

REVISED LAWS OF
MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
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1910

designated as the Nineteenth judicial district of Minnesota. ('07 c. 146 § 1)

Historical.—"An act for the establishment of a new judicial district to be known as the Nineteenth judicial district, and to fix dates for holding terms of court therein." Approved April 11, 1907.

Section 2 prescribes the times for holding general and special terms, and section 3 provides for the election of a judge for the district. See sections 97, 99-1.

CHAPTER 3.

THE LEGISLATURE.

14. [Superseded in part.]

See section next following, and note thereunder.

[14—]1. **Officers of senate 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 and a sergeant-at-arms, which officers shall hold their office for and during the sessions at which they are elected, but may be discharged by a resolution. (G. S. 1894, § 220, as amended by Laws 1905, c. 52, § 1.)

Historical.—"An act to amend section two hundred and twenty of title two, chapter three of the Statutes of Minnesota for the year one thousand eight hundred and ninety four, relating to the election of officers by the senate." Approved March 21, 1905.

By section 2 the act took effect July 1, 1905. G. S. 1894, § 220, was G. S. 1866, c. 3, § 6, which was repealed by R. L. § 5518; its provisions being incorporated in section 14. So far as the amended section above set forth differs from said section 14, it is to be construed, by virtue of section 5504, as amendatory or supplementary.

17. [Superseded in part.]

See section [18—]1, and note thereunder.

18. **Compensation and mileage—How certified and paid.**—On the eleventh day of the session, and on every tenth day thereafter, the secretary of the senate and the chief clerk of the house shall certify to the state auditor, in duplicate, the amount of compensation due each officer and employee of their respective houses for the preceding ten days, and the aggregate thereof: "As soon as the committee on mileage of either house shall have reported, and the same has been approved by the respective houses, fixing the amount of mileage due each member, the secretary of the senate and the chief clerk of the house shall certify the aggregate amount of mileage due each member and the same and all thereof shall then be due and payable." Suitable blanks for such certificates shall be furnished by the auditor. Upon receipt of one of such duplicates, with a certificate of approval thereof by the auditor, and his warrant for payment, the state treasurer shall forthwith pay to the several persons named the amounts to which each is thereby shown to be entitled, taking his receipt therefor. No member, officer, or employee shall receive pay for the time of any unexcused absence, and the treasurer shall have credit hereunder only for sums actually disbursed. (R. L. § 18, as amended by Laws 1909, c. 2, § 1.)

Historical.—"An act amending section eighteen of the Revised Laws of Minnesota for the year 1905 relating to compensation due each member of the House and Senate, the officers and employees of their respective bodies, and for the payment of mileage due the members of each house." Approved January 28, 1909.

[18—]1. **Compensation of members—When payable.**—The compensation of members of the house of representatives of the legislature of the state of Minnesota shall be one thousand dollars for the entire term to which they are elected, payable as follows: two

hundred fifty dollars on the first day of February, two hundred fifty dollars on the fifteenth day of March of the year in which the regular legislative session is held, and five hundred dollars on the last day of the regular legislative session; the compensation of senators of the legislature shall be two thousand dollars for the entire term to which they are elected, payable as follows: two hundred fifty dollars on the first day of February, two hundred fifty dollars on the fifteenth day of March of each year in which a regular legislative session is held, and five hundred dollars on the last day of such regular legislative session. (Laws 1907, c. 229, § 1, as amended by Laws 1909, c. 132, § 1.)

Historical.—"An act to fix the compensation of senators and representatives of the legislature of the state of Minnesota and its presiding officers." Approved April 18, 1907.

Section 4 of Laws 1907, c. 229, repeals inconsistent acts. So far as R. L. § 17, relates to the compensation of the president and speaker and of members, it is repealed by said act.

In general.—The passage of Laws 1907, c. 229, increasing the salary of the members, did not disqualify members of the House of Representatives of that session from being eligible as candidates to succeed themselves for the term commencing January 1, 1909. State ex rel. Olson v. Scott, 105 Minn. 513, 117 N. W. 845, 1044.

[18—]2. **Compensation to be in full—Mileage.**—The compensation herein provided for shall be in full for all services which are required to be performed by senators and representatives, whether rendered during the session of the legislature or subsequent to the adjournment thereof; provided, that nothing in this act shall affect the compensation of senators and representatives for mileage in going to and returning from the session of the legislature. ('07 c. 229 § 2)

See note under section next preceding.

[18—]3. **President and speaker—Additional compensation.**—The president of the senate and speaker of the house shall receive, in addition to the amounts specified in section one of this act, the sum of five dollars each per day during any session of the legislature. ('07 c. 229 § 3)

See note under section [18—]1.

19. Contempts.—Each house may punish, as a contempt, any breach of its privileges, or of the privileges of its members, but only for one or more of the following offenses:

1. Arresting or causing to be arrested, any member or officer thereof, in violation of his privilege from arrest.

2. Disorderly conduct in its view and presence, or in the view and presence of any of its committees, tending to interrupt their proceedings.

3. Refusing to attend or be examined as a witness, before either house or any committee thereof, or before any person authorized by such house or committee to take testimony in legislative proceedings.

4. Giving or offering a bribe to any member, or attempting by menace or by any corrupt or improper means, directly or indirectly, to control or influence a member in giving or withholding his vote. No person shall be excused from attending and testifying before either house of the legislature, or a committee thereof, for an alleged offense upon an investigation in reference to such giving or offering of a bribe, or attempting by menace or by any corrupt or improper means, directly or indirectly, to control or influence a member in giving or withholding his vote upon the ground, or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to convict him of a crime or subject him to a penalty or forfeiture, but no person shall be prosecut-

ed, or subjected to any penalty or forfeiture for, or on account of any transaction, matter or thing concerning which he may so testify, or produce evidence, documentary or otherwise, and no testimony, so given or produced, shall be received against him upon any criminal investigation or proceeding. (R. L. § 19, as amended by Laws 1907, c. 319; § 1.)

[20—]1. Exemption from attendance in court.—No member of the legislature shall be compelled to attend as a witness in any court of this state during the session of the legislature; unless the court in which the action is pending upon sufficient showing shall otherwise order, and no cause or proceeding, civil or criminal, in which a member of the legislature is a party, attorney whose retainer antedates the beginning of the legislative session or necessary witness shall be tried during such session of the legislature, but shall be continued until the legislature shall have adjourned, unless the court in which the action is pending upon sufficient showing shall otherwise order. Such member of the legislature may, with the consent of the body of which he is a member, waive such privilege and in such case such cause may be tried in its regular order. ('09 c. 51 § 1)

Historical.—“An act to exempt members of the legislature, during the session thereof, from attendance in court.” Approved March 10, 1909.

[22—]1. Engrossing and enrolling bills, etc.—That all bills, joint resolutions and legislative acts may be engrossed, or enrolled, as the case may be, by pen and ink, in long hand, or by printing, or by typewriting, or partly in either manner. ('05 c. 153 § 1)

Historical.—“An act relating to the engrossing and enrolling of legislative bills, joint resolutions and acts.” Approved April 12, 1905.

The preamble to the act is as follows: “Whereas, hitherto it has been customary to engross and enroll bills, joint resolutions and legislative acts with pen and ink, in long hand, and whereas, during the last days of every legislative session such method often occasions unnecessary and embarrassing delay, now therefore, be it enacted,” etc.

AMENDMENTS TO THE CONSTITUTION.

25. Statement by attorney general—Notice.—At least four months preceding such election, the attorney general shall furnish to the secretary of state a statement of the purpose and effect of all amendments proposed, showing clearly the form of the existing sections, and of the same as they read if amended. Prior to the election, the secretary of state shall give three weeks published notice of such statement in each county of the state in which qualified newspapers are published and in not more than three newspapers in each county. Provided, that the maximum rate for such publication shall be fifty cents per folio for the first insertion and twenty-five cents per folio for each subsequent insertion. Provided, however, that one of the papers in which such statement is so published shall be of the opposite party affiliation from the other two so designated, if any there be in such county. He shall also forward to each county auditor a number of copies of such statement, in poster form, sufficient to enable him to supply at least six of such copies for each election district of his county. The auditor shall furnish such copies to the town, village and city clerks, who shall give three weeks posted notice thereof, and cause one copy to be conspicuously posted at each polling place on election day. Wilful or negligent failure by any official named to perform any duty imposed upon him by this section shall be deemed a misdemeanor. (R. L. § 25, as amended by Laws 1907, c. 152, § 1.)