to the one during which the legislature  
5 commences its annual sessions; also of any unexpended  
6 balances of the several appropriations, the amount remain-  
7 ing in the treasury, the amount of warrants issued and not  
8 redeemed (if any) and report the same to each branch of  
9 the legislature, on the third day of its session, together  
10 with such remarks on the finances of the state, as he deems  
11 proper for the consideration of the legislature.

<sup>c 5</sup>  
C. S. p. 123, Sect.  
30.

1 SECT. 18. Whenever required, the auditor shall sub-  
2 mit his books, accounts, and vouchers to the inspection of  
3 the legislature, or any committee thereof appointed for that  
4 purpose.

<sup>c 5</sup>  
C. S. p. 120, Sect.  
43.

1 SECT. 19. The auditor is authorized to administer an  
2 oath to parties and witnesses, in support of the justice of  
3 such accounts as are exhibited to him for liquidation, and  
4 to certify the same accordingly.

<sup>c 5</sup>  
C. S. p. 123, Sect. 32.

1 SECT. 20. He shall deliver to any person applying  
2 therefor, a certified copy of any survey, or any other docu-  
3 ment in his office, on being paid ten cents for each hundred  
4 words contained therein, and twenty-five cents for each  
5 plat of survey laid down in such copy.

<sup>c 5</sup>  
C. S. p. 124 Sects.  
33, 33 & 40 combin-  
ed.

1 SECT. 21. He may appoint a chief clerk, whose appoint-  
2 ment shall be evidenced by a certificate under the official  
3 seal of the auditor, and continue during his pleasure. Said  
4 clerk previous to entering upon the duties of his appoint-  
5 ment, shall give bond, with two or more sureties, in the  
6 penal sum of ten thousand dollars, payable to the state of  
7 Minnesota, and conditioned for the faithful performance of  
8 the duties of his office. In case of the absence or inability  
9 of the auditor, the chief clerk shall perform the several  
10 duties required of the auditor.

<sup>c 5</sup>  
C. S. p. 120, Sect. 40.

1 SECT. 22. Any auditor of state or chief clerk, who vi-  
2 olates any of the provisions of this title, shall on conviction  
3 thereof, be punished by imprisonment in the state prison  
4 for a period of not more than ten years.

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#### TITLE IV.

#### TREASURER.

1 SECT. 23. The treasurer of state shall keep his office at

2 the capitol, and by himself or deputy attend therein during  
 3 the usual business hours of each day, Sundays and holidays  
 4 excepted; he shall have and use a seal and have charge of,  
 5 and safely keep all public moneys which are paid into the  
 6 treasury, and pay out the same as directed by law, and per-  
 7 form all such other duties as are required of him by law.

c. s. p. 120, Sects.  
 49, 51 & 55 combin-  
 ed.

1 SECT. 24. Before entering on his duties the treasurer  
 2 shall give bond, with five or more sureties to be approved  
 3 by the governor, in the sum of one hundred thousand dol-  
 4 lars, payable to the state of Minnesota, and conditioned for  
 5 the faithful discharge of his duties as treasurer, and shall  
 6 take and subscribe the oath required by law, which bond  
 7 and oath shall be deposited with the secretary of State.  
 8 The legislature may, at any time during the continuance in  
 9 office of the treasurer, require him to give such additional  
 10 security as they deem necessary for the complete safety of  
 11 the state.

c. s. p. 120, Sects. 50  
 & 52 combined.

1 SECT. 25. The treasurer shall keep an accurate account  
 2 of the receipts and disbursements at the treasury, in books  
 3 provided for that purpose, at the expense of the state, spec-  
 4 ifying the names of persons from whom received, to whom  
 5 paid, on what account the same is received or paid out,  
 6 and the time of such receipt or payment.

c. s. p. 120, Sect. 53.

1 SECT. 26. He shall receive in payment of public dues,  
 2 the warrants drawn by the auditor of state, in conformity  
 3 to law, or redeem the same, if there is money in the trea-  
 4 sury appropriated for that purpose, and on redeeming such  
 5 warrant or receiving the same in payment, he shall cause  
 6 the person presenting such warrant to endorse the same;  
 7 and the treasurer shall write on the face of such warrant,  
 8 "redeemed," and shall enter in his book, in separate col-  
 9 umns, the number of such warrant, its date, amount, the  
 10 name of the person to whom payable, and the date of pay-  
 11 ment.

c. s. p. 120, Sect. 54.

1 SECT. 27. The treasurer, shall, on the first Monday of  
 2 March, June, September and November, annually, deposit  
 3 in the office of the auditor of state, all warrants by him re-  
 4 deemed or received in payment at the treasury, and take  
 5 the auditor's receipt therefor.

c. s. p. 120, Sect. 55.

1 SECT. 28. He shall annually report to each branch of  
 2 the legislature on the third day of their session, and to the  
 3 governor whenever by him required, the state of the public  
 4 accounts and the funds, exhibiting the amount by him re-  
 5 ceived, the amount paid out during the preceding year, and  
 6 the balance remaining in the treasury.

c. s. p. 120, Sect. 57.

<sup>c 5</sup>  
C. S. p. 130, Sect. 58. 1 SECT. 29. The treasurer shall in no case purchase or  
2 receive any warrant redeemable at the treasury, or any  
3 audited account, at a less value than is expressed therein,  
4 nor shall he receive any fee or reward for transacting any  
5 business connected with the duties of his office.

<sup>c 5</sup>  
C. S. p. 131, Sect. 62. 1 SECT. 30. If the treasurer neglects to call to account,  
2 as directed by law, any delinquents, whereby the public  
3 revenue suffers loss, he shall be accountable for the sums  
4 due by such delinquents, as if the same had actually been  
5 paid over to him.

<sup>c 5</sup>  
C. S. p. 131, Sect. 63. 1 SECT. 31. Whenever it appears that the treasurer has  
2 not accounted for and paid over the public moneys as di-  
3 rected by law, the state may move for and obtain judgment  
4 against the treasurer and his sureties, first giving to the  
5 persons against whom such motion shall be made, five days'  
6 notice of the time and place thereof, and said treasurer  
7 shall be further liable to a criminal action, and upon con-  
8 viction be punished by imprisonment in the state prison for  
9 a term not more than twenty years.

<sup>c 5</sup>  
C. S. p. 131, Sect. 64. 1 SECT. 32. If any treasurer, or other person indebted  
2 to the state, becomes insolvent, the debt of the state shall  
3 be paid first of all debts, notwithstanding any attachment  
4 against his effects, or any voluntary assignment thereof to  
5 pay debts, or for other purposes.

<sup>c 5</sup>  
1860-p. 224, Sect. 1.  
Amended. 1 SECT. 33. Treasury dues shall be paid in gold, silver,  
2 treasury drafts, national currency, or warrants.

## TITLE V.

## ATTORNEY GENERAL.

<sup>c 5</sup>  
C. S. p. 132, Sect. 68. 1 SECT. 34. The attorney general shall keep his office at  
2 the seat of government in a room provided and furnished  
3 by the state, and the accounts for postage upon his official  
4 correspondence shall be audited and allowed by the auditor  
5 and paid out of the state treasury.

<sup>c 5</sup>  
C. S. p. 132, Sect. 70. 1 SECT. 35. He shall appear for the state in the trial and  
2 argument of all causes in the supreme court, wherein the  
3 state is directly interested.

1 SECT. 36. He shall, upon the written request of the  
2 governor, prosecute any person charged with an indictable  
3 offense, and appear in the district court in all criminal cases,

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4 when requested by the county attorney of the county in  
5 which the same arise, and in civil actions in which the state  
6 is interested, whenever, in his opinion, the public interest  
7 requires it.

C. S. p. 132, Sect. 72, c5  
and 1864—p. 121,  
Sect. 3 combined. c65

1 SECT. 37. He shall cause to be prosecuted the official  
2 bonds of all delinquent officers in which the state may be  
3 interested, and institute actions against all persons holding  
4 or pretending to hold any portion of any of the school sec-  
5 tions of this state adversely to the state, whenever, in his  
6 opinion, such actions can be sustained.

c5  
c65s1

1 SECT. 38. Whenever notice of any application to pre-  
2 empt any portion of the school sections of this state under  
3 and by virtue of the provisions of the joint resolution of  
4 congress, entitled "A resolution relative to sections sixteen  
5 and thirty-six in the territories of Minnesota, Kansas and  
6 Nebraska," passed March 3rd, 1857, is served upon the  
7 attorney general, he shall personally, or by the county at-  
8 torney of the county where such application is made, cause  
9 an appearance to be entered on behalf of the state, and  
10 cause to be subpoenaed all necessary witnesses on behalf of  
11 the state, and take such measures in the premises as will,  
12 in his opinion, best promote the public interest.

C. S. p. 132, Sect. 73, c5  
and 1864—p. 121,  
Sect. 2 combined. c65

1 SECT. 39. He shall cause to be prosecuted all assessors  
2 and other officers connected with the revenue laws of this  
3 state, for all such delinquencies and offenses against those  
4 laws as come to his knowledge. Said actions shall be  
5 brought in the district court of the county in which the de-  
6 fendants or any one of them resides or is found. If it comes  
7 to his knowledge that any incorporated company has offend-  
8 ed against the laws of the state, misused, surrendered,  
9 abandoned or forfeited its corporated authority or any of  
10 franchises or privileges, he shall cause proceedings to be  
11 instituted against it.

C. S. p. 132, Sects. c5  
74 & 75 combined.

1 SECT. 40. He shall, when required, give legal advice to  
2 the governor, the secretary, auditor and treasurer of state,  
3 the warden and directors of the penitentiary, and the su-  
4 perintendent and directors of benevolent institutions and  
5 common schools, in all matters relating to their official  
6 business, and shall give his written opinion upon any ques-  
7 tion of law, to either house of the legislature, when re-  
8 quired.

C. S. p. 132, Sects. c5  
77 & 78 combined.

1 SECT. 41. He shall prepare suitable forms of contracts,  
2 bonds, obligations and other instruments for the use of the  
3 officers of the state, when requested by the governor, sec-  
4 retary, auditor or treasurer.

C. S. p. 132, Sect. 80. c5



c 5  
c. s. p. 132, Sect. 82.

1 SECT. 42. Upon all appeals taken by the attorney gen-  
2 eral on behalf of the state, or any of its officers, no security  
3 is required.

c 5  
c. s. p. 132, Sect. 84.

1 SECT. 43. The attorney general shall keep in a book  
2 furnished by the state, a register of all actions, demands,  
3 complaints, writs, informations, and other proceedings  
4 prosecuted or defended by him officially, together with all  
5 the proceedings had in respect thereof, and also a register  
6 of all written official opinions given by him, which said  
7 books he shall deliver to his successor at the expiration of  
8 his term.

c 30  
1862—p. 87, Sects. 1  
& 2. Amended.

1 SECT. 44. He shall make an annual report to the gov-  
2 ernor, stating the number, character, condition and result  
3 of the actions prosecuted or defended by him in behalf of  
4 the state (to which shall be appended a tabular statement  
5 of offences reported to him by the county attorneys,) the cost  
6 of prosecuting or defending each action, and the amount of  
7 fines and penalties collected. He shall also direct attention  
8 to any defect in the practical operation of the laws relating  
9 to schools, revenue, and criminal offences, and suggest such  
10 amendments as in his judgement are necessary to subserve  
11 the public interest.

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TITLE VI.

LIBRARIAN.

New Section.

1 SECT. 45. The state library shall consist of such books,  
2 pamphlets, maps, charts and other documents as are re-  
3 ceived or acquired by the state or any public officer for the  
4 use of the state government, and shall be kept in rooms  
5 provided for that purpose in the capitol.

New Section.

1 SECT. 46. The legislature shall, annually, appoint a  
2 joint committee to examine into the condition of the libra-  
3 ry, order necessary repairs and recommend additions by  
4 exchange or purchase.

c 12  
1361—p. 162, Sects.  
1 & 3 combined.

1 SECT. 47. The governor, by and with the consent of  
2 the senate, shall appoint a librarian who shall hold his office  
3 for two years and until his successor is appointed and qual-  
4 fied. Before entering on his duties he shall take the oath  
5 required by law, and give a bond to the state in the sum of  
6 two thousand dollars with one or more sureties to be ap-  
7 proved by the governor, conditioned for the faithful per-  
8 formance of his official duties, the preservation and safe

9 delivery to his successor, of all the property committed to  
10 his care, and the prompt payment of all moneys which  
11 come to his hands belonging to the state; which bond and  
12 oath shall be filed in the office of the secretary of state.

1 SECT. 48. The librarian shall have the custody and  
2 charge of all books, maps, charts, engravings, paintings  
3 and all other things properly belonging to the library, or  
4 directed to be deposited therein, and shall provide shelves  
5 for the arrangement thereof in such manner as to be con-  
6 venient and easy of access. c 42  
1861-p. 163, Sects.  
4 & 2 combined.

1 SECT. 49. Every book that is added to the library shall  
2 have a printed label pasted on the inside of the cover, thus,  
3 "Minnesota State Library," with the number of the vol-  
4 ume in the catalogue written thereon. Immediately on re-  
5 ceipt of any book and before the same can be taken from  
6 the library, the librarian shall paste on the inside of the  
7 cover, a printed label with the words, "Minnesota State  
8 Library," No.—, and also write or stamp the same words  
9 at the bottom of the twenty-fifth page. He shall prepare  
10 an alphabetical catalogue of the books as indicated on the  
11 labels, and report the same to the legislature at each session  
12 thereof. c 42  
1861-p. 164, Sects.  
11, 12 & 13 com-  
bined.

1 SECT. 50. The library shall be kept open during the  
2 session of the legislature, and of the supreme court, from  
3 nine to twelve o'clock in the forenoon, and from two to five  
4 o'clock in the afternoon, Sundays excepted, and at other  
5 times during the afternoon of each Wednesday and Satur-  
6 day. c 42  
1861-p. 163, Sect. 5.

1 SECT. 51. No person shall remove from the library any  
2 book or other property belonging thereto, except the gov-  
3 ernor, the judges of the supreme and district courts, the  
4 judges of the district court of the United States, the United  
5 States district attorney, the heads of departments of state,  
6 the members and officers of the legislature during the ses-  
7 sion thereof, and attorneys of the supreme court during  
8 term time, but no one of said persons shall take such books  
9 or property from the library without executing a receipt  
10 therefor, nor keep the same more than ten days at any one  
11 time. c 42  
1861-p. 163, Sect. 6.

1 SECT. 52. No books or other property belonging to the  
2 library shall be removed from the seat of government, under  
3 any circumstances, and no person shall take out more than  
4 two books at the same time; but during the terms of the  
5 supreme court, or the federal court in St. Paul, the judges  
6 and attorneys may take and use any number of books need-  
7 ed on the trial of causes. c 42  
1861-p. 163, Sect. 8.

<sup>c 47</sup>  
1861—p. 163, Sect. 9. 1 SECT. 53. If the librarian allows any person, contrary  
2 to the provisions of this title, to remove a book or other  
3 property from the library, he shall pay a fine of ten dollars  
4 for every book or other article so taken, and the governor  
5 shall direct the strict enforcement of this penalty.

<sup>c 47</sup>  
1861—p. 163, Sect.  
10. 1 SECT. 54. Any person not authorized by this title to do  
2 so, who shall take from the library a book or other property  
3 belonging thereto, either with or without the consent of the  
4 librarian, shall forfeit three times the value of such book or  
5 property, to be recovered in the name and for the use of  
6 the state, before any court of competent jurisdiction.

<sup>c 47</sup>  
1861—p. 164, Sect.  
14. 1 SECT. 55. Whoever injures, defaces, destroys or loses  
2 a book or other property belonging to the library, shall  
3 forfeit twice the value thereof, to be sued for and recovered,  
4 as provided for in the preceding section, or if it is one  
5 volume of a set, he shall forfeit the full amount of the value  
6 of the set, and the librarian shall prosecute such person  
7 upon such loss or injury coming to his knowledge; but if  
8 such person within a reasonable time replaces the book or  
9 other article so injured or lost, he shall not be liable to fine  
10 or prosecution under this section.

<sup>c 47</sup>  
1861—p. 164, Sects.  
15 & 17 combined. 1 SECT. 56. The governor, secretary of state, and libra-  
2 rian may determine what books and articles may be taken  
3 from the library, and what shall remain in the library for  
4 reference, and shall adopt such further regulations consist-  
5 ent with the provisions of this title, as they see fit, for the  
6 preservation and management of the library, and may pre-  
7 scribe forfeitures for the breach of such regulations, which  
8 regulations and forfeitures being posted one week in the  
9 library room, shall have the force and effect of law, and  
10 such forfeitures may be recovered by the librarian in the  
11 name of the state, before any court having jurisdiction  
12 thereof.

<sup>c 47</sup>  
1861—p. 164, Sect.  
16. 1 SECT. 57. The librarian shall report to the governor  
2 whenever called on, a list of books and other property  
3 missing from the library, the amount of fines and forfeit-  
4 ures imposed and collected, the amount uncollected, a list  
5 of accessions to the library since the last report and all  
6 other information in relation to the library that he may call  
7 for.

<sup>c 47</sup>  
1861—p. 165, Sect.  
18. 1 SECT. 58. All fines and forfeitures shall be for the use  
2 of the library, and be expended according to the directions  
3 of the governor, secretary of state and the librarian.

<sup>c 47</sup>  
1861—p. 165, Sect.  
19. 1 SECT. 59. The sections of this title shall be posted in  
2 conspicuous places in the library.

## TITLE VII.

## CLERK OF THE SUPREME COURT.

1 SECT. 60. The clerk of the supreme court, before he  
 2 enters upon the duties of his office, shall take and subscribe  
 3 the oath required by law, and execute a bond to the gov- <sup>c5</sup>  
 4 ernor, with one or more sureties to be approved by him, C. S. p. 133, Sect. 86.  
C. S. p. 133, Sect. 87.  
 5 in the penal sum of one thousand dollars, conditioned for  
 6 the faithful performance of his duties, which bond shall be  
 7 for the use of the state, and with said oath, filed in the  
 8 office of the secretary of state. The said clerk may ap-  
 9 point a deputy, who shall take and subscribe the oath re-  
 10 quired by law, which shall be filed in said court; the said  
 11 clerk is responsible for the acts of his deputy.

1 SECT. 61. The said clerk, unless otherwise provided <sup>c5</sup>  
 2 for by law, shall procure the necessary records, stationery, C. S. p. 133, Sect. 88.  
 3 lights, fuel and furniture for the use of the supreme court,  
 4 the same to be paid for out of the state treasury by the  
 5 proper accounting officers thereof, upon the certificate or  
 6 order of the said clerk.

1 SECT. 62. He shall personally perform all the duties <sup>c5</sup>  
 2 assigned him by law and the rules of the said court. C. S. p. 133 Sect. 89.  
Amended.  
 3 Whenever the clerk is unavoidably absent and unable to  
 4 perform his duties, his deputy may perform all the duties  
 5 of said office.

1 SECT. 63. Whenever a syllabus is filed by the judges  
 2 of the supreme court, as required by law, the clerk shall <sup>c26</sup>  
 3 immediately thereafter, make and furnish a copy thereof to 1862-p. 81, Sect. 6.  
Amended.  
 4 the publishers of such daily papers in the city of St. Paul  
 5 as consent to publish the same without charge, accompanied  
 6 with the title of the action.

## TITLE VIII.

## JANITOR.

1 SECT. 64. It shall be the duty of the janitor to keep in <sup>c45</sup>  
 2 order the several rooms in the capitol, occupied by the va- 1861-p. 167, Sect. 2.  
 3 rious public officers, to make fires therein, and perform  
 4 such other duties in and about the capitol building as the  
 5 governor may direct and as are usually required of such  
 6 functionaries.