

REVISED LAWS

MINNESOTA

1905

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1906

protests of members submitted under sec. 16, art. 4, of the constitution, shall be omitted from the journals, unless otherwise ordered by vote. (270, 271)

2-330, 281; 24-78; 38-143, 36+443; 45-451, 48+196; 55-401, 407, 56+1056.

22. Other records—Appendix to journals—Each house may determine, by rule or resolution, what number of copies of its journal shall be printed, and the form and contents of such other records as it may see fit to keep. In like manner it may cause to be printed, in an appendix to its journal, such documents as it shall desire to so preserve; but, if both houses shall order the same document to be so printed, it shall be inserted only in the appendix to the senate journal. (270, 271)

23. Election of United States Senator—Senators in Congress shall be elected and the election certified as provided by the statutes of the United States. All meetings of the two houses in joint assembly shall be held in the hall of the house of representatives. The speaker of the house shall preside over such assembly, and the clerk thereof shall be its secretary. The roll of the senate shall be called by its secretary, and that of the house by its clerk. The president of the senate and speaker of the house shall certify the result of such election in duplicate; setting forth the whole number of votes cast on the final ballot, and the number thereof received by each person voted for. One of such duplicates shall be delivered to the governor, and the other filed with the secretary of state. (245-254)

AMENDMENTS TO THE CONSTITUTION

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05 - 168
05 - 212
05 - 233
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07 - 478
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07 - 480

24. Form of act—Submission—Every act for the submission of an amendment to the constitution shall set forth the section as the same will read in case the amendment is adopted, with such other matter only as may be necessary to show in what section or article the alteration is proposed. It shall be submitted and voted upon at the general election next ensuing, in the manner provided for by the general law relating to such elections. If adopted, the governor shall announce the fact by proclamation.

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25. Statement by attorney general—Notice—At least four months preceding such election, the attorney general shall furnish to the secretary of state a statement of the purpose and effect of all amendments proposed; showing clearly the form of the existing sections, and of the same as they will read if amended. Prior to the election, the secretary of state shall give three weeks' published notice of such statement in each county of the state in which a qualified newspaper is published. He shall also forward to each county auditor a number of copies of such statement, in poster form, sufficient to enable him to supply at least six of such copies for each election district of his county. The auditor shall furnish such copies to the town, village, and city clerks, who shall give three weeks' posted notice thereof, and cause one copy to be conspicuously posted at each polling place on election day. Wilful or negligent failure by any official named to perform any duty imposed upon him by this section shall be deemed a misdemeanor. (310-315)

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116-NW 835

CHAPTER 4

EXECUTIVE DEPARTMENT

THE GOVERNOR

26. Custodian of state property—In addition to the powers and duties prescribed by the constitution, the governor shall be the custodian of all property of the state not especially intrusted by law to other officers, and may take possession thereof without legal process, and adopt such measures for its safe-keeping as he deems proper. (298)

27. To appoint secretary, etc.—He shall appoint a private secretary, who shall keep a record of all important official letters to and from the governor, and of such others as the governor shall direct, which record shall be preserved in the executive office and produced before the legislature whenever requested. He shall appoint an executive clerk, a stenographer, and two executive messengers; also a superintendent of the capitol, and as many janitors, watchmen, and laborers under him as shall be necessary for the proper care and safety of the building and grounds and the public property there kept; also a chief engineer and two assistants, the latter to act as firemen. The superintendent shall have general oversight of the property, and the chief engineer shall control the lighting, heating, and ventilating apparatus and machinery and plumbing of the capitol. The governor shall prepare and enforce rules, fixing the details of service for all employees hereinbefore authorized. (304)

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05	-	102

28. Proclamations—Extra sessions—Thanksgiving, etc.—When the governor convenes the legislature in extra session, he shall do so by proclamation, giving to the members such notice as he deems necessary of the time of meeting; and, when assembled, he shall inform them of the purposes for which they are convened. He shall set apart and proclaim one day in each year as a day of solemn and public thanksgiving to Almighty God for His blessings to the people, and no business shall be transacted on that day at any of the departments of state. All proclamations of the governor required or authorized by law shall be filed with the secretary of state. (299, 300)

29. Powers of appointment, suspension, and removal—Seal—He shall appoint, and when necessary commission, all officers and employees of the state whose selection is not otherwise provided for by law, and, at his pleasure, may remove any such appointee whose term of service is not by law prescribed. He shall exercise such powers of appointment, suspension, and removal in respect of other officials as are conferred on him by law. Whenever the great seal of the state is lost or worn out, the governor shall cause the same to be replaced. (302)

SECRETARY OF STATE

30. Custodian of records and seal—The secretary of state shall be the custodian of the state seal and of all records and documents of the state not expressly required by law to be kept by other state officials. (305)

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31. Assistant secretary and employees—He shall appoint an assistant secretary of state, who shall perform all the duties of the office when the secretary is absent or disabled. He may also employ a chief clerk, a recording clerk, a document clerk, and a stenographer, who, besides the duties indicated by their titles, shall perform such services in connection with the office as the secretary or his assistant may require. (306, 316, 317; '97 c. 358; '99 c. 137; '02 c. 92)

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32. Duties as to legislative sessions—The secretary of state shall cause the legislative chambers and committee rooms to be prepared for the holding of the sessions of the legislature, and shall attend, at the beginning of each regular session, to call the members of the house of representatives to order and to preside until a speaker is elected. (307)

STATE AUDITOR

33. General duties—Seal—Bond—The state auditor shall superintend and manage the fiscal concerns of the state as required by law, and have general supervision of all lands owned by the state, or in which the state is interested as trustee or otherwise, and of the leasing, sale, or other disposition thereof. He may execute in behalf of the state assignments and satisfactions of judgments rendered in its favor. He shall have a seal, bearing the words "Seal of the Auditor of Minnesota," and affix the same to all official certificates and conveyances executed by him. He shall give bond to the state in the sum of

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07	-	272
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twenty thousand dollars, to be approved by the governor, conditioned for the faithful discharge of his official duties. (319, 320, 3959, 5433)

34. Deputy—Office employees—He shall appoint a deputy, who may perform all the duties of the office whenever the auditor is absent or disabled. He may also employ, and at pleasure dismiss, an accountant, a chief and an assistant land clerk, nine additional clerks, and a stenographer, which employees shall render such service as the auditor may prescribe. (329, 330)

35. Claims audited—Warrants—Stubs—Records—Every demand directed by law to be paid out of the state treasury shall first be examined and adjusted by the auditor. If there be sufficient money in the treasury appropriated to its payment, and not otherwise, he shall issue his warrant on the treasurer for the amount found to be justly due. Warrants shall be drawn on printed blanks, prepared in book form, with a memorandum blank for date, amount, name of payee, and purpose of payment. The warrants and corresponding memoranda shall be progressively numbered, and for every warrant issued the corresponding stub shall be filled up and preserved. The number, amount, date, and name of payee shall also be entered in progressive order in books kept by him for that purpose. (321, 322)

See 1905 c. 96

36. Lost warrant—Duplicate—Whenever it shall be shown to the auditor, by affidavit, that any unpaid state warrant has been lost or destroyed, he may issue to the owner a duplicate thereof, and thereupon the original shall be void. But if it shall appear to him that any person may be damaged thereby, he may require from the applicant a bond of indemnity to the state in double the amount of such warrant, conditioned for the benefit of any person so damaged. The auditor, in his discretion, may refuse such issue, and if he shall act in good faith he shall not be liable, whether the application be granted or denied. (332-336, 338)

37. Books of record and account—He shall enter and keep in his office, in suitable books, a record of all such accounts and documents as are required by law to be returned to or filed with him, and shall file and preserve all receipts and other vouchers relating to his official business. He shall keep an account with the treasurer, charging him therein with all moneys paid into the treasury, and crediting all warrants redeemed by him and returned. An account shall likewise be kept with each money appropriation made by the legislature, showing all disbursements made therefrom, and such other accounts as shall be necessary to exhibit the condition of the state finances from day to day. (323, 324)

38. Books and records of state lands—He shall keep a record of all parcels of land leased or sold, and the quantity of each, all timber or other products sold therefrom, the moneys received therefor as principal and as interest, and the persons paying the same, and shall credit all such payments to the proper funds. He shall have the custody of all maps, books, and papers relating to the public lands, whether held in trust or otherwise, and keep books showing in what capacity the several tracts are held. All deeds, leases, and other contracts relating to such lands shall be recorded in books kept in his office, and upon all instruments so recorded he shall certify the book, page, and date of record. The books, maps, and records aforesaid shall be notice of the facts therein disclosed. All conveyances of land to the state, and all abstracts of title thereto, for whatsoever purpose such lands are required or held, shall be deposited with and kept by the auditor. (3961, 3963, 3964)

39. State to supply books, etc.—Inspection—All books, blanks, and stationery required to be used or furnished by the auditor shall be supplied at the cost of the state, and all the books, records, vouchers, and accounts of his office shall be open to inspection, and shall be exhibited and explained to the legislature, or to any committee thereof, whenever required. (326)

40. Biennial report—On or before the third day of each regular session of the legislature, the auditor shall report to each house thereof an account of the receipts and disbursements of the treasurer during the preceding two

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years, the unexpended balances of the several appropriations, the amount remaining in the treasury, and the warrants issued and unpaid, if any there be, which account shall be accompanied by such remarks on the state finances as he shall deem proper. Such report shall also show the lands sold or leased, the amounts received therefor, the amount paid in for interest and for other purposes, and to what funds credited, and all other matters proper to be communicated concerning state lands. (325, 3962)

STATE TREASURER

41. General duties—Seal—Bond—The state treasurer shall receive and receipt for all moneys paid into the state treasury, and safely keep the same until lawfully disbursed. He shall have and use a seal, and, before taking office, shall give bond to the state in the sum of at least four hundred thousand dollars, with five or more sureties, or a sufficient corporate surety, conditioned for the faithful discharge of his official duties. If corporate surety be given, the annual charge therefor, not exceeding one-half per cent. of the amount thereof, shall be paid by the state. Such bond shall be approved by the governor and state auditor, who may require additional bonds whenever they deem it necessary. All such bonds shall be filed with the secretary of state. (339, 340; '99 c. 95; '01 c. 145; '03 c. 239)

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83-479, 481, 86+461.

42. Deputy—Clerks—He may appoint, and at pleasure remove, a deputy treasurer, who shall perform the duties of the office whenever the treasurer is absent or disabled. The appointment shall be in writing, filed with the secretary of state. The treasurer shall be liable on his official bond for the acts of such deputy. He may also employ during his pleasure four clerks, and a stenographer, which employees shall render such services as he may from time to time prescribe. ('99 c. 298; '02 c. 91)

43. Books of account—Moneys, how disbursed—He shall keep accounts in the best form and in books provided by him at the cost of the state, showing every transaction of the treasury, the date of each, the amount and the source or object of each sum received and disbursed, and the name of every person paying in or receiving money. His cashbook shall be balanced at the close of each business day, including therein all the transactions of such day. No money shall be paid out of the treasury except upon the warrant of the auditor; but money lawfully deposited in banks shall not be considered as paid out. (341, 344 subd. 4)

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44. Duplicate receipts—Redemption of warrants—For all moneys paid into the treasury by any county he shall give duplicate receipts, one of which shall be sent to the treasurer and one to the auditor of the county. He shall receive in payment of public dues warrants lawfully issued by the auditor; and on so receiving or otherwise redeeming any warrant he shall cause the same to be indorsed by the person presenting it, mark the same "Redeemed," and enter in a proper book, in separate columns, its number, date, amount, and when and to whom paid or credited. (341, 342)

45. Statements and reports—At the close of each business day the treasurer shall deliver to the auditor a statement of all his receipts and disbursements during the day, accompanied by all warrants redeemed and duplicates of all receipts given. Such statement shall also show the amounts credited and charged to the several funds. He shall report to the legislature on or before the third day of each regular session, and to the governor whenever he shall require it, the condition of the treasury and of the several public funds, the amounts received and disbursed by him and the items thereof, and the balances on hand and where deposited. And once in every two months he shall publish, in a daily newspaper at the seat of government, a condensed statement of the condition of the several funds at the date of such publication. (343, 344)

46. Warrants not to be discounted—Accountable for losses—The treasurer shall in no case purchase, redeem, or receive any warrant at less than its face value; nor shall he receive any fee or reward for transacting any official duty, other than the salary provided by law. And if the public revenue shall suffer

loss by reason of his failure to call delinquents to account when required to do so by law, he shall be accountable for all sums due from such delinquents as if the same had been paid. (345, 346)

47. Interest on warrants cashed by banks, etc.—Appropriation—Whenever it shall become necessary, in order to meet current demands upon the revenue fund for moneys appropriated therefrom, the governor, auditor, and treasurer may contract in the name of the state with banking or other corporations, or with natural persons, who will take up warrants drawn upon such fund at their face value, to pay interest thereon at the rate of not to exceed five per cent. per annum until the treasurer can redeem the same; but no more than two hundred and fifty thousand dollars in face value thereof shall draw interest at any one time. Six thousand dollars, or so much thereof as may be necessary to pay said interest, is hereby appropriated therefor annually out of the revenue fund. (519, 520; '03 c. 233)

48. Revenue fund temporarily filled—For the purpose of supplying deficiencies in the revenue fund, the treasurer may temporarily borrow from other public funds sums not exceeding in the aggregate six hundred thousand dollars in any year: Provided, that no fund shall be so impaired thereby that all proper demands thereon cannot be met. All interest received on sums so borrowed shall be credited to the fund from which each was taken. (353; '03 c. 199)

BOARDS OF AUDIT AND DEPOSIT

49. Board of deposit—The state treasurer, secretary of state, state auditor, attorney general, and public examiner shall constitute a board of deposit, and shall serve as members of such board without additional pay. Any three of them shall constitute a quorum. The auditor shall be chairman of the board, and the public examiner its secretary. A record of its proceedings shall be kept and be open at all times to public inspection. The board shall meet at convenient times upon the call of its chairman, and shall perform the duties hereinafter prescribed. (344; '01 c. 140 s. 1)

50. Board of audit—The governor, secretary of state, and attorney general shall constitute a board of audit. At least four times a year, and without previous notice to the state treasurer, said board shall examine and audit his accounts, books, and vouchers, ascertain the amounts of the several funds which should be in the treasury, count the sums actually on hand, and make a record of the facts found. On or before the third day of each session the board shall report to the legislature the results of such examinations and of its doings in the premises. It shall also witness and attest the transfer of books, accounts, vouchers, and funds from the outgoing treasurer to his successor in office, verify the official record of all redeemed bonds in the sinking fund and capitol commissioners' certificates of indebtedness, and cause their destruction in its presence, and make report thereof to the legislature at its session next ensuing. (344; '01 c. 140)

51. State depositaries—Treasurer not liable—Said board of deposit shall designate such banks within the state as it may deem necessary to receive deposits of state funds, and prescribe the maximum amount to be deposited in each. After such banks have given the required bonds and in all other respects complied with the conditions of such designation, the treasurer may deposit therein, in the name of the state, all state funds that shall be or come into his hands; but the amount on deposit at any time in any of said depositaries shall not exceed the sum fixed for deposit therein by the board of deposit. The treasurer shall not be liable for the safe-keeping of moneys of the state while so lawfully deposited. (344 subd. 2; '01 c. 140 ss. 1, 3, 4)

See 1905 c. 198

52. Same—Bonds—Before any such bank shall receive state funds on deposit, it shall give bond to the state in a penal sum at least double the amount designated by the board of deposit as the limit of deposits therein, conditioned for the payment, on demand, to the treasurer or his order, at any place in the state designated by him, free of exchange, of all moneys of the state deposited

therein at any time while such bond shall be in force, with interest thereon at the rate agreed upon and approved by the board, which shall be not less than two per cent. per annum on daily balances. Unless the surety on such bond be a corporation, there shall be at least five individual sureties, each of whom shall be worth and shall justify in the sum of at least five thousand dollars above liabilities and exemptions, and the total shall be at least double the penalty of the bond. All such bonds shall be approved by the board and filed with the treasurer. (344 subd. 3; '99 c. 309; '01 c. 140 s. 2)

53. Same—The board of deposit shall not approve the bond of any such bank until fully satisfied that the same is in proper form, the sureties sufficient, the bank prosperous and financially sound, and the capital stock claimed by it fully paid up and not impaired. And at any time the board or the treasurer may require of any such bank a new or an additional bond, or may revoke its designation of any bank as such depository. Immediately upon such revocation, the treasurer shall withdraw all state moneys therefrom and shall make no further deposits therein. ('01 c. 140 s. 5)

54. Statements by depositories—Whenever it shall deem it necessary, the board of deposit may require any bank having state funds on deposit, or any surety on a bond of such bank, to furnish a sworn statement of the financial condition of such depository or surety; and a failure to render such statement within a reasonable time shall be sufficient ground for revoking the designation. Every person who shall make any false statement to said board touching the financial condition of such depository, or touching his own financial ability as a surety, whether in an affidavit of justification or in response to any inquiry or request of the board, shall be guilty of a gross misdemeanor. ('01 c. 140 s. 7)

55. Inducements to make deposits, etc.—Every person who shall give or promise to the state treasurer, or to any other person having the custody or control of state funds, any credit, service, or benefit whatsoever, except as expressly authorized by law, as an inducement or consideration to or for the deposit, loan, or forbearance of state funds, shall be guilty of bribery or attempted bribery, as the case may be. ('01 c. 140 s. 6)

ATTORNEY GENERAL

56. To appear for state—The attorney general shall appear for the state in all causes in the supreme and federal courts wherein the state is directly interested; also in all civil causes of like nature in the district courts, whenever in his opinion the interests of the state require it. Upon request of the county attorney, he shall appear in the district court in such criminal cases as he shall deem proper. Whenever the governor shall so request in writing, he shall prosecute any person charged with an indictable offence; and in all such cases he may attend upon the grand jury, and exercise the powers of the county attorney. (355, 356) See 1905 c. 227 s. 1

42-154, 43+845.

57. Assistants—Stenographer—Records—He may appoint, and at pleasure remove, an assistant and second assistant attorney general, and a stenographer, who shall render such aid as he may require of them in the discharge of his duties. He shall keep a register of all legal proceedings in which he appears, and of the several steps therein, and copies of all official opinions given by himself or assistants. (363)

See 1905 c. 227 s. 2

58. To prosecute delinquent officers and offending corporations—He shall cause to be prosecuted all assessors and other officials for such delinquencies in connection with the revenue laws as may come to his knowledge; also all bonds of officers and others upon which any liability to the state has accrued. Whenever any corporation shall have offended against the laws of the state, or misused, surrendered, abandoned, or forfeited its corporate authority, or any of its franchises or privileges, he shall cause proceedings to be instituted against it. (357, 359) See 1905 c. 227 s. 3

67-14, 17, 69+621.

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priations therefor. All appointments of deputies, assistants, and employees shall be in writing, and filed with the secretary of state.

66. Fees and charges paid into treasury—Except when otherwise expressly provided by law, all fees and charges collected by the several executive officers, and by their respective assistants and employees, shall be paid into the state treasury at the end of each month; and each officer shall render to the auditor a monthly account of all moneys so received and paid over, specifying the items and sources thereof in detail. (318)

67. Compromise of state claims—Whenever the strict enforcement by the state of a demand for money or other property against any person is deemed by the attorney general to be impracticable or inequitable, he may submit to the governor a written proposal for a compromise thereof, made by the party against whom the demand is asserted, with his opinion and advice thereon. The governor, in his discretion, may designate two justices of the supreme court who shall act with the attorney general as a commission to adjust such claim. The commission shall consider the equities of the case, the situation and financial ability of the debtors, and the interests of the state, and determine in writing upon what terms the demand in question should be settled as against all or any of the parties thereto. Its report shall be filed with the governor, and thereupon the attorney general may adjust the claim in accordance with such determination and may execute on behalf of the state all papers necessary and proper to carry the compromise into effect and to release from such claim any and all parties thereto who shall seasonably comply with the conditions of the settlement so authorized.

68. Salaries—Standing appropriation—The yearly salaries and allowances of the various officers and employees mentioned in this chapter shall be as follows, all salaries payable in monthly instalments:

1. The governor, five thousand dollars; his private secretary, fifteen hundred dollars, who, in addition thereto, may retain all fees paid to him by notaries public for their commissions as such; executive clerk, eighteen hundred dollars; stenographer, nine hundred dollars; executive messengers, seven hundred and twenty dollars each; superintendent of capitol, twelve hundred dollars; chief engineer, fifteen hundred dollars; engineer, nine hundred dollars; janitors and laborers, such sums as the governor shall prescribe, not exceeding in all twenty-three hundred dollars; contingent fund, three thousand dollars.

07 68(1) - 240

09 68 - 395

2. Secretary of state, thirty-five hundred dollars; assistant secretary, two thousand dollars; one clerk, fifteen hundred dollars; recording clerk, twelve hundred dollars; extra clerk and stenographer, one thousand dollars; custodian of public documents, twelve hundred dollars; exchange of documents, three hundred dollars; contingent fund, one thousand dollars.

07 68(2) - 416

3. Auditor, thirty-six hundred dollars; deputy auditor, twenty-five hundred dollars; accountant, eighteen hundred dollars; chief land clerk, fifteen hundred dollars; assistant land clerk, twelve hundred dollars; stenographer, nine hundred dollars; additional clerks, such sums as the auditor shall prescribe, not exceeding in all three thousand dollars; contingent fund, six hundred dollars.

4. Treasurer, thirty-five hundred dollars; deputy treasurer, two thousand dollars; stenographer, nine hundred dollars; clerks, such sum as the treasurer shall prescribe, not exceeding thirty-three hundred dollars in all; contingent expenses, three hundred and fifty dollars; for surety bond premiums, twelve hundred dollars.

07 68(4) - 113

5. Attorney general, forty-eight hundred dollars; assistant attorney general, two thousand dollars; second assistant attorney general, two thousand dollars; stenographer, nine hundred dollars; contingent fund, fifteen hundred dollars.

07 68(5) - 13
07 - 374

There is hereby annually appropriated from the treasury the amount necessary to pay the foregoing salaries and allowances.

See 1905 c. 227 s. 9