

REVISED LAWS OF  
MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,  
AND OTHER LAWS OF A GENERAL AND  
PERMANENT NATURE, ENACTED  
BY THE LEGISLATURE IN  
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES  
AND FULL AND COMPLETE NOTES OF ALL  
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY  
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held sufficient to justify a finding that the article sold was intoxicating liquor. *State v. Schagel*, 102 Minn. 401, 113 N. W. 1014.

**Jurisdiction—Constitutionality.**—The provisions of Laws 1901, c. 252, which authorized the trial of a person charged with keeping a "blind pig" before any magistrate in the county where the offense was committed, were valid. *State ex rel. Rosckes v. Dreger*, 97 Minn. 221, 106 N. W. 904.

[1566—]1. **Securing evidence—Immunity of witness.**—Upon the filing of an affidavit subscribed and sworn to by a resident voter of the county, with any justice of the peace having criminal jurisdiction, or clerk of a municipal court in said county, which affidavit shall set forth upon knowledge or upon information and belief the name of any person or persons who frequent any place in said county for the purpose of obtaining intoxicating liquors, the location of such place and the name of the proprietor thereof, if known, such justice of the peace if such place is within the town or district in which he was elected, or a justice of the peace having criminal jurisdiction in an adjoining town or district, or clerk of such municipal court having jurisdiction shall forthwith issue a subpoena for the person or persons named in said affidavit as frequenting such place, commanding them to appear before such justice or court at a day and hour named therein. At the time of said appearance such justice or court shall interrogate said witnesses for the purpose of determining whether or not intoxicating liquors are illegally sold or disposed of at the place named in said affidavit; and if it shall appear as the result of such examination that intoxicating liquor has been illegally sold or disposed of at such place, such justice of the peace or judge of such court shall forthwith issue a warrant for the arrest of any person or persons who shall appear by such examination to have been guilty of such illegal sale or disposition; and such person shall thereupon be prosecuted for such offense. No testimony given upon such hearing shall be in any manner used to the prejudice of the witness giving the same, and the failure of any witness to answer questions put to him upon such examination may be punished as a contempt the same as in other cases. ('05 c. 192 § 1)

**Historical.**—"An act to provide for securing evidence against persons illegally disposing of intoxicating liquors and for the prosecution of such persons." Approved April 15, 1905.

## CHAPTER 17.

### BASTARDS.

#### 1568. Action, how entered—Proceedings.

**Proceedings—Absence of complainant—Waiver.**—Where at the preliminary hearing, complainant did not appear, and her evidence was not taken and reduced to writing, but the defendant testified without objection to her absence, he thereby waived her examination, and the justice had jurisdiction over the subject-matter and the person of the defendant. *State v. Charlton*, 101 Minn. 535, 111 N. W. 733.

1569. **Defendant discharged, when.**—If the defendant pays, or secures to be paid, to the complainant such sum of money, or other property, as she, with the written approval of the county attorney and the chairman of the county board, or by the county board, may agree to receive in full satisfaction, a memorandum of which agreement and approval the justice shall enter in his docket, and shall also pay the costs of prosecution and the expenses incurred by such county for the lying-in and support of and attendance upon the mother during her sickness, and bond be given to the county, by either the defendant or the complainant, approved by the county at-

torney and the chairman of the county board, or the county board, conditioned to indemnify such county against all charges for the maintenance of the child born, or that may be born, the justice shall discharge him. It shall be the duty of the county attorney to prosecute all proceedings under this act in any court of this state. (R. L. § 1569, as amended by Laws 1909, c. 275, § 1.)

#### 1572. Trial—Judgment.

**Evidence—Sufficiency.**—Evidence in an action charging the defendant with bastardy held not sufficient to sustain a verdict of guilty. *State v. McCullough*, 102 Minn. 419, 113 N. W. 1059.

## CHAPTER 18.

### PUBLIC EXAMINER.

**1580. Term—Qualifications—Bond.**—The governor, by and with the advice and consent of the senate, shall appoint a public examiner for the term of three years and until his successor qualifies; and in case of a vacancy in such office it shall be filled by like appointment for the remainder of the term. Such examiner shall be a skilled bookkeeper and accountant, and shall not, at the time of his appointment or at any time while in office, hold any other public office under the state, or under any county, municipality or public institution therein. He shall give bond to the state in the sum of fifty thousand dollars, to be approved by the governor, conditioned for the faithful discharge of his duties. (R. L. § 1580, as amended by Laws 1909, c. 449, § 1.)

**Historical.**—This chapter of the Revised Laws, as amended by Laws 1907, cc. 128, 409, was amended by enacting sections numbered 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, by section 1 of "An act to amend chapter 18 of Revised Laws 1905; as amended by chapters 128 and 409 of General Laws of 1907, relating to the office of public examiner." Approved April 22, 1909.

By section 2 the act took effect July 31, 1909.

**1581. Duties—State institutions.**—Said examiner shall exercise a constant supervision over the books and accounts of the several public educational, charitable, penal, and reformatory institutions of the state, and, in his discretion, shall prescribe and enforce correct methods of bookkeeping and accounting therein, and instruct the proper officers and employes in the use of such methods. At least twice in each year, at irregular intervals and without previous warning, he shall visit each of such institutions, and thoroughly examine its books and accounts, and inspect the items and purposes of its expenditures and the vouchers therefor. (R. L. § 1581, as amended by Laws 1909, c. 449, § 1.)

**1582. State and county officers.**—He shall prescribe and enforce a correct, and, so far as practicable, a uniform system of bookkeeping by state and county auditors and treasurers, such as shall afford suitable checks upon their mutual action, and secure the supervision and safety of state and county funds. He shall expose faults and errors in systems of public accounting, and instruct state and county officers, when necessary, in proper methods. He shall ascertain the character and financial ability of present and proposed bondsmen of state and county officials, and may require new or additional bonds whenever he deems it necessary. From time to time, and as often as he shall think proper, he may require of any county treasurer a verified statement of his accounts. At least once in each year he shall visit state and county officials without pre-