

STATE OF MINNESOTA,
EXECUTIVE DEPARTMENT,
ST. PAUL, March 5, 1885.

Hon. John L. Gibbs, Speaker House of Representatives,

SIR: I herewith return without approval,

H. F. No. 378, An act to amend chapter ninety-eight of the General Statutes of eighteen hundred and seventy-eight, relating to offenses against the public peace.

This relates to the use of military force to maintain the peace. The present law places the armed force when called out for that purpose under the command of the governor, a judge of the court of record, the sheriff, or any two of certain named peace officers. The proposed amendment requires the commander-in-chief to "give explicit instructions as to the duty to be performed," after which the commander of the troops called out is subject to no orders or control whatever.

Riots and disturbances of the peace usually arise unexpectedly. The developments which require the presence of troops are sudden and rapid. The circumstances change constantly. Explicit instructions by the commander-in-chief when not upon the ground, as to the duty to be performed, are often impossible. His instructions must necessarily be general in terms. It must be left to the discretion of some person who is present to determine for what particular object and at what particular time the military force shall bring action after its manner.

I think that discretion can as a rule be more safely exercised by a civil officer than by the commander of the troops called out. The bill would leave it entirely to the military officers.

Very respectfully,

L. F. HUBBARD,
Governor.

S. F. No. 102, A bill to amend sections thirteen, fourteen, seventeen, eighteen and nineteen of chapter fifty-nine, General Statutes one thousand eight hundred and seventy-eight,

Was read the third time and put upon its final passage.

And the question being taken on the passage of the bill, there were yeas 67 and nays none, as follows:

Those who voted in the affirmative were—

Messrs. Batchelder, Bean, Becker, Bjorge, Blackmun, Bradford, Brown, Bruce, Burlingame, Byorum, Caine, Capser, Canning, Carson, Daniels, Deike, Downs D., Durant, Dyar, Edmond, Ende, Evans, Fiddes, Flynn, Foster, Gorman, Griffin, Hample, Hush, Iltis, Johnson, Knox, Lee, Leland, Lienau, Lightley, McKenney, McKusick, Maguire, Martin, Morse, Muzzy, Olson, Peterson P., Peterson J. W., Porter, Pratt, Reese, Reinhard, Saettre, Skinner, Smith R. A., Smith J., Snider, Snow, Spaulding, Stephen, Sweetser, Teubert, Tinnes, Turrell, Valentine, Warner, Webster, Wendelschaffer, Wigley and Mr. Speaker.

So the bill passed and its title was agreed to.

S. F. No. 171, A bill relating to the records in the office of the clerks of the district court,

Was read the third time and put upon its final passage.

And the question being taken on the passage of the bill, there were yeas 65 and nays none, as follows: