

GENERAL STATUTES  
OF THE  
STATE OF MINNESOTA

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IN FORCE

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COMPLETE IN TWO VOLUMES.

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VOLUME 1, the General Statutes of 1878, prepared by GEORGE B. YOUNG, edited and published under the authority of chapter 67 of the Laws of 1878, and chapter 67 of the Laws of 1879.

VOLUME 2, Supplement.—Changes effected in the General Statutes of 1878 by the General Laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H. J. HORN, Esq., with Annotations by STUART RAPALJE, Esq., and others, and a General Index by the Editorial Staff of the NATIONAL REPORTER SYSTEM.

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VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

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ST. PAUL:  
WEST PUBLISHING CO.  
1888.

SUBD. 18. "Feloniously," as thus defined, is applicable to misdemeanors as well as felonies. *State v. Hogard*, 12 Minn. 293, (Gil. 191.)

See, generally, *Banning v. Sibley*, 3 Minn. 389, (Gil. 282;) *Rothschild v. Boelter*, 18 Minn. 363, (Gil. 331;) *Wilder v. Haughey*, 21 Minn. 101, 106; *Beecher v. Stephens*, 25 Minn. 146.

### § 2. When laws to take effect.

A provision that an act shall take effect and be in force from and after its passage, is effectual, and *pro tanto* a repeal of this section. *State v. Welch*, 21 Minn. 23.

Due publication will be presumed, in the absence of any allegation to the contrary, *Lowell v. North*, 4 Minn. 32, (Gil. 15, 20;) and publication in a newspaper is sufficient, *Stine v. Bennett*, 13 Minn. 153, (Gil. 138.)

### § 3. Effect of repeal.

The repeal of Laws 1875, c. 5, § 52, did not revive Gen. St. 1866, c. 11, § 154; nor did Laws 1878, c. 1, § 120, have that effect. *Kipp v. Johnson*, 31 Minn. 360, 17 N. W. Rep. 957.

See *Lambert v. Slingerland*, 25 Minn. 457, and note at head of chapter, *supra*.

## CHAPTER 5.

### PRINTING AND DISTRIBUTION OF LAWS AND DOCUMENTS.\*

#### \*§ 3. Advertisement for bids for public printing, etc.— Maximum prices—Requisites of bids.

The commissioners of printing shall, during the first week in May, A. D. one thousand eight hundred and seventy-five, and every year thereafter, give notice in two newspapers printed in the city of St. Paul, and in such other newspapers in the state, not exceeding four, as they may deem necessary, for thirty days, that sealed proposals will be received at the office of the secretary of state, until a day specified in the said notice, for the execution of the several classes of the state printing, in separate contracts, as specified in section two of this act, for the term of one year from the first day of August next ensuing; said advertisement shall contain the maximum list of prices established by law, and such other information as the said commissioners may deem necessary: *provided, however*, that the contract for such printing let and made for the year A. D. one thousand eight hundred and eighty-five shall only embrace the period between November first in the year of our Lord one thousand eight hundred and eighty-five and the thirty-first day of July, in the year of our Lord one thousand eight hundred and eighty-six. The following prices are hereby established as the maximum prices for doing said work:

*Composition.* First class, fifty cents per one thousand ems; second, third and fourth class, seventy cents per one thousand ems for plain matter; fifth class, one dollar per one thousand ems.

*Presswork.* For the first one hundred impressions of a form, one dollar; for each additional one hundred impressions of the same form, twenty-five cents. In book work the form is hereby determined to consist of eight pages octavo, or twelve pages duodecimo, or fraction thereof, whenever said fraction is made necessary. In all other work, the form shall consist of one side of the sheet upon which the job is printed and delivered.

*Folding.* When no charge is made for binding, per one hundred sheets of eight pages, or fraction thereof, eight cents.

\*See an act providing for the printing of school laws, Laws 1887, c. 229; *post*, c. 36, §§ 57d, 57e. Also an act providing for the publication of the Minnesota Reports, Laws 1887, c. 230, *post*, c. 27.

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*Stitching.* Including collating, stabbing, and cutting, per one hundred copies, one dollar.

*Binding.* Including folding, collating, stabbing, stitching, sawing, sewing, and trimming brochure covering, for books of eight pages or less, for one hundred copies, one dollar and fifty cents; brochure covering, for each additional eight pages or fraction thereof, per one hundred copies, twenty cents. Quarter binding, per one hundred copies, forty-five dollars; half binding, per one hundred copies, seventy-five dollars; full cloth binding, cut flush, per one hundred copies, fifty-five dollars; full cloth binding, with squares, per one hundred copies, sixty dollars; full roan leather, with squares, per one hundred copies, eighty dollars; full law, per one hundred copies, one hundred and fifty dollars.

Each proposal shall be in writing, sealed, and addressed to the secretary of state, and it shall be accompanied by a bond executed in due form, by the bidders, with at least two good, and sufficient sureties, satisfactory to the commissioners, in the penal sum of eight thousand dollars, conditioned for the faithful performance, pursuant to this chapter, of such class or classes of the state printing as may be adjudged to him, and for the payment, as liquidated damages, by such bidder to the state, of any excess of cost over the bid or bids of such bidders which the state may be obliged to pay for such work, by reason of the failure of such bidder to complete his contract; said bond to be null and void if no contract is awarded to him. No bid unaccompanied by such bond shall be entertained by the commissioners of printing. The contract shall be let to the person who shall bid to execute the work at the greatest per centum of discount from the maximum prices established by law, such per centum of discount to be uniform on every item of work: *provided further*, that all printing and binding for which provision is made in this act, shall be performed within the state of Minnesota. (1874, c. 7, § 3, as amended 1875, c. 133, § 2; 1885, c. 37.)

## \*§ 34. Distribution of laws, etc.

The secretary of state shall deliver to the governor, for his own use, two copies of the laws and one copy of the journals and documents; to the auditor and treasurer of state, each three copies of the laws and one of the journals and documents; to the attorney general, the adjutant general, the railroad commissioner, the commissioner of insurance, the commissioner of statistics, the clerk of the supreme court, the superintendent of public instruction, the superintendent of every state benevolent institution, the warden of the state prison, to the United States circuit judge, to the United States district judge, to the clerk of each of the United States courts, and to the United States marshal, one copy of the same; and shall furnish the state librarian with such number of copies of the printed laws, statutes, reports of the supreme court, journals of the senate and house of representatives, and public documents, as will be necessary to supply each state, and each of the departments and territories of the United States, and the general government of the United States with a copy; he shall furnish the library with five copies of the general and special laws, both journals, and the volumes of executive documents; and shall deliver to the secretary of the historical society twenty copies of the general laws, ten copies of the special laws and journals, and fifty copies of the executive documents. (1874, c. 7, § 32, as amended 1879, c. 16, § 1.)

[\*§§ 34a, 34b. For these sections, see *post*, page 1053.]

## \*§ 40a. Printing and distribution of reports of horticultural society.

There shall be annually printed and bound thirty-five hundred copies of the annual report of the state horticultural society: *provided*, the number of printed pages of the same shall not exceed five hundred; which report shall be trans-

mitted to the governor, and shall be distributed by the state horticultural society, as follows:

One copy to each of the state officers, members of the legislature, judges and clerks of the supreme and district courts, county auditors and members of the board of regents and faculty of the state university; fifty copies to the state historical society; one hundred copies to the state board of immigration; one hundred copies to the state agricultural society in exchange for a like number of its annual reports; and a sufficient number of copies to each county horticultural society to supply one copy to each of its members: *provided*, such county society shall be in active existence, and shall have filed with the secretary of the state horticultural society a list of its officers and committees, and an abstract of its proceedings, for the year preceding; and the remaining copies shall be distributed by the state horticultural society in such manner as it shall deem best, after retaining a sufficient number for its library and to supply future members and exchanges. (1881, c. 72, as amended 1883, c. 8, § 1.)

**\*§ 41a. When the reports of state officers, etc., to be made.**

That all state officers and the several charitable, educational, penal, and other institutions of this state, from whom reports are required under existing laws, for a period ending the thirtieth day of November, shall hereafter make reports for periods ending July thirty-first, as hereinafter required, and the fiscal year of this state is by this act fixed to terminate in the year one thousand eight hundred and eighty-three, and annually thereafter, on the thirty-first day of July in each year. (1883, c. 124, § 1.)

**\*§ 41b. Same—Legislature, when supplied.**

The state treasurer, the secretary of state, the railroad commissioner, and the state board of health shall make a report for the period ending July thirty-first, one thousand eight hundred and eighty-three, and annually thereafter for the fiscal years as fixed by this act. All other state officers, and trustees and managers of said institutions, shall make reports for the period ending July thirty-first, one thousand eight hundred and eighty-four, and biennially thereafter. The several state officers, and the officers of the several state institutions, who, under existing laws, are required to make reports to the governor, shall hereafter make such reports on or before the fifteenth day of September of the year in which they are required to make reports, and all contracts for printing shall hereafter require such reports to be printed on or before the fifteenth day of November of the year in which such reports are made. It shall be the duty of the secretary of state to supply the members of the legislature next to convene with a copy of each of the reports so printed on or before the first day of December, in the year one thousand eight hundred and eighty-four, and biennially thereafter: *provided*, that the provisions of this act shall not apply to the commissioner of insurance, the railroad commissioner, and the commissioner of statistics, whose reports shall be made for the periods and at the time fixed by existing laws. (1883, c. 124, § 2, as amended 1885, c. 39.)

**\*§ 50a. Legislative manual.**

It shall be the duty of the secretary of state to cause to be prepared and printed by the state printer, biennially hereafter, for the use of the senate and house of representatives, a book to be denominated "Legislative Manual," which shall contain the constitution of the United States and of this state, Jefferson's Manual, Rules and Orders of the Senate and House, Joint Rules of the Senate and House, List of Senators and Members of the House, and Employes of each house. (1881, c. 115,\* § 1.)

\*By § 4, all acts and parts of acts inconsistent therewith are repealed.

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## \*§ 50b. Number of copies—Distribution—Binding.

The secretary of state shall cause to be printed biennially one thousand five hundred copies of such manual, to be distributed as follows: Three copies to each member of the senate and house, two copies to each employe of the two houses, two copies to each state officer in the capital and their clerks, two copies to each state institution, ten copies to the state library and historical society each, two copies to the judges of supreme and district courts. The balance shall be kept by the secretary of state, who shall at the commencement of each session distribute to the members of the legislature at the opening of the session one hundred and fifty copies, the balance to be kept for exchange. One copy of such manual for each state officer and their clerks, and each member of the senate and house and the employes thereof, shall be bound in morocco and be lettered with the name of the person entitled to receive it. (*Id.* § 2.)

## \*§ 50c. Appropriation.

There is hereby biennially appropriated out of any money in the state treasury not otherwise appropriated, belonging to the general fund, an amount sufficient for the expenses authorized by this act, not exceeding the sum of one thousand dollars. (*Id.* § 3.)

## \*§ 51a. Compilation of tax laws.

As soon after the close of the present session of the legislature as possible it shall be the duty of the attorney general and the state auditor to compile, digest, and collate the tax laws of the state, or cause the same to be done under their direction. (1887, c. 163, § 1.)

## \*§ 51b. Indexed and tabulated.

The compilation, digesting, and revision provided for in section one of this act shall be arranged and put under appropriate heads for convenient reference, with copious and full index and table of cases digested; the digesting to embrace all of the decisions of the supreme court of Minnesota on taxation and assessment, and the means of enforcing their collection, up to the present time. (*Id.* § 2.)

## \*§ 51c. Size and binding.

Said compilation of the tax laws shall be of convenient size and bound in cloth. (*Id.* § 3.)

## \*§ 51d. Printing and distribution.

The volumes furnished the state shall be distributed as follows: One copy each to the several county auditors and county attorneys of the state; one copy each to the several departments of state; and one copy each to the judges of the supreme court and district courts of the state; and the remainder to be deposited with the secretary of state for future distribution. All of the copies sent to the above enumerated officers shall be by them turned over to their successors in office, at the expiration of their several terms of office. (*Id.* § 4.)

## \*§ 51e. Appropriation—Price.

The sum of three hundred dollars, or so much of that amount as may be necessary, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to pay for the work mentioned in the first section of this act; and the work of printing, publishing, and binding said compilation shall be done under direction and supervision of the secretary of state, and said compilation shall be sold to parties not entitled to a copy under the provisions of this act, at a price not exceeding seventy-five cents. (*Id.* § 5.)

**\*§ 59. Statement of terms of court to be published.**

The secretary of state shall prepare a statement showing the times and places of holding the terms of the district courts in the several counties, and in such statement refer to the laws fixing the times for holding the same respectively; such statement shall be published with the laws for the year one thousand eight hundred and eighty-three, and he shall thereafter, at the close of each legislative session, correct such statement, and publish the same, so corrected, with the general laws of the then next previous session. (1883, c. 7, § 1.)

**\*§ 60. Opinions of attorney general — Publication—Price.**

The secretary of state, under the direction of the attorney general, is hereby directed to contract for the printing and furnishing to the state, for the use of the several departments of the state government and county officers, of five hundred copies of the opinions of the attorney general of this state from the earliest date up to the present time, bound in full leather binding, at a price not to exceed three dollars and fifty cents per copy for the entire work. (1883, c. 129, § 1.)

**\*§ 61. Same—Copies to be furnished officers—Appropriation for indexing, etc.**

The secretary of state shall furnish to each of the state officers and to the several county attorneys and county auditors one copy each of said opinions, and to the state librarian, for the use of the state library, ten copies thereof, when printed and bound as aforesaid, which copies shall by said officers be delivered at the expiration of their several terms of office to their successors.

That the sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of paying the expense of furnishing copy to the printer and for indexing said opinions, to be expended under the direction of the secretary of state and attorney general. (*Id.* § 2.)

**\*§ 62. Appropriation for printing and binding.**

That the sum of seventeen hundred and fifty dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of paying for the printing and binding of said five hundred copies. (*Id.* § 3.)