

THE
STATUTES AT LARGE
OF THE
STATE OF MINNESOTA

COMPRISING

THE GENERAL STATUTES OF 1866

As amended by subsequent Legislation to the close of the Session of 1873

TOGETHER WITH

ALL LAWS OF A GENERAL NATURE IN FORCE, MARCH 7, A.D. 1873

WITH REFERENCES TO

JUDICIAL DECISIONS OF THE STATE OF MINNESOTA, AND OF OTHER
STATES WHOSE STATUTES ARE SIMILAR

TO WHICH ARE PREFIXED

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT,
THE ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA

VOL. I.

COMPILED AND ARRANGED BY

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TITLE I.

OF APPORTIONMENT OF MEMBERS.

(Vide Title II. of Chapter II., ante.)

TITLE II.

OF ITS ORGANIZATION.

(This Title is Title II. of Chapter III. of the Statutes of 1866.)

SECTION 1 (3). *When legislature shall assemble.*—The legislature shall assemble annually at the seat of government on the first Tuesday after the first Monday in January.

SEC. 2 (4). *Certificate prima facie evidence of membership.*—The certificate of election from the county auditor of the proper county shall be *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.

SEC. 3 (5). *Senate, how organized.*—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 case of his absence or inability, then the oldest member present shall take the chair, call the members to order, and 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 the oath required by the constitution.

SEC. 4 (6). *Officers to be elected.*—The senate shall thereupon, if a quorum is

present, proceed to elect in the order named a secretary, an assistant secretary, an enrolling clerk, an engrossing clerk, a sergeant-at-arms, and a fireman, which officers shall hold their office for and during the session at which they are elected, but may be discharged by a resolution of the senate.

SEC. 5 (7, AS AMENDED BY ACT OF JANUARY 26, 1872). *House of representatives, how organized.*—At the time specified in section three (five) the secretary of state, and in his absence then the oldest member present in the hall of the house of representatives, shall call the members elect to order, and appoint from such members a clerk *pro tem.*; the several representative districts shall be called in numerical order, and as the same are called, the persons claiming to be members shall present their certificates and take the oath required by the constitution, and shall, if a quorum is present, thereupon proceed to elect in the order named, *viva voce*, a speaker, a chief clerk, an assistant clerk, a second assistant clerk, an enrolling clerk, an assistant enrolling clerk, who shall also perform the duties of post-master of the house, an engrossing clerk, sergeant-at-arms, and an assistant sergeant-at-arms, who shall also perform the duties of doorkeeper, and a chaplain.

S. L. 1872, 124.

SEC. 6 (8, AS AMENDED BY ACT OF JANUARY 26, 1872). *Term of office.*—The clerks and sergeants-at-arms shall hold their office for and during the session at which they are elected, but may be discharged by resolution of the house.

S. L. 1872, 124.

SEC. 7 (9). *Messengers, how appointed.*—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.

SEC. 8 (10). *Majority of votes necessary to elect officers.*—On all elections for officers of either branch of the legislature, a majority of all the votes given is necessary to a choice.

SEC. 9 (11). *Contempts, how punished.*—Each house may punish, as a contempt, by imprisonment, a breach of its privileges, or the privileges of its members, but only for one or more of the following offenses, to wit:

First. Arresting a member or officer of the house, or procuring such member or officer to be arrested in violation of his privilege from arrest.

Second. Disorderly conduct in the immediate view and presence of the house, and directly tending to interrupt its proceedings.

Third. Refusing to attend or 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.

Fourth. Giving or offering a bribe to a member, or attempting, by menace or any 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.

SEC. 10 (12). *Person in contempt, where imprisoned.*—Whenever either house of the legislature orders or directs the imprisonment of any person in any of the cases specified in the preceding section, such person shall be committed to the common jail of the county of Ramsey, and the sheriff and keeper of said jail shall receive such person and detain him in close confinement for the term specified in

the order of imprisonment, unless he is sooner discharged by the order of such house of the legislature, or by due course of law.

SEC. 11 (13). *Absentees may be compelled to attend.*—Whenever at the commencement, or during the regular, adjourned, or extra session of the legislature, upon a call of either house, it is found that no quorum of members is present, or if any members are found absent upon any such call, the members present are authorized to direct the sergeant-at-arms, or if there is no sergeant-at-arms of such house, then any other person duly authorized by the presiding officer of that 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.

SEC. 12 (14). *Only sixty days' pay.*—Members of the legislature shall not receive pay for more than sixty days of session during any one year, unless duly convened in extra session by proclamation of the governor, nor for more than thirty days when so convened.

SEC. 13 (15). *Compensation of members, how certified.*—The compensation prescribed by law for the members and officers of the senate shall be certified by the president thereof, and attested by the secretary; and the compensation of members and officers of the house of representatives, shall be certified by the speaker thereof, and attested by the chief clerk, which certificate shall be sufficient evidence of the amount due.

SEC. 14 (16). *Term of office.*—Members of the house of representatives shall be elected annually, and hold their office for one year. Senators shall hold their office for and during the term of two years: *provided*, that at the first annual election after each new apportionment, made in pursuance of the constitution, there shall be an entire new election of all the senators, and the senators chosen at every such election by districts designated by odd numbers, shall hold their office for one year only.

TITLE III.

OF COMPENSATION OF ITS OFFICERS AND MEMBERS.

(*This Title is the Act of March 6, 1873.**)

SEC. 15 (1). *Compensation.*—The compensation of the officers and members of the legislature shall be as follows: The per diem of the president of the senate and speaker of the house of representatives shall be ten dollars. The per diem of the secretary of the senate and chief clerk of the house of representatives shall be ten dollars. The per diem of the assistant secretary of the senate and assistant clerk of the house shall be seven dollars. The per diem of senators and representatives shall be five dollars. The per diem of all other officers of the senate and house of representatives, except the messengers, shall be five dollars. The per diem of the messengers shall be two dollars and fifty cents. The enrolling clerks may employ such number of competent assistants as may be necessary to secure the prompt and correct enrolment of all acts

* This act went into effect January 1, 1874, and repealed all prior inconsistent acts.

which have passed both senate and house of representatives, which assistants shall be paid fifteen cents per folio of one hundred words for such bills, memorials, and joint resolutions, as have been by them correctly and legibly enrolled.

SEC. 16 (2). *Mileage.*—The president of the senate, speaker of the house, and members of both houses, shall receive mileage at the rate of fifteen cents a mile for the distance necessarily travelled in going to and returning from the sessions of the legislature.

SEC. 17 (3). *Compensation for indexing journals.*—The secretary of the senate and chief clerk of the house shall be paid each one hundred dollars for fully and completely indexing the printed journals of their respective legislative bodies.

The assistant secretary of the senate and the assistant clerk of the house shall be paid one hundred and fifty dollars each for transcribing the journals of their respective legislative bodies.

SEC. 18 (4). *Compensation, how certified.*—It shall be the duty of the secretary of the senate and chief clerk of the house to issue certificates for the amount due all persons under the provisions of this act; and upon the presentation to the state auditor of any such certificate, signed by the presiding officer and clerk of the house to which the member or officer receiving the same belongs, or for which he has been employed, the said auditor shall draw his warrant upon the treasurer for the sum named therein; which amount shall be paid on presentation out of any money in the treasury appropriated for that purpose: *provided*, that the warrants for indexing the printed journals shall not be drawn until the journals are printed. The warrants for transcribing the journals shall not be drawn until the completed transcription is filed in the office of the secretary of state, and no more than forty per cent. of any claim for enrolling bills by folio shall be paid without the certificate of the secretary of state that the acts for enrolling which the claim is made, have been compared for publication and found correctly and legibly enrolled.

SEC. 19 (5). *Shall be in full of services.*—The compensation herein fixed shall be in full for all services which are herein required to be performed, whether rendered during the session or subsequent to the adjournment thereof.

TITLE IV.

OF THE ELECTION OF UNITED STATES SENATOR.

(*This Title is the Act of March 3, 1869, S. L. 1869, 112, which repealed Title III. of Chapter III. of the Statutes of 1866.*)

SEC. 20. *Manner of electing United States senator.*—On the second Tuesday after the meeting and organization of the two houses of the legislature, at any regular session thereof, immediately preceding the expiration of the time for which any senator was elected to represent this state in the congress of the United States, the legislature shall proceed to and elect a senator in the place of the senator so going out of office, at the place and in the manner as follows, that is to say: Each house shall openly, by a *viva voce* vote of each member present, name one person for senator in congress from this state, and the name of the person so voted for, who shall have received a majority of all the votes cast in each house, a majority

of all its members being present and voting, shall be entered in its journal by the proper clerk or secretary thereof; but if either house shall fail to give such majority to the same person, on that day such fact shall be entered in its journal.

SEC. 21. *When to meet in joint convention.*—At twelve o'clock, meridian, of the day following that on which proceedings are required to take place, as provided in the preceding section, the members of the two houses shall assemble in joint convention in the hall of the house of representatives.

SEC. 22. *How to proceed in joint convention.*—On the assembling of such joint convention, the speaker of the house shall call the convention to order, and act as the president thereof. The chief clerk of the house shall act as secretary, and call the roll of the members of the convention.

SEC. 23. *Who declared elected—how to proceed in case of no election.*—If upon the calling of the roll a majority of the members of both houses be found to be present in such joint convention, then so much of the proceedings of the preceding day of each house as relates to the election of a senator to congress, shall thereupon be read by the clerk or secretary thereof; and if it be ascertained therefrom that the same person has received a majority of all the votes in each house, a majority of all its members having been present and voted, then such person shall be deemed to have been duly elected a senator to represent the state of Minnesota in the congress of the United States; but if the same person shall not have received a majority of all the votes in each house, or if either house shall have failed to take proceedings as required by this title (act), the joint convention thereupon shall then and there proceed to and choose, by a *viva voce* vote of each member present, a person for senator in congress, and the person receiving a majority of all the votes of the joint convention, a majority of all the members of both houses being present and voting, shall be deemed to have been duly elected; and in case no person shall receive such majority on the first day, then the joint convention shall meet at the same place at twelve o'clock, meridian, of each succeeding day during the then session of the legislature, and take at least one vote in manner as aforesaid until a senator shall have been elected.

SEC. 24. *Vacancy, how filled.*—Whenever, on the meeting of the legislature of this state, a vacancy shall exist in the representation of the state in the senate of the United States, the legislature being then in session, shall, on the second Tuesday next after the commencement and organization of both houses thereof, proceed to and elect a person to fill such vacancy in the same manner as is hereinbefore provided for the election of a senator for a full term. And if a vacancy shall happen during any session of the legislature of this state, then on the second Tuesday after both houses thereof shall have been organized, and shall have had notice of such vacancy, the legislature shall in like manner proceed to and elect a person to fill such vacancy.

SEC. 25. *Duty of president.*—The person who shall have been elected a senator to congress at the time and place and in the manner provided by this title, shall, immediately after such result shall have been ascertained in joint convention, be declared by the president thereof to have been duly elected a member of the senate of the United States from the state of Minnesota.

SEC. 26. *Duty of secretary.*—The secretary of the joint convention shall enter the name of each of the members thereof, the result of the election, and the declaration thereof, upon the journal of the convention.

SEC. 27. *Certificate of election, how prepared.*—Upon the election of any senator, as provided by this title, the president and the secretary of the joint convention shall immediately make and sign a certificate of such election, specifying the time and place thereof, and the name of the person so elected, which said certificate, within three days after such election, shall, by the president of the convention, be presented to the governor, and immediately upon the presentation thereof to him, the governor shall execute a further certificate of such election, duly certifying the same to the president of the senate of the United States, which certificate shall also be attested by the secretary of state of this state, and have affixed thereto the great seal of the state of Minnesota.

SEC. 28. *What deemed evidence of election.*—The certificate thus executed by the governor shall be forwarded to the president of the senate of the United States, and shall be held and deemed *prima facie* evidence that the person named therein as senator has been duly elected according to law.