

# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA

36

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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APPENDIX.

The sections following, from chapters 1, 5, 34, 37, 53, were omitted from the Revision of 1878, and are here inserted for the convenience of the reader.

The sections from chapters 94, 95, 101, are amendatory sections repealed by the Penal Code, (§ 541,) and were for that reason omitted from the body of the Supplement.

CHAPTER 1.

ELECTIONS.

§ 23a. (Sec. 20.) Abstract of votes—Delivery to speaker—Canvass.

Immediately after the organization of the house of representatives, the secretary of state shall deliver one of said copies to the speaker, who shall, within three days after each house is organized, cause the abstracts of the votes so received, to be opened and canvassed before both houses of the legislature, in conformity with the provisions of the second section of article five of the constitution.

[See repeal, *ante*, Supp. Gen. St. c. 1, § 98, page 52.]

CHAPTER 5.

PRINTING AND DISTRIBUTION OF LAWS AND DOCUMENTS.

\*§ 34a. Appropriation for postage, etc.

That the sum of three hundred dollars, or so much thereof as may be necessary, be appropriated annually out of any money in the state treasury not otherwise appropriated, for the payment of expressage and postage on books and documents sent to other states, in exchange for similar books and documents of such states. (1878, c. 114, § 1.)

\*§ 34b. Same—Statement and warrant.

That, on the presentation by the secretary of state of a statement of amounts expended by him for the purposes specified in the foregoing section, the state auditor shall draw a warrant on the state treasurer for the amount so expended. (*Id.* § 2.)

CHAPTER 34.

CORPORATIONS.

\*§ 193. Agricultural societies—Appropriation—How drawn—Certificate.

*Provided, further,* that said order shall be accompanied by a certificate from the secretary of the Minnesota State Agricultural Society, to the effect

that such county society has, prior to the tenth day of July, preceding such appropriation, made a report to the said secretary of the State Agricultural Society of their transactions of the year previous. (*Amendment of 1869, c. 43, § 1.*)

[See repeal, *ante*, Supp. Gen. St. page 344, note.]

## CHAPTER 37.

## UNIVERSITY OF MINNESOTA.

**\*§ 11a. Experimental fruit farm—Purchase—Supervision.**

That the board of regents of the State University is hereby authorized to purchase and use as a part of the experimental farm of the agricultural department of said university, a tract of land of one hundred and sixteen acres, situated near Lake Minnetonka, in Hennepin county, in this state, at a cost of not to exceed two thousand dollars; the said land to be paid for out of the funds of the said State University, and to be subject to the supervision of said board of regents. (1878, c. 82, § 1.)

**\*§ 11b. Same—Use of farm—Superintendent.**

That the said tract of land, or so much thereof as may be necessary, shall be used for the growth of apple and other fruit trees, and for experimenting therein, especially with a view to hybridizing the crabs and hardy seedling apples with long-keeping standard apples to develop [hardy] long-keeping varieties of the apple tree suitable to this climate; and said experiment shall be conducted by some person to be designated by the governor, and who shall receive annually the sum of one thousand dollars as compensation for his services, and to pay for such [necessary] labor as he may employ in conducting the said experiments. He shall report annually to the board of regents of the State University, who shall transmit said report to the governor. (*Id.* § 2.)

[See, also, Supp. Gen. St., *ante*, page 469, \*§ 11*d et seq.*]

## CHAPTER 53.

## PAYMENT OF DEBTS AND LEGACIES.

**§ 38a. (Sec. 35.) Preferences.**

No preference shall be given in the payment of any debt, over other debts of the same class, except those specified in the third class; nor shall a debt due and payable be entitled to preference over debts not due; nor shall the commencement of an action for the recovery of any debt, or the obtaining a judgment thereon against the executor or administrator, entitle such debt to any preference over others of the same class.

## CHAPTER 94.

## OFFENSES AGAINST LIFE AND PERSON.

**\*§ 2a. Murder in first degree—Penalty.**

Whoever is guilty of murder in the first degree shall suffer the punishment of death: *provided*, that if in any such case the court shall certify of record its opinion that by reason of exceptional circumstances the case is not one in

which the penalty of death should be imposed, the punishment shall be imprisonment for life in the penitentiary. (1883, c. 122, § 1.\*)

**§ 34. (Sec. 24.) Manslaughter in fourth degree—Penalty.**

Whoever is convicted of manslaughter in the fourth degree shall be punished by imprisonment in the state prison for a period not exceeding four years, or by imprisonment in the county jail not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment. (*As amended* 1881, c. 62, § 1.†)

CHAPTER 95.

OFFENSES AGAINST PROPERTY.

**§ 22. (Sec. 12.) Entering, etc., building with felonious intent—Penalty.**

Whoever enters, in the night-time, or breaks and enters, in the day-time, any dwelling-house, or any outhouse thereto adjoining, and occupied therewith, or any office, shop, or warehouse, or any ship, steam-boat, or vessel, within the body of any county, or any railroad car, with intent to commit the crime of murder, rape, robbery, larceny, or any other felony, shall be punished by imprisonment in the state prison not more than four years, nor less than six months; and every person who makes an unsuccessful attempt to commit either of the offenses specified in this section, or the preceding six sections of this chapter, shall be punished by imprisonment in the state prison for a term not exceeding two years, nor less than six months. (*As amended*, 1883, c. 65, § 1.†)

**§ 23. (Sec. 13.) Larceny in dwelling, office, etc.—Penalty.**

Whoever commits the crime of larceny in any dwelling-house, office, shop, bank or warehouse, ship, steam-boat, vessel, or railroad car, or breaks [into] and enters, in the night-time or day-time, any meeting-house, church, court-house, town-house, college, academy, or other public building erected for public use, and steals therein, shall be punished by imprisonment in the state prison not more than three years, nor less than one year, or by imprisonment in the county jail not more than one year, nor less than three months, or by fine not exceeding five hundred dollars. (*As amended* 1883, c. 65, § 2.‖)

**§ 24. (Sec. 14.) Larceny from the person—Penalty.**

Whoever commits the offense of larceny, by stealing from the person of another, shall be punished by imprisonment in the state prison not more than

\* "An act prescribing the punishment of murder in the first degree." Approved March 3, 1883. §§ 2, 3, are as follows:

§ 2. The provisions of this act shall not apply nor extend to any act done nor offense committed prior to the passage hereof; but the law now in force, applicable to the crime of murder in the first degree, shall, for all purposes, be and remain in full force and effect as to any such offense heretofore committed.

§ 3. That sections three, four, five, and six of chapter ninety-four, General Statutes one thousand eight hundred and seventy-eight, as well as all acts and parts of acts inconsistent [inconsistent] with the provisions of this act, are hereby repealed.

† The act of 1881 further provides as follows: "[§ 2.] This act shall not extend to any act done or offense committed prior to the passage hereof, but the provisions of law now in force, prescribing the punishment for murder in the fourth degree, shall continue in force as to all such offenses committed prior to the passage hereof."

‡ Section 3, c. 65, Gen. Laws 1883, provides as follows:

§ 3. This act shall not extend to any act done or offense committed prior to the passage hereof, but the provisions of law now in force, prescribing the punishment for the offenses mentioned in the sections herein amended, shall continue in force as to all such offenses committed prior to the passage hereof.

‖ See note to § 22.

four years, or imprisonment in the county jail not less than three months, or by a fine not exceeding five hundred dollars. This act shall not extend to any act done or offense committed prior to the passage hereof, but the provisions of law now in force prescribing the punishment for larceny, by stealing from the person of another, shall continue in force as to all such offenses committed prior to the passage hereof. (*As amended* 1883, c. 72, § 1.)

## CHAPTER 101.

## OFFENSES AGAINST THE PUBLIC HEALTH.

**§ 1. Selling diseased provisions—Penalty.**

Whoever knowingly sells any kind of diseased, corrupted, or unwholesome provisions, whether for meat or for drink, without making the same fully known to the buyer, or whoever, having bought or come into the possession of any such diseased, corrupted, or unwholesome provisions, shall offer or furnish the same, or any part thereof, as food or drink to any person or persons, without first fully informing such person or persons to whom such provisions are offered of the true condition of the same, shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment, in the discretion of the court. (*As amended* 1879, c. 9, § 1.)