

opening and canvassing the returns and awarding certificates of election, by the auditor of said Anoka county, as are to be observed in other cases provided in section thirty-two of said chapter.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 24, 1872.

CHAPTER LVII.

February 26,
1872.

An Act to amend Sections Forty-Eight and Forty-Nine of Chapter one of the General Statutes of Minnesota relating to Contested Elections.

SECTION 1. Amendment to section 48 of chapter 1 of the general statutes.

Section 48. Relating to proceedings in contested elections, for members of the Legislature.

2. Amendment to section 49 of the same chapter.

Section 49. Relating to proceedings in contested elections for county officers.

3. Repeal of inconsistent acts excepting chapter 45 of general laws of 1871.

4. When act to take effect.

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

SECTION 1. That section forty-eight of chapter one, of the general statutes be amended so as to read as follows:

Sec. 48. If a party whose election is contested desires to offer testimony upon points not specified in the notice of the contestants he shall, within ten days after the contestant's notice is served upon him as aforesaid, serve upon said contestant in the manner provided in section forty-six, a notice specifying such additional points and the place and time

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(which shall not be more than ten days later than the time fixed by the contestant in his notice for taking depositions) at which time testimony thereon will be taken before the justices of the same county, which last notice shall be served at least ten days previous to the time of taking testimony. No testimony shall be taken by the justices which does not relate to some point specified in said notices, a copy of which shall be respectively delivered to the justices taking testimony thereon and by them transmitted to the presiding officers of that branch of the legislature where the contest is to be decided with the other documents.

SEC. 2. That section forty-nine of the same chapter be amended so as to read as follows:

Sec. 49. Any candidate or elector of the proper county may contest the election of any person declared, elected to any county office, and he shall proceed therein in the manner prescribed for contesting the election of senators and representatives to the legislature. Save only that the contestant shall within twenty days after the votes have been canvassed, cause a notice specifying the points on which the election will be contested to be served on the person whose election he intends to contest, in the manner provided in section forty-six. And if such person whose election is contested desires to offer testimony upon points not specified in the notice of the contestant he shall in the same manner, within ten days after the service of the contestant's notice on him serve a notice on the contestant, specifying such additional points, and upon such notices which are not to be taken as true until proved and which may be amended if the court under all the circumstances deems it just. All testimony shall be taken as in civil actions, and all matters relating to said contest shall be heard and tried by the district court of the proper county in the manner that civil actions are tried by the court. Said contest shall be heard and tried and the costs therein taxed by the district court of the proper county in the manner that civil actions are tried by the court. And the judge of the said court in case no term of said court occurs within ninety days after the votes are canvassed, shall appoint a special term of said court and the said district court at the first general or special term after the expiration of thirty days after the votes are canvassed shall hear and determine the contest. When the judgment or decision of the district court shall be removed to the supreme court, the party removing the same shall file in the district court a bond to the opposite party in such sum, not less than five hundred dollars, and with such sureties as

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shall be approved by the judge conditioned for the payment of all costs incurred by the respondent in case the appellant fails in his appeal.

Repeal of inconsistent acts with an exception.

SEC. 3. All acts or parts of acts inconsistent with this act are hereby repealed: Provided, that nothing in this act contained shall be so construed as to repeal or affect the provisions of chapter forty-five (45) of the general laws of the year A. D. 1871.

SEC. 4. This act shall take effect from and after its passage.

Approved Feb. 26, 1872.

CHAPTER LVIII.

January 26,
1872.

An Act to amend Sections Seven and Eight Chapter Three of the General Laws of the State of Minnesota.

SECTION 1. Amendment to section 7 of chapter 3, of General Laws

Sec. 7. Relating to the organization of the House of Representatives.

2. Amendment to section 8 of the same chapter.

Sec. 8. Abolishing the office of fireman.

3. When act to take effect.

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

SECTION 1. Section seven of chapter three, general laws, shall be amended to read as follows :

Organization of the House of Representatives.

Section 7. At the time specified in section five the secretary of state and in his absence the senior member present in the hall of the house of representatives, shall call the members elect to order, and appoint from such members a clerk pro-tem. The several representative districts shall be called in numerical order, and as the same are called the