

James C. Child
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THE

PUBLIC STATUTES

OF THE

STATE OF MINNESOTA.

(1849—1858.)

COMPILED BY
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COMMISSIONERS.

PUBLISHED BY STATE AUTHORITY.

SAINT PAUL:
THE PIONEER PRINTING COMPANY.

1859.

and on the delivery of the same to the secretary of state, on the requisition of the governor, the auditor of state shall issue his warrant upon the state treasurer for the amount thereof; and there is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, a sum sufficient to defray the cost of the number of copies so required.

(33.) SEC. IV. The party publishing said statutes under the direction of the governor, in consideration of being guaranteed in the enjoyment of the copyright of same, shall execute to said governor a bond in the penal sum of ten thousand dollars, with good and sufficient sureties, conditioned that he will pay and sustain all the expenses incident to such publication, and forever save the state harmless of and [free] from all charges on account thereof. Publisher to give bond.

(34.) SEC. V. This act shall take effect and be in force from and after its passage.

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THE LEGISLATURE.

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An Act defining the rights, powers, duties, and exemptions, of the two houses of the legislative assembly, their members and officers. (a)

✓ [Chapter 3, Revised Statutes.]

SEC. I. [*Repealed by laws of 1858, page 114.*]

(1.) SEC. II. [*As amended on page 30, of the amendments of 1852 to the revised statutes.*] No member of the council or house of representatives while going to, returning from, or in actual attendance upon the duties of his office, shall be liable to arrest upon civil process. Members exempt from arrest.

(a) Chapter 85, laws of 1858, page 276, *et seq.* changes, but does not repeal, this portion of the revised statutes, and it is therefore published.

Each house may punish for contempt.

(2.) SEC. III. Each house may punish, as a contempt, by imprisonment or breach of its privileges, or the privileges of its members, but only for one or more of the following offenses, to wit:

1. The offense of arresting a member or officer of the house, or procuring such member or officer to be arrested in violation of his privileges from arrest.

2. That of disorderly conduct in the immediate view of the house, and directly tending to interrupt its proceedings.

3. That of refusing to attend to be examined as a witness either before the house or a committee, or before any person authorized by the house, or a committee, to take testimony in legislative proceedings.

4. That of giving or offering a bribe to a member, or of attempting, by menace or other corrupt means or device, directly or indirectly, to control or influence a member in giving his vote, or to prevent his giving the same; but the term of imprisonment which such house may impose for any contempt specified in this section shall not extend beyond the same session of the legislature.

see ch. 17
2:11-1:11

Persons guilty of contempt also guilty of misdemeanor.

(3.) SEC. IV. Every person who shall be guilty of any contempt specified in the preceding section, shall also be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment not exceeding one year, or by fine not exceeding one thousand dollars, or both such fine and imprisonment at the discretion of the court.

Who may administer oath of office to members of.

(4.) SEC. V. The speaker of the house of representatives and the president of the council, the governor, attorney general, or any of the judges of the supreme court, are hereby authorized to administer the oath of office to the members and officers of the legislature.

Who may administer oaths.

(5.) SEC. VI. Any member of the council or house of representatives, while acting as a committee of the house of which he is a member, shall have authority to administer oaths to such persons as shall be examined before the committee of which he is a member.

Contested seats, how determined.

(6.) SEC. VII. In case the right of any person to a seat in either house of the legislative assembly shall be contested, the right of such person to a seat as aforesaid shall be determined by the house in which he claims such seat as a member; and such house shall, in all cases, be the judge of the qualification of its members.

SEC. VIII. [Superseded by laws of 1858, page 277.]

Officers of the house of representatives.

(7.) SEC. IX. The officers of the house of representatives shall consist of a speaker (who shall be a member of the said body,) a chief clerk, an assistant clerk, a sergeant-at-arms, (who shall also perform the office of doorkeeper,) a messenger, and a fireman.

SEC. X. [Superseded by laws of 1858, page 277.]

Secretary of council and chief clerk of the house, their duties.

(8.) SEC. XI. It shall be the duty of the secretary of the council and chief clerk of the house of representatives to keep correct journals of the proceedings of their respective houses, to have the custody of all records, accounts, and other papers committed to them; and at the close of each session of the legislative assembly, shall deposit for safe keeping in the office of the secretary of the territory, all books, bills, documents, resolutions, and papers in the possession of the legislature, correctly labeled, folded and classified, and generally to perform such duties as shall be assigned them by their respective houses: *provided*, the journals of the two-houses need not be deposited as above provided until the expiration of thirty days after the adjournment of the legislative assembly.

Journals to be prepared for printing.

(9.) SEC. XII. It shall also be the duty of the secretary of the council and the chief clerk of the house, at the close of each session, to prepare for the press, and superintend the publication of the journals of the proceedings of their respective houses, and to affix an index thereto;

and to transcribe into a book kept for that purpose, the documents accompanying the message of the governor, or by him sent to either house, other than those entered on the journal, or the documents reported to either branch of the legislative assembly by any public officer of the territory, in pursuance of law, for which service they shall be allowed such compensation as the legislative assembly shall from time to time determine.

(10.) SEC. XIII. It shall be the duty of the said secretary and chief clerk, at the opening of every session of the legislative assembly, to make a correct roll of the members of their houses, respectively, to whom certificates of election have been issued by the proper officers, which certificates shall be filed by said secretary and chief clerk.

Roll of members to be made.

(11.) SEC. XIV. (a) In all cases, the said secretary and chief clerk serving at the close of a session, shall remain in office until the organization of the next regular annual session of the legislature, and at twelve o'clock, meridian, on the day appointed by law for the meeting of the legislative assembly, the said secretary and chief clerk, or in the absence of either, then some member or other person appointed by the members present, shall call the members of their respective houses so enrolled to order, when the houses respectively may proceed to the election of a presiding officer.

Secretary and clerk to remain in office until the next session.

(12.) SEC. XV. The compensation prescribed by law for the officers of the council shall be certified by the president thereof, and attested by the secretary; and the compensation that may be due to the officers of the house of representatives, shall be certified by the speaker thereof, and attested by the chief clerk, which said certificate, when made out as aforesaid, shall be sufficient evidence to the secretary of the territory, of each person's claim.

Compensation of officers to be certified by presiding officer of each house.

SEC. XVI. [*Superseded.*]

(13.) SEC. XVII. It shall be competent at any time during a session of the legislative assembly, for either house, by a vote of two-thirds of the members present, to remove from office any of the officers provided for in this act; but in case of the removal of any officer by either house, his place shall be supplied by an election, *viva voce*; and in all elections under the provisions of this act for officers of either house of the legislative assembly, it shall require a majority of all the votes cast to determine a choice.

Either house may remove an officer.

(14.) SEC. XVIII. There shall be allowed to the presiding officers of each house three dollars per diem extra, and to each of the officers provided for by this act, for the council and house of representatives, three dollars per diem during the session of the legislative assembly.

Compensation of officers of each house.

(15.) SEC. XIX. Either house may, by resolution, request the opinion of the supreme court, or any one or more of the judges thereof, upon a given subject, and it shall be the duty of such court or judges, when so requested, respectively, to give such opinion in writing.

Either house may request the opinion of supreme court.

An Act to provide for Sessions of the Legislature.

[Passed August 10, 1858.] c 50

(16.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* That an election shall be held in the several election precincts of the state on the second Tuesday of October of each and every year, for the election of members of the senate and house of representatives, and such election shall be conducted and the returns made in such manner as heretofore prescribed for the election of members of the council and house of

Annual election second Tuesday in October.

(a.) Section 3 of chapter 85, laws of 1858, page 276, *et seq.*, changes this mode of calling Houses to order.

representatives for the territory of Minnesota, or as may be hereafter prescribed by law.

Assembling of legislature first Wednesday of December.

(17.) SEC. II. The legislature shall assemble annually at the seat of government on the first Wednesday of December in each and every year, except that there shall be no further session of the legislature during the present year, nor until the regular time herein prescribed for the meeting of the legislature in the year 1859, unless sooner convened by proclamation of the governor, in pursuance of the power contained for such purpose in the constitution of the state.

Term of office of senators two years.

(18.) SEC. III. The term of office for senators shall be two years; and at the first election hereafter for senators and members of the house of representatives, senators shall be elected for the odd districts only, and at each succeeding election senators shall be chosen alternately from the districts designated by even and odd numbers, except that there shall be an entire new election of all the senators at the election next succeeding each new apportionment, provided for by the state constitution. Members of the house of representatives shall be elected annually, and they shall hold said office for one year.

Members of house one year.

Repugnant acts repealed.

(19.) SEC. IV. All acts and parts of acts inconsistent with or contravening the provisions of this act, are hereby repealed.

Act to take effect.

(20.) SEC. V. This act shall take effect and be in force from and after its passage.

Chap. 58/2 329-1858 An Act to provide for the Organization of the Legislature.

An Act to provide for the Organization of the Legislature.

[Passed August 2, 1858.] c. 85

Secretary of state to prepare legislative halls.

(21.) SEC. I. *Be it enacted by the legislature of the state of Minnesota:* That immediately previous to any regular, adjourned, or called session of the legislature, it shall be the duty of the secretary of state to cause the halls in which the senate and house of representatives are expected to hold their sessions, to be suitably prepared for that purpose.

Evidence of membership for organization.

(22.) SEC. II. That the certificate of election, from the register of deeds of the proper county, shall be held and considered as *prima facie* evidence of the right to membership of the person certified therein to be elected, for all purposes of organization of either branch of the legislature.

Manner of organizing the senate.

(23.) SEC. III. That at the hour of twelve o'clock, M, on the day appointed for the convening of any regular session of the legislature, the president of the senate, or in the case of his absence or inability, then the oldest member present shall take the chair and call the members elect to order, and shall appoint from the members a clerk *pro tem*; the president or chairman shall then call over the senatorial districts in their order, and as the same are called, the persons claiming to be members shall present their certificates and take an oath or affirmation to support the constitution of the United States, and of the state of Minnesota, and also an oath of office, which may be administered by the president of the senate, or by any person authorized to administer oaths.

Officers of Senate to be elected.

(24.) SEC. IV. That after the members elect shall have taken the oath of office or affirmation aforesaid, if there shall be a quorum present, the senate shall proceed to the election of a secretary and an assistant secretary, an enrolling clerk, an engrossing clerk, a sergeant-at-arms, and a fireman, and the election shall be in the order as above stated in this section, and shall be a *viva voce* vote.

Terms of office.

(25.) SEC. V. That the secretaries, clerks, sergeant-at-arms, and fireman shall hold their office for and during the session at which they are elected, but may be discharged by a resolution of the senate.

(26.) SEC. VI. At the same time that is provided for the senate being called to order, it shall be the duty of the chief clerk of the house of the next preceding session of the legislature, and in his absence, then the oldest member present, in the hall of the house of representatives, to call the persons elected to that body to order, and appoint from those elected, a clerk *pro tem*; the several counties or districts of the state shall then be called in alphabetical order, and as the counties or districts of members elect are called, they shall present their certificates and take an oath or affirmation to support the constitution of the United States, the constitution of the state of Minnesota, and also an oath of office.

Organization of the house of representatives.

(27.) SEC. VII. So soon as all the members elect present shall have taken the oath or affirmation aforesaid, if there shall be a quorum, they shall proceed to the election of a speaker, chief clerk and an assistant clerk, an enrolling clerk, an engrossing clerk, a sergeant-at-arms, and a fireman, and no additional officer shall be elected or appointed in either branch of the legislature, (except messenger boys,) during the first two weeks of the session, and none after that time, unless upon application of either the chief clerk or sergeant-at-arms, in which they shall state the additional number they deem necessary, and if either branch of the legislature shall pass a resolution that such additional helps are necessary, then such branch passing such resolution, may proceed to the election of such additional clerk or clerks, sergeant, or sergeants-at-arms.

Officers of the house to be elected.

(28.) SEC. VIII. That all officers elected or appointed in either branch of the legislature shall take an oath or affirmation to support the constitution of the United States, and the constitution of the state of Minnesota, and that they will faithfully and diligently discharge the duties required of them in their respective offices.

Oath of office to be taken by all officers.

(29.) SEC. IX. That the clerks and sergeant-at-arms, and fireman of the house of representatives shall hold their offices for the same time, and be removed in like manner as is provided for the same offices in the senate.

Term of office.

(30.) SEC. X. The president of the senate shall appoint two messenger boys, and the speaker of the house two, who shall serve during the session of the legislature, unless sooner discharged for cause, and shall each receive one dollar and fifty cents per day.

Appointment of messengers.

(31.) SEC. XI. That in all elections for officers of either branch of the legislature, a majority of all the votes given shall be necessary to a choice.

Majority vote necessary for election of officers.

(32.) SEC. XII. That whenever at the commencement, or during the regular, adjourned or called session of the legislature, upon a call of either house, it shall be found that no quorum of members is present, or if any member or members shall be found absent upon any such call, the members present shall be authorized to direct the sergeant-at-arms, or if there be no sergeant-at-arms of such house, then any other person duly authorized by the presiding officer of either house, to compel the attendance of any or all absentees: *provided*, that if the house refuse to excuse such absentee, he shall not be entitled to any per diem during such absence.

Proceedings to obtain a quorum.

(33.) SEC. XIII. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

(34.) SEC. XIV. This act shall take effect and be in force from and after the adjournment of the present legislature.