

CHANGES

—IN THE—

General Statutes of 1878,

EFFECTED BY THE

GENERAL LAWS OF 1879 AND 1881,

Arranged with reference to the Chapter and Section Amended.

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water pipes laid by such city or municipality within corporate limits of said city, for supplying water to the citizens thereof, without regard to the cash value of such property; and to empower such city to collect any such tax assessments, or fines or penalties for failure to pay the same, or any fine or penalty for any violation of the rules of such city or municipality in regard to the use of water, or for any water rate due for the same. (*As proposed to be amended, 1881, c. 1, § 1.*)

(To be submitted to the people for adoption at the next general election, to be held November 15, 1881.)

Adopted. See Gen. Laws 1883, p. 1.

See page 26.

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*SEC. 15. *Same.* The legislature shall not authorize any county, township, city, or other municipal corporation to issue bonds, or to become indebted in any manner, to aid in the construction or equipment of any or all railroads to any amount that shall exceed five per centum of the value of the taxable property within such county, township, city, or other municipal corporation; the amount of such taxable property to be ascertained and determined by the last assessment of said property made, for the purpose of state and county taxation, previous to the incurring of such indebtedness.

(§Section 15 was adopted November 4, 1879.)

See page 23.

GENERAL STATUTES.

CHAPTER I.

ELECTIONS.

§ 23. (SEC. 19.) **County canvassing board—transmitting abstracts of votes cast.** The county auditor and two justices of the peace of his county, by him selected, constitute the county canvassing board, and on or before the tenth day after the election said board shall proceed to open and publicly canvass the several returns made to the auditor's office. The abstracts of the votes cast for governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, judges and clerk of the supreme court, and judges of the district court, and all other state officers, shall be on one sheet, and being certified and signed by the auditor and justices of the peace, shall be deposited in said auditor's office, and two copies thereof shall be certified under the official seal of the auditor, one of which shall be enclosed and directed to the secretary of state, and forwarded immediately to the seat of government by mail, and the other also enclosed, directed, and forwarded to the secretary of state in like manner as the first copy, but by different mail; and within five days after such first copy shall have been so transmitted, and in the event that either of such copies so transmitted shall not be received by the secretary of state within twenty days after the election, the county auditor shall in like manner transmit immediately, upon being notified of such failure, a third copy of such abstract to the secretary of state. If, within twenty days after such election, no such copy of abstract shall have been received by the secretary of state from every county in the state, it shall be the duty of the secretary of state to immediately notify the auditors of the county or counties from which such returns have not been received, of such fact. The county auditor shall indorse on the outside of the envelopes enclosing each of such duplicates or copies of such abstract certificates of the votes for governor, lieutenant

MINNESOTA STATUTES 1881 SUPPLEMENT

governor, secretary of state, treasurer of state, attorney general, (and any other state officers, as the case may be,) and the name of the county in which said votes are given. (*As amended* 1881, c. 22, § 1.)

See page 42.

§ 23a. (SEC. 20.) **Board of canvassers—canvassing returns.** Within three (3) days after the first day of January following such election the secretary of state shall call to his assistance two or more of the judges of the supreme court, and two disinterested judges of the district court of this state, who shall constitute a board of canvassers, who shall open and canvass said returns and declare the result within three days after such canvass, and a certificate of their action in the premises shall be made and filed in the office of the secretary of state. (*Id.* § 2.)

See page 42.

Add to *§ 41, (SEC. 38,) p. 47:

All claims for fees for carrying election returns shall be audited and allowed by the board of county commissioners of the proper county in the same manner as other claims are allowed, and may be paid immediately thereafter, upon the warrant of the county auditor. (1881, c. 39, § 1.)

See page 47.

*§ 80. **Opening and closing polls.** The polls shall be opened at the hour of eight o'clock in the forenoon and continue open until half-past five o'clock of the same day, at which time the polls shall be closed; but if the judges shall not attend at the hour of eight o'clock in the forenoon, or if it be necessary for the electors present to appoint judges to conduct the election as hereinbefore prescribed, the polls may in that case be opened at any hour before the time for closing the same shall arrive, as the case may require. (1878, c. 84, § 4, *as amended* 1881, c. 79, § 1.)

See page 54.

*§ 92. **Additional evidence required.** In addition to such affidavit the person so challenged shall produce a witness, personally known to the judges of election to be a resident and voter in the precinct or district, who shall make and subscribe an affidavit in the following form:

I do solemnly swear (or affirm) that I am a resident of this election precinct (or district) and entitled to vote at this election, and that I have been a resident herein for four months last past, and am well acquainted with the person whose vote is now offered; that he is an actual and *bona fide* resident of this election precinct or district, and has resided at (here give the particular house or place of residence and the street and number) for the ten days last past, and that he has resided, as I verily believe, in this state for the four months next preceding this election, and in the United States for one year.

All affidavits shall be retained by the judges of election, and returned by them with the poll-book. (1878, c. 84, § 16, *as amended* 1881, c. 79, § 2.)

See page 56.

*§ 93. **Who may administer oath—penalty for taking compensation therefor.** The oath, in each case in which an oath is required by this act, may be administered by either of the judges of election, or by any officer authorized by law to administer oaths. Any officer who makes, or attempts to make, any charge, or who demands any fee, for administering any oath required to be made under this act, or who wilfully neglects or refuses, upon demand, duly to administer such oath, shall, on conviction thereof, be fined in the sum of one hundred dollars, or imprisoned in the county jail for a term not exceeding thirty days, or both, in the discretion of the court. (1878. c. 84, § 17, *as amended* 1881, c. 79, § 3.)

See page 56.

*§ 109. **Use of register at elections.** After said lists shall have been fully completed, the said board shall, within three days thereafter, cause two (2) copies of the same to be made, each of which shall be certified by them to be a correct list of the voters

of their district, one (1) of which shall be filed in the office of the city clerk, and one (1) of which copies shall delivered to one (1) of said judges. It shall be the duty of said judges so receiving such list carefully to preserve the said list for their use on election day, and to designate two (2) of their number, at the opening of the polls, to check the name of every voter voting in such district whose name is on the register; and it shall be the duty of said judges, after the final result of the canvass, to draw a line with red ink across the name of every person on said register not voting at such election.

No vote shall be received at any general election if the name of the person offering to vote, and his place of residence, clearly and definitely stated, be not on said register made on the Tuesday next preceding such election; or at any special election, if the name and residence, clearly and definitely given, of the person offering to vote be not on said register, made seven days before such elections, unless the person offering to vote shall furnish to the judges the same affidavits and evidence that he is entitled to vote as is required by this act of a person whose vote is challenged. (1878, c. 84, § 33, as amended 1881, c. 79, § 4.)

See page 59.

CHAPTER III. THE LEGISLATURE.

'APPORTIONMENT.

*§ 1. **Number of members of each house.** That for the next legislature, and thereafter until a new apportionment shall have been made, the senate of this state shall be composed of forty-seven (47) members, and the house of representatives shall be composed of one hundred and three (103) members. (1881, c. 128, § 1.)

See page 62.

*§ 2. **Senatorial and representative districts.** That the representation in the senate and house of representatives be apportioned throughout the state in forty-seven (47) senatorial and representative districts, to-wit:

1. The first district shall be composed of the county of Houston, and shall be entitled to elect one (1) senator and two (2) representatives.

2. The second district shall be composed of the county of Fillmore, and shall be entitled to elect one (1) senator and five (5) representatives.

3. The third district shall be composed of the county of Mower, and shall be entitled to elect one (1) senator and two (2) representatives.

Representative districts divided as follows: The towns of Le Roy, Lodi, Adams, Nevada, Lyle, Austin, and Windom shall be entitled to elect one (1) representative. The towns of Racine, Pleasant Valley, Sargent, Waltham, Udolphi, Lansing, Red Rock, Dexter, Grand Meadow, Frankfort, Bennington, Clayton, and Marshall shall be entitled to elect one (1) representative.

4. The fourth district shall be composed of the county of Freeborn, and shall be entitled to elect one (1) senator and two (2) representatives.

5. The fifth district shall be composed of the county of Faribault, and shall be entitled to elect one (1) senator and one (1) representative.

6. The sixth district shall be composed of the counties of Jackson and Martin, and shall be entitled to elect one (1) senator and one (1) representative.

7. The seventh district shall be composed of the counties of Nobles, Murray, Rock, and Pipe Stone, and shall be entitled to elect one (1) senator and two (2) representatives. Representative districts divided as follows: The counties of Nobles and Murray shall be entitled to elect one (1) representative; and the counties of Rock and Pipe Stone shall be entitled to elect one (1) representative.

8. The eighth district shall be composed of the counties of Watonwan and Cottonwood, and shall be entitled to elect one (1) senator and one (1) representative.

9. The ninth district shall be composed of the counties of Brown and Red-