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1905

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ability to comply with such judgment and order, and any other legal evidence in reference to such matters may be produced by any of the parties interested. If it appears that the defendant is unable to comply with such judgment and order, the court may direct his discharge from custody, upon his making affidavit that he has not in his own name any property, real or personal, and has no such property conveyed or concealed, or in any manner disposed of with design to secure the same to his use or to avoid in any manner compliance with such judgment and order. If upon such hearing it appears that the defendant has property, but not sufficient to comply with such judgment and order, the court may make such order concerning the same, in connection with such discharge, as justice may require. (2047, 2048)

1576. Action after discharge—The mother of such child, or such county board, at any time after the defendant is discharged, may recover of him by action any sum of money which ought to have been paid pursuant to such judgment and order; and, if the mother shall fail to prosecute any such action begun by her, the county board, or any person interested in the support of such child, may prosecute the same to final judgment. (2049, 2050)

35-238, 28+501; 72-415, 417, 75+725; 94-177, 102+204.

1577. Complaint by county board—If any woman is delivered of a bastard child which is, or is likely to become, a public charge, or is pregnant with a child likely to be born a bastard and become a public charge, the county board of the county where she resides, or any member thereof, may apply to a justice of the peace of the county to inquire into the facts and circumstances of the case. (2051)

94-177, 102+204.

1578. Procedure—Warrant—Such justice may summon the woman to appear before him, and may examine her on oath respecting the father of such child, the time when and place where it was begotten, and any other facts he deems necessary for the discovery of the truth, and thereupon shall issue his warrant to apprehend the putative father. Thereafter the proceedings shall be the same as if the complaint had been made by such woman under the provisions of this chapter, and with like effect, and in all cases the board and the accused may require the attendance of such woman as a witness. (2052)

1579. Compromise by board—The county board, either before or after judgment, may make such compromise and settlement with the putative father of any bastard child, relative to its support, as they deem equitable and just, and thereupon may discharge him from all liability for the support of such child. (2053)

94-177, 102+204.

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, nor shall he be a stockholder, officer, trustee, assignee, or employee of any banking, savings, or other moneyed institution or corporation created under the laws thereof. 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. (410)

85-165, 197, 88+533.

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 employees 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. (411)

85-165, 197, 88+533.

See 1905 c. 223

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 said state and county officials without previous 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. (412)

85-41, 88+412.

1583. Financial officers of St. Paul—All the powers and duties conferred and imposed upon the examiner by § 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. (415-417)

1584. Banks and moneyed corporations—In like manner and with like powers the examiner shall at least once in each year visit each banking, savings, and other moneyed corporation doing business within the state, and inspect and verify the assets and securities held by each, see that its mortgages are valid and properly recorded, and ascertain the nature and extent of all discounts and other transactions of each which he may consider foreign to the legitimate and lawful purposes of its creation. He shall promptly report to the governor the condition of each corporation so examined, and, especially any disregard or infringement of the law committed by it, together with such recommendations as he may deem proper. The governor may publish such report, or take such other action thereon as the public interests demand. (413; '02 c. 5)

1585. 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

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which the examiner may discover shall be reported by him to the governor forthwith. (413; '02 c. 5)

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1586. 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, trustees, and employees of banking, savings, and moneyed institutions, those 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 institutions and 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. (418, 419; '02 c. 5)

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1587. 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. (418, 419; '02 c. 5)

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1588. Deputy and assistants—The examiner may appoint, and at pleasure remove, a deputy examiner, a first and second assistant bank examiner, and such clerks and other employees 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 ten thousand dollars, 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 employees 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. (422; '95 c. 350)

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1589. Annual reports—The examiner shall report to the governor annually 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. (420)

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1590. Salaries and expenses—The salary of the public examiner shall be thirty-five hundred dollars per year, and in addition thereto he shall receive all sums paid into the state treasury by the city of St. Paul for the services of himself and assistants rendered in examinations authorized by law. The salary of the deputy examiner and the first assistant bank examiner shall be eighteen hundred dollars per year each, and of the second assistant bank examiner fifteen hundred dollars per year. The salaries of the several clerks and other employees, not provided for in § 1588, shall be such sums as the examiner shall prescribe, not exceeding in the aggregate the sum appropriated therefor. The expenses of the examiner and of his deputy and assistants, and other employees, necessarily incurred in the discharge of their duties and in the administration of the office, including the salaries of such clerks and employees, 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. (421, 423; '02 c. 90; '03 c. 288)

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1591. Standing appropriation—There is hereby annually appropriated from any moneys in the state treasury not otherwise appropriated, the sum of eighty-six hundred dollars for the payment of the salaries of the persons so appointed, and the further sum of twenty-five hundred dollars as a contingent fund for the use of the examiner.