

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

ST. PAUL.
PUBLISHED BY DAVIDSON & HALL,
STATE PRINTERS, 170 THIRD STREET.
1872.

November of the succeeding year. The governor, upon receiving such reports, shall deliver the same to the commissioners of public printing, to be printed; and the governor shall lay before the legislature all such reports in printed form at the same time with his annual message.

CHAPTER VI.

STATE OFFICERS.

SECTION

GOVERNOR.

1. Governor custodian of state property.
2. To appoint day of thanksgiving.
3. To convene extra session by proclamation.
4. May appoint private secretary.
5. To provide new seal, when.
6. Shall appoint janitor of the capitol.

SECRETARY OF STATE.

7. Secretary of State to keep office in capitol—to have custody of state seal and records.
8. May appoint assistant secretary.
9. To prepare halls for legislature.
10. To index documents and distribute laws.

AUDITOR.

11. Auditor to keep office where—duties of—shall give bonds.
12. Shall keep a seal.
13. Shall examine accounts and draw warra
14. To enter warrants drawn in books.
15. To keep record of accounts, &c.
16. To keep account with treasurer.
17. To make annual statement of receipts and disbursements.
18. To submit books, &c., to legislature, when required.
19. May administer oaths.
20. To deliver certified copies of surveys, when.
21. May appoint chief clerk.
22. Penalty for violation of duty.

TREASURER.

23. Treasurer shall keep office in capitol—shall have a seal—general duties.
24. Shall give bond and take oath.
25. Shall keep accurate account of receipts, &c.
26. Shall receive in payment of public dues, what.
27. Shall deposit warrants.
28. Shall make report, when.
29. Shall not receive warrant for less than par.
30. Accountable for losses, when.
31. In default, state may obtain judgment.
32. State debt to take precedence if treasurer becomes insolvent.
33. Treasury dues, in what payable.

ATTORNEY-GENERAL.

34. Shall keep office where—postage paid by state.

SECTION

35. Shall appear in all state causes for the state.
36. Shall commence prosecutions when, and appear in district court at request of county attorney.
37. Shall prosecute official bonds—and bring suits against persons holding school lands.
38. Shall appear for state in cases of pre-emption of school lands.
39. Shall prosecute delinquent revenue officers and corporations.
40. Shall give legal advice to governor and other officers.
41. Shall prepare forms of contracts for officers of the state.
42. May take appeal without giving security.
43. Shall keep register of actions and opinions.
44. Shall make annual report.

LIBRARIAN.

45. What library shall consist of—where kept.
46. Legislature shall appoint committee to examine.
47. Governor shall appoint librarian, who shall give bonds.
48. Librarian shall have custody of books, &c.
49. Books shall be labelled.
50. Library shall be kept open, when.
51. Who may take books from library.
52. Rules as to removal of books.
53. Penalty for violation of rules.
54. Penalty in case person not authorized removes books.

55. Penalty for injury to books, &c.
56. Governor and secretary may determine what books may be taken from library.
57. Librarian shall make report.
58. Fines shall be used for library.
59. Laws shall be posted in library.

CLERK OF SUPREME COURT.

60. Shall take oath and give bonds—may appoint deputy.

61. Shall procure records, stationery, &c.
62. Shall personally perform duties.
63. Shall furnish copy of syllabus for publication

JANITOR.

64. Janitor shall keep capitol in order.

TITLE I.

GOVERNOR.

SECTION 1. The governor is the legal custodian of all the property of the state not specially entrusted to other officers by law; and is

Governor custodian of state property.

authorized and empowered to take summary possession of such property without any process of law; and to adopt such measures as he deems proper to preserve it from injury or deterioration.

Shall appoint day of thanksgiving.

SEC. 2. He shall by proclamation, set apart one day in each year, as a day of solemn and public thanksgiving to Almighty God, for his blessings to us as a state and nation, and no business shall be transacted on that day at any of the departments of state.

Shall convene extra session by proclamation.

SEC. 3. Whenever he convenes an extra session of the legislature, he shall do so by proclamation, giving such notice as he deems necessary to inform the members of the legislature of the time of assembling; and when assembled he shall state to them the purposes for which they are convened.

Shall appoint private secretary.

SEC. 4. He shall appoint his private secretary, who shall enter in a book kept for that purpose, all such letters written by and to the governor as are official and important; and such other letters as the governor directs. Said book shall be deposited in the office of the executive by the private secretary, and carefully preserved, and the governor shall produce the letter books before the legislature whenever requested.

To provide new seal, when.

SEC. 5. Whenever the great seal of the state is lost, or so worn or defaced as to render it unfit for use, the governor shall provide a new one.

Shall appoint janitor of the capitol.

SEC. 6. He is authorized and required to appoint a suitable person as janitor of the capitol, to hold said office during the pleasure of the governor.

TITLE II.

SECRETARY OF STATE.

Secretary of state to keep office in capitol, and have custody of state records.

SEC. 7. The secretary of state shall keep his office in the capitol in rooms provided and furnished by the state; he shall have the custody of the state seal and all the records of the state.

May appoint assistant secretary.

SEC. 8. He may appoint in writing an assistant secretary of state, who, before entering on his duties, shall take and subscribe the oath required by law, which oath and appointment shall be filed in his office.

Shall prepare halls for legislature.

SEC. 9. Immediately previous to any regular adjourned or extra session of the legislature, the secretary shall cause the halls in which the session is to be held, to be suitably prepared for that purpose, and shall be in attendance at each regular session to call the members of the house of representatives to order, and preside until a speaker is elected.

Shall make indexes to laws and documents.

SEC. 10. He shall cause indexes to the laws and executive documents to be prepared as soon as practicable after the adjournment of each session of the legislature, and distribute said laws when printed in the manner required by law.

TITLE III.

AUDITOR.

Auditor shall keep office at capitol—shall give bond.

SEC. 11. The auditor shall keep his office at the seat of government, and perform all the duties appertaining thereto which are required of him by law or resolution of the legislature. Before entering on the duties of his office, he shall enter into bond with one or more sureties, to be approved by the governor, in the sum of twenty thousand dollars, payable to the state of Minnesota, conditioned for the faithful discharge of his

1874-127

official duties; he shall take and subscribe the oath required by law, which oath and bond shall be deposited in the office of the secretary of state.

SEC. 12. He shall keep a seal, with the device, "the seal of the auditor for Minnesota," and all official copies taken from the records, or other documents in his office, shall be under said seal, and be certified and signed by the auditor.

Shall keep a seal.

SEC. 13. All accounts and claims against the state, which are by law directed to be paid out of the treasury of the state, shall be presented to the auditor, who shall examine and adjust the same, and issue warrants, payable at the state treasury, for the sums which are found due from the state, specifying in each warrant the date of its issue, and the name of the person to whom payable; said warrants shall be printed on separate sheets of paper, and each shall be entered and numbered, and the number corresponding therewith shall be on the part of the sheet from which such warrant is cut; and all such parts of sheets containing the corresponding numbers, shall be carefully preserved by the auditor in his office.

Shall examine accounts and draw warrants.

SEC. 14. The auditor shall enter, in progressive order, in books to be by him provided for that purpose, the number of each warrant by him issued, the amount thereof, the date of its issue, and the name of the person to whom issued.

Shall enter each warrant in book.

SEC. 15. He shall make and preserve in his office in suitable books, to be procured at the expense of the state, fair and accurate records of all such public accounts and other documents as are by law made returnable to his office, and keep a file in progressive order of all receipts and other vouchers relating to the business of his office.

Shall keep record of accounts.

SEC. 16. He shall keep a regular account with the treasurer of state, in suitable books, to be provided as aforesaid, in which he shall charge the treasurer with all moneys by him received, and credit him with all warrants by him redeemed and deposited in the office of the auditor.

Shall keep account with state treasurer.

SEC. 17. The auditor shall annually make out an accurate statement of the receipts and disbursements of the treasury for the preceding year, ending on the last day of the month previous to the one during which the legislature commences its annual sessions; also of any unexpended balances of the several appropriations, the amount remaining in the treasury, the amount of warrants issued and not redeemed (if any) and report the same to each branch of the legislature, on the third day of its session, together with such remarks on the finances of the state, as he deems proper for the consideration of the legislature.

Shall make annual statement of receipts and disbursements.

SEC. 18. Whenever required, the auditor shall submit his books, accounts, and vouchers to the inspection of the legislature, or any committee thereof appointed for that purpose.

Shall submit his books and accounts to legislature when required.

SEC. 19. The auditor is authorized to administer an oath to parties and witnesses, in support of the justice of such accounts as are exhibited to him for liquidation, and to certify the same accordingly.

May administer oaths.

SEC. 20. He shall deliver to any person applying therefor, a certified copy of any survey, or any other document in his office, on being paid ten cents for each hundred words contained therein, and twenty-five cents for each plat of survey laid down in such copy.

Shall deliver certified copies of surveys, when.

SEC. 21. He may appoint a chief clerk, whose appointment shall be evidenced by a certificate under the official seal of the auditor, and continue during his pleasure. Said clerk previous to entering upon the duties of his appointment, shall give bond, with two or more sureties, in the penal sum of ten thousand dollars, payable to the state of Minnesota, and conditioned for the faithful performance of the duties of his office. In case

May appoint chief clerk.

of the absence or inability of the auditor, the chief clerk shall perform the several duties required of the auditor.

Penalty for violation of duty.

SEC. 22. Any auditor of state or chief clerk, who violates any of the provisions of this title, shall on conviction thereof, be punished by imprisonment in the state prison for a period of not more than ten years.

TITLE IV.

TREASURER.

1874-124

Treasurer shall keep office at capitol—have a seal—general duties.

SEC. 23. The treasurer of state shall keep his office at the capitol, and by himself or deputy attend therein during the usual business hours of each day, Sundays and holidays excepted; he shall have and use a seal and have charge of, and safely keep all public moneys which are paid into the treasury, and pay out the same as directed by law, and perform all such other duties as are required of him by law.

Shall give bond and take oath.

SEC. 24. Before entering on his duties the treasurer shall give bond, with five or more sureties to be approved by the governor, in the sum of one hundred thousand dollars, payable to the state of Minnesota, and conditioned for the faithful discharge of his duties as treasurer, and shall take and subscribe the oath required by law, which bond and oath shall be deposited with the secretary of state. The legislature may, at any time during the continuance in office of the treasurer, require him to give such additional security as they deem necessary for the complete safety of the state.

1874-127

Shall keep account of receipts and disbursements.

SEC. 25. The treasurer shall keep an accurate account of the receipts and disbursements at the treasury, in books provided for that purpose, at the expense of the state, specifying the names of persons from whom received, to whom paid, on what account the same is received or paid out, and the time of such receipt or payment.

Shall receive and redeem warrants.

SEC. 26. He shall receive in payment of public dues, the warrants drawn by the auditor of state, in conformity to law, or redeem the same, if there is money in the treasury appropriated for that purpose, and on redeeming such warrant or receiving the same in payment, he shall cause the person presenting such warrant to endorse the same; and the treasurer shall write on the face of such warrant, "redeemed," and shall enter in his book, in separate columns, the number of such warrant, its date, amount, the name of the person to whom payable, and the date of payment.

Shall deposit warrants with auditor.

SEC. 27. The treasurer shall, on the first Monday of March, June, September and November, annually, deposit in the office of the auditor of state, all warrants by him redeemed or received in payment at the treasury, and take the auditor's receipt therefor.

Shall make reports to legislature.

SEC. 28. He shall annually report to each branch of the legislature on the third day of their session, and to the governor whenever by him required, the state of the public accounts and the funds, exhibiting the amount by him received, the amount paid out during the preceding year, and the balance remaining in the treasury.

1873-152
1874-124

Shall not purchase warrants at less than the value expressed therein.

SEC. 29. The treasurer shall in no case purchase or receive any warrant redeemable at the treasury, or any audited account, at a less value than is expressed therein, nor shall he receive any fee or reward for transacting any business connected with the duties of his office.

Accountable for losses, when.

SEC. 30. If the treasurer neglects to call to account, as directed by law, any delinquents, whereby the public revenue suffers loss, he shall be

accountable for the sums due by such delinquents, as if the same had actually been paid over to him.

SEC. 31. Whenever it appears that the treasurer has not accounted for and paid over the public moneys as directed by law, the state may move for and obtain judgment against the treasurer and his sureties, first giving to the persons against whom such motion shall be made, five days' notice of the time and place thereof, and said treasurer shall be further liable to a criminal action, and upon conviction be punished by imprisonment in the state prison for a term not more than twenty years.

In default, state may obtain judgment.

SEC. 32. If any treasurer, or other person indebted to the state, becomes insolvent, the debt of the state shall be paid first of all debts, notwithstanding any attachment against his effects, or any voluntary assignment thereof to pay debts, or for other purposes.

State debts to have preference in case of insolvency.

SEC. 33. Treasury dues shall be paid in gold, silver, treasury drafts, national currency, or warrants.

Treasury dues, in what payable.

TITLE V.

ATTORNEY GENERAL.

SEC. 34. The attorney general shall keep his office at the seat of government in a room provided and furnished by the state, and the accounts for postage upon his official correspondence shall be audited and allowed by the auditor and paid out of the state treasury.

Attorney general shall keep office where.

SEC. 35. He shall appear for the state in the trial and argument of all causes in the supreme court, wherein the state is directly interested.

Shall appear for state in certain cases.

SEC. 36. He shall, upon the written request of the governor, prosecute any person charged with an indictable offense, and appear in the district court in all criminal cases, when requested by the county attorney of the county in which the same arise, and in civil actions in which the state is interested, whenever, in his opinion, the public interest requires it.

Shall prosecute persons on request of governor.

1867-14 6

SEC. 37. He shall cause to be prosecuted the official bonds of all delinquent officers in which the state may be interested, and institute actions against all persons holding or pretending to hold any portion of any of the school sections of this state adversely to the state, whenever, in his opinion, such actions can be sustained.

Shall prosecute official bonds and persons holding school lands.

SEC. 38. Whenever notice of any application to pre-empt any portion of the school sections of this state under and by virtue of the provisions of the joint resolution of congress, entitled "A resolution relative to sections sixteen and thirty-six in the territories of Minnesota, Kansas and Nebraska," passed March 3d, 1857, is served upon the attorney general, he shall personally, or by the county attorney of the county where such application is made, cause an appearance to be entered on behalf of the state, and cause to be subpoenaed all necessary witnesses on behalf of the state, and take such measures in the premises as will, in his opinion, best promote the public interest.

Shall appear for state in cases of pre-emption of school land.

SEC. 39. He shall cause to be prosecuted all assessors and other officers connected with the revenue laws of this state, for all such delinquencies and offenses against those laws as come to his knowledge. Said actions shall be brought in the district court of the county in which the defendants or any one of them resides or is found. If it comes to his knowledge that any incorporated company has offended against the laws of the state, misused, surrendered, abandoned or forfeited its corporate authority or any of its franchises or privileges, he shall cause proceedings to be instituted against it.

Shall prosecute delinquent revenue officers and corporations.

Shall give legal advice to governor or and other officers.

1868-61

SEC. 40. He shall, when required, give legal advice to the governor, the secretary, auditor and treasurer of state, the warden and directors of the penitentiary, and the superintendent and directors of benevolent institutions and common schools, in all matters relating to their official business, and shall give his written opinion upon any question of law, to either house of the legislature, when required.

Shall prepare forms of contracts.

SEC. 41. He shall prepare suitable forms of contracts, bonds, obligations and other instruments for the use of the officers of the state, when requested by the governor, secretary, auditor or treasurer.

May take appeal without giving security.

SEC. 42. Upon all appeals taken by the attorney general on behalf of the state, or any of its officers, no security is required.

Shall keep register of actions and opinions

SEC. 43. The attorney general shall keep in a book furnished by the state, a register of all actions, demands, complaints, writs, informations, and other proceedings, prosecuted or defended by him officially, together with all the proceedings had in respect thereof, and also a register of all written official opinions given by him, which said books he shall deliver to his successor at the expiration of his term.

Shall make annual report.

SEC. 44. He shall make an annual report to the governor, stating the number, character, condition and result of the actions prosecuted or defended by him in behalf of the state, (to which shall be appended a tabular statement of offences reported to him by the county attorneys,) the cost of prosecuting or defending each action, and the amount of fines and penalties collected. He shall also direct attention to any defect in the practical operation of the laws relating to schools, revenue, and criminal offenses, and suggest such amendments as in his judgment are necessary to subserve the public interest.

TITLE VI.

LIBRARIAN.

What library shall consist of, and where kept.

SEC. 45. The state library shall consist of such books, pamphlets, maps, charts and other documents as are received or acquired by the state or any public officer for the use of the state government, and shall be kept in rooms provided for that purpose in the capitol.

Legislature to appoint committee to examine library.

SEC. 46. The legislature shall, annually, appoint a joint committee to examine into the condition of the library, order necessary repairs, and recommend additions by exchange or purchase.

Librarian to be appointed by governor.

SEC. 47. The governor, by and with the consent of the senate, shall appoint a librarian who shall hold his office for two years, and until his successor is appointed and qualified. Before entering upon his duties he shall take the oath required by law, and give a bond to the state in the sum of two thousand dollars with one or more sureties to be approved by the governor, conditioned for the faithful performance of his official duties, the preservation and safe delivery to his successor, of all the property committed to his care, and the prompt payment of all moneys which come to his hands belonging to the state; which bond and oath shall be filed in the office of the secretary of state.

Shall have custody of books.

SEC. 48. The librarian shall have the custody and charge of all books, maps, charts, engravings, paintings, and all other things properly belonging to the library, or directed to be deposited therein, and shall provide shelves for the arrangement thereof in such manner as to be convenient and easy of access.

SEC. 49. Every book that is added to the library shall have a printed label pasted on the inside of the cover, thus, "Minnesota State Library," with the number of the volume in the catalogue written thereon. Immediately on receipt of any book, and before the same can be taken from the library, the librarian shall paste on the inside of the cover a printed label with the words, "Minnesota State Library," No. —, and also write or stamp the same words at the bottom of the twenty-fifth page. He shall prepare an alphabetical catalogue of the books, as indicated on the labels, and report the same to the legislature at each session thereof.

Books shall be labeled.

SEC. 50. The library shall be kept open during the session of the legislature, and of the supreme court, from nine to twelve o'clock in the forenoon, and from two to five o'clock in the afternoon, Sundays excepted, and at other times during the afternoon of each Wednesday and Saturday.

When library to be kept open.

1869 - 58

SEC. 51. No person shall remove from the library any book or other property belonging thereto, except the governor, the judges of the supreme and district courts, the judges of the district court of the United States, the United States district attorney, the heads of departments of state, the members and officers of the legislature during the session thereof, and attorneys of the supreme court during term time, but no one of said persons shall take such books or property from the library without executing a receipt therefor, nor keep the same more than ten days at any one time.

Who may take books.

SEC. 52. No books or other property belonging to the library shall be removed from the seat of government, under any circumstances, and no person shall take out more than two books at the same time; but during the terms of the supreme court, or the federal court in St. Paul, the judges and attorneys may take and use any number of books needed on the trial of causes.

Rules for removal of books.

SEC. 53. If the librarian allows any person contrary to the provisions of this title, to remove a book or other property from the library, he shall pay a fine of ten dollars for every book or other article so taken, and the governor shall direct the strict enforcement of this penalty.

Penalty for violation of rules.

SEC. 54. Any person not authorized by this title to do so, who shall take from the library a book or other property belonging thereto, either with or without the consent of the librarian, shall forfeit three times the value of such book or property, to be recovered in the name and for the use of the state, before any court of competent jurisdiction.

Unauthorized person taking book, penalty.

SEC. 55. Whoever injures, defaces, destroys or loses a book or other property belonging to the library, shall forfeit twice the value thereof, to be sued for and recovered, as provided for in the preceding section, or if it is one volume of a set, he shall forfeit the full amount of the value of the set, and the librarian shall prosecute such person upon such loss or injury coming to his knowledge; but if such person within a reasonable time replaces the book or other article so injured or lost, he shall not be liable to fine or prosecution under this section.

Penalty for injuring books.

SEC. 56. The governor, secretary of state, and librarian may determine what books and articles may be taken from the library, and what shall remain in the library for reference, and shall adopt such further regulations consistent with the provisions of this title, as they see fit, for the preservation and management of the library, and may prescribe forfeitures for the breach of such regulations, which regulations and forfeitures being posted one week in the library room, shall have the force and effect of law, and such forfeitures may be recovered by the librarian in the name of the state, before any court having jurisdiction thereof.

Governor and secretary may make rules for removal of books.

SEC. 57. The librarian shall report to the governor whenever called on, a list of books and other property missing from the library, the amount

Librarian shall make report.

of fines and forfeitures imposed and collected, the amount uncollected, a list of accessions to the library since the last report, and all other information in relation to the library that he may call for.

Fines go for use of library.

SEC. 58. All fines and forfeitures shall be for the use of the library, and be expended according to the directions of the governor, secretary of state and the librarian.

Laws to be posted in library.

SEC. 59. The sections of this title shall be posted in conspicuous places in the library.

TITLE VII.

CLERK OF THE SUPREME COURT.

Clerk shall take oath and give bond—may appoint deputy.

SEC. 60. The clerk of the supreme court, before he enters upon the duties of his office, shall take and subscribe the oath required by law, and execute a bond to the governor, with one or more sureties to be approved by him, in the penal sum of one thousand dollars, conditioned for the faithful performance of his duties, which bond shall be for the use of the state, and with said oath, filed in the office of the secretary of state. The said clerk may appoint a deputy, who shall take and subscribe the oath required by law, which shall be filed in said court; the said clerk is responsible for the acts of his deputy.

Shall procure records, stationery, &c.

SEC. 61. The said clerk, unless otherwise provided for by law, shall procure the necessary records, stationery, lights, fuel and furniture for the use of the supreme court, the same to be paid for out of the state treasury by the proper accounting officers thereof, upon the certificate or order of the said clerk.

Shall personally perform duties.

SEC. 62. He shall personally perform all the duties assigned him by law and the rules of the said court. Whenever the clerk is unavoidably absent and unable to perform his duties, his deputy may perform all the duties of said office.

Shall furnish copy of syllabus for publication.

SEC. 63. Whenever a syllabus is filed by the judges of the supreme court, as required by law, the clerk shall immediately thereafter, make and furnish a copy thereof to the publishers of such daily papers in the city of St. Paul as consent to publish the same without charge, accompanied with the title of the action.

TITLE VIII.

JANITOR.

Janitor shall keep offices in order.

SEC. 64. It shall be the duty of the janitor to keep in order the several rooms in the capitol, occupied by the various public officers, to make fires therein, and perform such other duties in and about the capitol building as the governor may direct and as are usually required of such functionaries.