

THE
STATUTES AT LARGE
OF THE
STATE OF MINNESOTA

COMPRISING
THE GENERAL STATUTES OF 1866
As amended by subsequent Legislation to the close of the Session of 1873
TOGETHER WITH
ALL LAWS OF A GENERAL NATURE IN FORCE, MARCH 7, A.D. 1873

WITH REFERENCES TO
JUDICIAL DECISIONS OF THE STATE OF MINNESOTA, AND OF OTHER
STATES WHOSE STATUTES ARE SIMILAR

TO WHICH ARE PREFIXED
THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT,
THE ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA

VOL. I.

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CHICAGO
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TITLE I. . .

OF THE GOVERNOR.

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

SEC. 2. *Shall appoint day of thanksgiving.*—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.

SEC. 3. *Shall convene extra session by proclamation.*—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.

SEC. 4. *Shall appoint private secretary.*—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.

SEC. 5. *To provide new seal, when.*—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.

SEC. 6. *Shall appoint janitor of the capitol.*—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.

OF THE SECRETARY OF STATE.

SEC. 7. *Secretary of state to keep office in capitol, and have custody of state records.*—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.

SEC. 8. *May appoint assistant secretary.*—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.

SEC. 9. *Shall prepare halls for legislature.*—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.

SEC. 10. *Shall make indexes to laws and documents.*—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.

OF THE AUDITOR.

SEC. 11. *Auditor shall keep office at capitol—shall give bond.*—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 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. *Shall keep a seal.*—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.

SEC. 13. *Shall examine accounts and draw warrants.*—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.

SEC. 14. *Shall enter each warrant in book.*—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.

SEC. 15. *Shall keep record of accounts.*—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.

SEC. 16. *Shall keep account with state treasurer.*—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.

SEC. 17. *Shall make annual statement of receipts and disbursements.*—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.

SEC. 18. *Shall submit his books and accounts to legislature when required.*—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.

SEC. 19. *May administer oaths.*—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.

SEC. 20. *Shall deliver certified copies of surveys, when.*—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.

SEC. 21. *May appoint chief clerk.*—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 of the absence or inability of the auditor, the chief clerk shall perform the several duties required of the auditor.

SEC. 22. *Penalty for violation of duty.*—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.

OF THE TREASURER.

SEC. 23. *Treasurer shall keep office at capitol—have a seal—general duties.*—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.

SEC. 24. *Shall give bond and take oath.*—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.

SEC. 25. *Shall keep account of receipts and disbursements.*—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.

SEC. 26. *Shall receive and redeem warrants.*—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 indorse 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 payment, and the date of payment.

SEC. 27. *Shall deposit warrants with auditor.*—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.

SEC. 28 (AS AMENDED BY ACT OF MARCH 11, 1873). *Shall make annual report to legislature—what report shall show.*—He shall 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 of the state and school funds, plainly exhibiting the amount by him received, and all and singular the items thereof, the amount paid out during the preceding year, and each and every item thereof, and the balance remaining in the treasury, and each and every item thereof, and there is hereby created a board of auditors of the state treasury, and the funds thereof, which board shall consist of the governor, secretary of state, and attorney general, whose duty it shall be to carefully examine and audit the accounts and books and vouchers of the treasurer, and to count and ascertain the kinds and description, and amount of funds in the treasury, or belonging thereto, at least four

times in each year, without previous notice to the treasurer, and make report thereof, and of their acts and doings in the premises, to each branch of the legislature on the third day of their session, and also to witness and attest the transfer and delivery of accounts, books, vouchers, and funds by any outgoing treasurer to his successor in office, and report the same in their report aforesaid next after the term of office of any treasurer shall expire.

SUB-DIV. 2 (2). *How funds to be deposited.*—All the funds of the state shall be deposited in one or more designated national banks, immediately on receipt of them, in the name of the state of Minnesota; such national bank or banks shall be designated by the said board of auditors in their discretion, after advertising in one or more of the daily newspapers printed or published in the capital of the state for at least two weeks, for proposals, and receiving proposals, stating what security would be given to the state for such funds so deposited, and what interest on weekly balances would be paid to the state quarterly by such national bank or banks; every payment by the state treasurer shall be made on the warrant of the state auditor, and by check on a designated depository, and such check shall bear on the face the name of the payee, and the number of the warrant for which drawn, and shall be drawn to the order of the payee.

SUB-DIV. 3 (3). *Treasurer shall keep book, how.*—The treasurer shall keep the books of the treasury department by the system known as double entry, and in such way and manner as to show plainly and accurately every receipt and disbursement or payment, daily, and on the same day on which such receipt and payment, or either of them actually occurs, and no unfinished business shall be kept or entered upon loose memoranda or slips of paper, and the said treasurer's books shall be balanced plainly and accurately every business day.

SUB-DIV. 4 (4). *Depository shall deposit security.*—No national bank shall be designated as such depository, unless such national bank shall offer to deposit, and deposit in the state treasury, as security for the deposits deposited, or to be deposited with such bank, bonds of the United States, or of the state of Minnesota, excepting the alleged Minnesota state railway bonds, commonly so called, or the bonds of any or either of the United States that may be approved by the aforesaid board of auditors, at least equal in amount at the current market value thereof, to the amount that shall be deposited in any such depository, and any such national bank designated as any such depository may be required by said board of auditors, at any time, in their discretion, to make good any depreciation in the securities, if such there should be.

S. L. 1873, 152.

SEC. 29. *Shall not purchase warrants at less than the value expressed therein.*—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.

SEC. 30. *Accountable for losses, when.*—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. *In default, state may obtain judgment.*—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.

SEC. 32. *State debts to have preference in case of insolvency.*—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.

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

TITLE V.

OF THE ATTORNEY GENERAL.

SEC. 34. *Attorney general shall keep office where.*—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.

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

SEC. 36 (AS AMENDED BY ACT OF MARCH 7, 1867). *Shall prosecute persons on request of governor.*—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, whenever the public interest requires it, and in such cases may attend upon and advise the grand jury in the same manner and for the same purpose as county attorneys are now authorized and required to do, and shall also appear in civil actions, in which the state is interested, whenever in his opinion the public interest requires it.

S. L. 1867, 140.

SEC. 37. *Shall prosecute official bonds and persons holding school lands.*—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.

SEC. 38. *Shall appear for state in cases of pre-emption of school lands.*—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.

SEC. 39. *Shall prosecute delinquent revenue officers and corporations.*—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.

SEC. 40 (AS AMENDED BY ACT OF MARCH 6, 1868). *Give legal advice to governor and other officers.*—He shall when required give legal advice to the governor and secretary, auditor and treasurer of state, the warden and directors of the penitentiary, and the state superintendent of public instruction, and directors of benevolent institutions, 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.

S. L. 1868, 61.

SEC. 41. *Shall prepare forms of contracts.*—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.

SEC. 42. *May take appeal without giving security.*—Upon all appeals taken by the attorney general on behalf of the state, or any of its officers, no security is required.

SEC. 43. *Shall keep register of actions and opinions.*—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.

SEC. 44. *Shall make annual report.*—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 offenses 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.

OF THE LIBRARIAN.

SEC. 45. *What library shall consist of, and where kept.*—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.

SEC. 46. *Legislature to appoint committee to examine library.*—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.

SEC. 47. *Librarian to be appointed by governor.*—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.

SEC. 48. *Shall have custody of books.*—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. *Books shall be labeled.*—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.

SEC. 50 (AS AMENDED BY ACT OF MARCH 3, 1869). *When library to be kept open.*—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, from two to five and from seven to nine o'clock in the afternoon, and at all other times from nine o'clock in the forenoon to one o'clock in the afternoon of each day, Sundays excepted.

S. L. 1869, 58.

SEC. 51. *Who may take books.*—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.

SEC. 52. *Rules for removal of books.*—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.

SEC. 53. *Penalty for violation of rules.*—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.

SEC. 54. *Unauthorized person taking book, penalty.*—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.

SEC. 55. *Penalty for injuring books.*—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.

SEC. 56. *Governor and secretary may make rules for removal of books.*—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.

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

SEC. 58. *Fines go for use of library.*—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.

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

TITLE VII.

OF THE CLERK OF THE SUPREME COURT.

SEC. 60. *Clerk shall take oath and give bond—may appoint deputy.*—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.

SEC. 61. *Shall procure records, stationery, etc.*—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.

SEC. 62. *Shall personally perform duties.*—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.

SEC. 63. *Shall furnish copy of syllabus for publication.*—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.

OF THE JANITOR.

SEC. 64. *Janitor shall keep offices in order.*—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.

TITLE IX.

OF THE INSURANCE COMMISSIONER.

(For duties of Insurance Commissioner, *vide* Chapter XVIII. *infra*.)

TITLE X.

OF THE RAILROAD COMMISSIONER.

(*This Title is the Act of March 4, 1871. S. L. 1871, 56.*)

SEC. 65 (1). *Commissioner appointed—term of office—qualification—vacancy how filled.*—One competent person who is not a stockholder, officer, trustee, assignee, or lessee, or employee of any railroad company or corporation, shall be appointed by the governor, by and with the advice and consent of the senate, who shall be styled the railroad commissioner, who shall be sworn to the faithful discharge of his duties. He shall hold his office for two years, and execute the duties thereof as herein provided, until his successor is appointed and qualified; and in

case of a vacancy by death, removal, resignation, or otherwise, the governor shall fill the same by appointment.

SEC. 66 (2). *Salary of commissioner—what deemed a felony—punishment.*—Said commissioner shall be entitled to the annual salary of three thousand dollars, and his necessary expenses, including clerk hire, office rent, etc., not exceeding one thousand dollars, while engaged in the duties of his office, which shall be paid by the treasurer of the state in the same manner as other state officers are paid; and if such commissioner shall directly or indirectly receive any compensation or pay for any services or extra service, or for neglect of service, other than is provided in this title (act), he shall be deemed guilty of a felony, and, on conviction thereof, shall be subject to a fine not exceeding the sum of ten thousand dollars, or imprisonment in the state prison for a term not exceeding ten years, or both, in the discretion of the court.

SEC. 67 (3). *Duty of commissioner.*—The commissioner shall inquire into and report annually any neglect or infringement of the laws for the regulation of railroads in this state, by officers, employees, or agents of such roads, to the legislature the first week of its session; and shall also, from time to time, carefully examine and inspect the condition of each railroad in this state, and learn its state of repair and sufficiency, and that of its carriages, engines, furniture, and equipage, and the manner of its conduct and management for the public safety, and shall also report the same to the legislature, during the first week of its session.

SEC. 68 (4). *When to report to legislature—what report to contain.*—In case there shall be a failure of any proper railroad connections in this state, in the opinion of the railroad commissioner, he shall inquire into the cause or causes of the same, and shall report wherein such failure consists and the reason of such failure, to the then next session of the legislature, the first week of their session.

SEC. 69 (5). *To examine into pecuniary condition and financial management, etc.*—Said commissioner shall examine and report annually to the legislature, the first week of its session, the existing pecuniary condition and financial management of each and every railroad in this state for the current year, showing the true pecuniary condition of said road. Such report shall include the number of acres of land owned by each railroad in this state, from what source received, the value at which the same are held by the company owning them; the amount and description of land sold during the current year, and the price per acre for which the lands were sold. Such report shall also include the amount of receipts and expenditures of said road for the year, and from what sources said receipts were derived, and for what said expenditures were made. Also the outstanding debts and liabilities against such road, and the nature thereof; all debts and claims due said road and the probable availability thereof, the number, position, and compensation of all persons employed by said road, and the nature of their services (except such men as are employed in the construction of said road), together with the condition of said road and its equipments and property as herein provided.

SEC. 70 (6). *Railroad directors to make annual report under oath—penalty for refusal.*—To enable said commission to perform said service and make said report, the directors, assignees, trustees, or other officers and persons in the management of each railroad, shall annually make known to the said commissioner, under oath, such returns, and in such form and at such time as he shall prescribe, and

make known to them and each and every person so required who shall refuse or neglect to make such return shall be deemed guilty of a felony.

SEC. 71 (7). *Penalty for making false returns.*—If any person, in making any such return to said commissioner as herein provided, or in furnishing information, or making statement to him on oath when by said commissioner required, shall be deemed guilty of perjury and punished accordingly.

SEC. 72 (8). *When corporation liable to forfeit franchises.*—Said commissioner shall report annually to the legislature the first week of its session, whether any railroad corporation has within the year previous exceeded its legal powers, or in any way incurred a forfeiture of its franchises, that proceedings may be taken therefor. And he shall also at the same time report what further legal provisions should, in his opinion, be adopted in relation to railroads, if any.

SEC. 73 (9). *Penalty for wilfully hindering commissioner in the execution of his duties—further powers.*—Every person who shall wilfully obstruct, hinder, and impede said commissioner in the execution of the duties of his office, shall be subject to conviction and punishment therefor in the same way as is provided by law for the punishment of hindering and impeding officers, judicial or executive, in the execution of their offices under the authority of the laws of this state; and shall, on conviction thereof, be subject to fine and imprisonment as hereinbefore provided in the second section of this act, and the said commissioner shall have power for the purposes aforesaid, to examine any of the books, papers, or documents of the corporation, or its directors, treasurer, or officers, and those of the assignees or trustees, or persons in the direction or control of said road, and also under oath to examine any of said persons or their employees or other persons. He is empowered to issue subpoenas and administer oaths in the same manner and with the same power to enforce obedience thereto, in the performance of his said duties, as belong and pertain to courts of law in this state; and any person refusing access by said commissioner to such papers, or any director, assignee, lessee, or other officer, clerk, or employee of said road who shall obstruct said access, or refuse to furnish any information required by said commissioner in discharge of his duty, shall be deemed guilty of a felony, and shall be liable, on conviction, to fine and imprisonment, as provided in the second section of this act.

SEC. 74 (10). *Report to be printed—duty of state auditor.*—The said commissioner may cause his reports to be printed at the expense of the state, the claim for which may be audited by the state auditor.

SEC. 75 (11). *Salary of commissioner, how paid.*—The amount of the salary and expenses of said commissioner shall be audited and allowed on proper vouchers by the state auditor, and be paid by the treasurer of the state.

SEC. 76 (12). *Corporation to give notice in case of accident—duty of commissioner.*—Upon the occurrence of any accident upon a railroad which shall result in personal injury or loss of life, the corporation operating the road upon which said accident shall occur, shall give immediate notice to the commissioner whose duty it shall be to investigate the same.

SEC. 77 (13). *Duty of attorney general.*—It shall be the duty of the attorney general to aid, when called upon by the said commissioner, in any investigation or matter needing legal advice or investigation.

SEC. 78 (1 OF ACT OF MARCH 4, 1872). *Authority to examine books and accounts.*—The railroad commissioner shall at least once in each and every year

examine the books and accounts of each and every railroad corporation doing business in this state to ascertain the amount of gross earnings of each road, and shall have authority to examine under oath any officer, agent, or employee of the company, concerning the gross earnings and business of the road: *provided*, that when the general office of any such corporation shall be located without this state, said corporation shall pay the commissioner the extra expenses of such examination rendered necessary by such location, upon vouchers approved by the governor.

SEC. 79 (2). *Report to the legislature.*—The commissioner shall report the result of such examination to the legislature during the first week of the session.

S. L. 1872, 81.

TITLE XI.

SALARIES OF STATE OFFICERS.

(*This Title is Chapter VII. of the General Statutes as amended by the Act of March 6, 1867.*
S. L. 1867, 145.)

SEC. 80 (1). *Salaries of executive officers.*—The salary of the governor is three thousand dollars per annum.

The salary of secretary of state is fifteen hundred dollars per annum, and in addition thereto he shall receive the sum of three hundred dollars per annum for superintending the public printing.

The salary of state auditor is fifteen hundred dollars per annum.

(AS AMENDED BY ACT OF MARCH 10, 1873.) The salary of the state treasurer is fixed at three thousand five hundred dollars per annum.

S. L. 1873, 233.

The salary of the state land commissioner is one thousand dollars per annum.

The salary of the adjutant general is fifteen hundred dollars per annum, and in addition thereto such sum or sums of money as may be by him necessarily expended in the care and management of the arms and other military equipments belonging to the state.

The salary of the attorney general is one thousand dollars per annum, and in addition thereto he shall receive hereafter as per diem compensation for attendance as such upon courts ten dollars for each and every day of such actual and necessary attendance, and in going to and returning from such court mileage at the rate of ten cents per mile, to be computed from the capitol.

(*The clause commencing "and in addition thereto," and ending with the words "necessary attendance," was enacted March 6, 1868.* S. L. 1868, 61.)

(AS AMENDED BY ACT OF MARCH 7, 1870.) The state librarian shall hold no other state office, and shall receive a salary of eight hundred dollars per annum.

S. L. 1870, 102.

SEC. 81 (AS AMENDED BY ACT OF FEBRUARY 24, 1870) (1). *Salary of governor's private secretary.*—From and after the passage of this act, the salary of the governor's private secretary shall be one thousand five hundred dollars per annum.

(*Sec. 2 of this act provides that the salary thus provided for shall begin with the year commencing January 1, 1870.* S. L. 1870, 101.)

SEC. 82. *Salaries of clerks in the departments.*—The salary of the assistant secretary of state is one thousand dollars per annum.

(AS AMENDED BY ACT OF MARCH 7, 1870.) The salary of the chief clerk in the state auditor's office for the year one thousand eight hundred and seventy, and annually thereafter, shall be fifteen hundred dollars.

S. L. 1870, 102.

The salary of state land commissioner's clerk is one thousand dollars per annum.

The salary of the state treasurer's clerk is one thousand dollars per annum.

The salary of the adjutant general's clerk is twelve hundred dollars per annum.

The salary of attorney general's clerk is two hundred dollars per annum.

SEC. 83 (AS AMENDED BY ACT OF MARCH 10, 1873). *Salary of clerk and reporter of supreme court.*—The salary of the clerk of the supreme court is hereby fixed at fifteen hundred dollars per annum, to be computed at that rate from and after January 1st, 1873.

The salary of supreme court reporter is six hundred dollars per annum.

SEC. 84 (AS AMENDED BY ACT OF FEBRUARY 27, 1873). *Salaries of other officers.*—The salary of janitor of the capitol is one thousand dollars per annum.

The salary of night watchman of the capitol is six hundred dollars per annum.

The salary of warden of the states prison is one thousand dollars per annum.

The salary of deputy warden of the states prison is six hundred dollars per annum.*

TITLE XII.

PROVIDING FOR THE APPOINTMENT OF STATE OFFICERS AD INTERIM.

(This Title is the Act of March 7, 1873.)

SEC. 85. *Appointment of officers ad interim.*—Whenever any state officer, excepting the lieutenant-governor, shall be temporarily suspended from the performance of the duties of his office by reason of his having been impeached, it shall be the duty of the governor to appoint some suitable and proper person to exercise the duties of such office during the time of such suspension; which said person, before entering upon the duties of the same, shall comply with the requirements of the laws relating to the same, and during the incumbency of the said office shall be governed in the administration of the same by all laws that have been enacted for that purpose, and shall receive such compensation as is provided by law for such office.

* For salary of railroad commissioner *vide* sec. 66 *supra*; do. of lieut.-governor, sec. 15, tit. III. chap. V. *supra*. For decisions upon compensation of public officers *vide* Warner *v.* Grace *et al.*, 14 Minn. 487; Day *v.* Putnam Ins. Co. 16 Minn. 408.