

EXECUTIVE DEPARTMENT

CHAPTER 4

THE GOVERNOR

4.01 CUSTODIAN OF STATE PROPERTY.

Organization of state government. Validity of amendment to Minnesota Constitution, Art. IX, s. 10, adopted April 15, 1858. *Secombe v Kittelson*, 29 M 555, 12 NW 519.

4.03 PROCLAMATIONS.

The governor by proclamation may request the people of the state to set aside a day to be celebrated as "Victory Day." Compliance on this part of the public would be voluntary, and the day set aside would not be a legal holiday such as those designated in section 645.44 (4). OAG July 31, 1946 (213-H).

4.04 POWERS.

The governor's power to suspend an officer who is under charges for malfeasance or nonfeasance in office is incident to the power to remove such officer, and upon such suspension it is the duty of the governor to appoint an acting officer to perform the duties of the office during the suspension. *State ex rel v Strunk*, 219 M 529, 18 NW(2d) 457.

Violation of an executive order of the governor establishing a maximum speed of 35 miles per hour for automobiles, promulgated under provisions of L. 1943, c. 252, "in order to conserve essential materials," constitutes no defense to an action for personal injuries or death by wrongful act, because the statute was not enacted for the purpose of affording protection to individuals from violations thereof. *Cooper v Hoeglund*, 221 M 446, 22 NW(2d) 450.

The war emergency powers conferred upon the governor by L. 1943, c. 600, expired July 1, 1945. The governor has no authority to issue orders or proclamations affecting rental control. OAG July 1, 1946 (213-N).

Removal from public office. 20 MLR 721.