

## CHAPTER 387—H. F. No. 2.

*An Act to amend section 4876 of Revised Laws of 1905, relating to punishment of murder in the first degree.*

Be it enacted by the Legislature of the State of Minnesota:

**Murder in first degree punishment by imprisonment for life.**

—Section 1. That section 4876 of the Revised Laws of 1905, be and the same is hereby amended so as to read as follows:

“Section 4876. The killing of a human being, unless it is excusable or justifiable, is murder in the first degree, when perpetrated with a premeditated design to effect the death of the person killed or of another, and shall be punishable by imprisonment for life in the state prison.”

Approved April 22, 1911.

1011 C 388<sub>2</sub>  
12

## CHAPTER 388—H. F. No. 127.

13 C 388  
520

*An Act entitled an Act to provide for the nomination of candidates and the selection of a candidate for senator in Congress from this state by direct vote of the people.*

Be it enacted by the Legislature of the State of Minnesota:

**Secretary of state to place names upon official ballot.**—Section 1. At all general primary elections next preceding the election of a senator in congress by the legislature of this state, the secretary of state shall cause to be placed upon the official primary ballots of the several counties the names of all electors seeking the nomination for senator in congress whose name shall have been duly filed under the provisions of this act.

**Filing with secretary.**—Sec. 2. Any qualified elector, of this state, who shall be otherwise eligible to election as senator in congress, may, within at least twenty days prior to general primary election aforesaid, file with the secretary of state his affidavit, duly acknowledged, stating his name, age, and residence; that he is a qualified voter and eligible to election as senator in congress from this state; the name of the political party with which he affiliates and whose candidate he desires to become, and stating that he desires his name placed on the official primary ballots of the several counties at the ensuing primary election as a candidate of that party for the nomination for senator in congress as aforesaid.

**Fee of \$100.**—Sec. 3. Upon the filing of such affidavit in his office accompanied by a fee of one hundred dollars (\$100), the

secretary of state shall record the same and make a proper certificate and shall notify the county auditors of the several counties of the state of the fact of such filing and direct them to place upon the official primary election ballots of their respective counties, the name of the candidate seeking the nomination for senator in congress.

**County auditors to place name upon official ballot.**—Sec. 4. After the receipt of the notification of the secretary of state provided in the preceding section, the county auditors of the several counties shall cause the name of all electors seeking the nomination for senator in congress from this state to be placed upon the official ballots of the party to which said elector affiliates as shown by his affidavit of nomination, printed by them for the ensuing primary election in their respective counties; and the names of said candidates for the nomination of senator in congress shall precede the names of all other candidates on each ballot.

**Statement.**—Sec. 5. For the purpose of carrying into effect the full intent of this act, it is hereby provided that any elector seeking the nomination for the office of senator or representative in the legislature may include the following signed statement in a declaration filed with his affidavit for nomination.

Statement No. 1.

I further state to the people of Minnesota and of my legislative district, that, during my term of office I will always vote for the candidate for senator in congress from this state who has received the highest number of the people's votes for that position in the entire state at the general election next preceding the election of a senator in congress.

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Signature of candidate.

*Provided*, however, that if any legislative candidate does not sign the foregoing statement neither the secretary of the state nor any county auditor shall refuse to place his name on the official primary election ballot when all of the other legal requirements have been complied with. It is hereby made the duty of the secretary of state to notify the county auditors of the several counties of the state of the fact of the making and filing of the statement set forth in this section, for the positions of senator or representative in the legislature in all cases where said statement is filed in the office of the secretary of state. It is hereby made the duty of the several county auditors of the state to place upon the official ballots, both at the general and primary election, after the name of each candidate for the office of representative and senator in the legislature who has signed

such statement, whether said statement is filed in the office of the county auditor, or secretary of state, the following words, "Signed statement for people's choice for senator."

**Canvassing of votes.**—Sec. 6. In the canvass of votes of the primary elections mentioned in this act, the votes for the nomination for United States senator shall be canvassed as are the votes for the nomination for candidates for other offices, except that the results for said senatorial nomination in each county shall be canvassed separately and the result certified to the secretary of state as for all candidates to be voted for, under the general primary election law, in more than one county.

**Duty of state canvassing board.**—Sec. 7. The state canvassing board, as constituted for canvassing the returns of general elections, shall canvass the vote for the nomination of senator in congress and declare the result in the same general manner as the other returns of the primary election made to the secretary of state, and shall certify the name of the candidate of each political party, who has received the highest number of votes for such nomination. Thereupon the secretary of state shall notify each candidate of his nomination and that upon the receipt of a fee of one hundred dollars (\$100) his name will be placed upon the state official ballot to be used at the next general election; *provided* that, in case of the death or disability of such nominee or in case of a vacancy therein for any cause whatsoever after such nomination and prior to the general election, the state central committee of the political party to which belonged the nominee whose death, disability or removal caused the vacancy, shall be authorized to fill such vacancy by appointment and in such a case, the name of such appointee of the said state central committee shall be placed upon the general election ballots with the same force and effect as is herein provided in case of persons nominated according to the provisions of this act.

**Printing on official state ballots.**—Sec. 8. At each general election next preceding the election of a senator in congress by the legislature the secretary of state shall cause to be printed on the official state ballots, preceding the names of candidates for state offices, the name of the candidates for senator in congress, with their respective party designations as in the case of the names of the other candidates on said ballots.

**Votes to be canvassed by state canvassing board.**—Sec. 9. At each general election referred to in this act the votes for the nomination for senator in congress in this state shall be canvassed by the state canvassing board in the same manner as the votes for state officers, and the candidate for senator in congress receiving the greater number of votes shall be declared to be the

choice of the people of Minnesota for senator in congress from this state for the next vacancy in said office to be filled; and a certificate to that effect shall be delivered by the secretary of state to the said candidate and to the presiding officer of each house of the ensuing legislature when that body shall be organized.

Sec. 10. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved April 21, 1911.

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CHAPTER 389—H. F. No. 1134.

1911 C 389  
12 - 10

*An Act providing for the taxation of railroad properties, the collection and times of payment of such tax and repealing acts inconsistent therewith.*

Be it enacted by the Legislature of the State of Minnesota:

**4 per cent taxes on all gross earnings derived from all sources payable semi-annually.**—Section 1. Every railroad company owning or operating any line of railroad situated within, or partly within this state, shall, during the year 1913, and annually thereafter, pay into the treasury of this state, in lieu of all taxes and assessments, upon all property within this state, owned or operated for railway purposes, by such company, including equipment, appurtenances, appendages and franchises thereof, a sum of money equal to four per cent of the gross earnings derived from the operation of such line of railway within this state, and such railroad company shall also likewise pay a tax of four per cent upon its gross earnings within this state, derived from all other sources whatsoever, and the tax shall become due and be payable in manner and time as follows:

On or before August 13, 1913, and annually thereafter, each such railroad company shall make, according to law, a true and just return of all such gross earnings for the six months ending June 30th next preceding, and the said tax of four per centum thereon shall become due and be payable to the State of Minnesota in manner provided by law, on September 1st, next thereafter:

On or before February 15, 1914, and annually thereafter, each such railroad company shall make, according to law, a true and just return of all such gross earnings for the six months ending December 31st next preceding, and said tax of four per centum thereon shall become due and payable to the State of Minnesota in manner provided by law, on March 1st next there-