

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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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-

vicious warning, and examine their books, accounts, and vouchers, ascertain the items of their receipts and disbursements, verify and inspect the moneys, assets, and securities held by them on public account, and discover the amount and character of any commission, percentage, or other charge for services unlawfully exacted by them. Should any such officer refuse to obey a lawful direction of the examiner, the attorney general shall promptly take action to enforce compliance therewith. The examiner shall report any failure of duty on the part of such officers to the governor, who may suspend the delinquent from the further performance of his duty until an examination can be had, or security obtained for the public funds. (R. L. § 1582, as amended by Laws 1909, c. 449, § 1.)

1583. Financial officers of St. Paul.—All the powers and duties conferred and imposed upon the examiner by section 1582 shall be exercised and performed by him in respect to the comptroller, treasurer, and other revenue and financial officers of the city of St. Paul, and their respective offices. The city shall pay to the state treasurer six dollars for each day of service so rendered, not exceeding six hundred dollars in any one year, which payment shall be made within thirty days after requisition by the treasurer therefor. (R. L. § 1583, as amended by Laws 1909, c. 449, § 1.)

[1583—]1. Financial officers of cities having over 50,000 inhabitants not under home rule charters.—The public examiner of this state is hereby given the same powers and jurisdiction, and there is hereby imposed upon him the same duties over the treasurer and other financial officers of cities of this state having over fifty thousand inhabitants, now imposed upon and required of him, in respect to counties and public institutions; provided, that for his services the city shall pay to the state treasurer six dollars for each day of service rendered (not exceeding six hundred dollars in any one year), which payment shall be made within thirty days after requisition therefor, by the treasurer. Provided, that this act shall not include or apply to cities now or hereafter governed under a charter adopted under and pursuant to section 36, article 4, of the Constitution of the State, as amended, and chapter 351 of the General Laws of this state for the year 1899, and amendments thereto. ('05 c. 223 § 1)

Historical.—“An act to extend the powers and duties of the public examiner of this state to cities of over fifty thousand inhabitants.” Approved April 17, 1905.

[1583—]2. Books of account and records of cities having less than 10,000 inhabitants.—It is hereby made the duty of the public examiner in addition to the duties now imposed upon him by law, at least once in each year, to examine and audit, at the request of the city council of any city of less than 10,000 inhabitants, the books of accounts and other records, required to be kept by law by the officers of such city, and if said examiner finds said accounts and records correct and kept in accordance with law and all money and property of said city accounted for, he shall make a report of such facts and file the same with the county auditor of the county in which such city is located. If upon such examination, errors or violations of law are found in the keeping of the accounts or handling of the money or property of the city, such errors or violations of law, shall be reported in detail in writing by the said examiner and said report shall be filed with the county auditor of the county in which such city is located. Said reports made by the examiner shall be open for inspection by the public at all times during the business hours of the auditor's office. ('09 c. 264 § 1)

Historical.—“An act to provide for the examination of the books of accounts and all records of cities of less than 10,000 inhabitants.” Approved April 20, 1909.

[1583—]3. **Same—Duty of county attorney.**—It shall be the duty of the county attorney of each county to examine the reports made and filed by the examiner in the office of the county auditor pursuant to this act, and when such report shows a violation of law, the misappropriation of public funds or any other irregularity upon which a criminal prosecution can be based, he shall proceed to enforce the law against any offending officer of said city. ('09 c. 264 § 2)

[1583—]4. **Same—Assistants—Compensation.**—The examiner in order to carry out the work of such examination, may employ from time to time assistants and deputies, who shall receive for their compensation five dollars per day for the time employed together with expenses, to be paid by the city for which the work or services are performed. ('09 c. 264 § 3)

[1583—]5. **Same—Records to be delivered—Penalty.**—All officers of any such city are hereby required, whenever requested so to do, by said examiner, to deliver to said examiner or his deputies or assistants, the books and records of his office for the purpose of examination, and any officer refusing to deliver the books and records of his office shall be guilty of a misdemeanor. ('09 c. 264 § 4)

[1583—]6. **Same—Examination, when required.**—It shall be the duty of the city council of any city of less than 10,000 inhabitants, upon receiving a petition signed by not less than 10 freeholders, who are also qualified voters of such city, requesting an examination of the books of accounts and records of such city, to immediately call upon the public examiner for an examination as provided for by this act. Provided, that the common council of any such city shall not be required to request an examination of the books of account or the records of such city more than once in any one calendar year. ('09 c. 264 § 5)

[1583—]7. **Books of account and records of towns, villages and school districts.**—It is hereby made the duty of the public examiner in addition to the duties now imposed upon him by law, at least once in each year, to examine and audit, at the request of the county commissioners of any county, the books of accounts and other records, required to be kept by law by township, village and school district officers, in townships and villages throughout the state, and if said examiner finds said accounts and records correct and kept in accordance with law and all money and property of the township, village and school district properly accounted for, he shall make a report of such facts and file the same with the county auditor of the county in which said examination is made. If upon such examination, errors or violations of law are found in the keeping of the accounts or handling of the money or property of the township, village or school district, such errors or violations of law, shall be reported in detail in writing by the said examiner and said report shall be filed with the county auditor of the county in which the examination is made. Said reports made by the examiner shall be open for inspection by the public at all times during the business hours of the auditor's office. ('07 c. 344 § 1)

Historical.—"An act to provide for the examination of the books of accounts and all records of township, village and school district officers throughout the state." Approved April 23, 1907.

[1583—]8. **Same—Duty of county attorney.**—It shall be the duty of the county attorney of each county to examine the reports made and filed by the examiner in the office of the county auditor pursuant to this act, and when such report shows a violation of law, the misappropriation of public funds or any other irregularity, upon which a criminal or civil prosecution can be based, he shall pro-

ceed to enforce the law against any offending officer or officers of said school district, township or village. ('07 c. 344 § 2)

[1583—]9. **Same—Assistants—Compensation.**—The examiner in order to carry out the work of such examination, may employ from time to time assistants and deputies, who shall receive for their compensation five dollars per day for the time employed and expenses, to be paid by the county in which the work or services are performed. ('07 c. 344 § 3)

[1583—]10. **Same—Records to be delivered—Penalty.**—All township, village, and school officers are hereby required, when requested so to do, by said examiner, to deliver to said examiner or his deputies or assistants, the books and records of his office for the purpose of examination, and any officer refusing to deliver the books and records of his office shall be guilty of a misdemeanor. ('07 c. 344 § 4)

1584. **Gross earnings tax.**—In like manner and with like powers the examiner shall at least once in each year visit all railroad and other corporations and companies which are required by law to pay taxes to the state upon a gross earnings basis, examine their books of account and all other records and papers thereof bearing upon or evidencing their gross receipts upon which, under the law, taxes should be paid in this state, and report to the state treasurer the amount of such receipts for each calendar year; and he shall from time to time make like report of amounts so ascertained and not previously reported. All evasions and violations of law in respect to such gross earnings which the examiner may discover shall be reported by him to the governor forthwith. (R. L. § 1584, as amended by Laws 1909, c. 449, § 1.)

1585. **Subpoenas, witnesses, etc.**—In all matters relating to his official duties, the examiner shall have the same powers possessed by courts of law to issue subpoenas and cause them to be served and enforced. All state and county auditors, treasurers, and other public officials, and their respective deputies and employees, all officers, directors, and employees of all railway and other companies required by law to pay taxes to the state upon a gross earnings basis, and all persons having dealings with or knowledge of the affairs or methods of such companies, shall at all times afford reasonable facilities for such examinations, make such returns and reports to the examiner as he may require, attend and answer under oath his lawful inquiries, produce and exhibit such books, accounts, documents, and property as he may desire to inspect, and in all things aid him in the performance of his duties. (R. L. § 1585, as amended by Laws 1909, c. 449, § 1.)

1586. **Refusal, obstruction, etc.**—Every person who shall refuse or neglect to obey any lawful direction of the examiner, or of his deputy, or any of his assistants; withhold any information, book, record, paper, or other thing called for by him for the purposes of examination; wilfully obstruct or mislead him in the execution of his duties; or swear falsely concerning any matter stated under oath, shall be guilty of a felony, the minimum penalty whereof shall be a fine of one thousand dollars, or imprisonment in the state prison for one year. (R. L. § 1586, as amended by Laws 1909, c. 449, § 1.)

1587. **Deputy and assistants.**—The examiner may appoint and at pleasure remove, a deputy examiner, four assistant public examiners, a first and second assistant corporation examiner, an executive clerk, and such other employes as may be necessary and for whose compensation provision is made by law. Such deputy and assistants shall each give bond to the state in the sum of \$10,000,

and during the absence or disability of the examiner said deputy examiner shall perform all the duties of the office. The duties of the several assistants and other employes shall be such as the examiner may prescribe, and any of them may be assigned to perform any special duty imposed by this chapter upon the examiner or his deputy. In such case the assistant may exercise all the powers of his principal necessary to the proper discharge of such duty. (R. L. § 1587, as amended by Laws 1907, c. 409, § 1, and Laws 1909, c. 449, § 1.)

1588. Biennial reports.—The examiner shall report to the governor biennially touching all his official acts, giving abstracts of the statistics and condition of the various offices, institutions and corporations to which his duties relate, and making such recommendations as he may deem proper, which report shall be printed and included in the volume of executive documents. (R. L. § 1588, as amended by Laws 1907, c. 409, § 1, and Laws 1909, c. 449, § 1.)

1589. Salaries and expenses.—The salary of the public examiner shall be \$4,100 per year, which shall be in full compensation for his services. The salary of the deputy examiner and first assistant corporation examiner shall be \$2,400 per year each. The salaries of three assistant public examiners shall be \$2,100 per year each. The salaries of one assistant public examiner and of the second assistant corporation examiner shall be \$1,800 per year each; and of the executive clerk \$1,500 per year. The salaries of the several other employes subject to appointment by the public examiner shall be such sums as the examiner shall prescribe, and together with the expenses of the examiner and of his deputy and assistants and other employes, necessarily incurred in the discharge of their duties and in the administration of the office, shall be paid out of the contingent fund provided for such office; and such salaries and expenses shall not exceed the aggregate sums appropriated and allowed therefor by law. (R. L. § 1589, as amended by Laws 1907, c. 128, § 1, and Laws 1909, c. 449, § 1.)

1590. Annual appropriation.—There is hereby annually appropriated from any moneys in the state treasury not otherwise appropriated, a sum sufficient for the payment of the salaries of the persons so appointed. (R. L. § 1590, as amended by Laws 1907, c. 409, § 3, and Laws 1909, c. 449, § 1.)

1591. Standing appropriation.

See section 1590, and note under section 1580.

CHAPTER 19.

INSURANCE.

INSURANCE COMMISSIONER.

1592. Appointment—Term, salary, bond.

See section [1593—] 1.

1593. General duties—Deputy—Clerks, etc.—Salaries—Standing appropriation.

See section [1593—] 1.

[1593—] 1. Department of insurance—Commissioner, how appointed—Bond—Compensation—Fees.—That there is hereby established and continued a department of insurance in the State of