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# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE  
THE STATUTES OF THE STATE, BY ACT OF THE  
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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## CHAPTER LXXVIII.

## ACTIONS ON OFFICIAL SECURITIES, AND TO RECOVER FINES AND FORFEITURES.

1 SECTION 1. The official bond or other security of a pub-  
 2 lic officer to the state or any municipal body or corporation C. S. p. 615, Sect. 1. Amended. c 69  
 3 whether with or without sureties is to be construed as secu-  
 4 rity to all persons severally, for the official delinquencies  
 5 against which it is intended to provide, as well as to the  
 6 state, body or coporation designated therein.

1 SECT. 2. When a public officer by official misconduct  
 2 or neglect, forfeits his official bond, or renders his sureties C. S. p. 615, Sect. 2.  
 3 liable upon an official security, any person injured thereby,  
 4 or who is by law entitled to the benefit of the security, may  
 5 bring an action thereon, in his own name, against the officer  
 6 and his sureties, to recover the amount to which he is enti-  
 7 tled by reason of the delinquency.

1 SECT. 3. Before an action can be brought by a plaintiff,  
 2 other than the state or body politic named in the bond,  
 3 leave shall be obtained of the district court, or a judge C. S. p. 615, Sect. 3.  
 4 thereof, within the county where the action is triable, by  
 5 the production of a copy of the bond, and an affidavit show-  
 6 ing the delinquency, and if the delinquency is such, that if  
 7 established on the trial, it would entitle the party applying  
 8 to recover in the action, leave shall be granted.

1 SECT. 4. A judgment in favor of a party for one delin- C. S. p. 615, Sect. 4.  
 2 quency, does not preclude the same or another party, from  
 3 an action on the same security for another delinquency.

1 SECT. 5. Upon the execution issued on a judgment, re-  
 2 covered upon the official security of a public officer, against C. S. p. 615, Sect. 6.  
 3 him and a surety, there shall be indorsed a direction to the of-  
 4 ficer to whom the execution is delivered, to collect the same  
 5 out of the property of the principal, if sufficient can be  
 6 found, and if not, then to collect it out of the property of  
 7 the surety.

1 SECT. 6. Actions for fines and forfeitures, may be pros-  
 2 ecuted by the officers or persons to whom they are by law C. S. p. 615, Sect. 8.  
 3 given, or who, by special provisions of law, are authorized  
 4 to recover them; and whether prosecuted by public officers