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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.

ONE HUNDRED COPIES ORDERED PRINTED.



SAINT PAUL:

FREDERICK DRISCOLL, STATE PRINTER.

(PRESS PRINTING COMPANY.)

1865.

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67 other mode of representing words and letters; but when  
68 the written signature of a person is required by law, it shall  
69 always be the proper handwriting of such person, or in case  
70 he is unable to write, his proper mark.

71 *Seventeenth.*—The word “State,” when applied to the  
72 different parts of the United States, shall extend to and in-  
73 clude the District of Columbia and the several territories,  
74 so called, and the words “United States” shall include  
75 said district and territories.

76 *Eighteenth.*—The word “felonious” shall mean criminal,  
77 and the word “feloniously” criminally, and the term “in-  
78 famous crime” shall include every offence punishable with  
79 death or imprisonment in the state prison.

1 SECT. 2. Every statute which does not expressly pre- c. s. p. 114, Sect. 2. e 3  
2 scribe the time when it shall go into operation, shall take  
3 effect throughout the state on the thirtieth day next after  
4 that on which it is approved by the governor or otherwise  
5 becomes a law; but no general law shall take effect until  
6 published.

1 SECT. 3. Whenever a law is repealed, which repealed a New Section.  
2 former law, the former law shall not thereby be revived un-  
3 less it is so specially provided, nor shall such repeal affect  
4 any right which accrued, any duty imposed, any penalty  
5 incurred, nor any proceeding commenced under or by vir-  
6 ture of the law repealed.

CHAPTER V.

PRINTING AND DISTRIBUTION OF LAWS AND DOCUMENTS.

1 SECTION 1. The senate and the house of representatives  
2 shall meet in joint convention at their regular sessions in  
3 each year and elect a state printer who shall do the print- 1860-p. 277, Sect. 1.  
4 ing, binding and advertising for the state officers, school Amended.  
5 and banking departments, and all other printing to be ex-  
6 cuted for the state from the adjournment of the session of  
7 one Legislature to the meeting of the next Legislature, on  
8 a scale of prices to be agreed upon by the printing com-  
9 mittee of the senate and the printing committee of the  
10 house and said printer.

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1 SECT. 2. The person so elected printer shall, within New Section.  
2 one week after his election execute a bond to the state in  
3 the sum of five thousand dollars, with two or more suffi-

*struck out*

4 cient sureties to be approved by the governor, conditioned  
5 for the faithful and punctual performance of all the public  
6 printing required, which bond shall be filed in the office of  
7 the secretary of state.

*struck out*

*c 88*  
1860—p. 278, Sect. 2.

1 SECT. 3. The printing, binding and advertising for the  
2 governor, secretary of state, attorney general, state audi-  
3 tor, state treasurer, for the school and banking depart-  
4 ments, and all other printing, binding and advertising, for  
5 any state officer shall be done by the state printer.

*struck out*

*c 14*  
C. S. D. 267, Sect. 1.

1 SECT. 4. The printing of the laws shall be done in folio  
2 pages, exactly uniform in length and breadth, and the same  
3 from year to year, with uniform width of margin; the body  
4 of the pages shall be printed on good long primer type,  
5 and the notes and marginal printing in good nonpareil  
6 type; the paper for the same shall be of good quality, and  
7 as nearly uniform as possible in thickness, texture, and  
8 color.

*struck out*

*c 88*  
1860—p. 278, Sect. 3.  
Amended.

1 SECT. 5. The secretary of state shall, as soon as prac-  
2 ticable after the adjournment of each session of the legis-  
3 lature, furnish a copy of the laws with a copious index  
4 thereto to the state printer, and the said laws shall be  
5 printed and bound within ninety days after the copy and  
6 such indexes are furnished to the state printer.

*24*

*c 41*  
1861—p. 161, Sects.  
1 & 2 combined.

1 SECT. 6. All laws printed or published by authority of  
2 this state, shall be printed or published without any certi-  
3 ficates or additions to the same, except the word "approv-  
4 ed," and the date of said approval; and in each volume of  
5 the session laws hereafter published, there shall be a gene-  
6 ral certificate made by the secretary of state, to the effect  
7 that all the laws, memorials and resolutions contained  
8 therein, have been compared by him with the originals  
9 thereof, in his office, and that they are correct copies  
10 thereof.

*25*

*c 40*  
1861—p. 154, Sect. 1.

1 SECT. 7. The secretary of the senate, and the clerk of  
2 the house of representatives shall keep a journal of the pro-  
3 ceedings of their respective houses. After being read and  
4 corrected in the presence of the house to which the journals  
5 respectively belong, the proceedings of each day shall be  
6 attested by said secretary and clerk, and each journal shall  
7 be recorded in books to be furnished for that purpose by  
8 the secretary of state. After the journals are recorded said  
9 books shall be deposited with the secretary of state, who  
10 shall carefully preserve the same, and said records shall be  
11 considered the true and authentic journals. The original dai-  
12 ly journals as kept, corrected and attested, shall be delivered

13 by the secretary of the senate and the clerk of the house to  
 14 the state printer, within thirty days after the adjournment  
 15 of each regular, adjourned or extra session of the legisla-  
 16 ture.

26  
 1 SECT. 8. No executive message, address, or communi-  
 2 cation of any state officer, or board of officers, no report of  
 3 the superintendent or other officers of any institution or  
 4 building, no petition or memorial, no argumentative or <sup>c 40</sup>  
 5 voluminous report of any standing or select committee of 1861-p. 155, Sect. 2.  
 6 either house, or joint committee of both houses, no special  
 7 report of any officer or board of officers, made in reply to  
 8 any joint resolution of both houses, nor any other long or  
 9 voluminous document, except amendments to the constitu-  
 10 tion and to bills and resolutions, and the protests of mem-  
 11 bers of either house against any act or resolution thereof,  
 12 shall be entered at length upon the journals or recorded in  
 13 the record provided for in the foregoing section.

27  
 1 SECT. 9. The journals shall be printed as kept and re-  
 2 corded, and each printed journal shall have an appendix in  
 3 which shall be printed all such petitions and memorials, <sup>c 42</sup>  
 4 reports of committees, special reports, and communications 1861-p. 155, Sect. 3.  
 5 of all officers or boards of officers, as are laid before either  
 6 or both houses, and all such other papers and documents as  
 7 are laid before either or both houses in writing, unless the  
 8 printing thereof is otherwise provided for herein. *Provided*  
 9 That no paper or document shall be printed in either ap-  
 10 pendix unless the house before which such paper or docu-  
 11 ment is laid, expressly order the same to be printed in the  
 12 appendix of the journal of such house; and if any paper or  
 13 document is laid before both houses and ordered to be print-  
 14 ed by both houses, the same shall be printed only in the  
 15 appendix to the senate journal. The abstract of votes for  
 16 governor and other state officers, shall be printed in the  
 17 appendix to the senate journal, and the standing rules in  
 18 the appendix to each journal without an order by either or  
 19 both houses.

1 SECT. 10. The secretary of the senate and the clerk of the  
 2 house shall each make out a correct index to the journal  
 3 kept by them respectively, and also of its appendix, and  
 4 deliver the same to the printer, who shall print the same at <sup>c 40</sup>  
 5 the close of the appropriate volume. They shall also im- 1861-p. 156, Sect. 5.  
 6 mediately upon the receipt of a message from the governor, C. S. p. 117, Sects.  
 7 announcing the approval of any bill which originated in 24 & 25 combined.  
 8 their respective houses, place in the hands of the state prin-  
 9 ter, the copy of said bill from which the enrolled copy was  
 10 made, who shall forthwith cause the same to be published  
 11 in some paper printed and published in the city of St. Paul.

c 3 struck out

*struck out*

*c 14*  
C. S. p. 267, Sect. 2.  
Amended.

1 SECT. 11. The journals of the two houses shall be print-  
2 ed in folio pages, exactly uniform in length and breadth,  
3 and the same from year to year, with uniform width of mar-  
4 gin, and shall be printed in good long primer type.

*c 43*  
1865—p. 88, Sect. 1.

1 SECT. 12. The secretary of the senate and clerk of the  
2 house shall carefully preserve during the session, all such  
3 papers and documents as are laid before the house of which  
4 he is secretary or clerk, and such of these as are ordered by  
5 such house to be printed, he shall forthwith deliver to the  
6 printer, who shall immediately print two hundred and forty  
7 copies of the same, of which number each of the executive  
8 officers shall receive one, and the librarian five, which he  
9 shall preserve. No extra copies of any such paper or docu-  
10 ment shall be printed, unless the same are ordered by joint  
11 resolution, passed within three days of the day on which  
12 the two hundred and forty copies of the same are printed  
13 and delivered to the secretary or clerk, and if extra copies  
14 are so ordered, the printer shall print the same without any  
15 charge for composition for such extra copies. *Provided*,  
16 that all printing done by the order of either branch of the  
17 legislature, or by joint resolution, or by virtue of any law  
18 authorizing the same, shall be printed as solid matter, ex-  
19 cept in the case of blank forms for the use of any of the  
20 executive officers of the state, which shall be furnished by the  
21 quire or by the hundred, or by actual measurement of compo-  
22 sition set up, and not by constructive measurement; the  
23 secretary and clerk shall keep a correct list of all papers  
24 and documents of which extra copies are ordered to be  
25 printed, and also of all such as are ordered to be printed in  
26 the appendix to the journal of the house of which he is the  
27 secretary or clerk, and shall furnish the printer with copies  
28 of such lists whenever requested by him so to do; and if  
29 any such paper or document is ordered to be printed in the  
30 appendix to either journal, before the same is delivered to  
31 the printer, the secretary or clerk having charge of the  
32 same shall indorse upon it these words: "ordered to be  
33 printed in the appendix;" and if any such paper or docu-  
34 ment is ordered to be printed in either appendix, within  
35 three days after the same has been printed for the use of  
36 the legislature, then no charge for composition shall be  
37 made for printing the same in the appendix. *And pro-*  
38 *vided further*, That whenever the same message, docu-  
39 ment or any matter is ordered to be printed by each house,  
40 compensation for only one composition shall be claimed, ex-  
41 cept as hereinbefore provided.

*struck out*

1 SECT. 13. There shall be printed in pamphlet form, and  
2 covered in brochure covers, the following numbers of each  
3 of the following documents, to wit: auditor of state's re-

4 port, twelve hundred copies; treasurer of state's report,  
 5 three hundred copies; secretary of state's report, three <sup>c 43</sup>  
 6 hundred copies; attorney general's report, two hundred 1865-p. 89, Sect. 2.  
 7 copies; report of the superintendent of public instruction,  
 8 five hundred copies; report of the regents of the university,  
 9 two hundred copies; report of the trustees of the state  
 10 normal school, five hundred copies; report of the warden  
 11 of the state prison, two hundred copies; report of the ad-  
 12 jutant general, three hundred copies, and one hundred  
 13 copies of the report of the librarian.

<sup>29</sup>  
 1 SECT. 14. All regular messages of the governor, and all  
 2 inaugural addresses of the governor elect, shall be printed <sup>c 40</sup>  
 3 in pamphlet form, and there shall be printed in such form 1861-p. 157, Sect. 9.  
 4 for the governor's use, one hundred copies thereof; and  
 5 for the legislature four hundred copies, without any order  
 6 by either or both houses for the printing thereof.

<sup>30</sup>  
 1 SECT. 15. At the same time that the documents men-  
 2 tioned in the two preceding sections, are printed in pamph-  
 3 let form, there shall be printed on the same type three <sup>c 40</sup>  
 4 hundred copies of each document named in said two pre- 1861-p. 157, Sect. 10.  
 5 ceding sections, which shall be bound together in a volume,  
 6 and styled "executive documents." The paging of said  
 7 documents shall be consecutive. The secretary of state  
 8 shall make out an index of said volume of executive docu-  
 9 ments, which he shall deliver to the printer, who shall print the  
 10 same at the close of said volume. There shall be no charge  
 11 for composition for printing the number of copies of said  
 12 executive documents necessary for the volume herein pro-  
 13 vided for, and none of them shall be printed otherwise than  
 14 is provided in this and the two preceding sections of this  
 15 chapter.

<sup>31</sup>  
 1 SECT. 16. There shall be three hundred copies of each  
 2 journal and an appendix printed, there shall be five thousand <sup>c 43</sup>  
 3 copies of the general laws and joint resolutions printed in 1865-p. 90, Sect. 6.  
 4 one volume, and five hundred copies of the special laws in  
 5 another volume. But no memorials of the legislature shall  
 6 be printed in either the volumes of the laws or in the state  
 7 paper.

1 SECT. 17. The laws and journals required herein to be  
 2 printed and put up in book form shall all be bound in bro- <sup>c 40</sup>  
 3 chure covers, and the executive documents shall be bound 1861-p. 159, Sect. 17.  
 4 in quarter binding; and each journal and its appropriate  
 5 appendix shall be bound in the same volume.

*Draft/proof*

<sup>32</sup>  
 1 SECT. 18. Each member and officer of the legislature,  
 2 for himself, and each clerk of each court of record, and each

<sup>c 40</sup>  
1861—p. 158, Sect.  
12.

3 county auditor, for the use of their offices respectively, is  
4 entitled to one copy of each journal and appendix and the  
5 volume of executive documents. Each university, college,  
6 academy, or other literary institution, is entitled to one  
7 copy of the laws passed at each session of the legislature,  
8 and also to one copy of each journal and appendix, and the  
9 volume of executive documents.

<sup>c 40</sup>  
1861—p. 158, Sect.  
13.

<sup>33</sup>  
1 SECT. 19. Each member and officer of the legislature,  
2 for himself, each judge and each clerk of each court of re-  
3 cord, each justice of the peace, constable, chairman of the  
4 board of township supervisors, township clerk, each mayor,  
5 auditor, treasurer, clerk, recorder, (or alderman or trustee  
6 of any ward,) in any city or incorporated village; each  
7 county auditor, treasurer, recorder, sheriff, court commis-  
8 sioner, prosecuting attorney, surveyor, coroner and county  
9 commissioner, is entitled to receive one copy of the laws  
10 passed at each session of the legislature, for their use while  
11 filling such offices; but every such officer, (except members  
12 and officers of the legislature), shall deliver the same to his  
13 successor in office, for his use while filling such office, and  
14 if any such person refuses, on demand being made, to make  
15 such delivery, he shall forfeit and pay not less than five nor  
16 more than fifteen dollars, to be recovered in any action  
17 brought by the successor in office of such person, in the  
18 name of the State of Minnesota, (for the use of the county  
19 where such action is brought), before any justice of the  
20 peace of such county.

<sup>c 40</sup>  
1861—p. 160, Sect.  
15.

<sup>34</sup>  
1 SECT. 20. The secretary of state shall deliver to the  
2 governor, for his own use, two copies of the laws, and one  
3 copy of the journals and documents; to the auditor of state  
4 and treasurer of state each, three copies of the laws and one  
5 of the journals and documents; to the attorney general,  
6 each trustee or superintendent of any state benevolent in-  
7 stitution, each director and warden of the penitentiary, the  
8 clerk of the supreme court and the superintendent of public  
9 instruction, one copy of the same; and he shall furnish the  
10 governor with such number of copies of each as will be  
11 necessary to supply each state and each of the departments  
12 and territories of the United States and the general govern-  
13 ment of the United States with a copy; and shall furnish  
14 the state librarian with five copies of each, for the use of  
15 the library.

<sup>35</sup>  
1 SECT. 21. The secretary of state shall, as soon as the  
2 laws, journals and executive documents of each session are  
3 printed and ready for distribution, box up the number of  
4 each, to which each county is entitled, together with such  
5 number of extra copies of the laws for sale, as he may deem

6 sufficient to supply the demand, and forward the same by  
 7 public conveyance to the auditor of the county. If any  
 8 county seat is so situated that the laws, journals and docu- <sup>c 48</sup>  
 9 ments cannot be sent to the same by public conveyance, <sup>1861-p. 159, Sect.</sup>  
 10 they shall be forwarded to a secure place as near such county <sup>14.</sup>  
 11 seat as practicable, and the secretary of state shall notify  
 12 the county auditor in writing, of the delivery of the same  
 13 at such point, and the county auditor shall contract with  
 14 some person to convey the same to the county seat. The  
 15 treasurer of each county shall, on the order of the auditor,  
 16 pay the charges for the conveyance of the same from Saint  
 17 Paul to such county seat, and he shall take triplicate re-  
 18 ceipts therefor, one of which he shall file with the county  
 19 auditor, another he shall send to the secretary of state, and  
 20 the other to the auditor of state, who shall thereupon issue  
 21 his warrant on the treasurer of state, for the amount thereof,  
 22 who shall pay the same to the secretary of state out of any  
 23 money appropriated for that purpose, and the secretary of  
 24 state shall remit the same to the county treasurer.

<sup>36</sup>  
 1 . SECT. 22. The county auditor shall deliver the laws,  
 2 journals and documents to such persons and institutions as  
 3 are entitled to receive them, when requested so to do, and  
 4 shall take receipt therefor, and file the same in his office, <sup>c 48</sup>  
 5 subject to inspection. All such copies of the laws as are <sup>1861-p. 159, Sect.</sup>  
 6 forwarded to any county for sale, shall be delivered by the <sup>15.</sup>  
 7 auditor to the clerk of the district court, and the auditor  
 8 shall take his receipt therefor, and file the same with the  
 9 receipts aforesaid, and the auditor shall likewise charge the  
 10 said clerk with such laws, in a book kept for such purpose  
 11 in his office, at the actual cost of the same, which actual  
 12 cost shall be ascertained by the secretary of state, who shall  
 13 notify the county auditor thereof, and the clerk shall sell  
 14 said laws at the actual cost, and quarter yearly, after he has  
 15 received the same, shall pay all moneys which come into  
 16 his hands from such sales into the county treasury, and all  
 17 such money shall be considered a part of the general revenue  
 18 of the county. All copies of the laws which are not dis-  
 19 posed of to persons or institutions entitled to the same, or  
 20 which may not be sold, shall be carefully preserved by the  
 21 clerk, to be delivered to the officers of any new township,  
 22 or newly incorporated village, or to such officers entitled  
 23 thereto as may by any unavoidable accident have lost their  
 24 copies of the same.

<sup>37</sup>  
 1 SECT. 23. All laws, journals, documents and advertise-  
 2 ments printed and published by the state printer shall be <sup>c 88</sup>  
 3 deemed to be officially printed and published, and full faith <sup>1860-p. 278, Sect. 4.</sup>  
 4 and credit shall be given to them as such.



1 SECT. 24. Whenever any person elected to do the pub-  
 2 lic printing, fails to do the same as provided by this chapter,  
 3 the secretary of state shall commence an action on the offi-  
 4 cial bond of said printer for the recovery of such damages  
 5 as may have occurred in consequence of such failure; and  
 6 if the said failure occurs after the adjournment of the legis-  
 7 lature, the said secretary may employ some other person to  
 8 do the printing until the next meeting of the legislature;  
 9 and in case of any such failure during the session of the  
 10 legislature, the two houses by joint resolution may remove  
 11 the state printer, and proceed to elect another person to do  
 12 the public printing, who shall qualify and be governed in  
 13 every respect as provided by this chapter, for the qualifica-  
 14 tion and duties of state printer: *provided*, that no such  
 15 joint resolution shall be valid, unless passed by a vote of  
 16 two-thirds of the members present; and the question upon  
 17 the adoption of said joint resolution shall be taken by the  
 18 ayes and noes, and entered on the journal of both houses.

*struck out* c14  
 C. S. p. 208, Sect. 6.

1 SECT. 25. The secretary of state shall examine and ap-  
 2 prove all accounts for printing provided for in this chapter,  
 3 and the state auditor shall, after the accounts have been  
 4 examined and approved, have authority, during the progress  
 5 of the public printing and binding, and advertising, to audit  
 6 the accounts for the state printing, and binding and adver-  
 7 tising, and to issue his warrants therefor against any mo-  
 8 neys in the state treasury, which may have been appropri-  
 9 ated for such purposes, to the amount of seventy-five per  
 10 cent. of the printing and binding and advertising so done  
 11 and audited; but the said auditor shall withhold his war-  
 12 rants for the remaining twenty-five per cent. on each job of  
 13 printing and advertising and binding, until the whole of  
 14 such job is completed and delivered to the officer authorized  
 15 to receive the same.

c 88  
 1890—p. 278, Sects.  
 5 & 6 combined.

*struck out*

1 SECT. <sup>35</sup>26. All copies of the journals, executive docu-  
 2 ments and laws which are not distributed under the provi-  
 3 sions of this chapter, shall be preserved by the secretary of  
 4 state subject to future distribution by law.

c 40  
 1861—p. 161, Sect.  
 18.

1 SECT. <sup>37</sup>27. All county, township, city and village offi-  
 2 cers, and all officers and boards of officers of all state insti-  
 3 tutions and buildings, and all officers connected with the  
 4 public works of the state, and all corporations (except such  
 5 as by their charter are required to make their reports at  
 6 some other specified time,) which are required by law to  
 7 make annual reports for any purpose to any state officer,  
 8 shall make out and transmit the same on or before the fifth  
 9 day of November of each year, to the proper officer. For  
 10 the purpose of making out all such reports the year shall

c 40  
 1861—p. 166, Sect.  
 6.

11 begin on the first day of November of each year, and end  
12 on the last day of October of the succeeding year.

1 SECT. 28. All state officers and boards of officers, and  
2 the officers of all such institutions and buildings as are re-  
3 quired to make annual reports to the legislature, or to the  
4 governor, shall make such reports to the governor on or <sup>c 40</sup>  
5 before the fifth day of December of each year; and for the <sub>1861—p. 157, Sect. 7.</sub>  
6 purpose of making out such reports, the fiscal year is de-  
7 clared to begin on the first day of December of each year,  
8 and to end on the last day of November of the succeeding  
9 year. The governor, upon receiving such reports, shall  
10 cause the same forthwith to be printed by the state printer,  
11 and the governor shall lay before the legislature all such  
12 reports in printed form at the same time with his annual  
13 message.

## CHAPTER VI.

### STATE OFFICERS.

#### TITLE I.

#### G O V E R N O R .

1 SECTION 1. The governor is the legal custodian of all the  
2 property of the state, not specially entrusted to other offi- <sup>c 5</sup>  
3 cers by law; and is authorized and empowered to take sum- <sub>C. S. p. 125, Sect. 2.</sub>  
4 mary possession of such property without any process of  
5 law; and to adopt such measures as he deems proper to  
6 preserve it from injury or deterioration.

1 SECT. 2. He shall by proclamation, set apart one day <sup>c 5</sup>  
2 in each year, as a day of solemn and public thanksgiving <sub>C. S. p. 126, Sect. 8.</sub>  
3 to Almighty God, for his blessings to us as a state and na-  
4 tion, and no business shall be transacted on that day at any  
5 of the departments of state.

1 SECT. 3. Whenever he convenes an extra session of the <sup>c 9</sup>  
2 legislature, he shall do so by proclamation, giving such notice <sub>C. S. p. 126, Sect. 9.</sub>  
3 as he deems necessary to inform the members of the legis-  
4 lature of the time of assembling; and when assembled he  
5 shall state to them the purposes for which they are con-  
6 vened.

1 SECT. 4. He shall appoint his private secretary, who  
2 shall enter in a book kept for that purpose, all such letters