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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 I.

ELECTIONS.

1 SECTION 1. On the first Tuesday after the first Monday
 2 of November, in each year, an election shall be held in the
 3 several election districts of the state, which shall be known
 4 as the annual election. And the several state and county
 5 officers, judges of the supreme and district courts, members
 6 of the legislature and representatives in the congress of the
 7 United States, shall be elected at the annual election next
 8 preceding the expiration of the term of each of the said
 9 officers respectively; and on the year when a president and
 10 vice president of the United States are to be chosen, a
 11 number of electors of president and vice president of the
 12 United States, equal to the number of senators and repre-
 13 sentatives to which this state is entitled in the congress of
 14 the United States, shall be elected at said election.

Ex. S. 1862-p. 18. c 2 s 1

1 SECT. 2. Every organized township and every ward of
 2 an incorporated city is an election district. The township
 3 supervisors of each township are the judges of election, and
 4 the town clerk of each township shall act as one of the clerks
 5 of election in their respective election districts, and the judges
 6 shall appoint an additional clerk of election, who shall be of an
 7 opposite party, if practicable, to the town clerk. The city
 8 council of each incorporated city shall appoint three quali-
 9 fied electors of each election district of said city, who shall
 10 be the judges of election in their election districts respec-
 11 tively, and who shall appoint two qualified electors of their
 12 election districts as clerks of election: *Provided*, That in
 13 the cities of Saint Paul and Rochester, the aldermen in each
 14 ward shall be the judges of election in their respective
 15 election districts, and shall appoint two qualified electors of
 16 each ward respectively, who shall be the clerks of election.
 17 The election shall be held in each election district, at the
 18 place where the last preceding town meeting or ward
 19 election was held, but if a vote is taken to hold it elsewhere,
 20 the election shall be held at the place designated; *Provided*,
 21 The city council of any incorporated city may, by ordinance,
 22 incorporate any two adjoining wards into one election dis-
 23 trict, and appoint the place of holding the election in such
 24 district, and in any township having over five hundred
 25 electors, the supervisors may divide the same into two
 26 election districts and designate the boundaries thereof,
 27 and thereafter there shall be elected at the annual town

1861-p. 97, Sect. 2. c 15 s 2

28 meeting of such township, three judges of election, and
 29 two clerks of election in each district, and the place of
 30 holding election in each district shall be designated by said
 31 town meeting, or in default of such designation shall be
 32 appointed for each district by the judges of election thereof.

c 1553

1861—p. 98, Sect. 3.

1 SECT. 3. The supervisors of the several townships, and
 2 the city council of the several cities shall procure at the ex-
 3 pense of the said townships and cities respectively, a ballot
 4 box for each election district destitute of the same, which
 5 box shall be provided with a lock and key, and have an open-
 6 ing through the lid, of sufficient size to admit a single folded
 7 ballot and no more; and the said box shall be kept by the
 8 town clerk of each township, and by the city clerk of each
 9 city, for the use of the judges of election in the said elec-
 10 tion districts respectively.

c 1554

1861—p. 98, Sect. 4.

1 SECT. 4. Each township and city clerk, fifteen days at
 2 least before the holding of any general election, and ten
 3 days at least before the holding of any special election,
 4 shall give public notice of the time and place of holding
 5 such election, by posting in three public places in each
 6 election district, three notices containing a list of the offi-
 7 cers to be elected at such election, one of which notices
 8 shall be posted up at the place of holding the election; the
 9 said notices to be in substance as follows, to wit:

10 "Notice is hereby given, that on the _____ day
 11 of _____ 18____, at the _____
 12 in the election district composed of the (township, ward
 13 or town, as the case may be,) of _____ in the
 14 county of _____ an election will be
 15 opened at 9 o'clock in the morning, and will continue open
 16 until 5 o'clock in the afternoon of the same day.
 17 Dated this _____ day of _____ 18____.
 18 Signed,

19 A. B. (Township, City or Town Clerk.)
 20 *Provided*, That no failure of any clerk to give notice as
 21 aforesaid, shall in any manner invalidate any election.

c 1555

1861—p. 98, Sect. 5.
Amended.

1 SECT. 5. The judges of election in each election dis-
 2 trict, at least fifteen days before any election, shall make a
 3 list of the names of all persons who are entitled to vote in
 4 their respective election districts at such election, which
 5 said list shall contain the surnames of such persons in al-
 6 phabetical order. Three copies of said list shall, at least
 7 ten days before such election, be posted in three public
 8 places in each election district, together with a notice of the
 9 time and place when and where the said judges of election
 10 will be present for the purpose of making corrections in
 11 said list. The said judges of election, on each Wednes-

12 day next preceding such election, and, if necessary, for
 13 the next three days, from the hour of nine in the forenoon
 14 to four in the afternoon, and for two hours next preceding
 15 the opening of the polls on the day of such election, shall 1881-p. 98, Sect. 6.
Amended.
 16 be present at the place appointed for the holding of such
 17 election in their respective election districts, for the pur-
 18 pose of making corrections in said list. In making such
 19 corrections, the said judges of election shall insert upon
 20 said list, the additional names of all persons properly shown
 21 to be entitled to a vote at such election, and erase from
 22 said list the names of all persons properly shown not to be
 23 entitled to vote at such election. The said judges in first
 24 making out said list shall consult the poll lists used at the
 25 last preceding election in their respective election districts,
 26 and shall place on said list the names of all persons whom
 27 they know, or with reasonable diligence ascertain to be en-
 28 titled to vote at such election in their respective election
 29 districts. In making the final corrections of said list to as-
 30 certain who are entitled to vote at such election, the said
 31 judges shall be governed by the rules and regulations here-
 32 inafter for that purpose prescribed, and at such election no
 33 person shall vote whose name is not upon said list at
 34 the time of opening the polls, and the vote of no person
 35 shall be rejected whose name is upon said list at the
 36 time of opening the polls. *Provided*, If any person offers
 37 to vote at such election whose name is not upon said list,
 38 and who is by all the judges personally known to have the
 39 qualifications of an elector in said district, and entitled to
 40 a vote at such election, but whose name has been acciden-
 41 tally omitted from the said list, then the name of such per-
 42 son shall be added to said list, and he shall be allowed to
 43 vote, but in all such cases an entry shall be made opposite
 44 the name of such person of the fact that the said name was
 45 inserted in said list after the opening of the polls. And
 46 the judges of election shall make or cause to be made a du-
 47 plicate of said list, so that there shall be two register poll
 48 lists at every election.

1 SECT. 6. If either of the judges of election of any elec-
 2 tion district fails to attend at the time and place appointed
 3 for correcting said list, or holding any election; or if either 1861-p. 100, Sect. 6. C 15 56
 4 of said judges is a candidate at such election, or refuses
 5 to act as judge, the qualified electors of the said election
 6 district present, shall choose *viva voce*, some qualified elec-
 7 tor of said election district to act as judge, instead of such
 8 judge so absent, disqualified or refusing to act; and if any
 9 clerk of election is absent, disqualified or refuses to act, the
 10 judges of election shall appoint some qualified elector in
 11 place of such clerk. And before any judge or clerk of
 12 election enters upon the performance of any of the duties

13 imposed upon him by this chapter, he shall take and sub-
 14 scribe an oath in the following form, to wit: "I, A. B.,
 15 (judge or clerk of the election, as the case may be,) do
 16 solemnly swear (or affirm) that I will perform the duties of
 17 (judge or clerk of election, as the case may be,) according
 18 to law and the best of my ability; and that I will studious-
 19 ly endeavor to prevent fraud, deceit and abuse in conduct-
 20 ing this election, so help me God," which said oath so taken,
 21 subscribed and certified, shall be affixed to the said list pro-
 22 vided for in the last preceding section. If there is no per-
 23 son present authorized to administer oaths, then the judges
 24 of election may administer to each other and to the clerks
 25 the oath above provided.

C 1557 1861-p. 100, Sect. 7.

1 SECT. 7. At all elections to be held under this chapter,
 2 the polls shall be opened at nine o'clock in the forenoon,
 3 and remain open until five o'clock in the afternoon.

C 1558 1861-p. 100, Sect. 8.

1 SECT. 8. At all elections to be held under this chapter,
 2 the judges and clerks of election shall receive, as a com-
 3 pensation for their services in such election, the sum of one
 4 dollar each per day, to be paid out of the treasury of the
 5 proper township, city or town.

C 1559 1861-p. 101, Sect. 9.

1 SECT. 9. The judges of election, or one of them, im-
 2 mediately before proclamation is made of the opening of
 3 the polls, shall open the ballot boxes in the presence of the
 4 people there assembled, and turn them upside down, so as
 5 to empty them of everything that is in them, and then lock
 6 them; and the key thereof shall be delivered to one of the
 7 judges, and said box shall not be re-opened until for the
 8 purpose of counting the ballots therein, at the close of the
 9 polls, and one of the judges shall forthwith proclaim that
 10 the polls are open.

C 15510, 11 1861-p. 101, Sects.
 10 and 11.

1 SECT. 10. Every elector shall vote by ballot, and each
 2 person offering to vote shall deliver his ballot to one of the
 3 judges, in the presence of the board. The ballot shall be a
 4 paper ticket, containing, written or printed, or partly writ-
 5 ten and partly printed, the names of the persons for whom
 6 the elector intends to vote, and designating the office to
 7 which each person so named is intended by him to be chosen;
 8 but no ballot shall contain a greater number of names of
 9 persons designated to any office, than there are persons to
 10 be chosen at the election to fill such office, and the names
 11 of all persons voted for by an elector shall be on one ballot.

C 15512

1 SECT. 11. The judge to whom any ballot is delivered
 2 shall upon the receipt thereof, pronounce with an audible
 3 voice, the name of the person from whom the ballot is so

4 received, and if the name of the person is found upon the
 5 list of electors aforementioned, the said judge shall, with-^{1861-p. 101, Sect.}
 6 out opening the said ballot or permitting the same to be^{12.}
 7 opened or examined, (except to ascertain whether it is a
 8 single ballot,) deposit the same in the ballot box, and the
 9 clerks of the election shall thereupon distinctly check the
 10 name of the said person upon the said lists.

1 SECT. 12. As soon as the polls are finally closed, (of
 2 which closing, proclamation shall be made by the judges^{1861-p. 101, Sect.} C 15 5 13
 3 thirty minutes previously thereto,) the judges shall imme-^{13.}
 4 diately proceed to canvass the vote given at such election,
 5 and the said canvass shall be public and continued without
 6 adjournment until completed, and the result thereof de-
 7 clared.

1 SECT. 13. The canvass shall commence by taking out
 2 of the box the ballots unopened (except so far as to ascer-^{1861-p. 101, Sect.} C 15 5 14
 3 tain whether each ballot is single,) and counting the same^{14.}
 4 to ascertain whether the number of ballots corresponds with
 5 the number of names on the list checked as aforesaid; and
 6 if two or more separate ballots are found so folded together
 7 as to present the appearance of a single ballot, they shall
 8 be laid aside until the count of the ballots is completed;
 9 then, if upon a comparison of the said count with the num-
 10 ber of names of electors on the lists which have been
 11 checked as aforesaid, it appears that the two ballots thus
 12 folded together were cast by one elector, they shall be des-
 13 troyed. If the ballots in the box are still found to exceed
 14 in number the names on the list checked as aforesaid, they
 15 shall be replaced in the box, and one of the judges shall
 16 publicly and without looking in the box, draw out there-
 17 from singly, and destroy unopened, a number of ballots
 18 equal to such excess. The number of ballots agreeing, or
 19 being thus made to agree with the number of names on said
 20 list, the list shall be signed by the judges and attested by
 21 the clerks, and the number of names thereon checked as
 22 aforesaid, shall be set down in words and figures at the foot
 23 of said list, and over the signatures of the judges, and the
 24 attestation of the clerks, in the manner hereinafter provided,
 25 in the form of said list.

1 SECT. 14. After the said list is thus signed, the judges
 2 shall proceed to count and ascertain the number of votes^{1861-p. 102, Sect.} C 15 5 15
 3 cast for each person voted for, and the ticket shall then be^{15.}
 4 distinctly read, and as soon as read and canvassed shall be
 5 strung by one of the judges upon a string, and deposited in
 6 the office of the town or city clerk, and carefully preserved
 7 until the next general election, and the clerk shall set down
 8 on a paper to be known as the returns of the election, the

1861—p. 102, Sect. 15.

9 name of every person voted for, written at full length, the
 10 office for which such person received such votes, and the
 11 number of votes he received—the number being expressed
 12 at full length, and also in figures. The said returns shall
 13 be as nearly as circumstances will admit, in the following
 14 form, viz :

15 “ At an election held at _____ in the election district
 16 composed of the (township, ward or town, as the case may
 17 be) of _____ in the county of _____ in the state of
 18 Minnesota, on the _____ day of _____ 18 _____, the following
 19 named persons received the number of votes set opposite
 20 their respective names, for the following described offices,
 21 to wit :

22 A. B. received (the number in figures and also at full
 23 length,) votes for (specifying the office) and (in like man-
 24 ner for each person voted for, for any office.)

25 Certified by us,
 26 A. B.,
 27 C. D.,
 28 E. F., judges of election.

29 Attest : A. B.
 30 G. H., clerks of election.”

c 1 5 5 1 6 1861—p. 103, Sect. 16.

1 SECT. 15. If a ballot is found to contain a greater num-
 2 ber of names for any one office than the number of persons
 3 required to fill the said office, the said ballot shall be con-
 4 sidered void, as to all the names designated to fill such
 5 office, but no further ; but no ballot shall be void, for con-
 6 taining a less number of names than is authorized to be in-
 7 serted thereon.

c 1 5 5 1 7 1861—p. 103, Sect. 17.

1 SECT. 16. The list of electors provided for in this chap-
 2 ter shall be substantially in the following form, to wit :

3 “ List of qualified electors in the election district com-
 4 posed of the (township, ward, or town, as the case may
 5 be) of _____, in the county of _____, state of Min-
 6 nesota, for an election to be held in the said election district,
 7 on the _____ day of _____, 18 _____.

8 A. B.,
 9 B. C.,
 10 C. D., (the surnames in alphabetical order.)
 11 The whole number of the above named persons who were
 12 present and voting at the above named election was :
 13 (amount written out in full, and also in figures.)

14 Certified by us,
 15 A. B.,
 16 C. D.,
 17 E. F., judges of election.

18 Attest : A. B.,
 19 G. H., clerks of election.”

20 After said lists have been used at the election for which
 21 they were made out, one of them shall be deposited and
 22 kept in the office of the township, city, or town clerk of
 23 the election district in which the same belongs, and shall be
 24 subject to the inspection of all persons, and the other shall
 25 be transmitted to the county auditor to be by him carefully
 26 preserved in his office.

1 \ SECT. 17. After the canvass is thus completed, the
 2 judges of election, before they disperse, shall inclose the
 3 said returns in a cover, seal the same, and indorse thereon ^{1861-p. 104, Sect. 18.} c 15 s 18
 4 the following words, viz: "Election returns of the elec-
 5 tion district of _____ in the county of _____,"
 6 and direct the same to the county auditor of their county;
 7 and the said returns shall, within five days from the day of
 8 election, be conveyed by one of said judges, to be chosen
 9 by lot, if not otherwise agreed upon, and delivered to the
 10 said county auditor at his office. *Provided*, That the re-
 11 turns of election in unorganized counties shall be made to
 12 the auditor of the county to which they are attached for
 13 elective purposes, and the votes shall be canvassed and cer-
 14 tificates of election issued to the persons elected in the
 15 manner provided in this chapter for canvassing votes and
 16 issuing certificates of election in organized counties.

1 SECT. 18. If any judge of election deputed to convey
 2 and deliver the returns as aforesaid, fails or neglects to de- ^{1861-p. 104, Sect. 19.} c 15
 3 liver the same to the said auditor, within the time prescrib-
 4 ed by law, safe, with the seals unbroken, he shall be guilty
 5 of a misdemeanor, and upon conviction thereof, be punished
 6 by a fine of five hundred dollars, or by imprisonment in the
 7 county jail not more than one year nor less than six months.

1 SECT. 19. The county auditor and two justices of the
 2 peace of his county, by him selected, constitute the county
 3 canvassing board, and on or before the tenth day after the
 4 election, said board shall proceed to open and publicly can- ^{1861-p. 104, Sect. 20. Amended.} c 15
 5 vass the several returns made to the auditor's office. The
 6 abstracts of the votes cast for governor and lieutenant
 7 governor, secretary of state, auditor of state, treasurer
 8 of state, attorney general, judges and clerk of the su-
 9 preme court, and judges of the district court, and all other
 10 state officers, shall be on one sheet, and being certified
 11 and signed by the auditor and justices of the peace,
 12 shall be deposited in said auditor's office, and two copies
 13 thereof shall be certified under the official seal of the audi-
 14 tor, one of which shall be inclosed and directed to the sec-
 15 retary of state and forwarded immediately to the seat of
 16 government by mail, and the other shall be delivered to a
 17 member of the legislature, to be by him conveyed to the

18 secretary of state; and the auditor shall indorse on the
 19 envelope, on the outside of each duplicate, "Certificate of
 20 the votes for governor, lieutenant governor, secretary of
 21 state, treasurer of state, attorney general," (and any other
 22 state officer, as the case may be,) and the name of the
 23 county in which said votes are given.

c15 1861—p. 105, Sect.
 21. Amended.

1 SECT. 20. Immediately after the organization of the
 2 house of representatives the secretary of state shall de-
 3 liver one of said copies to the speaker, who shall, within
 4 three days after each house is organized, cause the abstracts
 5 of the votes so received to be opened and canvassed before
 6 both houses of the legislature, in conformity with the pro-
 7 visions of the second section of article five of the constitu-
 8 tion.

c15 1861—p. 105, Sect.
 22.

1 SECT. 21. The abstracts of the canvass of votes for pro-
 2 bate judges, sheriffs, coroners, county auditors, county
 3 treasurers, registers of deeds, county surveyors, clerks of
 4 the district court, county attorneys, court commissioners,
 5 county commissioners, and all such other officers as now
 6 are, or hereafter may be provided for in any of the counties
 7 or districts of this state, and of the votes upon any pro-
 8 posed change of county lines or county seat, shall be made
 9 on one sheet, and being certified and signed in the manner
 10 required in section nineteen aforesaid, shall be deposited in
 11 the said auditor's office, and a copy thereof, certified as
 12 aforesaid, immediately inclosed and forwarded to the sec-
 13 tary of state; and if any proposed change of county lines
 14 has been adopted, the governor shall forthwith make proc-
 15 lamation to that effect.

c15 1861—p. 106, Sect.
 23.

1 SECT. 22. The abstracts of the votes for members of
 2 congress and electors of president and vice president of
 3 the United States, shall be made on one sheet, and being
 4 certified and signed in the same manner as in case of ab-
 5 stracts of votes for county officers, shall be deposited in the
 6 said county auditor's office, and a copy thereof, certified as
 7 aforesaid, shall be inclosed, directed to the secretary of
 8 state, and endorsed on the outside of the envelope, with
 9 these words: "Abstract of votes for (naming the officers)
 10 returned to the auditor's office of (inserting the name of
 11 the county) county," and the said auditor's signature; and
 12 the said auditor shall forward the same to the secretary of
 13 state, within eleven days after such election.

c15 s 24

1 SECT. 23. Within twenty days after said election, the
 2 governor and secretary of state, in the presence of the au-
 3 ditor of state, the attorney general and one or more judges
 4 of the supreme court, shall open the returns made to the

5 secretary of state, for members of congress and for electors
 6 of president and vice president of the United States; and
 7 shall forthwith proceed to ascertain the number of votes ^{1861-p. 106, Sect.}
 8 given to the different persons for said offices, and the per- ^{24. Amended.}
 9 sons having the highest number of votes shall be consider-
 10 ed duly elected; but if it appears that more than the num-
 11 ber of persons to be elected have the highest and an equal
 12 number of votes, the secretary of state in the presence of
 13 the governor and officers aforesaid, shall decide by lot which
 14 of said persons shall be elected, and to each person duly
 15 elected the governor shall give a certificate of election
 16 signed by him, sealed with the great seal, and countersign-
 17 ed by the secretary of state and shall transmit the said cer-
 18 tificates to each person so elected, and cause the election of
 19 electors to be published in the newspapers printed at the
 20 seat of government, immediately after said canvass is com-
 21 pleted.

1 SECT. 24. The electors chosen as aforesaid, shall, at 12 ^{1861-p. 107, Sect.} c 15
 2 o'clock, on the day which is or may be directed by the con- ^{25.}
 3 gress of the United States, meet at the seat of government
 4 of this state, and then and there perform the duties enjoin-
 5 ed upon them by the constitution and laws of the United
 6 States.

1 SECT. 25. Each elector of president and vice president
 2 of the United States, shall before the hour of twelve o'clock, ^{1861-p. 107, Sect.} c 15
 3 on the day next preceding the day fixed by the law of con- ^{27.}
 4 gress to elect a president and vice president, give notice
 5 to the governor that he is at the seat of government and
 6 ready at the proper time to perform the duties of an elector,
 7 and the governor shall forthwith deliver to the electors
 8 present, a certificate of all the names of the electors, and if
 9 any elector named therein fails to appear before nine o'clock
 10 in the morning of the day of election of president and vice
 11 president as aforesaid, the electors then present shall imme-
 12 diately proceed to elect by ballot in the presence of the
 13 governor, persons to fill such vacancies.

1 SECT. 26. If more than the number of persons required
 2 to fill the vacancies as aforesaid, have the highest, and an
 3 equal number of votes, then the governor, in the presence of ^{1861-p. 107, Sect.} c 15
 4 the electors attending, shall decide by lot which of said per- ^{28.}
 5 sons shall be elected; otherwise they, to the number requir-
 6 ed having the greatest number of votes, shall be considered
 7 elected to fill such vacancies.

1 SECT. 27. Immediately after such choice is made the ^{c 15 s 27}
 2 names of the persons so chosen, shall forthwith be certified
 3 to the governor by the electors making such choice, and the
 3

1861—p. 107, Sect.
29.

4 governor shall cause immediate notice to be given in writ-
5 ing to the electors chosen to fill such vacancies, and the said
6 persons so chosen shall be electors, and shall meet the other
7 electors at the same time and place, and then and there dis-
8 charge all and singular the duties enjoined on them as elec-
9 tors aforesaid, by the constitution and laws of the United
10 States and of this state.

c 15

1861—p. 108, Sect.
30.

1 SECT. 28. Every elector attending at the seat of govern-
2 ment, as aforesaid, shall receive three dollars for every day's
3 attendance, and three dollars for every twenty miles travel
4 in going to and returning from the seat of government, esti-
5 mated from his place of residence by the most usual route,
6 which sum shall be allowed by the auditor on the certifi-
7 cate of the governor, and paid by the treasurer out of any
8 money in the treasury not otherwise appropriated.

c 15

1861—p. 108, Sect.
31. Amended.

1 SECT. 29. At the close of the canvassing as provided
2 in section nineteen, the board of canvassers shall declare
3 the person having the highest number of votes for any
4 county office, duly elected, subject to an appeal to the dis-
5 trict court of the proper county, provided that notice of
6 such appeal shall be entered with the clerk of said court
7 within twenty days from the day of election; and in case
8 said county contains a senatorial or representative district,
9 then the person having the highest number of votes for
10 senator or representative shall be declared by said board
11 duly elected.

c 15

1861—p. 108, Sect.
32. Amended.

1 SECT. 30. The county auditor shall make out for each
2 county officer elected and also for each of the senators and
3 representatives elected to the legislature, if such county
4 constitutes a senatorial district, a certificate of his election,
5 and shall deliver the same to the person entitled thereto,
6 upon demand without fee; and he shall also make out for
7 any candidate or elector of his county, an abstract of votes
8 as aforesaid, upon being paid one dollar therefor.

c 51,

1863—p. 96, Sect. 1.

As 1861 c 15 s 33

1 SECT. 31. The county auditor of each county which
2 does not constitute a senatorial district, shall make out from
3 the returns in his office, an abstract of the votes for mem-
4 bers of the senate and house of representatives, which he
5 shall seal and direct to the county auditor of the senior
6 county in his senatorial district; if there are two or more
7 counties in said district of the same age, then such returns
8 shall be directed to the auditor of the county polling the
9 greatest number of votes at the last preceding general elec-
10 tion, except in the cases hereinafter provided; and said
11 auditor shall endorse on the outside of the cover thereof,
12 the following words: "Abstract of votes for members of

13 the senate and house of representatives of the county of
 14 ———," and sign his name thereto, and forward such ab-
 15 stract to the proper auditor within fifteen days after the day
 16 of election; *Provided*, That the returns and abstract of
 17 votes for members of the legislature of the third senatorial
 18 district, shall be made to and canvassed by the auditor of the
 19 county of Stearns, within thirty days after the day of elec-
 20 tion; and the returns and abstracts of votes for members
 21 of the legislature of the fourth senatorial district, shall be
 22 made to and canvassed by the auditor of Anoka county,
 23 within twenty days after the day of election; and the same
 24 rules shall be observed as to calling other officers to their
 25 assistance, and the manner of opening and canvassing the
 26 returns, and awarding certificates of election, by said audi-
 27 tors last named, as are to be observed in other cases pro-
 28 vided in the next section.

1 SECT. 32.- When two or more counties are comprised
 2 in one senatorial district, the auditor of the senior county,
 3 or of the county wherein it is provided the returns are to
 4 be made, shall, on the twenty-fifth day after the election,
 5 with the county auditors of such other counties of the dis-
 6 trict, as choose to attend at his office, call to his assistance
 7 two justices of the peace and a probate judge, (provided
 8 such judge resides at the county seat where the returns are
 9 made,) and shall then and there open the returns of the
 10 votes given in the several counties, or portions of counties
 11 composing such senatorial district; and said auditors shall
 12 immediately make out certificates of election for the persons
 13 having the highest number of votes in such senatorial dis-
 14 trict, for members of the legislature, which certificate shall
 15 be delivered to the person entitled to it, on his application,
 16 to the county auditor of the county where the returns are
 17 made as aforesaid.

1863-p. 97, Sect. 2. c 51 As 1861 a 15 s 34

1 SECT. 33. The following is the form of the abstract of
 2 votes provided for herein, to be used by all county can-
 3 vassing boards; but no election shall be set aside for want
 4 of form in the abstracts, provided they contain the sub-
 5 stance:

1861-p. 110, Sect. 35. c 15

1861—p. 110, Sect. 35.

ABSTRACT.

NAMES OF PERSONS VOTED FOR, AND FOR WHAT OFFICE, CONTAINING THE NUMBER OF VOTES GIVEN FOR EACH CANDIDATE.

PRESIDENTIAL ELECTORS,	S	No. Votes.
	T	No. Votes.
	U	No. Votes.
GOVERNOR,	V	No. Votes.
	A	No. Votes.
	B	No. Votes.
LIEUTENANT GOVERNOR,	C	No. Votes.
	D	No. Votes.
	E	No. Votes.
SECRETARY OF STATE,	F	No. Votes.
	G	No. Votes.
	H	No. Votes.
AUDITOR OF STATE,	I	No. Votes.
	J	No. Votes.
	K	No. Votes.
TREASURER OF STATE,	L	No. Votes.
	M	No. Votes.
	N	No. Votes.
ATTORNEY GENERAL,	O	No. Votes.
	P	No. Votes.
	Q	No. Votes.
JUDGES SUPREME COURT,	R	No. Votes.
	S	No. Votes.
	T	No. Votes.
CLERK SUPREME COURT,	U	No. Votes.
	V	No. Votes.
	W	No. Votes.
MEMBERS OF CONGRESS,	X	No. Votes.
	Y	No. Votes.
	Z	No. Votes.
MEMBERS OF THE STATE LEGISLATURE.	A	No. Votes.
	B	No. Votes.
	C	No. Votes.
JUDGES DISTRICT COURT,	D	No. Votes.
	E	No. Votes.
	F	No. Votes.
PROBATE JUDGE,	G	No. Votes.
	H	No. Votes.
	I	No. Votes.
SHERIFF,	J	No. Votes.
	K	No. Votes.
	L	No. Votes.
CORONER,	M	No. Votes.
	N	No. Votes.
	O	No. Votes.
COUNTY AUDITOR,	P	No. Votes.
COUNTY COMMISSIONER,		
COUNTY TREASURER,		
REGISTER OF DEEDS,		
COUNTY SURVEYOR,		
COUNTY ATTORNEY,		

We do hereby certify that A. B. had votes for Governor; C. D. had votes for Lieutenant Governor, &c., (writing the vote at length and in figures.)
 E. F. had votes for Governor; G. H. had votes for Lieutenant Governor, &c., (writing the vote at length and in figures.)
 A. B., Auditor.
 A. T. T. E. S. T. : C. D., } Justices of the Peace.
 E. F., }

e. 15

1861—p. 112, Sect. 37.

1 SECT. 34. Whenever there is no election of any state
 2 officer, or of the requisite number of members of the senate
 3 or house of representatives, by reason of any two or more
 4 persons having an equal and the highest number of votes, or
 5 whenever any vacancy occurs in any of the said offices, or in
 6 the office of representative in congress, which said vacancy
 7 is not otherwise provided for, the governor within ten days
 8 after he is informed of the existence of such vacancy, shall
 9 issue a proclamation directing that a special election be held
 10 in the proper election district, at a time to be specified in the
 11 proclamation, not more than thirty days from the date
 12 thereof, to fill such vacancy. And the clerks of election of

13 said election district shall call the said special election in
 14 the manner provided by law, and the same shall be held
 15 and conducted and the returns thereof made and canvassed
 16 in the same manner as general elections are held and con-
 17 ducted, and the returns thereof made and canvassed. *Pro-*
 18 *vided*, If there is no session of the legislature or of con-
 19 gress between the time of the happening of such vacancy
 20 and the then next annual election occurring fifteen days or
 21 more thereafter, such vacancy shall be filled at said annual
 22 election.

1 SECT. 35. In elections to fill any vacancy under the
 2 preceding section, the auditor shall, within fifteen days
 3 after such election, transmit abstracts of the votes given, to ^{1861-p. 112, Sect. 38.} c 15
 4 the office of the secretary of state, and take his receipt
 5 therefor, under the penalty of five hundred dollars, to be
 6 recovered in a civil action in the name of the county; and
 7 the county treasurer for the time being, shall sue for and
 8 recover the penalty aforesaid, for the use of the county.

1 SECT. 36. Whenever the auditor from any cause, is pre-
 2 vented from opening the returns of votes at any election, it
 3 shall be the special duty of the probate judge of the county ^{1861-p. 112, Sect. 39.} c 15
 4 in which such election was held, to attend immediately at
 5 the auditor's office with two justices of the peace of the
 6 proper county, by him selected, and proceed to open all the
 7 returns of elections for such county, which have been made
 8 to the auditor's office, and perform the same duties that are
 9 required of the auditor in such cases, under the provisions
 10 of this chapter.

1 SECT. 37. If for any county office a number of persons
 2 greater than is directed to be elected to such office, receives ^{1861-p. 113, Sect. 40.} c 15
 3 an equal and the highest number of votes, the auditor and
 4 justices, or judge and justices aforesaid, shall determine,
 5 publicly, by lot, which of the persons shall be declared
 6 elected.

1 SECT. 38. There shall be allowed out of the county
 2 treasury of each county, to the person carrying the returns
 3 from the place of the election to the auditor of the county, ^{1861-p. 113, Sect. 41.} c 15
 4 the sum of ten cents per mile for going to and returning
 5 from the office of the auditor; this provision to extend to
 6 the unorganized counties, and to be paid out of the treas-
 7 ury of the county to which they are attached.

1 SECT. 39. If a vacancy occurs in the senate or house of
 2 representatives, from any cause—and if the county com- ^{1861-p. 113, Sect. 42.} c 15
 3 prising the district in which such vacancy exists, has been
 4 divided after the election of the member whose seat is va-

5 cant, and before the election to supply the vacancy, such
6 election shall be ordered in every county in which any part
7 of the original county or district is situated; but no per-
8 son shall be permitted to vote at any such election who does
9 not at the time reside within the limits of the original
10 county or district in which such vacancy occurred.

c 15 1861—p. 113, Sect. 43.
1 SECT. 40. No election returns shall be refused by any
2 auditor for the reason that the same are returned or deliv-
3 ered to him in any other than the manner directed herein;
4 nor shall the canvassing board of the county refuse to in-
5 clude any returns in their estimate of votes for any infor-
6 mality in holding any election, or making returns thereof,
7 but all returns shall be received and the votes canvassed by
8 such canvassing board and included in the abstracts, pro-
9 vided there is a substantial compliance with the provisions
10 of this chapter.

c 15 1861—p. 114, Sect. 44. Amended.
1 SECT. 41. If any judge or clerk of election, or any
2 other officer or person required by this chapter, to perform
3 any act or thing whatsoever, wilfully fails or refuses to per-
4 form such act or thing, or wilfully performs such act or thing
5 falsely, or improperly in any manner, he shall be guilty of a
6 felony, and on conviction thereof, shall be punished by im-
7 prisonment in the state prison for a term not less than six
8 months nor more than one year, or by fine not less than five
9 hundred dollars nor more than one thousand.

c 15 1861—p. 114, Sect. 45.
1 SECT. 42. The regular term of office of county officers,
2 commences on the first day of January next succeeding
3 their election, except as otherwise provided by law.

c 15 1861—p. 114, Sect. 46.
1 SECT. 43. Any state, county, or district officer elected or
2 appointed to fill a vacancy shall qualify and enter upon the
3 duties of his office immediately thereafter; and when elect-
4 ed, hold the same during the unexpired term for which he
5 was elected, and until his successor is elected and qualified;
6 but if appointed he shall hold his office until the next gen-
7 eral election, and until his successor is elected and qualified.

c 15 1861—p. 114, Sect. 47.
1 SECT. 44. During the day on which any general, spe-
2 cial, town, or charter election is held, no civil process shall
3 be served upon any elector entitled to vote at such election.

c 15 1861—p. 114, Sect. 48.
1 SECT. 45. In all elections, unless it is otherwise ex-
2 pressly provided, the person having the highest number of
3 votes for any office, shall be deemed and declared to be
4 elected.

c 15 5 49 1 SECT. 46. Any candidate or elector of the proper county,

2 or senatorial, judicial, or election district desiring to con-
 3 test the validity of an election, or the right of any person
 4 declared duly elected to his seat in the senate or house of ^{1861-p. 114, Sect.}
 5 representatives in this state, shall give notice thereof, in ^{49.}
 6 writing, to the person whose election he intends to contest,
 7 or leave a written notice thereof at the house where such
 8 person last resided, within twenty days after the votes have
 9 been canvassed, specifying the points on which the election
 10 will be contested, and the names of two justices of the peace
 11 who will officiate at the taking of the depositions, and when
 12 and where they will attend to take the same; and such no-
 13 tice shall be served at least ten days before the day pointed
 14 out therein for the taking of the depositions. But the time
 15 fixed for taking such depositions shall not exceed forty-five
 16 days from the day of election.

1 SECT. 47. The said justices or either of them shall issue ^{1861-p. 115, Sect.} c 15
 2 subpoenas to all persons whose testimony is required by ^{50.}
 3 either of the parties; and the said two justices when met,
 4 shall take, under oath, all testimony relative to such con-
 5 tested election, and certify the same under seal, to the pre-
 6 siding officer of that branch of the legislature where the
 7 person whose seat is contested is returned to serve at its
 8 next session.

1 SECT. 48. If a party whose election is contested, de-
 2 sires to offer testimony upon points not specified in the no- ^{1861-p. 115, Sect.} c 15
 3 tice of the contestant, he shall, within five days after the ^{51. Amended.}
 4 contestant's notice is served upon him as aforesaid, serve
 5 upon said contestant in the manner provided in section forty-
 6 six, a notice specifying such additional points and the place
 7 and time (which shall not be more than ten days from said
 8 service) at which testimony thereon will be taken before
 9 the justices named by the contestant. No testimony shall
 10 be received by the justices which does not relate to some
 11 point specified in said notices a copy of which notices shall
 12 be delivered to the said justices, and by them transmitted
 13 to the presiding officer of that branch of the legislature
 14 where the contest is to be decided, with the other docu-
 15 ments.

1 SECT. 49. Any candidate or elector of the proper coun-
 2 ty may contest the election of any person declared elected
 3 to any county office, and he shall proceed therein in the ^{1861-p. 115, Sect.} c 15
 4 manner prescribed for contesting the election of senators ^{52.}
 5 and representatives to the legislature, save only that the
 6 testimony taken as aforesaid, and all matters relative to
 7 such contest, shall be sent to the district court of the proper
 8 county, on or before the second day of the term next ensu-
 9 ing the forty-five days allowed for taking depositions by the

10 preceding sections, and the judge of the said court, in case
 11 no general term of said court occurs within ninety days
 12 after the votes are canvassed, shall appoint a special term
 13 of said court, and the said district court at the first general
 14 or special term, after the expiration of forty-five days, shall
 15 hear and determine the contest. When the judgment or
 16 decision of the district court is removed to the supreme
 17 court, the party removing any such judgment or decision,
 18 shall file in the district court a bond to the opposite party
 19 in such sum, not less than five hundred dollars, and with
 20 such sureties as are approved by the judge who tries the
 21 cause, conditioned for the payment of all costs incurred by
 22 the respondent, in case the appellant fails in his appeal.

1861—p. 116, Sect.
53.

Omitted

1 SECT. 50. Any candidate or elector, desirous of con-
 2 testing the election of any person declared elected to the
 3 office of judge of the district court, or to any other state
 4 office, shall, between the sixth and tenth days after the com-
 5 mencement of the first annual session of the legislature,
 6 after the day of election, file a notice of contest, with the
 7 secretary of the senate, specifying the particular points on
 8 which he means to rely; *Provided*, That no person shall
 9 contest the election of district judge unless he is an elector
 10 of the proper judicial district. Upon the filing of any no-
 11 tice as aforesaid, the senate shall, by resolution, determine
 12 on what day or days they will meet in their chamber, to
 13 hear, and determine such contest; and thereupon a certified
 14 copy of the notice filed by the contestant shall be served
 15 upon the officer whose election is sought to be contested
 16 personally or by leaving a copy thereof at his last usual
 17 place of residence, with a notice stating when he is required
 18 to attend in the chamber of the senate, to answer the con-
 19 test, which notice and copy shall be served by some person
 20 appointed by the senate for that purpose.

1861—p. 117, Sect.
54.

c 15

1 SECT. ⁵⁰51. On the trial of any contested election for any
 2 of the offices in the forty-sixth section of this chapter nam-
 3 ed, the parties to such contest may introduce either written
 4 or oral testimony, but no depositions shall be read on such
 5 trial unless the opposite party had reasonable notice of the
 6 time and place of taking the same.

1861—p. 118, Sect.
55.

c 15

1 SECT. ⁵¹52. In conducting any contested election in the
 2 house of representatives, the following rules shall be observed :
 3 *First.*—On the day and at the hour appointed for that
 4 purpose, the house, with the proper officers, shall assemble
 5 at their usual place of meeting.
 6 *Second.*—The speaker of the house of representatives
 7 shall preside, but when he is contestant, a speaker *pro tem*
 8 shall be elected.

9 *Third.*—The parties to the contest shall then be called
10 by the clerk, and if they answer, their appearance shall be
11 recorded.

12 *Fourth.*—The contestant shall first introduce his testimony, ^{1861—p. 118, Sect.}
13 and after the testimony is closed on both sides, the contes- ^{55.}
14 tant may, by himself or his counsel, open the contest, and
15 the officer elect may then proceed, by himself or counsel,
16 to make his defence, and the contestant be heard in reply.

17 *Fifth.*—After the arguments of the parties are concluded,
18 any member of the house may offer his reasons for the vote
19 he intends to give.

20 *Sixth.*—The clerk shall keep a regular journal of the pro-
21 ceedings.

22 *Seventh.*—In deciding the contest, the members shall vote
23 *viva voce*, and a majority of all the votes given shall decide,
24 but no party shall vote either upon the final decision
25 or upon any preliminary question that has reference thereto.
26 If the contest is in the senate, it shall proceed as nearly as
27 may be according to the rules above prescribed.

1 ⁵² SECT. 53. In any county in which there is a vote for
2 the removing of the county seat, or changing the county
3 lines of said county, or upon any other subject which may
4 by law be submitted to the vote of the people of said county
5 any elector thereof may contest the validity of such elec-
6 tion, as to the right of the point declared selected as the
7 county seat, or as to any county line declared established
8 by said vote or as to the result of any vote upon any other ^{1861—p. 118, Sect. e 15}
9 subject submitted as aforesaid. Such elector shall give ^{56.}
10 notice in writing of such contest, to the county commissioners,
11 or a majority of them, of the county in which said vote was
12 taken, by serving a copy of said notice personally upon
13 said commissioners, or leaving a copy thereof at their place
14 of residence within thirty days after the result of said vote
15 is declared or proclaimed; said notice shall specify the
16 points on which such election will be contested and a copy
17 thereof shall be filed with the clerk of the district court of
18 the proper county within ten days after the service thereof
19 upon the county commissioners as aforesaid; and the dis-
20 trict court at its first general or special term shall hear and
21 determine such contest upon the oral and written proofs of
22 the parties, and depositions may be taken by any of the
23 parties to these proceedings in the same manner as in civil
24 actions. Such commissioners, or upon their failure, any
25 elector of the proper county, may appear and defend, in
26 such contest and introduce evidence as in other actions.

1 ⁵³ SECT. 54. The secretary of state shall provide uniform
2 blanks for lists of electors, and for election returns, for the
3 use of the several election districts, also a copy of the law

4 prescribing the qualifications of electors, and so much of
 5 this law as relates to the duty of judges and clerks of elec-
 6 tion, the manner of conducting elections, and the penalties
 7 imposed for offences under this chapter, and transmit the
 8 same to the auditor of each county, at least thirty days
 9 before any election, and the auditor at least ten days before
 10 any election, shall deliver to the clerk of each town and
 11 city in his county in person, or transmit to him by mail
 12 one copy of each of said blanks, and one copy of the said
 13 laws for each election district in his county.

c15 1861—p. 118, Sect. 57.
 1 SECT. ⁵⁴55. Every auditor, probate judge and justice of
 2 the peace, shall receive for services performed under this
 3 chapter, the following fees, to wit: For making out ab-
 4 stracts, for every hundred words, ten cents; for each cer-
 5 tificate with seal attached to abstract, fifty cents; which
 6 fees shall be allowed by the county auditor on the certifi-
 7 cate of the auditor or judge as the case may be, and paid
 8 by the county treasurer.

c15 1861—p. 119, Sect. 58. 1
 1 SECT. ⁵⁵56. The judges of election in determining the
 2 residence of any person for the purpose of ascertaining who
 3 are qualified electors, shall be governed by the following
 4 rules, so far as they are applicable:

c15 1861—p. 119, Sect. 62.
 5 *First.*—That place shall be considered and held to be the
 6 residence of a person in which his habitation is fixed, with-
 7 out any present intention of removing therefrom, and to
 8 which whenever he is absent, he has the intention of re-
 9 turning.

10 *Second.*—A person shall not be considered to have lost
 11 his residence who leaves his home to go into another state,
 12 or county in this state, for temporary purposes merely,
 13 with the intention of returning.

14 *Third.*—A person shall not be considered to have gained
 15 a residence in any county into which he comes for tempo-
 16 rary purposes merely, without the intention of making such
 17 county his home.

18 *Fourth.*—If a person removes to another state with the
 19 intention of making it his residence, he loses his residence
 20 in this state.

21 *Fifth.*—If a person removes to another state with the in-
 22 tention of remaining there for an indefinite time, and as a
 23 place of present residence, he loses his residence in this
 24 state, notwithstanding he entertains an intention of return-
 25 ing at some future period.

26 *Sixth.*—The place where a man's family resides, shall be
 27 held to be his residence; but, if it is a place of temporary
 28 establishment for his family, or for transient objects it shall
 29 be otherwise.

30 *Seventh.*—If a man has a family fixed in one place, and

31 he does business in another, the former shall be considered
 32 his place of residence; but any man having a family and
 33 who has taken up his abode with the intention of remain-
 34 ing, and whose family refuses to reside with him, shall be
 35 regarded as a citizen and voter, where he has so taken up
 36 his abode.

37 *Eighth.*—The mere intention to acquire a new residence,
 38 without the fact of removal, shall avail nothing; neither
 39 shall the fact of removal without the intention.

⁵⁶
 1 SECT. 57. No elector shall vote except in the election 1861—p. 120, Sect. 63. c 15
 2 district in which he actually resides.

⁵⁷
 1 SECT. 58. Whoever wilfully votes in any election dis- 1861—p. 120, Sect. 64. c 15
 2 trict in which he does not actually reside, shall be guilty
 3 of a misdemeanor, and on conviction thereof, be imprisoned
 4 in the county jail not less than one month, nor more than
 5 six months.

⁵⁸
 1 SECT. 59. Whoever votes more than once at the same 1861—p. 120, Sect. 65. c 15
 2 election is guilty of a felony, and on conviction thereof, shall
 3 be punished by imprisonment in the state prison for not
 4 less than six months, nor more than one year.

⁵⁹
 1 SECT. 60. Any resident of another state who votes in 1861—p. 120, Sect. 66. c 15
 2 this state is guilty of a felony, and on conviction thereof,
 3 shall be punished by imprisonment in the state prison not
 4 less than six months, nor more than one year.

⁶⁰
 1 SECT. 61. Whoever, not being a qualified elector, votes 1861—p. 120, Sect. 67. Amended. c 15
 2 at any election with an unlawful intent, is guilty of a felony,
 3 and on conviction thereof, shall be punished by imprisonment
 4 in the state prison not less than one month, nor more than
 5 one year.

⁶¹
 1 SECT. 62. Whoever procures, aids, assists, counsels or 1861—p. 120, Sect. 68. Amended. c 15
 2 advises another to vote, knowing that such person is not
 3 duly qualified to vote at the place where, and the time when
 4 the vote is to be given, is guilty of a misdemeanor, and on
 5 conviction thereof shall be fined in any sum not exceeding
 6 five hundred dollars, nor less than one hundred dollars, and
 7 be imprisoned in the county jail not less than one month,
 8 nor more than six months.

⁶²
 1 SECT. 63. Whoever procures, aids, asists, counsels or 1861—p. 121, Sect. 69. c 15
 2 advises another to go or come into any county or election
 3 district for the purpose of illegally giving his vote in such
 4 county, knowing that the person is not duly qualified to
 5 vote therein, is guilty of a felony and on conviction thereof
 6 shall be punished by imprisonment in the state prison not
 7 less than six months, nor more than one year.

c15

1861—p. 121, Sect.
70.

1 SECT. ⁶³64. Whoever by threat or bribery attempts to
2 influence any elector in giving his vote or ballot, or by such
3 means attempts to deter him from giving his vote or ballot,
4 is guilty of a misdemeanor, and on conviction thereof, shall
5 be punished by a fine not exceeding five hundred dollars,
6 nor less than one hundred dollars, and by imprisonment in
7 the county jail not less than one month nor more than six
8 months.

c15

1861—p. 121, Sect.
71.

1 SECT. ⁶⁴65. Whoever furnishes an elector, who cannot
2 read the language in which such ticket is printed or written,
3 with a ticket informing him that it contains a name or names
4 different from those which are written or printed thereon,
5 with an intent to deceive and induce him to vote contrary
6 to his inclination, or who fraudulently or deceitfully changes
7 a ballot of any elector, by which such elector is prevented
8 from voting for such candidate or candidates as he intend-
9 ed, is guilty of a felony, and on conviction thereof shall be
10 punished by imprisonment in the state prison not less than
11 six months, nor more than one year.

c15

1861—p. 122, Sect.
72.

1 SECT. ⁶⁵66. If any person offering his name to be put on
2 the list of electors is challenged as unqualified by one of the
3 judges of election, or by an elector, one of the judges shall
4 tender to him the following oath: "You do swear" (or
5 affirm, as the case may be,) "that you will fully and truly
6 answer all such questions as shall be put to you touching
7 your place of residence, and qualifications as an elector at
8 this election."
9 *First.*—If the person is challenged as unqualified, on the
10 ground that he is not a citizen, and has not declared his
11 intention to become such, the judges, or one of them, shall
12 put the following questions:
13 1st.—Are you a citizen of the United States?
14 2d.—Are you a native or naturalized citizen?
15 3d.—Have you declared your intention to become a citi-
16 zen of the United States, conformably to the laws of the
17 United States upon the subject of naturalization?
18 If the person so offering his name claims to be a natural-
19 ized citizen of the United States, he shall, before his name
20 is inserted on the list, produce for the inspection of the
21 judges of the election, a certificate of his naturalization, and
22 also state, under oath, that he is the identical person named
23 therein. But the production of such certificate shall be dis-
24 pensed with if the person so offering his name, states under
25 oath, when and where he was naturalized, that he has had
26 a certificate of his naturalization, and that the same is lost,
27 destroyed, or beyond his power to produce to the judges of
28 election. *Provided,* That if he states under oath that by
29 reason of the naturalization of his parents, or one of them,

30 or that being born of American parents in foreign parts he
 31 has become or is a citizen of the United States, and also
 32 states when and where his parent or parents were natural-
 33 ized, the certificate of said naturalization need not be pro-
 34 duced.

35 *Second.*—If the person is challenged as unqualified on
 36 the ground that he has not resided in the state for four
 37 months immediately preceding the election, the judges, or
 38 one of them shall put the following questions :

39 1st.—Have you resided in this state for four months im- ^{1861—p. 122, Sect.}
 40 mediately preceding this election? _{72.}

41 2d.—Have you been absent from this state within the
 42 four months immediately preceding the election? If yes,
 43 then,

44 3d.—When you left did you leave for a temporary pur-
 45 pose, with the design of returning, or for the purpose of
 46 remaining away?

47 4th.—Did you, while absent, regard this state as your
 48 home?

49 5th.—Did you while absent vote in any other state?

50 *Third.*—If the person is challenged as unqualified on the
 51 ground that he is not a resident of the election district
 52 where he so offers his name, the judges, or one of them
 53 shall put the following questions :

54 1st.—When did you last come into this election district?

55 2d.—When you came into this district did you come
 56 for a temporary purpose merely, or for the purpose of mak-
 57 ing it your home?

58 3d.—Did you come into this district for the purpose of
 59 voting here?

60 4th.—Are you an actual resident of this district?

61 *Fourth.*—If the person is challenged on the ground that
 62 he is not twenty-one years of age, the judges, or one of
 63 them, shall put the following question :

64 Are you twenty-one years of age, to the best of your
 65 knowledge and belief?

66 The judges of election, or one of them, shall put such
 67 other questions to the person challenged, under the respec-
 68 tive heads aforesaid as may be necessary to test his qualifi-
 69 cations as an elector at that election.

⁶⁶
 1 SECT. 67. If the person challenged as aforesaid refuses to
 2 answer fully any question which is put to him as aforesaid, ^{1861—p. 123, Sect.} c 15
 3 the judges shall refuse to insert his name on the poll list, _{73.}
 4 and he shall not be allowed to vote.

⁶⁷
 1 SECT. 68. If the challenge is not withdrawn after the
 2 person so offering his name has answered the questions put ^{1861—p. 123, Sect.} c 15
 3 to him as aforesaid, one of the judges of the election shall _{74.}
 4 tender him the following oath :

5 "You do swear" (or affirm, as the case may be) "that
6 "you are a citizen of the United States, of the age of twenty-
7 "one years, or have declared your intention to become such
8 "citizen conformably to the laws of the United States on
9 "the subject of naturalization, that you have been an in-
10 "habitant of this state for four months immediately pre-
11 "ceding this election, and an actual resident of this election
12 "district for the ten days immediately preceding this elec-
13 "tion."

c 15 1861—p. 124, Sect. 76. ⁶⁸
1 SECT. 69. If any person refuses to take the oath so
2 tendered, his name shall not be inserted on the poll list, and
3 he shall not be allowed to vote.

c 15 1861—p. 124, Sect. 76. ⁶⁹
1 SECT. 70. Each judge of election shall challenge every
2 person offering to have his name inserted on the poll list,
3 or to vote at any election, whom he knows or suspects not
4 to be duly qualified as an elector.

c 15 1861—p. 124, Sect. 77. ⁷⁰
1 SECT. 71. Whoever after proclamation made of the
2 opening of the polls and at any time before the vote is fully
3 canvassed, fraudulently puts a ballot or ticket into the box,
4 is guilty of a felony, and on conviction thereof, shall be pun-
5 ished by imprisonment in the state prison, not less than six
6 months, nor more than one year.

c 15 1861—p. 124, Sect. 78. ⁷¹
1 SECT. 72. If any person challenged as unqualified to
2 vote, is guilty of wilful and corrupt false swearing or affirm-
3 ing in taking any oath prescribed by this chapter, he shall
4 be deemed to have committed wilful and corrupt perjury,
5 and upon conviction thereof, shall suffer the punishment
6 attached by the laws of this state to the crime of perjury.

c 15 1861—p. 124, Sect. 81. Amended. ⁷²
1 SECT. 73. All fines incurred under this chapter shall be
2 paid into the county treasury of the county where the of-
3 fense was committed, for the use of the common schools of
4 such county.

c 15 1861—p. 125, Sect. 82. ⁷³
1 SECT. 74. The provisions of this chapter apply to all
2 elections hereafter to be held for all or any state, district,
3 county, town, city, or township officers; and for electors
4 of president and vice president of the United States, and
5 to any vote hereafter to be taken on amendments to the
6 constitution, laws changing county lines, removing county
7 seats, or on any subject which may by law be submitted to
8 a vote of the people. *Provided*, That the registration of
9 the names of the electors previously to the time of voting at
10 the town meeting of any organized township shall not be
11 required; but the said town meeting and the manner of con-
12 ducting the same shall be as provided in the general act for
13 the organization of towns.