

MASON'S MINNESOTA STATUTES

1927

PUBLISHED UNDER THE TERMS OF THE CONTRACT MADE BY THE
STATUTE COMPILATION COMMISSION FOR THE PUBLICATION OF
THE GENERAL STATUTES OF 1923

EMBRACING THE ORGANIC LAWS, THE CONSTITUTION, AND THE STAT-
UTES CONTAINED IN THE GENERAL STATUTES OF 1923, EXCEPT
THOSE WHICH HAVE BEEN REPEALED OR SUPERSEDED
BY THE SUBSEQUENT LEGISLATION OF 1925
AND 1927

AND ALSO EMBRACING LAWS OMITTED FROM THE GENERAL STATUTES
1923, AND THE LAWS OF THE 1925 AND 1927 SESSIONS OF THE
LEGISLATURE UNDER APPROPRIATE CLASSIFICATION.

COMPILED AND EDITED BY THE EDITORIAL STAFF OF THE
CITER-DIGEST COMPANY

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Citer-Digest Company
St. Paul
1927

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PREFACE

In response to an urgent demand by the bench and bar of the State for immediate relief from the defects in the General Statutes of 1923, the Citer-Digest Company has undertaken the publication of a new statute including all of the laws now appearing in the 1923 compilation which have not been repealed or superseded by the legislation passed at the '25 and '27 Sessions. The laws of the '25 and '27 Sessions have been incorporated under appropriate classification in the new Statute. Many laws omitted from the 1923 Statutes have also been inserted.

The new Statute, therefore, presents all of the laws of a general and permanent nature now governing the affairs of the State. Complete tables and a complete new index have also been made.

The old provisions appearing in the 1923 Statutes which have not been affected by subsequent legislation bear the same numbers and are presented in and with the same type as they appeared in the 1923 Statutes. New or omitted provisions not amendatory of provisions appearing in the 1923 Statutes are presented by dash numbers: viz, 2720-64.

No effort has been made to in any way change the text of any of the statutes. They are literally as they were enacted by the legislature. A change of this character can be made only with legislative authority and as a result of a thorough revision. To adequately revise the statutes would require many years of work by skilled editors acting under legislative sanction and authority.

It is believed that this new presentation of the Statutes of Minnesota will give immediate relief in the present situation. The complete and thorough index will bring together all provisions of a cognate nature and enable the judge and the practicing lawyer to quickly determine the present state of the law on any given subject. The exhaustive tables preceding the index will also be a great aid in locating particular acts in the new Statutes and in running down parallels between the Revised Laws of 1905, the General Statutes of 1913, and Mason's Minnesota Statutes 1927.

The annotations as they now exist in the 1923 Statutes have been brought to date and contain all of the decisions up to and including 213 Northwestern Reporter, page 563. The decisions of the federal courts covering the extension period have also been added.

This statute is published by virtue of a clause in the state contract with the Review Publishing Company, by which such company is authorized to publish the statutes in two volumes at a price to be fixed by the publisher. The Citer-Digest Company has taken an assignment of this provision of the contract. This statute may, therefore, be said to possess an official character. The assignment has received the full approval of the proper state authorities.

CITER-DIGEST COMPANY,
78 East Third Street,
St. Paul, Minnesota.

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GENERAL INDEX

CONSTITUTION
OF
THE UNITED STATES

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I

§ 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a senate and house of representatives.

§ 2. The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

[Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons.] The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose 3, Massachusetts 8, Rhode Island and Providence Plantations 5, Connecticut 5, New York 6, New Jersey 4, Pennsylvania 8, Delaware 1, Maryland 6, Virginia 10, North Carolina 5, South Carolina 5, and Georgia 3.

The clause of this paragraph enclosed in brackets was amended, as to the mode of apportionment of representatives among the several states, by the fourteenth amendment, § 2, and, as to taxes on incomes without apportionment, by the sixteenth amendment.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

§ 3. [The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.]

This paragraph and the clause of paragraph 2 of this section next following enclosed in brackets, were superseded by the seventeenth amendment.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; [and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies].

See note to preceding paragraph of this section.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

§ 4. The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

The Congress shall assemble at least once in every year, and such meetings shall be on the first Monday in December, unless they shall by law appoint a different day.

§ 5. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

§ 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

§ 7. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

§ 8. The Congress shall have power: ' To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

✓ To borrow money on the credit of the United States;

3 To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

4 To establish an uniform rule of naturalization, and

uniform laws on the subject of bankruptcies throughout the United States;

5 To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6 To provide for the punishment of counterfeiting the securities and current coin of the United States;

7 To establish postoffices and post roads;

8 To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

9 To constitute tribunals inferior to the supreme court;

10 To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

11 To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

12 To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

13 To provide and maintain a navy;

14 To make rules for the government and regulation of the land and naval forces;

15 To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

16 To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

17 To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

§ 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinafter directed to be taken.

No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to, or from one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and ex-

penditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

§ 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II

§ 1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, be elected as follows:

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed, to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot, one of them for president; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice-president. But if there should re-

main two or more who have equal votes, the senate shall choose from them by ballot the vice-president.]

This paragraph, enclosed in brackets, was superseded by the twelfth amendment.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.

The president shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will, to the best of my ability, preserve, protect and defend the constitution of the United States."

§ 2. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

§ 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he

shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

§ 4. The president, vice-president and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III

§ 1. The judicial power of the United States, shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

§ 2. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more states;—between a state and citizens of another state;—between citizens of different states;—between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

§ 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attained.

ARTICLE IV

§ 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

§ 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be

delivered up to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

§ 3. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

§ 4. The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

ARTICLE V

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: Provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

ARTICLE VI

All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII

The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

ARTICLES

In addition to, and amendment of, the constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several states pursuant to the fifth article of the original constitution.

The first ten amendments to the Constitution of the United States were proposed to the legislatures of the several states by the First Congress, on the 25th of September, 1789. They were ratified by the following states, and the notifications of ratification by the governors thereof were successively communicated by the President to Congress: New Jersey, November 20, 1789; Maryland, December 19, 1789; North Carolina, December 22, 1789; South Carolina, January 19, 1790; New Hampshire, January 25, 1790; Delaware, January 28, 1790; Pennsylvania, March 10, 1790; New York, March 27, 1790; Rhode Island, June 15, 1790; Vermont, November 3, 1791; and Virginia, December 15, 1791. There is no evidence on the Journals of Congress that the legislatures of Connecticut, Georgia, and Massachusetts ratified them.

ARTICLE I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have com-

pulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X

The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states, respectively, or to the people.

ARTICLE XI

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

The eleventh amendment to the Constitution of the United States was proposed to the legislatures of the several states by the Third Congress, on the 5th of September, 1794; and was declared in a message from the President to Congress, dated the 8th of January, 1798, to have been ratified by the legislatures of three-fourths of the states.

ARTICLE XII

The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate;—the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted;—the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed, and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be neces-

sary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president. The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

The Twelfth amendment to the Constitution of the United States was proposed to the legislatures of the several states by the Eighth Congress, on the 12th of December, 1803, in lieu of the original third paragraph of the first section of the second article; and was declared in a proclamation of the Secretary of State, dated the 25th of September, 1804, to have been ratified by the legislatures of three-fourths of the states.

ARTICLE XIII

§ 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

§ 2. Congress shall have power to enforce this article by appropriate legislation.

The thirteenth amendment to the Constitution of the United States was proposed to the legislatures of the several states by the Thirty-Eighth Congress, on the 1st of February, 1865, and was declared, in a proclamation of the Secretary of State, dated the 18th of December, 1865, to have been ratified by the legislatures of twenty-seven of the thirty-six states, viz.: Illinois, Rhode Island, Michigan, Maryland, New York, West Virginia, Maine, Kansas, Massachusetts, Pennsylvania, Virginia, Ohio, Missouri, Nevada, Indiana, Louisiana, Minnesota, Wisconsin, Vermont, Tennessee, Arkansas, Connecticut, New Hampshire, South Carolina, Alabama, North Carolina, and Georgia.

ARTICLE XIV

§ 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges, or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

§ 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

§ 3. No person shall be a senator or representative in Congress, or elector of president and vice-president, or hold any office, civil or military, under the United

States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each house, remove such disability.

§ 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

§ 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The fourteenth amendment to the Constitution of the United States was proposed to the legislatures of the several states by the Thirty-Ninth Congress, on the 16th of June, 1866. On the 21st of July, 1868, Congress adopted and transmitted to the Department of State a concurrent resolution, declaring that "the legislatures of the states of Connecticut, Tennessee, New Jersey, Oregon, Vermont, New York, Ohio, Illinois, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, New Hampshire, Massachusetts, Nebraska, Iowa, Arkansas, Florida, North Carolina, Alabama, South Carolina, and Louisiana, being three-fourths and more of the several states of the Union, have ratified the fourteenth article of amendment to the Constitution of the United States, duly proposed by two-thirds of each House of the Thirty-Ninth Congress: Therefore, resolved, that said fourteenth article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State." The Secretary of State accordingly issued a proclamation, dated the 28th of July, 1868, declaring that the proposed fourteenth amendment had been ratified, in the manner hereafter mentioned, by the legislatures of thirty of the thirty-six states, viz.: Connecticut, June 30, 1866; New Hampshire, July 7, 1866; Tennessee, July 19, 1866; New Jersey, September 11, 1866, (and the legislature of the same state passed a resolution in April, 1868, to withdraw its consent to it); Oregon, September 19, 1866; Vermont, November 9, 1866; Georgia rejected it November 13, 1866, and ratified it July 21, 1868; North Carolina rejected it December 4, 1866, and ratified it July 4, 1868; South Carolina rejected it December 20, 1866, and ratified it July 9, 1868; New York ratified it January 10, 1867; Ohio ratified it January 11, 1867, (and the legislature of the same state passed a resolution in January, 1868, to withdraw its consent to it); Illinois ratified it January 15, 1867; West Virginia, January 16, 1867; Kansas, January 18, 1867; Maine, January 19, 1867; Nevada, January 22, 1867; Missouri, January 26, 1867; Indiana, January 29, 1867; Minnesota, February 1, 1867; Rhode Island, February 7, 1867; Wisconsin, February 13, 1867; Pennsylvania, February 13, 1867; Michigan, February 15, 1867; Massachusetts, March 20, 1867; Nebraska, June 15, 1867; Iowa, April 3, 1868; Arkansas, April 6, 1868; Florida, June 9, 1868; Louisiana, July 9, 1868; and Alabama, July 13, 1868. Georgia again ratified the amendment February 2, 1870. Texas rejected it November 1, 1866, and ratified it February 13, 1870. Virginia rejected it January 19, 1867, and ratified October 8, 1869. The amendment was rejected by Kentucky January 10, 1867; by Delaware February 8, 1867; by Maryland March 23, 1867, and was not afterward ratified by either state.

ARTICLE XV

§ 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

§ 2. The Congress shall have power to enforce this article by appropriate legislation.

The fifteenth amendment to the Constitution of the United States was proposed to the legislatures of the several states by the Fortieth Congress, on the 27th of February, 1869, and was declared, in a proclamation of the Secretary of State, dated March 30, 1870, to have been ratified by the legislatures of twenty-nine of the

thirty-seven states. The dates of these ratifications (arranged in the order of their reception at the Department of State) were: from North Carolina, March 5, 1869; West Virginia, March 3, 1869; Massachusetts, March 9-12, 1869; Wisconsin, March 9, 1869; Maine, March 12, 1869; Louisiana, March 6, 1869; Michigan, March 8, 1869; North Carolina, Nebraska, Kansas, Colorado, 1869; South Carolina, March 16, 1869; Pennsylvania, March 26, 1869; Arkansas, March 30, 1869; Connecticut, May 19, 1869; Florida, June 15, 1869; Illinois, March 5, 1869; Indiana, May 13-14, 1869; New York, March 17-April 14, 1869, (and the legislature of the same state passed a resolution January 5, 1870, to withdraw its consent to it;) New Hampshire, July 7, 1869; Nevada, March 1, 1869; Vermont, October 21, 1869; Virginia, October 8, 1869; Missouri, January 10, 1870; Mississippi, January 15-17, 1870; Ohio, January 27, 1870; Iowa, February 3, 1870; Kansas, January 18-19, 1870; Minnesota, February 19, 1870; Rhode Island, January 18, 1870; Nebraska, February 17, 1870; Texas, February 18, 1870. The state of Georgia also ratified the amendment February 2, 1870.

ARTICLE XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

The sixteenth amendment to the Constitution of the United States was proposed to the legislatures of the several states by the Sixty-First Congress, on the 31st of July, 1909; and was declared, in a proclamation by the Secretary of State, dated the 25th of February, 1913, to have been ratified by the legislatures of the states of Alabama, Kentucky, South Carolina, Illinois, Mississippi, Oklahoma, Maryland, Georgia, Texas, Ohio, Idaho, Oregon, Washington, California, Montana, Indiana, North Dakota, Michigan, Iowa, Missouri, Maine, Tennessee, Arkansas, Wisconsin, New York, South Dakota, Arizona, Minnesota, Louisiana, Delaware, and Wyoming in all thirty-six, said states constituting three-fourths of the whole number of states. The legislatures of New Jersey and New Mexico also passed resolutions ratifying the said proposed amendment.

ARTICLE XVII

The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

The Seventeenth amendment to the Constitution of the United States was proposed to the legislatures of the several states by the Sixty-Second Congress on the 15th

of May, 1912, in lieu of the original first paragraph of section 3 of article I, and in lieu of so much of paragraph 2 of the same section as related to the filling of vacancies, and was declared, in a proclamation by the Secretary of State, dated the 31st of May, 1913, to have been ratified by the legislatures of the states of Massachusetts, Arizona, Minnesota, New York, Kansas, Oregon, North Carolina, California, Michigan, Idaho, West Virginia, Nebraska, Iowa, Montana, Texas, Washington, Wyoming, Colorado, Illinois, North Dakota, Nevada, Vermont, Maine, New Hampshire, Oklahoma, Ohio, South Dakota, Indiana, Missouri, New Mexico, New Jersey, Tennessee, Arkansas, Connecticut, Pennsylvania, and Wisconsin, said states constituting three-fourths of the whole number of states.

ARTICLE XVIII

§ 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

§ 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

This amendment was proposed to the legislatures of the several states by the Sixty-Fifth Congress, on the 19th day of December, 1917, and was declared, in a proclamation by the Acting Secretary of State, dated on the 29th day of January, 1919, to have been ratified by the legislatures of the states of Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, South Carolina, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming; said states constituting three-fourths of the whole number of states in the United States, and certified as valid to all intents and purposes as a part of the Constitution of the United States.

ARTICLE XIX

§ 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of sex.

§ 2. Congress shall have power to enforce this article by appropriate legislation.

This amendment was proposed to the legislatures of the several states by the Sixty-Sixth Congress, on the 5th day of June, 1919, and was declared in a proclamation by the Secretary of State, dated on the 26th day of August, 1920, to have been ratified by the legislatures of the states of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wisconsin and Wyoming, said states constituting three-fourths of the whole number of states in the United States, and certified as valid to all intents and purposes as a part of the Constitution of the United States.

ORGANIC ACT OF MINNESOTA

[Passed March 3, 1849]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, all that part of the territory of the United States which lies within the following limits, to-wit: Beginning in the Mississippi river, at the point where the line of forty-three degrees and thirty minutes of north latitude crosses the same; thence running due west on said line, which is the northern boundary of the state of Iowa, to the northwest corner of the said state of Iowa; thence southerly along the western boundary of said state to the point where said boundary strikes the Missouri river; thence up the middle of the main channel of the Missouri river to the mouth of the White-earth river; thence up the middle of the main channel of the White-earth river to the boundary line between the possessions of the United States and Great Britain; thence east and south of east along the boundary line between the possessions of the United States and Great Britain to Lake Superior; thence in a straight line to the northernmost point of the state of Wisconsin in Lake Superior; thence along the western boundary line of said state of Wisconsin to the Mississippi river; thence down the main channel of said river to the place of beginning, be, and the same is hereby, erected into a temporary government by the name of the Territory of Minnesota: Provided, that nothing in this act contained shall be construed to inhibit the government of the United States from dividing said territory into two or more territories in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said territory to any other state or territory of the United States.

§ 2. And be it further enacted, That the executive power and authority in and over said territory of Minnesota shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the president of the United States. The governor shall reside within said territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs; he may grant pardons for offences against the laws of said territory, and reprieves for offences against the laws of the United States until the decision of the president can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said territory, and shall take care that the laws be faithfully executed.

§ 3. And be it further enacted, That there shall be a secretary of said territory, who shall reside therein, and hold his office for four years, unless sooner removed by the president of the United States; he shall record and preserve all the laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and one copy of the executive proceedings, on or before the first day of December in each year, to the president of the United States, and, at the same time, two copies of the laws to the speaker of the house of representatives, and the president of the sen-

ate, for the use of Congress. And in case of the death, removal, resignation, or necessary absence of the governor from the territory, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the governor during such vacancy or necessary absence, or until another governor shall be duly appointed to fill such vacancy.

29-555, 557, 12+519.

§ 4. And be it further enacted. That the legislative power and authority of said territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The council shall consist of nine members, having the qualifications of voters, as hereinafter prescribed, whose term of service shall continue two years. The house of representatives shall, at its first session, consist of eighteen members, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue one year. The number of councilors and representatives may be increased by the legislative assembly, from time to time, in proportion to the increase of population: Provided, that the whole number shall never exceed fifteen councilors and thirty-nine representatives. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the council and representatives, giving to each section of the territory representation in the ratio of its population, Indians excepted, as nearly as may be. And the members of the council and of the house of representatives shall reside in, and be inhabitants of, the district for which they may be elected, respectively. Previous to the first election, the governor shall cause a census or enumeration of the inhabitants of the several counties and districts of the territory to be taken, and the first election shall be held at such time and places, and be conducted in such manner, as the governor shall appoint and direct; and he shall, at the same time, declare the number of members of the council and house of representatives to which each of the counties or districts shall be entitled under this act. The number of persons authorized to be elected having the highest number of votes in each of said council districts for members of the council shall be declared by the governor to be duly elected to the council; and the person or persons authorized to be elected having the greatest number of votes for the house of representatives, equal to the number to which each county or district shall be entitled, shall be declared by the governor to be duly elected members of the house of representatives: Provided, that in case of a tie between two or more persons voted for, the governor shall order a new election to supply the vacancy made by such tie. And the persons thus elected to the legislative assembly shall meet at such place, and on such day, as the governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the council and house of representatives according to the population, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly.

bly: Provided, that no one session shall exceed the term of sixty days.

6-428, 291.

§ 5. And be it further enacted, That every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said territory; but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the legislative assembly: Provided, that the right of suffrage and of holding office shall be exercised only by citizens of the United States, and those who shall have declared, on oath, their intention to become such, and shall have taken an oath to support the constitution of the United States and the provisions of this act.

§ 6. And be it further enacted, That the legislative power of the territory shall extend to all rightful subjects of legislation, consistent with the constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the legislative assembly and governor shall be submitted to the Congress of the United States, and, if disapproved, shall be null and of no effect.

2-295, 256; 7-121, 79; 19-132, 99, 18 Am. Rep. 334: 42-312, 44+201.

§ 7. And be it further enacted, That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislative assembly of the territory of Minnesota. The governor shall nominate, and, by and with the advice and consent of the legislative council, appoint, all officers not herein otherwise provided for; and in the first instance the governor alone may appoint all said officers, who shall hold their offices until the end of the next session of the legislative assembly.

§ 8. And be it further enacted, That no member of the legislative assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of said territory.

§ 9. And be it further enacted, That the judicial power of said territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said territory annually, and they shall hold their offices during the period of four years. The said territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such times and places as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of jus-

tices of the peace, shall be as limited by law: Provided, that the justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law, but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the supreme court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; and each of the said district courts shall have and exercise the same jurisdiction, in all cases arising under the constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws; and writs of error and appeal in all such cases shall be made to the supreme court of said territory, the same as in other cases. The said clerk shall receive, in all such cases, the same fees which the clerks of the district courts of the late Wisconsin territory received for similar services.

1-24, 8; 1-98, 76; 5-78, 58, 77 Am. Dec. 539; 18-216, 196.

§ 10. And be it further enacted, That there shall be appointed an attorney for said territory, who shall continue in office for four years, unless sooner removed by the president, and who shall receive the same fees and salary as the attorney of the United States for the late territory of Wisconsin received. There shall also be a marshal for the territory appointed, who shall hold his office for four years, unless sooner removed by the president, and who shall execute all processes issuing from the said courts, when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulations and penalties, and be entitled to the same fees, as the marshal of the district court of the United States for the late territory of Wisconsin; and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

§ 11. And be it further enacted, That the governor, secretary, chief justice, and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the senate, appointed by the president of the United States. The governor and secretary, to be appointed as aforesaid, shall, before they act as such, respectively take an oath or affirmation, before the district judge, or some justice of the peace in the limits of said territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some as-

sociate justice of the supreme court of the United States, to support the constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said territory, before they act as such, shall take a like oath or affirmation, before the said governor or secretary, or some judge or justice of the peace of the territory, who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted, by the person taking the same, to the secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified, and recorded in such manner and form as may be prescribed by law. The governor shall receive an annual salary of fifteen hundred dollars as governor, and one thousand dollars as superintendent of Indian affairs. The chief justice and associate justices shall each receive an annual salary of eighteen hundred dollars. The secretary shall receive an annual salary of eighteen hundred dollars. The said salaries shall be paid quarter-yearly, at the treasury of the United States. The members of the legislative assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for every twenty miles traveled in going to and returning from the said sessions, estimated according to the nearest usually traveled route. There shall be appropriated, annually, the sum of one thousand dollars, to be expended by the governor to defray the contingent expenses of the territory; and there shall also be appropriated, annually, a sufficient sum, to be expended by the secretary of the territory, and upon an estimate to be made by the secretary of the treasury of the United States, to defray the expenses of the legislative assembly, the printing of the laws, and other incidental expenses; and the secretary of the territory shall annually account to the secretary of the treasury of the United States for the manner in which the aforesaid sum shall have been expended.

§ 12. And be it further enacted, That the inhabitants of the said territory shall be entitled to all the rights, privileges, and immunities heretofore granted and secured to the territory of Wisconsin and to its inhabitants; and the laws in force in the territory of Wisconsin at the date of the admission of the state of Wisconsin shall continue to be valid and operative therein, so far as the same be not incompatible with the provisions of this act, subject, nevertheless, to be altered, modified, or repealed, by the governor and legislative assembly of the said territory of Minnesota; and the laws of the United States are hereby extended over and declared to be in force in said territory, so far as the same, or any provision thereof, may be applicable.

3-246, 169; 6-220, 142; 24-584, 587; 86-317, 322, 90-578.

§ 13. And be it further enacted, That the legislative assembly of the territory of Minnesota shall hold its first session at St. Paul; and at said first session the governor and legislative assembly shall locate and establish a temporary seat of government for said territory at such place as they may deem eligible; and shall, at such time as they shall see proper, prescribe by law the manner of locating the permanent seat of government of said territory by a vote of the people. And the sum of twenty thousand dollars, out of any money in the treasury not otherwise appropriated, is

hereby appropriated and granted to said territory of Minnesota, to be applied, by the governor and legislative assembly, to the erection of suitable public buildings at the seat of government.

§ 14. And be it further enacted, That a delegate to the house of representatives of the United States, to serve for the term of two years, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other territories of the United States to the said house of representatives. The first election shall be held at such times and places, and be conducted in such manner, as the governor shall appoint and direct; and at all subsequent elections, the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly.

§ 15. And be it further enacted, That all suits, process, and proceedings, civil and criminal, at law and in chancery, and all indictments and informations, which shall be pending and undetermined in the courts of the territory of Wisconsin, within the limits of said territory of Minnesota, when this act shall take effect, shall be transferred to be heard, tried, prosecuted, and determined in the district courts hereby established, which may include the counties or districts where any such proceedings may be pending. All bonds, recognizances, and obligations, of every kind whatsoever, valid under the existing laws within the limits of said territory, shall be valid under this act; and all crimes and misdemeanors against the laws in force within said limits, may be prosecuted, tried, and punished in the courts established by this act; and all penalties, forfeitures, actions, and causes of actions, may be recovered under this act, the same as they would have been under the laws in force within the limits composing said territory at the time this act shall go into operation.

§ 16. And be it further enacted, That all justices of the peace, constables, sheriffs, and all other judicial and ministerial officers, who shall be in office within the limits of said territory when this act shall take effect, shall be, and they are hereby, authorized and required to continue to exercise and perform the duties of their respective offices as officers of the territory of Minnesota, temporarily, and until they, or others, shall be duly appointed and qualified to fill their places in the manner herein directed, or until their offices shall be abolished.

§ 17. And be it further enacted, That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, to be expended by and under the direction of the said governor of the territory of Minnesota, in the purchase of a library, to be kept at the seat of government, for the use of the governor, legislative assembly, judges of the supreme court, secretary, marshal, and attorney of said territory, and such other persons and under such regulations as shall be prescribed by law.

§ 18. And be it further enacted, That when the lands in the said territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in

said territory, and in the state and territories hereafter to be erected out of the same.

7-121, 79.

§ 19. And be it further enacted, That temporarily, and until otherwise provided by law, the governor of said territory may define the judicial districts of said territory, and assign the judges who may be appointed for said territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the legislative assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

§ 20. And be it further enacted, That every bill which shall or may pass the council and house of representatives shall, before it becomes a law, be pre-

resented to the governor of the territory; if he approve, he shall sign it, but if not, he shall return it, with his objections, to the house in which it originated; which shall cause the objections to be entered at large upon their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall also be reconsidered, and if approved by two-thirds of that house, it shall become a law; but in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly, by adjournment, prevent it; in which case it shall not become a law.

ACT AUTHORIZING A STATE GOVERNMENT,

[Passed Feb. 26, 1857]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of that portion of the territory of Minnesota which is embraced within the following limits, to-wit: Beginning at the point in the center of the main channel of the Red River of the North, where the boundary line between the United States and the British Possessions crosses the same; thence up the main channel of said river to that of the Boix des Sioux river; thence [up] the main channel of said river to Lake Travers; thence up the center of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone lake; thence through its center to its outlet; thence by a due south line to the north line of the state of Iowa; thence east along the northern boundary of said state to the main channel of the Mississippi river; thence up the main channel of said river, and following the boundary line of the state of Wisconsin, until the same intersects the St. Louis river; thence down said river to and through Lake Superior, on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and the British Possessions; thence up Pigeon river, and following said dividing line to the place of beginning—be and they are hereby authorized to form for themselves a constitution and state government, by the name of the State of Minnesota, and to come into the Union on an equal footing with the original states, according to the federal constitution.

29-555, 12+519.

§ 2. And be it further enacted, That the said state of Minnesota shall have concurrent jurisdiction on the Mississippi and all other rivers and waters bordering on the said state of Minnesota, so far as the same shall form a common boundary to said state and any other state or states now or hereafter to be formed or bounded by the same; and said river and waters, and the navigable waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of said state as to all other citizens of the United States, without any tax, duty, impost, or toll, therefor.

60-503, 505, 63+100.

§ 3. And be it further enacted, That on the first Monday in June next, the legal voters in each representative district, then existing within the limits of the proposed state, are hereby authorized to elect two delegates for each representative to which said district may be entitled according to the apportionment for representatives to the territorial legislature, which election for delegates shall be held and conducted, and the returns made, in all respects in conformity with the laws of said territory regulating the election of representatives; and the delegates so elected shall assemble at the capitol of said territory on the second Monday in July next, and first determine, by a vote, whether it is the wish of the people of the proposed state to be admitted into the Union at that time; and if so, shall proceed to form a constitution, and take all necessary steps for the establishment of a state government, in conformity with the federal constitution,

subject to the approval and ratification of the people of the proposed state.

§ 4. And be it further enacted, That in the event said convention shall decide in favor of the immediate admission of the proposed state into the Union, it shall be the duty of the United States marshal for said territory to proceed to take a census or enumeration of the inhabitants within the limits of the proposed state, under such rules and regulations as shall be prescribed by the secretary of the interior, with the view of ascertaining the number of representatives to which said state may be entitled in the Congress of the United States; and said state shall be entitled to one representative, and such additional representatives as the population of the state shall, according to the census, show it would be entitled to according to the present ratio of representation.

§ 5. And be it further enacted, That the following propositions be, and the same are hereby offered to the said convention of the people of Minnesota for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory on the United States, and upon the said state of Minnesota, to-wit:

1. That sections numbered sixteen and thirty-six in every township of public lands in said state, and where either of said sections, or any part thereof, has been sold or otherwise been disposed of, other lands, equivalent thereto, and as contiguous as may be, shall be granted to said state for the use of schools.

2. That seventy-two sections of land shall be set apart and reserved for the use and support of a state university, to be selected by the governor of said state, subject to the approval of the commissioner of the general land office, and to be appropriated and applied in such manner as the legislature of said state may prescribe for the purpose aforesaid, but for no other purpose.

3. That ten entire sections of land, to be selected by the governor of said state, in legal subdivisions, shall be granted to said state for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the legislature thereof.

4. That all salt springs within said state, not exceeding twelve in number, with six sections of land adjoining, or as contiguous as may be to each, shall be granted to said state for its use; the same to be selected by the governor thereof within one year after the admission of said state, and when so selected, to be used or disposed of on such terms, conditions, and regulations as the legislature shall direct: Provided, that no salt, spring or land, the right whereof is now vested in any individual or individuals, or which may be hereafter confirmed or adjudged to any individual or individuals, shall by this article be granted to said state.

5. That five per centum of the net proceeds of sales of all public lands lying within said state, which shall be sold by Congress after the admission of the said state into the Union, after deducting all the expenses incident to the same, shall be paid to said state, for the purpose of making public roads and internal

improvements, as the legislature shall direct: Provided, the foregoing propositions herein offered are on the condition, that the said convention which shall form the constitution of said state shall provide, by a clause in said constitution, or an ordinance, irrevocable without the consent of the United States, that said state shall never interfere with the primary disposal

of the soil within the same, by the United States, or with any regulations Congress may find necessary for securing the title in said soil to bona fide purchasers thereof; and that no tax shall be imposed on lands belonging to the United States, and that in no case shall non-resident proprietors be taxed higher than residents.

69-187. 191, 72+65, 122-483. 142+925.

ACT OF ADMISSION INTO THE UNION

[Passed May 11, 1858]

Whereas, an act of Congress was passed February twenty-six, eighteen hundred and fifty-seven, entitled "An act to authorize the people of the territory of Minnesota to form a constitution and state government preparatory to their admission into the Union on an equal footing with the original states;" and whereas the people of said territory did, on the twenty-ninth day of August, eighteen hundred and fifty-seven, by delegates elected for that purpose, form for themselves a constitution and state government, which is republican in form, and was ratified and adopted by the people, at an election held on the thirteenth day of October, eighteen hundred and fifty-seven, for that purpose: therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the state of Minnesota shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original states in all respects whatever.

§ 2. And be it further enacted, That said state shall be entitled to two representatives in Congress, until the next apportionment of representatives among the several states.

§ 3. And be it further enacted, That from and after the admission of the state of Minnesota, as hereinbefore provided, all the laws of the United States which are not locally inapplicable shall have the same force and effect within that state as in other states of the Union; and the said state is hereby constituted a judicial district of the United States, within which a district court, with the like powers and jurisdiction as the district court of the United States for the district of Iowa, shall be established; the judge, attorney, and marshal of the United States for the said district of Minnesota shall reside within the same, and shall be entitled to the same compensation as the judge, attorney, and marshal of the district of Iowa: and in all cases of appeal or writ of error heretofore prosecuted and now pending in the supreme court of the United States, upon any record from the supreme court of Minnesota territory, the mandate of execution or order of further proceedings shall be directed by the supreme court of the United States to the district court of the United States for the district of Minnesota, or to the supreme court of the state of Minnesota, as the nature of such appeal or writ of error may require; and each of those courts shall be the successor of the supreme court of Minnesota territory, as to all such cases, with full power to hear and determine the same, and to award mesne or final process therein.

CONSTITUTION

OF

THE STATE OF MINNESOTA

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PREAMBLE

We, the people of the state of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this constitution:

ARTICLE 1

BILL OF RIGHTS

§ 1. Object of government—Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform such government, whenever the public good may require it. 55-542, 549, 57+212, 23 L. R. A. 632.

§ 2. Rights and privileges of citizens—No member of this state shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the state otherwise than in the punishment of crime, whereof the party shall have been duly convicted.

13-366, 339; 18-199, 182; 63-384, 386, 65+652; 69-206, 210, 72+67, 38 L. R. A. 677; 74-518, 522, 77+424, 42 L. R. A. 749; 77-483, 80+633, 46 L. R. A. 442; 80-446, 448, 83+417; 85-279, 280, 88+759; 89-269, 272, 94+879; 94-225, 102+697, 700; 99-158, 108+935; 101-454, 112+872; 102-470, 114+738; 140+339.

Cited (118-380, 137+2).
Classification for purposes of legislation as matter of legislative policy and discretion (117-186, 134+496).
126-288, 148+71; 126-332, 148+279; 127-150, 149+9; 128-372, 150+1094; 128-460, 151+275; 130-41, 153+121; 134-35, 158+829; 140-481, 172+765; 144-197, 175+101; 146-125, 176+340, 162-471, 203+420.

Chapter 269, Laws of 1923, adopting the "area plan" for suppressing tuberculosis among cattle, does not violate the constitution. 162-184, 202+719.

Section 27 of chapter 264 of the Laws of 1923, prohibiting third parties to buy or handle products under contract to co-operative marketing associations, infringes the liberty of contract guaranteed. 163-403, 204+314.

The statute giving honorably discharged soldiers a preference in public employment, when they are fit and qualified to do the work, is constitutional. 164-14, 204+572.

Statute held not unconstitutional within the provisions of the state or federal Constitutions as class legislation or as interfering with the right of contract. 210+1001.

§ 3. Liberty of the press—The liberty of the press shall forever remain inviolate, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right.

100-173, 110+867; 107-171, 119+660.
123-143, 143+260; 131-355, 155+212; 139-404, 166+771; 151-221, 186+781.

§ 4. Trial by jury—The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy, but a jury trial may be waived by the parties in all cases in the manner prescribed by law; and the legislature may provide that the agreement of five-sixths of any jury in any civil action or proceeding, after not less than six hours' deliberation, shall be a sufficient verdict therein.

As amended November 4, 1890.
4-109, 70; 15-221, 172; 16-431, 387; 19-132, 99; 21-241, 293; 21-398, 400; 22-178, 181; 23-411, 413; 25-123, 126; 25-404, 427; 25-475, 477; 28-186, 196, 9+767; 36-62, 64, 30+305; 38-403, 38+104; 40-213, 41+1020; 47-451, 50+598; 64-312, 67+71; 65-196, 68+53; 74-518, 522, 77+424; 79-352, 82+644; 85-215, 88+742; 119-96, 137+390.

122-310, 142+801; 126-261, 148+71; 126-288; 129-385, 152+777; 130-252, 153+527; 131-439, 155+392; 132-9, 155+754; 133-452; 135-115, 158+707; 137-183, 163+127; 241 U. S. 216, 60 L. E. 963, 36 S. C. 596, 162+194.
209+907; Sections 3201, 3230, herein, are valid. 157§138, 195+773.

Where there has been a settlement between attorney and client, the former retaining from the moneys of his client, with the latter's consent, the amount of his fee, the attorney cannot thereafter force the client into court by the summary statutory proceeding for the enforcement of attorney's liens, and have the settlement confirmed or the amount of his fee determined anew and by the court. In such a case, if the client should sue the attorney for a part or all of the money retained by him, he would have the constitutional right to trial by jury, which the attorney's lien statute does not and cannot impair. 157-379, 197+110.

Laws 1919, ch. 471, relating to judicial ditches, is valid. 161-66, 200+833.

Defendant is not entitled to a jury trial in action for money and to annul a chattel mortgage. 161-519, 200+936.

§ 5. Excessive bail and fines—Cruel or unusual punishment—Excessive bail shall not be required, nor shall excessive fines be imposed; nor shall cruel or unusual punishments be inflicted.

22-514, 524; 40-117, 122, 41+936; 69-508, 72+799, 975; 73-77, 75+1029; 73-150, 75+1127; 83-124, 128, 86+3; 93-148, 100+647.

Excessive fines (98-136, 107+963).
Cruel and unusual punishment (98-136, 107+963; 103-241, 114+762).
126-96, 147+953; 140-114, 167+346.
162-471, 203+420.

§ 6. Rights of accused—In all criminal prosecutions the accused shall enjoy the right to a speedy, public trial, by an impartial jury of the county or district wherein the crime shall have been committed, which county or district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defence.

Art 1 § 3-7
178m 495
233nw 862
233nw 874

Art 1 § 3-7
25 - 285
228nw 326
10123'

Art 1 § 4
233nw 310
233nw 590
3512
9963

Art 1 § 4
182m 48
233nw 590
239nw 763

Art 1 § 2
177m 146
225nw 86

Art 1 § 2
27 - 149
232nw 517

Art 1 § 2
246nw 900

Art 1 § 6
227nw 407
9983
10641
10648

Art 1 § 6
173m 437
233nw 500

In General.

158-111, 196+930; 157-138, 195+778, see notes under Minn. Stat. § 3230.

In an information neither the Constitution nor the statute requires the indorsement thereon of the words "A true bill," nor is it necessary to insert the names of the witnesses. 157-168, 195+776.

The record fails to show that defendant's right to be present at all stages of the trial was violated. 158-329, 197+667.

In proceedings in municipal courts established since the taking effect of Rev. Laws 1905, appeals to the district court must be taken pursuant to sections 7638, 7639, Gen. St. 1913, as amended by chapter 283, Laws 1917 held properly dismissed.

For purposes of appellate procedure, prosecutions for the violation of municipal ordinances are "criminal actions." 160-261, 199+918.

1. Speedy and public trial—71-28, 32, 73+626. Public trial (100-63, 110+342; 100-173, 110+867; 101-334, 112+409).

2. To be informed of the nature of the accusation—19-484, 418; 65-230, 235, 68+11; 74-165, 77+29; 74-409, 414, 77+223; 88-145, 147, 92+527; 91-365, 373, 98+190; 103-92, 114+363.

Indictment for taking part in auditing and approving for payment a fraudulent claim against the state held to state the acts constituting the offense with sufficient particularity to inform the defendant of the nature and cause of the accusation against him. 159-228, 198+543.

3. To be confronted by witnesses—21-47, 50.

4. Trial by jury of county or district—4-109, 70; 13-341, 315; 14-447, 333; 15-344, 277; 19-327, 282; 21-398, 400; 23-411; 34-61, 24+349; 36-62, 30+305; 39-69, 38+773; 50-128, 52+387; 53-142, 54+1068; 53-419, 55+558; 60-123, 61+1023, 33 L. R. A. 33; 65-48, 59, 67+846, 33 L. R. A. 423, 60 Am. St. Rep. 421; 74-518, 522, 77+424, 42 L. R. A. 749, 73 Am. St. Rep. 369; 83-460, 86+449; 97-355, 105+965; 108-267, 121+898; 109-292, 123+809.

126-96, 147+953; 126-398, 148+458. Speedy trial (127-507, 150+171; 191+605). 128-169, 150+790; 150-457, 185+934. To be informed of accusation (141-209, 169+713, 150-407, 185+931, 152-430, 190+52); View not violative of right of confrontation (145-307, 177+358); Other crimes (151-140, 186+241); Trial by jury of district (151-342, 186+813).

A defendant is not entitled to a jury trial when charged with an offense under a municipal ordinance. 157-506, 196+279.

A person charged with a misdemeanor may waive a jury. A formal waiver is not essential. By his conduct, he may acquiesce in a trial by the court without a jury. A jury was waived by defendant. 161-422, 201+933.

The venue in a prosecution under § 3907, herein, 162-146, 202+714

City ordinances. 165-150, 206+51.

Assistance of Counsel.

Assistance of counsel. 165-423, 206+952

§ 7. Same—Due process of law—Bail—Habeas corpus—No person shall be held to answer for a criminal offence without due process of law, and no person for the same offence shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law. All persons shall before conviction be bailable by sufficient sureties, except for capital offences when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when in case of rebellion or invasion the public safety may require.

As amended November 8, 1904.

In General.

212+202; 157-145, 195+789, note under § 3230. G. S. 1913, § 7736, is void. 298 Fed. 977.

An ordinance of the city of St. Paul providing that eight hours shall constitute a day's work on any work done for the city of St. Paul is not in contravention with the Constitution of the United States or of the state of Minnesota. 155-471, 194+18.

Chapter 298, Laws of 1923, providing that employees shall be given one day of rest in each week in certain specified employments, but excluding certain other specified employments from the operation of the act, violates the equality provisions of both state and federal Constitutions and is void. 161-376, 201+610.

Cited (105-19, 116+1111; 105-440, 117+844).

1. Twice in jeopardy—6-235, 155; 26-381, 4+615; 26-507, 517, 5+959; 28-66, 9+78; 29-445, 459, 13+913; 45-145, 47+650; 60-90, 61+907; 99-158, 108+935; 106-81, 118+154. 123-413, 144+142; 136-264, 161+590; 191+605.

A plea to a charge in an indictment or information of former jeopardy must be entered at the time of arraignment.

That issue cannot be raised by objection made at the close of the trial. 165-79, 205+692.

Former jeopardy. 209+529.

2. Self-incrimination—16-296, 260; 43-253, 45+447; 43-273, 45+449; 69-508, 513, 72+799, 975; 88-130, 92+529; 115-204, 132+5.

126-298, 148+276; 126-521, 148+471; 137-183, 163+127; 144-326, 175+908.

A person lawfully arrested may, as an incident thereto, be searched, and incriminating articles found in his possession may be seized. 157-145, 195+789.

The use in evidence of intoxicating liquor, taken without a search warrant from defendant's automobile, held, following State v. Pluth (Minn.) 195 N. W. 789, to be proper. 157-199, 196+278.

A defendant taking the witness stand may be asked on cross-examination, if he has been previously convicted of crime. 159-455, 199+99.

One charged with a crime cannot be compelled to produce a written instrument to be used as evidence against him; hence secondary evidence of its contents may be introduced by the state. 166-167, 207+317.

An objection of "incompetent, irrelevant and immaterial" to introduction of sworn statement of defendant to state fire marshal under provisions of §§ 5957, 5958, here, does not present question whether or not statement was an involuntary one which defendant was required to give against himself. 210+403.

Where a defendant in a criminal prosecution is a witness in his own behalf, he thereby waives his privilege, and may be cross-examined concerning any matters pertinent to the issue, even if tending to show the commission of another crime. 211+305.

3. Bail—24-362, 368. Bail. 156-506, 194+460.

4. Due process of law defined—8-258, 225; 11-480, 358; 12-366, 339; 22-488, 491; 23-411, 413; 24-345, 349; 44-97, 102, 46+315; 45-465, 468, 48+23; 55-467, 473, 57+206, 794, 43 Am. St. Rep. 524.

5. Held due process of law—8-253, 225; 22-488; 23-1, 3; 23-411, 413; 29-23, 25, 11+127; 30-321, 14+992; 30-234, 15+109; 32-324, 328, 20+238; 32-358, 20+354; 33-54, 21+852; 40-512, 41+465; 41-69, 42+696; 42-391, 44+127; 43-192, 45+430; 44-510, 47+160; 46-465, 48+23; 46-174, 48+713; 46-285, 48+1120; 52-140, 53+1132; 57-294, 59+304; 57-345, 59+317; 60-233, 62+123; 61-219, 63+630; 62-18, 63+1117; 63-384, 65+652; 64-130, 66+205, 32 L. R. A. 131, 58 Am. St. Rep. 524; 68-8; 70-800; 68-320, 71+396; 68-353, 71+266; 70-105, 72+835; 77-483, 80+633; 80-125, 83+36; 90-457, 97+132; 97-173, 106+907; 97-373, 107+393; 98-351, 107+953, 108+470; 100-249, 110+870; 103-21, 114+245; 107-171, 119+660; 105-170, 117+393; 110-378, 126+120; 109-136, 123+291; 114-339, 131+371; 115-51, 131+859; 115-100, 131+1014; 118-380, 137+2. See, also, 99-158, 108+935; 101-454, 112+872.

121-421, 141+839; 122-254, 142+325; 123-1, 142+886; 123-227, 143+780; 124-144, 144+750; 124-471, 145+377; 125-174, 145-1075; 126-78, 147+951; 126-138, 147+960; 127-191, 149+193; 128-231, 150+623; 129-104, 151+917; 130-520, 153+997; 132-9, 155+754; 134-101, 158+723; 140-465, 168+348; 145-126, 176+346; 150-247, 184+1022; 151-467, 187+226, 190+48, 52.

6. Held not due process of law—11-480, 358; 13-366, 339; 16-431, 387; 24-345, 349; 24-372; 26-329, 4+47; 27-18, 6+373; 30-350, 356, 15+375; 39-438, 40+513; 44-97, 46+315; 44-490, 47+154; 46-458, 49+238; 47-59, 49+396; 50-503, 52+922; 55-467, 57+206, 794; 61-335, 63+880; 65-310, 67+997; 65-525, 68+105; 87-510, 92+461; 102-442, 114+244; 105-55, 116+1017; 109-88, 122+1120.

124-381, 145+35; 131-162, 154+954; 135-277, 160+733; 145-166, 176+166; 151-138, 186+241; 152-430, 189+441.

§ 8. Remedies for wrongs—Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property, or character; he ought to obtain justice freely and without purchase; completely and without denial; promptly and without delay, conformably to the laws.

5-95, 70; 6-110, 53; 6-550, 386; 7-13, 1; 7-456, 365; 11-515, 392; 22-61, 64; 24-584, 590; 26-137, 1+838; 40-117, 122, 41+936; 40-232, 236, 41+948; 55-542, 549, 57+212. 60-26, 33, 61+898; 63-384, 386, 392, 65+652; 64-105, 107, 66+138; 56-196, 68+53; 67-476, 481, 70+784; 74-518, 522, 77+424; 75-308, 77+973; 77-483, 80+633; 87-108, 113, 91+291; 91-171, 97+663, 1118; 105-19, 116+1111; 107-465, 121+221; 119-96, 137+390.

126-95, 147+953; 126-286, 148+71; 131-308, 155+90; 189+1023. 162-471, 203+420.

§ 9. Treason—Treason against the state shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

§ 10. Unreasonable searches and seizures—The right of the people to be secure in their persons.

Art 1 § 7
23 — 226
27 — 236
27 — 288
173m 512
174m 305
175m 93
217nw 935
219nw 175
220nw 422
221nw 13
221nw 900
223nw 144
Art 1 § 7
25 — 285
228nw 326
10128
Art 1 § 7
27 — 149
230nw 815
231nw 217
232nw 517
233nw 310
2268
Art 1 § 7
239nw 144
Sec
Art 6 § 1
Sec 7688
Art 1 § 7
247nw 509
247nw 515
247nw 692
Art 1 § 7
251nw 121
US Const
Amend. 14

Art 1 § 8
247nw 509
Art 1 § 8
248nw 49
Art 1 § 13
2553
2554

houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

46-225, 48+914; 69-508, 513, 72+799, 975; 73-77, 78, 76+1029; 77-483, 501, 80+633; 89-205, 209, 94+675; 114-136, 130+79; 115-204, 132+5.

132-260, 156+130, 191+1008.
163-439, 205+613; 165-237, 206+392.

The fact that articles offered in evidence in a criminal prosecution against the owner thereof were taken by officers of the law, without a search warrant, from the house where the accused had resided but which he had abandoned when he fled to another state to avoid the consequences of the crime with which he was charged, does not render such articles inadmissible as evidence. 156-186, 194+396.

A person lawfully arrested may, as an incident thereto, be searched, and incriminating articles found in his possession may be seized. 157-145, 195+789.

The use in evidence of intoxicating liquor, taken without a search warrant from defendant's automobile, held following State v. Pluth (Minn.) 195 N. W. 789, to be proper. 157-359, 196+278.

The use in evidence of intoxicating liquor, taken without a search warrant from defendant's automobile, held following State v. Pluth (Minn.) 195 N. W. 789, to be proper. 157-359, 196+278.

Permitting search without warrant. 211+463.

Art 1 §11
27 - 236
27 - 236
221nw 900
10664
Art 1 §11
249nw 330
33 - 44
9608

§ 11. Attainder—Ex post facto laws—Impairment of contracts—No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate.

165-237, 206+392.

1. Ex post facto laws—7-13, 1; 12-476, 378; 13-370, 343; 20-136, 119; 22-514, 524.
123-59, 142+945; 124-144, 144+750.

Chapter 471, Laws 1919, providing for the allowance by the court of the expenses of a judicial ditch proceeding which has been dismissed, is not objectionable as retrospective. 161-66, 200+833.

2. Held to impair contract—6-550, 386; 7-13, 1; 7-513, 419; 23-114; 23-144; 27-371, 7+687; 28-257, 9+761; 28-496, 11+84; 29-474, 9+737; 30-273, 15+119; 30-350, 15+375; 35-392, 29+57; 36-136, 30+458; 62-380, 64+924, 65+348; 78-256, 80+1121; 81-140, 83+527, 86+69; 105-19, 116+1111.

3. Held not to impair contract—2-90, 72; 4-298, 215; 13-501, 462; 16-136, 123; 26-268, 3+353; 27-295, 7+140; 32-284, 20+225; 33-377, 23+549; 36-303, 31+55; 45-285, 47+893; 48-140, 50+1110; 56-327, 57+931; 72-200, 75+210; 75-153, 77+793; 100-446, 111+289; 101-454, 112+872; 105-422, 117+780; 106-303, 119+202; 113-459, 130+18.

126-95, 147+953; 128-221, 150+623; 128-371, 150+1094; 145-125, 176+346; 151-427, 186+860; 152-271, 88+729.

4. Contract abdicating police power—Contract where-by city attempts to abdicate such power is void (98-380, 108+261).

5. Attainder—141-82, 174+519.

Art 1 §12
175m 161
220nw 421
221nw 534
4269

§ 12. Imprisonment for debt—Exemption from execution—No person shall be imprisoned for debt in this state, but this shall not prevent the legislature from providing for imprisonment, or holding to bail, persons charged with fraud in contracting said debt. A

Art 1 §12
228nw 168

reasonable amount of property shall be exempt from seizure or sale for the payment of any debt or liability. The amount of such exemption shall be determined by law. Provided, however, that all property so exempted shall be liable to seizure and sale for any debts incurred to any person for work done or materials furnished in the construction, repair, or improvement of the same; and provided further, that such liability to seizure and sale shall also extend to all real property for any debt incurred to any laborer or servant for labor or service performed.

As amended November 6, 1888.

1. Imprisonment for debt—23-1, 3; 23-411, 413; 28-424, 10+471; 39-438, 441, 40+513; 56-397, 57+940; 63-443, 65+728; 74-518, 522, 77+424.

134-35, 158+829; 151-238, 186+787, 191+249.

2. Exemption of property—2-90, 72; 7-465, 374; 10-154, 124; 11-475, 354; 21-299, 302; 22-144, 147; 23-435, 438; 34-279, 25+601; 39-438, 40+513; 59-415, 61+456; 61-217, 63+627; 66-57, 68+514; 85-83, 88, 88+419; 101-347, 112+273; See R. L. §§ 3452-3460, 4317 [6957-6965, 7951].

213+538, note under § 9447, herein.

An ordinance of the city of St. Paul providing that

eight hours shall constitute a day's work on any work done for the city of St. Paul is not in contravention with the Constitution of the United States or of the state of Minnesota. 155-471, 194+18.

Neither section 12, art. 1, nor section 34, art. 4, of the state Constitution, is contravened by section 4, ch. 511, Laws 1919, giving keepers of boarding and lodging houses a lien upon the baggage and other personal effects of boarders and lodgers. 163-253, 203+968.

Const. art. 1, § 12, although self-executing, without legislation, does not, in itself, create lien in favor of one furnishing material or labor for improvement of exempt property, but such lien claimant secures lien in same manner in which other debts become liens. 167-243, 208+960.

Affidavit of attachment not complying with Minn. Stat. § 9343, is insufficient to fix lien on homestead. 167-243, 208+960.

129-184, 152+135; 132-372, 157+504; 136-222, 161+413.
3. Proviso—63-154, 65+267; 67-327, 69+1091; 74-366, 77+292; 76-226, 78+1113; 89-150, 94+438; 93-267, 101+74; 109-332, 123+1078.
194+18.

§ 13. Private property for public use—Private property shall not be taken, destroyed or damaged for public use, without just compensation therefor first paid or secured.

As amended November 3, 1896.
11-515, 392; 13-315, 289; 14-365, 282; 16-375, 333; 17-439, 417; 18-155, 139; 19-108, 78; 21-322; 26-78, 1+581; 27-119, 123, 6+457; 28-634, 11+113; 29-288, 13-123; 30-140, 14+581; 30-477, 16+269; 31-493, 18+454; 36-402, 31+365; 38-266, 36+874; 39-65, 38+926; 42-262, 44+59; 43-524, 46+741; 44-299, 46+355; 44-372, 46+769; 46-540, 49+325; 51-218, 53+366; 58-152, 69+989; 65-515, 68+208; 66-161, 163, 68+860; 73-128, 75+1044; 74-498, 504, 77+286; 80-40, 41, 82+1099; 82-359, 374, 85+175; 84-308, 87+921; 87-146, 151, 91+300; 88-288, 291, 92+1119; 90-215, 223, 96+41; 93-81, 100+668; 112-117, 127+496.

Property "damaged" (98-329, 108+480; 102-358, 113+854; 111-471, 127+422).

Public use (97-429, 107+405; 102-442, 114+244).

Just compensation (98-89, 107+730; 98-281, 108+521; 101-271, 112+274; 101-488, 112+1033; 115-51, 131+859; 115-460, 133+69; 118-380, 137+2).

Police power (98-380, 108+261; 100-38, 110+254).
In general 121-376, 141+801; 122-254, 142+325; 123-1, 142+886; 123-301, 143+906; 125-224, 146+353; 125-380, 147+431; 126-286, 148+71; 128-432, 151+144; 130-359, 153+738; 134-226, 158+1017; 136-158, 161+601; 143-392, 173+713; 144-1, 174+885; 176-159; 148-329, 181+859, 189+439.
129-59, 151+532.
165-203, 206+447.

Chapter 269, Laws of 1923, adopting the "area plan" for suppressing tuberculosis among cattle, does not violate the constitution. 162-184, 202+719.

The word "damaged" refers to damage which could have been recovered at common law, had the acts which caused the damage been done without constitutional or statutory authority. 163-439, 204+534.

The evidence supports a finding that a special assessment upon respondent's property was made on an erroneous principle of law and exceeded the special benefits to the property to such an extent as to be confiscatory. 211+9.

§ 14. Military subordinate—Standing army—The military shall be subordinate to the civil power, and no standing army shall be kept up in this state in time of peace.

74-518, 522, 523, 77+424; 141-1, 168+634.

§ 15. Tenure of lands—All lands within this state are declared to be allodial, and feudal tenures of every description, with all their incidents, are prohibited. Leases and grants of agricultural land for a longer period than twenty-one years, hereafter made, in which shall be reserved any rent or service of any kind, shall be void.

22-463, 464; 24-584, 617; 91-513, 516, 98+648; 99-220, 108+958.

§ 16. Rights reserved—Religious freedom—The enumeration of rights in this constitution shall not be construed to deny or impair others retained by and inherent in the people. The right of every man to worship God according to the dictates of his own conscience shall never be infringed, nor shall any man be compelled to attend, erect, or support any place of worship, or to maintain any religious or ecclesiastical ministry, against his consent; nor shall any control or interference with the rights of conscience be per-

Art 1 §13
247aw 509
Art 1 §13
248 - 40
Art 1 §8
2553
2554
66 Fed. 2d
977

mitted, or any preference be given by law to any religious establishment or mode of worship; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the state, nor shall any money be drawn from the treasury for the benefit of any religious societies, or religious or theological seminaries.

21-202, 205; 74-376, 77+225; 99-158, 108+935.

§ 17. No religious tests—No religious test or amount of property shall ever be required as a qualification for any office of public trust under the state. No religious test or amount of property shall ever be required as a qualification of any voter at any election in this state; nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of his opinion upon the subject of religion.

Qualification for office (99-145, 108+828). 187-216, 208+761.

§ 18. No license to peddle—Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor.

As amended November 6, 1906. 109-147, 123+408; 150-374, 185+390. 162-471, 203+420.

ARTICLE 2

NAME AND BOUNDARIES

§ 1. State name and boundaries—This state shall be called and known by the name of the "State of Minnesota," and shall consist of and have jurisdiction over the territory embraced in the following boundaries, to-wit: Beginning at the point in the center of the main channel of the Red River of the North, where the boundary line between the United States and the British Possessions crosses the same; thence up the main channel of said river to that of the Bois des Sioux river; thence up the main channel of said river to Lake Traverse; thence up the center of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone lake; thence through its center to its outlet; thence by a due south line to the north line of the state of Iowa; thence east along the northern boundary of said state to the main channel of the Mississippi river; thence up the main channel of said river and following the boundary line of the state of Wisconsin until the same intersects the St. Louis river; thence down the said river to and through Lake Superior, on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and British Possessions; thence up Pigeon river and following said dividing line to the place of beginning.

§ 2. Jurisdiction on boundary rivers—The state of Minnesota shall have concurrent jurisdiction on the Mississippi and all other rivers and waters bordering on the said state of Minnesota, so far as the same shall form a common boundary to said state, and any other state or states now or hereafter to be formed by the same; and said rivers and waters, and navigable waters leading into the same, shall be common highways and forever free, as well to the inhabitants of said state as to other citizens of the United States, without any tax, duty, impost, or toll therefor.

32-412, 421, 21+704; 60-503, 505, 63+100; 97-429, 107+405; 176 U. S. 126, 152, 20 Sup. Ct. 325, 44 L. Ed. 400.

§ 3. Acceptance of enabling act—The propositions contained in the act of Congress entitled, "An act to authorize the people of the territory of Minnesota to form a constitution and state government, preparatory

to their admission into the Union on an equal footing with the original states," are hereby accepted, ratified, and confirmed, and shall remain irrevocable without the consent of the United States; and it is hereby ordained that this state shall never interfere with the primary disposal of the soil within the same, by the United States, or with any regulations Congress may find necessary for securing the title to said soil to bona fide purchasers thereof; and no tax shall be imposed on lands belonging to the United States, and in no case shall non-resident proprietors be taxed higher than residents.

5-223, 178, 80 Am. Dec. 410; 21-167, 171; 69-187; 192, 72+65; 102-52, 112+860; 130-456, 153+871.

ARTICLE 3
DISTRIBUTION OF THE POWERS OF THE GOVERNMENT

§ 1. Departments of the government—The powers of the government shall be divided into three distinct departments, the legislative, executive, and judicial; and no person or persons belonging to or constituting one of these departments shall exercise any of the powers properly belonging to either of the others, except in the instances expressly provided in this constitution.

10-78, 56; 18-482, 432; 19-103, 74; 20-363, 314; 22-366, 369; 27-1, 6+341; 28-50, 8+902; 29-474, 9+737; 29-555, 12+519; 32-540, 21+750; 33-81, 21+860; 33-235, 247, 22+625; 34-387, 26+123; 38-90, 35+580; 38-281, 37+782; 39-438, 40+513; 39-538, 41+108; 40-174, 41+817; 47-219, 49+690; 55-542, 547, 57+212; 59-182, 63+241; 61-539, 63+1113; 66-271, 68+1085; 68-353, 359, 71+265; 69-187, 191, 72+65; 72-200, 210, 214, 75+210; 73-225, 75+1050; 84-472, 88+6; 85-437, 89+175, 57 L. R. A. 297; 92-176, 99+636; 96-110, 104+709, 711; 96-521, 105+975; 99-261, 109+113, 698, 7 L. R. A. (N. S.) 621, 9 Ann. Cas. 270; 100-445, 111+289; 100-499, 111+294, 639; 104-378, 116+922; 105-84, 117+167; 107-166, 119+658; 110-300, 304, 125+504; 117-458, 136+264; 119-368, 128+315; 121-421, 141+339; 122-383, 142+723; 124-533, 144+771; 125-194, 145+967; 125-403, 147+273; 125-407, 147+815; 126-5, 147+660; 126-38, 147+780; 126-95, 147+953; 129-40, 151+545; 129-165, 151+899; 130-474, 153+869, 1095; 134-217, 158+982; 135-19, 159+1089; 135-439, 161+152; 140-19, 167+122; 141-1, 168+634; 148-347, 182+168.

Section 8244, herein, is valid. 163-439, 204+534. Section 6206, herein, giving lien on exchange membership, is valid. 164-122, 204+637.

Section 10 of chapter 278, Laws of 1921, does not contravene article III of the state Constitution by investing the courts with legislative powers. 167-311, 209+10.

The courts have no authority to enjoin the officials of the executive department from holding an election called by the Governor to fill a vacancy in the representation of this state in the Senate of the United States

In calling such an election under the power conferred upon him by the federal Constitution, the Governor is exercising a governmental and political power, over which the courts have no control. 156-270, 194+630.

ARTICLE 4

THE LEGISLATIVE DEPARTMENT

§ 1. Two houses—Sessions—The legislature shall consist of the senate and house of representatives, which shall meet biennially at the seat of government of the state, at such time as shall be prescribed by law, but no session shall exceed the term of ninety legislative days, and no new bill shall be introduced in either branch, except on the written request of the governor, during the last twenty days of such sessions, except the attention of the legislature shall be called to some important matter of general interest by a special message from the governor.

As amended November 6, 1860. November 6, 1877. November 6, 1888.

18-482, 432; 72-200, 210, 75+210.

§ 2. Number of members—The number of members who compose the senate and house of representatives shall be prescribed by law, but the representation in

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174m 583
219nw 916
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9175

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the senate shall never exceed one member for every five thousand inhabitants, and in the house of representatives one member for every two thousand inhabitants. The representation in both houses shall be apportioned equally throughout the different sections of the state, in proportion to the population thereof, exclusive of Indians not taxable under the provisions of law.

125-336, 147+105. Districts need not contain same number of inhabitants (138-42, 163+988).

§ 3. Election—Quorum—Each house shall be the judge of the election, returns, and eligibility of its own members; a majority of each shall constitute a quorum to transact business, but a smaller number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as it may provide.

59-489, 492, 61+553; 72-200, 210, 75+210.

§ 4. Rules—Each house may determine the rules of its proceedings, sit upon its own adjournment, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member; but no member shall be expelled the second time for the same offence.

2-330, 281; 45-451, 453, 48+196.

§ 5. Officers—Journal—The house of representatives shall elect its presiding officer, and the senate and house of representatives shall elect such other officers as may be provided by law; they shall keep journals of their proceedings, and from time to time publish the same, and the yeas and nays, when taken on any question, shall be entered on such journals.

24-78, 81; 38-143, 145, 36+443; 45-451, 453, 48+196; 72-200, 210, 75+210.

§ 6. Adjournments—Neither house shall, during a session of the legislature, adjourn for more than three days (Sundays excepted), nor to any other place than that in which the two houses shall be assembled, without the consent of the other house.

§ 7. Compensation—The compensation of senators and representatives shall be three dollars per diem during the first session, but may afterwards be prescribed by law. But no increase of compensation shall be prescribed which shall take effect during the period for which the members of the existing house of representatives may have been elected.

105-513, 117+845, 1044.

§ 8. Privileges—The members of each house shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during the session of their respective houses, and in going to or returning from the same. For any speech or debate in either house they shall not be questioned in any other place.

55-542, 57+212.

§ 9. Members not to hold certain offices—No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States or the state of Minnesota, except that of postmaster, and no senator or representative shall hold an office under the state which has been created or the emoluments of which have been increased during the session of the legislature of which he was a member, until one year after the expiration of his term of office in the legislature.

27-466, 8+375; 63-147, 65+262; 69-108, 71+910; 72-200, 75+210; 105-513, 117+845, 1044; 125-104, 145+794.

§ 10. Revenue bills to originate in house—All bills for raising a revenue shall originate in the house of representatives, but the senate may propose and concur with amendments as on other bills.

25-1, 8. Abatement of nuisance acts not revenue measures (131-308, 156+90).

§ 11. Approval of bills by governor—Veto power—Every bill which shall have passed the senate and house of representatives, in conformity to the rules of each house and the joint rules of the two houses, shall, before it becomes a law, be presented to the governor of the state. If he approves he shall sign and deposit it in the office of the secretary of state for preservation, and notify the house where it originated of the fact. But if not, he shall return it, with his objections, to the house in which it shall have originated; when such objections shall be entered at large on the journal of the same, and the house shall proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if it be approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by adjournment within that time, prevents its return; in which case it shall not be a law. The governor may approve, sign, and file in the office of the secretary of state, within three days after the adjournment of the legislature, any act passed during the last three days of the session, and the same shall become a law. If any bill presented to the governor contains several items of appropriation of money, he may object to one or more of such items, while approving of the other portion of the bill. In such case, he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered. If, on reconsideration, one or more of such items be approved by two-thirds of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the governor. All the provisions of this section, in relation to bills not approved by the governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

As amended November 7, 1876.
2-330, 281; 8-366, 326; 10-67, 49; 24-78, 81; 45-451, 453, 48+196; 48-425, 51+224; 73-203, 214, 75+1116; 48 Fed. 363.

§ 12. Appropriations, how made—No money shall be appropriated except by bill. Every order, resolution or vote requiring the concurrence of the two houses (except such as relate to the business or adjournment of the same) shall be presented to the governor for his signature, and, before the same shall take effect, shall be approved by him, or, being returned by him with his objections, shall be repassed by two-thirds of the members of the two houses, according to the rules and limitations prescribed in case of a bill.

24-517, 574.

§ 13. Enacting clause—Majority vote—The style of all laws of this state shall be: "Be it enacted by the Legislature of the State of Minnesota." No law shall be passed unless voted for by a majority of all the members elected to each branch of the legislature, and the vote entered upon the journal of each house.

2-330, 281; 24-78, 81; 45-451, 453, 48+196; 64-513, 516, 67+632; 67-169, 170, 69+812; 73-203, 75+1116.

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230nw 637
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§ 14. Impeachment—The house of representatives shall have the sole power of impeachment, through a concurrence of a majority of all the members elected to seats therein. All impeachments shall be tried by the senate; and when sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members present.

72-200, 211, 75+210.

§ 15. Exclusion of convicts from civil rights—The legislature shall have full power to exclude from the privilege of electing or being elected any person convicted of bribery, perjury, or any other infamous crime.

126-383, 148+293.

§ 16. Protest of members—Two or more members of either house shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public or to any individual, and have the reason of their dissent entered on the journal.

§ 17. Vacancies—Contested elections—The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature. The legislature shall prescribe by law the manner in which evidence in cases of contested seats in either house shall be taken.

§ 18. Contempt—Each house may punish by imprisonment, during its session, any person, not a member, who shall be guilty of any disorderly or contemptuous behavior in their presence, but no such imprisonment shall at any time exceed twenty-four hours.

§ 19. Sessions public—Each house shall be open to the public during the sessions thereof, except in such cases as in their opinion may require secrecy.

48 Fed. 363.

§ 20. Reading bills—Every bill shall be read on three different days in each separate house, unless, in case of urgency, two-thirds of the house where such bill is depending shall deem it expedient to dispense with this rule; and no bill shall be passed by either house until it shall have been previously read twice at length.

2-330, 281; 24-78, 82; 38-143, 145, 36+443; 55-401, 564, 1056; 64-513, 516, 67+632; 46 Fed. 162, 167; 130-424, 153+749.

§ 21. Enrolling and signing bills—Every bill having passed both houses shall be carefully enrolled, and shall be signed by the presiding officer of each house. Any presiding officer refusing to sign a bill which shall have previously passed both houses shall thereafter be incapable of holding a seat in either branch of the legislature, or hold any other office of honor or profit in the state, and in case of such refusal, each house shall, by rule, provide the manner in which such bill shall be properly certified for presentation to the governor.

2-330, 281; 24-78, 81; 31-472, 478, 18+285, 289; 48-425, 430, 51+224; 72-200, 215, 75+210; 130-424, 153+749.

§ 22. Bills not to pass on last day of session—No bill shall be passed by either house of the legislature upon the day prescribed for the adjournment of the two houses. But this section shall not be so construed as to preclude the enrolment of a bill, or the signature and passage from one house to the other, or the reports thereon from committees, or its transmission to the executive for his signature.

48-425, 430, 51+224.

§ 23. Census — Apportionment — The legislature shall provide by law for an enumeration of the inhabitants of this state in the year 1865, and every tenth year thereafter. At their first session after each enumeration so made, and also at their first session

after each enumeration made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional, senatorial, and representative districts, and to apportion anew the senators and representatives among the several districts according to the provisions of section second of this article.

125-336, 147+105.

§ 24. Senate districts—Term of office—The senators shall be chosen by single districts of convenient contiguous territory, at the same time that members of the house of representatives are required to be chosen, and in the same manner; and no representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in a regular series. The terms of office of senators and representatives shall be the same as now prescribed by law, until the general election in the year 1878, at which time there shall be an entire new election of all the senators and representatives. Representatives chosen at such election, or at any election thereafter, shall hold their office for the term of two years, except it be to fill a vacancy, and the senators chosen at such election by districts designated as odd numbers, shall go out of office at the expiration of the second year, and senators chosen by districts designated by even numbers, shall go out of office at the expiration of the fourth year; and thereafter senators shall be chosen for four years, except there shall be an entire new election of all the senators at the election of representatives next succeeding each new apportionment provided for in this article.

As amended November 6, 1877.

151-167, 186+234.

§ 25. Qualifications of members—Senators and representatives shall be qualified voters of the state, and shall have resided one year in the state and six months immediately preceding the election in the district from which they are elected.

93-205, 100+1125.

§ 26. Election of United States senators—Members of the senate of the United States from this state shall be elected by the two houses of the legislature in joint convention, at such time and in such manner as may be provided by law.

See Const. U. S. Amend. 17, providing for election of senators by the people.

The courts have no authority to enjoin the officials of the executive department from holding an election called by the Governor to fill a vacancy in the representation of this state in the Senate of the United States. 156-270, 194+630.

In calling such an election under the power conferred upon him by the federal Constitution, the Governor is exercising a governmental and political power, over which the courts have no control. 156-270, 194+630

§ 27. Laws to embrace but one subject—No law shall embrace more than one subject, which shall be expressed in its title.

2-330, 281; 7-465, 374; 11-515, 392, 12-41, 16; 13-341, 315; 14-524, 395; 16-45, 30; 21-299; 22-312; 22-328; 27-236, 6+797; 34-79, 24+361; 34-318, 25+637; 35-257, 28+241; 36-69, 30+308; 38-265, 36+641; 40-7, 10, 41+232; 40-13, 41+539, 40-117, 41+936; 41-74, 42+781; 41-123, 42+858; 42-449, 44+529; 43-438, 45+856; 44-271, 46+410; 45-31, 47+396; 47-106, 49+525; 47-237, 49+865; 47-575, 50+923; 48-140, 50+1110; 50-290, 52+652; 52-239, 53+1150; 52-307, 54+95; 53-279, 55+134; 54-116, 55+864; 56-269, 57+659; 58-393, 59+1098; 59-316, 322, 61+330; 59-522, 528, 61+678; 63-154, 65+267; 63-208, 65+265; 63-535, 65+940; 64-71, 66+202; 65-187, 67+994; 65-471, 67+1143; 67-352, 69+1083; 70-358, 375, 73+171; 71-517, 74+280; 72-126, 75+8; 72-266, 275, 75+380; 72-498, 512, 75+692; 72-539, 75+745; 73-77, 75+1029; 73-378, 76+223; 73-382, 76+224; 75-118, 77+568; 75-343, 345, 77+991; 75-514, 521, 78+90; 77-375, 79+1024, 82+1118; 78-3, 6, 80+693; 79-283, 285, 82+586; 80-58, 82+1094; 82-71, 74, 84+650; 82-127, 84+788; 82-390, 85+207, 86+611; 83-65, 85+830; 84-62, 86+877; 84-245, 87+844; 85-165, 88+533; 85-279, 88+759; 90-530, 97+422; 91-321, 98+92; 92-176, 99+636; 92-374, 100+95; 92-436, 100+97; 93-178, 100+1124, 102+209; 93-210, 100+1104; 93-462, 101+946; 95-353, 104+534; 96-39, 104+682; 96-521, 105+975;

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29 - 299
31 - 322
31 - 360
180m 306
242nw 6
243nw 851
243nw 853
246nw 905
23 - 226
27 - 394
173m 221
217nw 105
221nw 13
223nw 98
2304
Art 4 §27
29 - 258
177m 398
225nw 435
226nw 842
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Art 4 §27
175m 305
176m 234
178m 244
Art 4 §27
31 - 87
241nw 60
See
Art 4 §33
Art 4 §27
248nw 504
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5846 747

97-23, 106+89; 98-530, 106+1133; 99-158, 108+935; 99-261, 109+113, 698; 100-38, 110+254; 100-173, 110+867; 102-470, 113+834, 114+738; 104-378, 116+922; 105-256, 117+610; 111-85, 126+527; 111-488, 127+495; 112-167, 127+569; 118-128, 136+565; 21 Fed. 817; 143 Fed. 824; 121-381, 141+526; 124-136, 144+748; 124-308, 144+962; 125-238, 146+364; 126-68, 147+829; 126-110, 147+946; 128-300, 150+912; 128-371, 150+1094; 129-305, 152+643; 142-376, 172+765; 143-137, 173+402; 144-1, 174+885, 176+169; 144-337, 175+685; 145-379, 177+494; 150-247, 184+1022; 189+711; 191+424; 193+30, 161-376, 201+610.

Titles to Laws 1909, ch. 398, and Laws 1913, ch. 65, were sufficient. 163-154, 203+771.

Laws 1917, ch. 90, amending G. S. 1913, § 8907 (§ 10395, herein), is valid. 211+3.

The purpose of the constitutional restriction is to prevent deception as to the nature of an act by the title given it, and to prevent including wholly unrelated matters in a single act for the purpose of securing sufficient support to pass it. 211+3.

The subject of an act amending the General Statutes is sufficiently expressed by a title which designates by number the sections amended. 211+3.

§ 28. Divorces—Divorces shall not be granted by the legislature.

§ 29. Oath of office—All members and officers of both branches of the legislature shall, before entering upon the duties of their respective trusts, take and subscribe an oath or affirmation to support the constitution of the United States, the constitution of the state of Minnesota, and faithfully and impartially to discharge the duties devolving upon him as such member or officer.

§ 30. Elections viva voce—In all elections to be made by the legislature, the members thereof shall vote viva voce, and their votes shall be entered on the journal. 24-78, 81.

§ 31. Lotteries—The legislature shall never authorize any lottery or the sale of lottery tickets.

§ 32a. Submission of laws for taxation of railroads—Any law providing for the repeal or amendment of any law or laws heretofore or hereafter enacted, which provides that any railroad company now existing in this state, or operating its road therein, or which may be hereafter organized, shall in lieu of all other taxes and assessments upon their real estate, roads, rolling stock, and other personal property, at and during the time and periods therein specified, pay into the treasury of this state a certain percentage therein mentioned of the gross earnings of such railroad companies now existing or hereafter organized, shall before the same shall take effect or be in force, be submitted to a vote of the people of the state, and be adopted and ratified by a majority of the electors of the state voting at the election at which the same shall be submitted to them.

Adopted November 8, 1871.

165-8, 205+609.
56-156, 57+464; 72-200, 75+210; 73-417, 426, 76+217; 77-433, 80+626; 84-81, 83, 86+784; 86-136, 138, 90+160; 102-26, 112+897; 102-506, 112+899; 106-303, 119+202; 179 U. S. 223, 21 Sup. Ct. 73, 45 L. Ed. 162; 125-411, 147+817; 131-290, 155+93; Gross earnings tax precludes tax on stocks owned by railroad in connection with operation as such (139-478, 167+294); 146-444, 179+221.

§ 32b. Internal improvement lands—All lands donated to the state of Minnesota for the purpose of internal improvement, under the eighth section of the act of congress approved September 4, 1841, being "An act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights," shall be appraised and sold, in the same manner and by the same officers, and the minimum price shall be the same as is provided by law for the appraisal and sale of the school lands, under the provisions of title one, of chapter thirty-eight, of the General Statutes, except the modifications hereinafter mentioned. All moneys derived from the sales of the said lands shall be invested in the bonds of the United States, or

of the state of Minnesota, issued since 1860, and the moneys so invested shall constitute the internal improvement land fund of the state. All moneys received by the county treasurer under the provisions of title one, chapter thirty-eight, aforesaid, derived from the sale of the internal improvement lands, shall be held at all times subject to the order and direction of the state treasurer, for the benefit of the fund to which it belongs; and on the fifteenth day of June in each year, and at such other times as he may be requested so to do by the state treasurer, he shall pay over to the said state treasurer, all moneys received on account of such fund. The bonds purchased in accordance with this amendment shall be transferable only upon the order of the governor, and on each bond shall be written, "Minnesota internal improvement land fund of the state, transferable only on the order of the governor." The principal sum from all sales of internal improvement lands, shall not be reduced by any charges or costs of officers, by fees, or by any other means whatever; and section fifty, of title one, of chapter thirty-eight, of the General Statutes, shall not be applicable to the provisions of this amendment, and wherever the words "school lands" are used in said title, it shall read as applicable to this amendment, "internal improvement lands." The moneys belonging to the internal improvement land fund shall not be appropriated for any purpose whatever, until the enactment for that purpose shall have been approved by a majority of the electors of the state, voting at the annual general election following the passage of the act. The force of this amendment shall be to authorize the sale of the internal improvement lands, without further legislative enactment.

Adopted November 5, 1872.
108-388, 122+251.

§ 33. Special legislation prohibited—In all cases when a general law can be made applicable no special law shall be enacted; and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative assertion on that subject. The legislature shall pass no local or special law regulating the affairs of, or incorporating, erecting or changing the lines of any county, city, village, township, ward or school district, or creating the offices, or prescribing the powers and duties of the officers of, or fixing or relating to the compensation, salary or fees of the same, or the mode of election or appointment thereto; authorizing the laying out, opening, altering, vacating or maintaining roads, highways, streets or alleys; remitting fines, penalties or forfeitures; regulating the powers, duties and practice of justices of the peace, magistrates and constables; changing the names of persons, places, lakes or rivers; for opening and conducting of elections, or fixing or changing the places of voting; authorizing the adoption or legitimation of children, changing the law of descent or succession; conferring rights upon minors; declaring any named person of age; giving effect to informal or invalid wills or deeds, or affecting the estates of minors or persons under disability; locating or changing county seats; regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes; exempting property from taxation, or regulating the rate of interest on money; creating corporations, or amending, renewing, extending or explaining the charters thereof; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever, or authorizing public taxation for a private purpose: Provided, how-

Art 4
§§33-34
27 - 288
174m 305
219nw 172
221nw 231
3160N

Art 4
§§33 & 34
29 - 208
29 - 303
227nw 41
227nw 202
2061

Art 4
§§33-34
29 - 18
29 - 67
175m 316
178m 333
178m 342
229nw 346
230nw 117
230nw 83
233nw 80
2803

Art 4
§§ 33 & 34
236nw 19

Art 4 §33
85 - 8
33 - 181
33 - 330
249nw 334
249nw 803
250nw 570

ever, that the inhibitions of local or special laws in this section shall not be construed to prevent the passage of general laws on any of the subjects enumerated. The legislature may repeal any existing special or local law, but shall not amend, extend or modify any of the same.

Adopted November 8, 1881. Amended November 8, 1892.

1. Prior to amendment of 1892—35-155, 27-924; 37-264, 33-800; 37-322, 34-164; 38-366, 38-95; 40-7, 41-232; 47-272, 50-123; 48-236, 51-112, 31 Am. St. Rep. 650; 50-47, 52-380; 52-9, 53-1016; 53-279, 55-134; 60-178, 52-267; 61-185, 62-489; 61-465, 63-1103; 61-542, 547, 64-190; 64-16, 20, 65-956; 64-378, 67-202; 65-406, 68-66; 74-498, 504, 77-286-75-30, 34, 77-563; 75-456, 78-115; 87-23, 91-18.

2. Subsequent to amendment of 1892—56-540, 58-150; 57-47, 58-866; 59-522, 529, 61-678; 62-283, 64-813; 64-331, 67-77; 66-315, 69-27; 66-519, 68-767, 69-925, 73-631; 66-536, 69-789; 67-379, 69-1094; 68-206, 72-67; 70-99, 72-343; 70-341, 73-184; 70-358, 376, 73-171; 72-126, 75-8; 72-539, 75-745; 74-180, 77-38, 78-106; 76-15, 78-867; 76-531, 79-535; 77-445, 80-623; 77-453, 80-620; 79-201, 81-912; 80-446, 448, 83-417; 81-359, 84-103; 81-486, 84-6; 83-295, 86-104; 84-377, 87-942; 84-439, 441, 87-1126; 85-279, 88-759; 85-437, 89-175; 87-146, 152, 91-300; 89-492, 95-305; 90-375, 96-916; 90-420, 97-115; 90-474, 97-124; 90-477, 97-125; 91-447, 98-325; 91-513, 98-648; 92-436, 100-97; 93-55, 100-659; 93-457, 101-966; 96-119, 104-678; 140-339; 129 Fed. 657; 64 C. C. A. 169. Application in general (99-340, 109-697). Class legislation (101-454, 112-872; 103-331, 115-167; 109-147, 123-408; 111-85, 126-527; 111-301, 126-1068; 114-122, 130-645; 116-115, 133-398; 117-186, 134-496). Local and special laws (97-322, 106-345; 97-369, 106-348; 97-402, 106-477; 98-530, 106-1133; 104-378, 116-922; 105-403, 117-611; 110-324, 125-273; 114-78, 130-76). Amendments (105-178, 117-422). Changing county line (117-42, 134-299). 121-90, 140-339; Classification by population (124-126, 144-756); Amending special law (124-136, 144-748); 125-194, 145-967; 125-238, 146-364; 128-91, 150-393; 133-178, 158-540; 135-89, 160-204; Where other cities cannot come within, act is special (140-346, 168-17; 189-429) 142-223, 171-801; 142-356, 172-215; May apply to only one municipality or district (143-433, 174-414); 144-195, 175-101; Cities having home rule charters cannot be given option to adopt act (146-181, 178-741).

Section does not apply to the granting of corporate powers or privileges to cities. 265 U. S. 352. Chapter 323, Laws 1921, is the general highway law. By section 29, engineers are not appointed in counties having a population in excess of 225,000. In such counties the duties required of highway engineers are cast upon the county surveyors. Section 29 is not unconstitutional, as special legislation. 156-389, 194-765. Chapter 252 does not contravene section 33, art. 4 of the state Constitution prohibiting the amendment, extension or modification of special or local laws by a general law. 157-200, 195-919. Laws 1921, c. 357, providing for county school tax levies in certain counties, the classification being based on area and assessed valuation, the proceeds of the levies to be distributed among the districts producing less than a stated per pupil revenue, is not unconstitutional as special legislation. 159-200, 198-457. Chapter 398, Laws 1923 which provides that any county and any city within such county, which furnish funds in proportionate parts for the maintenance of a hospital, may issue bonds for enlarging the hospital, does not violate the constitutional provision prohibiting special legislation, nor the provision permitting cities to be classified on the basis of population. 160-69, 199-442. The Legislature may make counties taxing units for the support of public schools therein, and may divide them into classes based upon differences in the situation, condition, and needs of such schools 160-382, 200-475. That a class now contains only one member does not invalidate the statute. 160-382, 200-475.

Chapter 271, Laws of 1919, imposing a county school tax upon certain counties, sustained as within the power of the Legislature to make the classification there made. State v. Cloudy & Travers (Minn.) 193 N. W. 457, followed. 160-382, 200-475. Chapter 338, Special Laws of 1879, as amended, was not wholly repealed by chapter 252, Laws 1919, nor is it in contravention of the Constitution. 160-510, 200-813.

Chapter 231, Laws 1923, is so framed that no county in the state, other than Hennepin, could ever come within its operation, and therefore violates the constitutional provisions against special legislation, and is void. 160-510, 200-813. Laws 1923, ch. 179, relating to application of workmen's compensation to volunteer firemen, is invalid. 161-20, 200-927. The assessed valuation alone is not a proper basis for classification of counties for the purpose of legislation authorizing certain counties to acquire land and equip the same for recreation purposes. 161-494, 201-945.

Chapter 258, Laws 1923, is unconstitutional. 161-494, 201-945. Chapter 269, Laws of 1923, adopting the "area plan" for suppressing tuberculosis among cattle, does not violate the constitution. 162-184, 202-719. Chapter 43, Laws of 1925, providing that independent school districts in counties having not less than 400,000 inhabitants may change the site of a schoolhouse by a majority vote of those voting at the election is special legislation forbidden by the Constitution. 163-412, 204-49.

Chapter 134, Laws 1925, fixing the boundaries of school districts in certain cases, applicable only to existing school districts which are made a class into which other districts cannot enter afterwards, is a "local or special law" in the guise of a general one, and is unconstitutional. 164-66, 204-572. Laws 1923, ch. 435, (§§ 2769 to 2773) are not unconstitutional. 166-507, 208-403. Sections 7437 to 7439, herein, are not open to the objection that they are special or class legislation. 167-286, 209-9.

Chapter 431, Laws 1923, relating to school districts in counties having population of not less than 28,300 nor more than 28,500, is special legislation, which contravenes sections 33 and 34, art. 4, of the Constitution. 167-421, 209-531. Laws 1925, ch. 376, is invalid. 213-557. Special Laws 1891, ch. 312, relating to board of education of Duluth. 158-459, 197-964.

§ 34. General laws—The legislature shall provide general laws for the transaction of any business that may be prohibited by section one of this amendment, and all such laws shall be uniform in their operation throughout the state. Adopted November 8, 1881. See cases cited under preceding section. 161-376, 201-610; 162-471, 203-420; 163-412, 204-49, note under section 33; 167-421, 209-531, note under § 33. A law is general and uniform in its operation, when it operates equally upon all the subjects within the class of subjects for which the law is adopted; but uniform operation of law cannot rest on a future contingency. 161-20, 200-927. The assessed valuation alone is not a proper basis for classification of counties for the purpose of legislation authorizing certain counties to acquire land and equip the same for recreation purposes. 161-494, 201-945.

Chapter 258, Laws 1923, is unconstitutional. 161-494, 201-945. Neither section 12, art. 1, nor section 34, art. 4, of the state Constitution, is contravened by section 4, ch. 511, Laws 1919, giving keepers of boarding and lodging houses a lien upon the baggage and other personal effects of boarders and lodgers. 163-253, 203-968. Laws 1923, ch. 435, is unconstitutional. 166-507, 208-408. Sections 7437 to 7439, herein, are not open to the objection that they are special or class legislation. 167-286, 209-9. Laws 1925, ch. 376, is invalid. 213-557.

§ 35. Freedom of markets—Monopolies—Any combination of persons, either as individuals or as members or officers of any corporation, to monopolize the markets for food products in this state, or to interfere with, or restrict the freedom of such markets, is hereby declared to be a criminal conspiracy, and shall be punished in such manner as the legislature may provide. Adopted November 6, 1888. Cited (107-506, 121-395); 151-220, 186-781. Discrimination in purchase of milk and its products. 162-146, 202-714. The Co-operative Marketing Act does not contravene section 35, art. 4, of the state Constitution. 162-471, 203-420.

§ 36. Cities and villages may adopt charters—Classification of cities for legislative purposes—Any city or village in this state may frame a charter for its own government as a city consistent with and subject to the laws of this state, as follows: The legislature shall provide, under such restrictions as it deems proper, for a board of fifteen freeholders, who shall be and for the past five years shall have been qualified voters thereof, to be appointed by the district judges of the judicial district in which the city or village is situated, as the legislature may determine, for a term in no event to exceed six years, which board shall,

Chapter 258, Laws 1923, is unconstitutional. 161-494, 201-945.

Chapter 269, Laws of 1923, adopting the "area plan" for suppressing tuberculosis among cattle, does not violate the constitution. 162-184, 202-719.

Chapter 43, Laws of 1925, providing that independent school districts in counties having not less than 400,000 inhabitants may change the site of a schoolhouse by a majority vote of those voting at the election is special legislation forbidden by the Constitution. 163-412, 204-49.

Chapter 134, Laws 1925, fixing the boundaries of school districts in certain cases, applicable only to existing school districts which are made a class into which other districts cannot enter afterwards, is a "local or special law" in the guise of a general one, and is unconstitutional. 164-66, 204-572.

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161-376, 201-610; 162-471, 203-420; 163-412, 204-49, note under section 33; 167-421, 209-531, note under § 33.

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Art 4 §36 : 177m 146 : 250nw 519 : 233nw 834 : 233nw 874 :

Art 4 §36 : 29 - 57 : 31 - 145 : 230nw 830 : 233nw 834 : 233nw 874 :

Art 4 §36 : 33 - 42 :

Art 4 §36 : 03 - 238 : 250nw 519 : 251nw 519 : Art 8 §1 and 3 : 1284 : 1286 :

within six months after its appointment, return to the chief magistrate of said city or village a draft of said charter, signed by the members of said board, or a majority thereof. Such charter shall be submitted to the qualified voters of such city or village at the next election thereafter, and if four-sevenths of the qualified voters voting at such election shall ratify the same it shall, at the end of thirty days thereafter, become the charter of such city or village as a city, and supersede any existing charter and amendments thereof: Provided, that in cities having patrol limits now established, such charter shall require a three-fourths majority vote of the qualified voters voting at such election to change the patrol limits now established. Before any city shall incorporate under this act the legislature shall prescribe by law the general limits within which such charter shall be framed. Duplicate certificates shall be made setting forth the charter proposed and its ratification, which shall be signed by the chief magistrate of said city or village and authenticated by its corporate seal. One of said certificates shall be deposited in the office of the secretary of state, and the other, after being recorded in the office of the register of deeds for the county in which such city or village lies, shall be deposited among the archives of such city or village, and all courts shall take judicial notice thereof. Such charter so deposited may be amended by proposal therefor made by a board of fifteen commissioners aforesaid, published for at least thirty days in three newspapers of general circulation in such city or village, and accepted by three-fifths of the qualified voters of such city or village voting at the next election and not otherwise; but such charter shall always be in harmony with and subject to the constitution and laws of the state of Minnesota. The legislature may prescribe the duties of the commission relative to submitting amendments of charter to the vote of the people, and shall provide that upon application of five per cent of the legal voters of any such city or village, by written petition, such commission shall submit to the vote of the people proposed amendments to such charter set forth in said petition. The board of freeholders above provided for shall be permanent, and all the vacancies by death, disability to perform duties, resignation or removal from the corporate limits, or expiration of term of office, shall be filled by appointment in the same manner as the original board was created, and said board shall always contain its full complement of members. It shall be a feature of all such charters that there shall be provided, among other things, for a mayor or chief magistrate, and a legislative body of either one or two houses; if of two houses, at least one of them shall be elected by general vote of the electors. In submitting any such charter or amendment thereto to the qualified voters of such city or village any alternate section or article may be presented for the choice of the voters, and may be voted on separately without prejudice to other articles or sections of the charter or any amendments thereto. The legislature may provide general laws relating to affairs of cities, the application of which may be limited to cities of over fifty thousand inhabitants, or to cities of fifty and not less than twenty thousand inhabitants, or to cities of twenty and not less than ten thousand inhabitants, or to cities of ten thousand inhabitants or less, which shall apply equally to all such cities of either class, and which shall be paramount while in force to the provisions relating to the same matter included in the local charter herein provided for. But no local charter, provision or ordinance passed thereunder shall super-

seede any general law of the state defining or punishing crimes or misdemeanors.

Adopted November 3, 1896. Amended November 8, 1898. 77-445, 80+623; 81-79, 83+498; 81-189, 83+536; 81-220, 83+984; 84-81, 86+784; 86-136, 90+160; 87-23, 91+18; 87-146, 91+300; 87-381, 386, 92+328; 90+420, 97+115; 93-55, 100+659; 93-59, 61, 100+470; 101+941; 95-220, 103+882. Classification of cities (97-62, 106+106; 97-402, 106+477; 104-378, 116+922; 105-84, 117+157; 105-256, 117+610; 107-465, 121+221; 110-324, 125+273). Application of general laws (101-62, 111+840; 106-94, 118+259; 112-136, 127+473). Scope of charter (115-267, 132+265). "Legislative body" (97-147, 106+306; 117-458, 136+264). "Mayor or chief magistrate" (117-458, 136+264). "Crimes or misdemeanors" (107-500, 120+1081). Amendment—publication (98-113, 107+728). Judicial notice of amendment (120-1, 138+939). When charter becomes effective (140+182); 121-99, 140+182; 125-1, 142+886; Classification (124-126, 144+756; 125-407, 147+815); Charter (128-82, 150+389); Submission of charter (129-181, 151+970) 129-308, 152+644; 131-287, 155+92; 131-401, 155+629; 132-298, 156+249; 134-121, 158+802; 134-296, 159+627; Initiated measures (134-355, 159+792); 140-346, 168+17; 142-356, 172+215; Power of city to accept law (146-181, 178+741) 150-347, 185+380; 189+429; 189+937. 157-15, 195+539; 163-439, 204+534; 165-361, 206+642. Chapter 398, Laws 1923 which provides that any county and any city within such county, which furnish funds in proportionate parts for the maintenance of a hospital, may issue bonds for enlarging the hospital, does not violate the constitutional provision prohibiting special legislation, nor the provision permitting cities to be classified on the basis of population. 160-69, 199+442. The proviso to section 2748, herein, authorizing the county board to attach territory to a contiguous, independent school district having an incorporated village of 7,000 inhabitants or less, wholly or partly within its boundaries, is not invalid as class legislation 165-384, 206+719. Laws 1925, ch. 376, is invalid. 213+557.

ARTICLE 5

THE EXECUTIVE DEPARTMENT

§ 1. **Composition**—The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, treasurer, and attorney general, who shall be chosen by the electors of the state. 20-363, 314; 69-187, 191, 72+65; 72-200, 210, 75+210; 108-388, 122+251.

§ 2. **Canvassing election returns**—The returns of every election for the officers named in the foregoing section, shall be made to the secretary of state, who shall call to his assistance two or more of the judges of the supreme court, and two disinterested judges of the district courts of the 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.

As amended November 6, 1877.

§ 3. **Qualifications of governor and lieutenant governor—Term**—The term of office for the governor and lieutenant governor shall be two years, and until their successors are chosen and qualified. Each shall have attained the age of twenty-five years, and shall have been a bona fide resident of the state for one year next preceding his election. Both shall be citizens of the United States.

§ 4. **Powers and duties of governor**—The governor shall communicate by message to each session of the legislature such information touching the state and condition of the country as he may deem expedient. He shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, to suppress insurrection, and to repel invasion. He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power, in conjunction with the board of pardons, of which the governor shall be ex officio a member, and the other members of which shall consist of the attorney general of the state of Minnesota and the chief justice of the su-

preme court of the state of Minnesota, and whose powers and duties shall be defined and regulated by law, to grant reprieves and pardons after conviction for offences against the state, except in cases of impeachment. He shall have power, by and with the advice and consent of the senate, to appoint a state librarian and notaries public, and such other officers as may be provided by law. He shall have power to appoint commissioners to take the acknowledgment of deeds or other instruments in writing, to be used in the state. He shall have a negative upon all laws passed by the legislature, under such rules and limitations as are in this constitution prescribed. He may on extraordinary occasions convene both houses of the legislature. He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other state and district offices as may be hereafter created by law, until the next annual election, and until their successors are chosen and qualified.

As amended November 3, 1896.
9-283, 267; 69-311, 72+117; 100-499, 111+294, 639; 107-420, 120+753; 116-313, 133+857; 118-380, 137+2; 131-401, 155+629; 141-1, 168+634; 150-80, 184+567.

§ 5. Terms of state officers—Salaries—The official term of the secretary of state, treasurer and attorney general, shall be two years. The official term of the state auditor shall be four years, and each shall continue in office until his successor shall have been elected and qualified. The further duties, and the salaries of said executive officers, shall each be prescribed by law.

As amended November 6, 1883.
31-460, 134+316; 133-65, 157+907.

§ 6. Lieutenant governor—The lieutenant governor shall be ex officio president of the senate; and in case a vacancy should occur, from any cause whatever, in the office of governor, he shall be governor during such vacancy. The compensation of lieutenant governor shall be double the compensation of a state senator. Before the close of each session of the senate they shall elect a president pro tempore, who shall be lieutenant governor in case a vacancy should occur in that office.

72-200, 210, 75+210.

§ 7. Terms of first state officers—The term of each of the executive officers named in this article, shall commence on taking the oath of office on or after the first day of May, 1858, and continue until the first Monday of January, 1860, except the auditor, who shall continue in office till the first Monday of January, 1861, and until their successors shall have been duly elected and qualified; and the same above mentioned time for qualification and entry upon the duties of their respective offices shall extend and apply to all other officers elected under the state constitution, who have not already taken the oath of office, and commenced the performance of their official duties.

As amended April 15, 1858
22-67, 71.

§ 8. Oath of office—Each officer created by this article shall, before entering upon his duties, take an oath or affirmation to support the constitution of the United States and of this state, and faithfully discharge the duties of his office to the best of his judgment and ability.

104-252, 116+486.

§ 9. Duties of legislature—Laws shall be passed at the first session of the legislature after the state is admitted into the Union to carry out the provisions of this article.

ARTICLE 6

THE JUDICIARY

Art 6 § 1
247nw § 15

§ 1. Courts—The judicial power of the state shall be vested in a supreme court, district courts, courts of probate, justices of the peace, and such other courts, inferior to the supreme court, as the legislature may from time to time establish by a two-thirds vote.

Art 6 § 1
177m 140
225nw 50
Art 1 § 2

5-78, 58; 6-183, 117; 15-102, 77; 19-132, 99; 31-189, 174-276; 35-172, 28+190; 37-15, 33+115; 37-174, 33+778; 67-379, 382, 69+1094; 68-388, 391, 71+402; 74-498, 502, 77+286; 97-221, 106+904; 99-340, 109+697; 100-499, 111+294, 639; 112-136, 127+473; 46 Fed. 162; 130-492, 153+953; 133-124, 155+906; 158+234; 141-124, 169+480.

Art 6 § 2
175m 222
220nw 611

§ 2. Supreme court—The supreme court shall consist of one chief justice and two associate justices, but the number of associate justices may be increased to a number not exceeding four, by the legislature, by a two-thirds vote, when it shall be deemed necessary. It shall have original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases, both in law and equity, but there shall be no trial by jury in said court. It shall hold one or more terms in each year, as the legislature may direct, at the seat of government, and the legislature may provide, by a two-thirds vote, that one term in each year shall be held in each or any judicial district. It shall be the duty of such court to appoint a reporter of its decisions. There shall be chosen, by the qualified electors of the state, one clerk of the supreme court, who shall hold his office for the term of four years, and until his successor is duly elected and qualified; and the judges of the supreme court, or a majority of them, shall have the power to fill any vacancy in the office of clerk of the supreme court until an election can be regularly had.

As amended November 6, 1883.
2-342, 294; 3-141, 86; 4-366, 275; 9-166, 153; 10-39, 22; 10-369, 295; 11-584, 278; 12-221, 141; 18-384, 345; 25-404, 427; 25-558; 28-40, 8+899; 28-362, 364, 10+17; 31-189, 174-276; 40-213, 41+1020, 3 L. R. A. 510; 64-207, 208, 66+264; 96-128, 104+888. "Remedial cases" (99-313, 109+404). Appellate jurisdiction (103-129, 114+651); 125-249, 146+733; 141-131, 159+536; 150-498, 185+1019; 190+981.

§ 3. Same—Election of judges—Term—Assignment of district court judges—The judges of the supreme court shall be elected by the electors of the state at large, and their term of office shall be six years, and until their successors are elected and qualified. Whenever all or a majority of the judges of the supreme court shall, from any cause, be disqualified from sitting in any case in said court, the governor, or, if he shall be interested in the result of such case, then the lieutenant governor shall assign judges of the district court of the state, who shall sit in such case in place of such disqualified judges, with all the powers and duties of judges of the supreme court.

As amended November 7, 1876, and November 6, 1883.
64-207, 208, 66+264; 144-415, 175+903; 151-167, 186+234.

Art 6 § 4
173m 271
217nw 351
9290

§ 4. Judicial districts—District court judges—The state shall be divided by the legislature into judicial districts, which shall be composed of contiguous territory, be bounded by county lines, and contain a population as nearly equal as may be practicable. In each judicial district, one or more judges, as the legislature may prescribe, shall be elected by the electors thereof, whose term of office shall be six years, and each of said judges shall severally have and exercise the powers of the court under such limitations as may be prescribed by law. Every district judge shall at the time of his election be a resident of the district for which he shall be elected, and shall reside therein during his continuance in office. In case any court of common pleas heretofore established shall be abol-

ished, the judge of such court may be constituted by the legislature one of the judges of the district court of the district wherein such court has been so established for a period not exceeding the unexpired term for which he was elected.

As amended November 2, 1875, and November 6, 1883. 14-447, 333; 37-15, 33+115; 64-207, 208, 66+264.

§ 5. Jurisdiction of district courts—The district courts shall have original jurisdiction in all civil cases, both in law and equity, where the amount in controversy exceeds one hundred dollars, and in all criminal cases where the punishment shall exceed three months' imprisonment or a fine of more than one hundred dollars, and shall have such appellate jurisdiction as may be prescribed by law. The legislature may provide by law that the judge of one district may discharge the duties of the judge of any other district not his own, when convenience or the public interest may require it.

4-13, 1; 6-110, 53; 10-369, 295; 11-384, 278, 88 Am. Dec. 88; 12-221, 141; 14-439, 330; 36-234, 30+764; 52-283, 293, 53+1157; 66-213, 215, 68+976. See R. L. §§ 90-105 [143-168]

The district court has the inherent power to replace its records when lost or destroyed by accident, negligence, or wantonness.

The substituted papers become of equal validity to those which have disappeared. 163-114, 203+614.

The probate courts have exclusive jurisdiction of administrators and executors, and of their accounts, and district courts have no jurisdiction to inquire into the merits of judgments rendered by the probate courts upon such accounts except upon appeals from such judgments. 163-168, 203+612.

§ 6. Judges of supreme and district courts—Qualifications—Compensation—The judges of the supreme and district courts shall be men learned in the law, and shall receive such compensation at stated times as may be prescribed by the legislature; which compensation shall not be diminished during their continuance in office, but they shall receive no other fee or reward for their services.

74-498, 503, 77+286. Attorneys at law alone eligible (125-533, 147+425); 131-401, 155+629.

§ 7. Probate courts—There shall be established in each organized county in the state a probate court, which shall be a court of record, and be held at such time and place as may be prescribed by law. It shall be held by one judge, who shall be elected by the voters of the county for the term of four years. He shall be a resident of such county at the time of his election, and reside therein during his continuance in office; and his compensation shall be provided by law. He may appoint his own clerk where none has been elected; but the legislature may authorize the election, by the electors of any county, of one clerk or register of probate for such county, whose powers, duties, term of office and compensation shall be prescribed by law. A probate court shall have jurisdiction over the estates of deceased persons and persons under guardianship, but no other jurisdiction, except as prescribed by this Constitution.

As amended Nov. 2, 1920.

9-283, 267; 10-369, 295; 11-384, 278; 20-313, 271; 22-336, 338; 23-51; 24-143, 147; 30-29, 14+58; 30-277, 280, 15+245; 32-94, 22+10; 37-225, 232, 33+792; 39-18, 21, 38+609; 40-236, 41+977; 50-353, 52+935; 55-111, 56+583; 61-520, 525, 63+1072; 64-207, 208, 66+264; 64-371, 372, 67+207; 68-388, 391, 71+402; 72-19, 74+899; 77-218, 221, 79+828; 83-215, 218, 86+1; 84-289, 292, 87+783; 84-353, 355, 87+944; 86-140, 90+378; 89-269, 274, 94+879; 95-455, 104+302; 103-325, 115+173; 104-322, 116+590; 112-279, 128+18; 187 U. S. 211, 23 Sup. Ct. 52, 47 L. Ed. 147; 123-165, 143+255; 124-85, 144+455; 126-445, 148+302; 128-112, 150+385; 130-269, 153+520; 130-487, 153+951; 133-124, 155+906, 158+234; 136-333, 162+454; 140-19, 167+122; 140-342, 168+14; 151-167, 186+234; 152-249, 188+282, 209+640.

Those claims which rest on a will or the law of descent are within the jurisdiction of the probate court. 160-276, 199+914.

If a contract is one which may be specifically enforced an action to enforce comes within the jurisdiction of the district court. 160-276, 199+914.

The probate courts have exclusive jurisdiction of administrators and executors, and of their accounts, and district courts have no jurisdiction to inquire into the merits of judgments rendered by the probate courts upon such accounts except upon appeals from such judgments. 163-168, 203+612.

The jurisdiction of the probate court of Minnesota is granted by the Constitution. Its exercise may be regulated but its scope cannot be limited by statute. Query—Whether the statute declaring that the wills of persons dying resident in a given county shall be probated in and their estates administered by the probate court of that county, should not be considered as one determining venue only rather than jurisdiction. 210+40.

§ 8. Justices of the peace—The legislature shall provide for the election of a sufficient number of justices of the peace in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law: Provided, that no justice of the peace shall have jurisdiction of any civil cause where the amount in controversy shall exceed one hundred dollars, nor in a criminal cause where the punishment shall exceed three months' imprisonment, or a fine of over one hundred dollars, nor in any cause involving the title to real estate.

8-387, 344; 16-474, 426; 18-66, 51; 27-29, 6+407; 29-187, 12+529; 35-172, 28+190; 39-65, 38+926; 40-63, 41+363; 42-147, 43+846; 50-353, 52+935, 16 L. R. A. 691; 54-338, 56+447; 68-437, 438, 71+619; 74-242, 76+1129; 97-221, 106+904; 97-355, 105+965; 105-440, 117+844; 114-136, 130+79; 151-171, 186-236.

A justice of the peace, who punishes an offense by imprisonment, and imposes costs, may not coerce the payment of costs by imprisonment until paid, when the penalty of imprisonment imposed for the offense and the imprisonment for failure to pay the costs together exceed 3 months imprisonment. 164-289, 204+955.

§ 9. Election of other judges—All judges other than those provided for in this constitution shall be elected by the electors of the judicial district, county, or city, for which they shall be created, not for a longer term than seven years.

97-221, 106+904; 130-492, 153+953; 131-401, 155+629; 132-426, 157+652.

§ 10. Vacancies—In case the office of any judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor is elected and qualified. And such successor shall be elected at the first annual election that occurs more than thirty days after the vacancy shall have happened.

9-283, 267; 22-336; 22-482; 126-525, 147+426; 131-401, 155+629.

§ 11. Supreme and district judges not to hold other office—The justices of the supreme court and the district courts shall hold no office under the United States, nor any other office under this state. And all votes for either of them for any elective office under this constitution, except a judicial office given by the legislature or the people, during their continuance in office, shall be void.

63-147, 151, 65+262.

§ 12. Change of judicial districts—The legislature may at any time change the number of judicial districts or their boundaries, when it shall be deemed expedient; but no such change shall vacate the office of any judge.

§ 13. Clerk of district court—There shall be elected in each county where a district court shall be held, one clerk of said court, whose qualifications, duties and compensation shall be prescribed by law, and whose term of office shall be four years.

15-221, 172; 29-87, 12+145; 46-126, 48+603; 64-207, 66+264; 89-269, 274, 94+879; 131-401, 155+629; 132-426, 157+652.

§ 14. Pleadings—Process—Conclusion of indictments—Legal pleadings and proceedings in the courts of this state shall be under the direction of the legislature. The style of all process shall be, "The State

Art 6 § 5
175m 222
220nw 611

Art 6 § 7
234nw 152
8012

Art 6 § 7
176m 841
235nw 29

Art 6 § 7
236nw 701
237nw 596
Sec 8624
Et seq.

Art 6 § 7
243nw 434
247nw 518
247nw 573

Art 6 § 7
249nw 187
8630-8670

Art 6 § 8
174m 605
210nw 452
9110

Art 6 § 8
234nw 453
215
9111

Art 6 § 14
249nw 676
182
202

of Minnesota," and all indictments shall conclude, "against the peace and dignity of the state of Minnesota."

9-55, 44; 11-194, 126; 12-80, 43; 12-255, 166; 19-17, 1; 116-113, 133+398. Conclusion (97-355, 105+965). Process (132-389, 157+542).

§ 15. Court commissioners—The legislature may provide for the election of one person in each organized county in this state, to be called a court commissioner, with judicial power and jurisdiction not exceeding the power and jurisdiction of a judge of the district court at chambers; or the legislature may, instead of such election, confer such power and jurisdiction upon judges of probate in the state.

3-352, 249; 37-15, 23+115; 64-226, 229, 66+969; 91-5, 7, 97+371; 131-129, 154+748.

ARTICLE 7

ELECTIVE FRANCHISE

§ 1. Persons entitled to vote—Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who has resided in this state six months next preceding any election, shall be entitled to vote at such election in the election district of which he shall at the time have been for thirty days a resident, for all officers that now are, or hereafter may be, elective by the people.

1. Citizens of the United States who have been such for the period of three months next preceding any election.

2. Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

3. Persons of Indian blood residing in this state, who have adopted the language, customs and habits of civilization, after an examination before any district court of the state, in such manner as may be provided by law, and shall have been pronounced by said court capable of enjoying the rights of citizenship within the state.

As amended November 3, 1868, November 3, 1896.

The 19th amendment to the Federal Constitution has superceded this section in so far as its terms are limited to male persons.

3-240, 164; 37-26, 32+788; 45-309, 310, 47+802; 60-325, 326, 62+259; 71-311, 317, 73+956; 87-221, 224, 91+604, 840; 96-442, 105+490; 119-152, 137+385; 125-407, 147+815; 125-417, 147+275; 130-492, 153+953; 132-48, 155+1064; 138-42, 163+988.

School elections in Duluth. 158-459, 197+964.

§ 2. Persons not entitled to vote—No person not belonging to one of the classes specified in the preceding section; no person who has been convicted of treason or any felony, unless restored to civil rights; and no person under guardianship, or who may be non compos mentis or insane, shall be entitled or permitted to vote at any election in this state.

45-309, 310, 47+802; 102-104, 112+1026; 126-373, 148+293.

§ 3. Residence not lost—For the purpose of voting, no person shall be deemed to have lost a residence by reason of his absence while employed in the service of the United States; nor while engaged upon the waters of this state or of the United States; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum; nor while confined in any public prison.

§ 4. Soldiers and sailors—No soldier, seaman, or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed within the same.

§ 5. Civil process suspended on election day—During the day on which any election shall be held, no person shall be arrested by virtue of any civil process.

§ 6. Elections to be by ballot—All elections shall

be by ballot, except for such town officers as may be directed by law to be otherwise chosen.

26-107, 1-825; 119-152, 137+385. Voting machines (99-261, 109+113, 698); 130-492, 153+953.

§ 7. Eligibility to office—Every person who by the provisions of this article shall be entitled to vote at any election shall be eligible to any office which now is, or hereafter shall be, elective by the people in the district wherein he shall have resided thirty days previous to such election, except as otherwise provided in this constitution, or the constitution and laws of the United States.

3-240, 164; 23-17; 45-309, 310, 47+802; 58-219, 59+1006; 60-325, 326, 62+259; 87-308, 92+4; 102-104, 112+1026; 119-152, 137+385; 125-104, 145+794; 126-378, 148+293. U. S. Senators (140-219, 167+481); 145-465, 177+669.

Section 247, herein, so far as it requires court commissioner to be learned in the law, is invalid. 209+327.

§ 8. Women—Women may vote for school officers and members of library boards, and shall be eligible to hold any office pertaining to the management of schools or libraries. Any woman of the age of twenty-one years and upward and possessing the qualifications requisite to a male voter, may vote at any election held for the purpose of choosing any officers of schools or any members of library boards, or upon any measure relating to schools or libraries, and shall be eligible to hold any office pertaining to the management of schools and libraries.

Adopted November 2, 1875. Amended November 3, 1898. 71-311, 317, 73+956; 74-110, 112, 76+964; 120-443, 139+949. Women (128-82, 150+389).

§ 9. Official year—Terms of office—General elections—The official year for the state of Minnesota shall commence on the first Monday in January in each year, and all terms of office shall terminate at that time; and the general election shall be held on the first Tuesday after the first Monday in November. The first general election for state and county officers, except judicial officers, after the adoption of this amendment, shall be held in the year 1884, and thereafter the general election shall be held biennially. All state, county, or other officers elected at any general election, whose terms of office would otherwise expire on the first Monday of January, 1886, shall hold and continue in such offices, respectively, until the first Monday in January, 1887.

Adopted November 6, 1883.

The 19th amendment to the Federal Constitution has superceded this section, females now having equal privileges with males in all elections.

109-18, 122+462. Vacancy (131-1, 154+442); 131-401, 155+629; 132-426, 157+652; 133-65, 157+907; 137-154, 162+1075; 161-173, 186+236.

ARTICLE 8

SCHOOL FUNDS, EDUCATION AND SCIENCE

§ 1. Uniform system of public schools—The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature to establish a general and uniform system of public schools.

17-412, 391; 25-1, 5; 49-106, 108, 51+814; 122-254, 142+325; 128-82, 150+389.

This section and section 3 do not prescribe taxing or administration unit, but leaves that to legislature 159-200, 198+457.

§ 2. School and swamp lands—School funds from sale of—The proceeds of such lands as are or hereafter may be granted by the United States for the use of schools within each township of this state shall remain a perpetual school fund to the state; and not more than one-third (1/3) of said lands may be sold in two (2) years, one-third (1/3) in five (5) years, and one-third (1/3) in ten (10) years; but the lands of the

Art 7 §7
230nw 637
316

Art 7 §9
248nw 744
659
320
522

Art 8 §1-3
233nw 834
2958

Art 8 §1
and 3
Art 4 §36
261nw 510

Art 8 §2
31-186 §3
246nw 521
246nw 527

greatest valuation shall be sold first; provided, that no portion of said lands shall be sold otherwise than at public sale. The principal of all funds arising from sales or other disposition of lands or other property, granted or entrusted to this state in each township for educational purposes, shall forever be preserved inviolate and undiminished; and the income arising from the lease or sale of said school land shall be distributed to the different townships throughout the state, in proportion to the number of scholars in each township, between the ages of five and twenty-one years; and shall be faithfully applied to the specific objects of the original grants or appropriations.

A revolving fund of not over two hundred fifty thousand dollars (\$250,000) may be set apart from the fund derived from the sale of school and swamp lands, to be used in constructing roads, ditches and fire breaks in, through and around unsold school and swamp lands, and in clearing such lands, such fund to be replenished as long as needed from the enhanced value realized from the sale of such lands so benefited.

Suitable laws shall be enacted by the legislature for the safe investment of the principal of all funds which have heretofore arisen or which may hereafter arise from the sale or other disposition of such lands, or the income from such lands accruing in any way before the sale or disposition thereof, in interest-bearing bonds of the United States, or of the State of Minnesota, issued after the year one thousand eight hundred and sixty (1860), or of such other state as the legislature may, by law, from time to time direct.

All swamp lands now held by the state, or that may hereafter accrue to the State, shall be appraised and sold in the same manner and by the same officers, and the minimum price shall be the same less one-third (1/3), as is provided by law for the appraisal and sale of the school lands under the provisions of title one (1) of chapter thirty-eight (38) of the General Statutes. The principal of all funds derived from sales of swamp lands, as aforesaid, shall forever be preserved inviolate and undiminished. One-half (1/2) of the proceeds of said principal shall be appropriated to the common school fund of the state. The remaining one-half (1/2) shall be appropriated to the educational and charitable institutions of the state in the relative ratio of cost to support said institutions.

Amended November 2, 1875, November 8, 1881 and November 7, 1916.

85-165, 194, 88+533. Adverse possession (102-55, 112+860; 104-123, 116+210). Mineral leases (99-220, 108+958). Railroad right of way (112-46, 127+431); 124-271, 144+960, 193+724.

§ 3. Public schools in each township—No appropriation for sectarian schools—The legislature shall make such provisions, by taxation or otherwise, as, with the income arising from the school fund, will secure a thorough and efficient system of public schools in each township in the state. But in no case shall the moneys derived as aforesaid, or any portion thereof, or any public moneys or property, be appropriated or used for the support of schools wherein the distinctive doctrines, creed or tenets of any particular Christian or other religious sect are promulgated or taught.

As amended November 6, 1877.
17-412, 391; 122-254, 142+325; 128-82, 150+390.
159-200, 193+457, note under § 1 of this article.

§ 4. University of Minnesota—The location of the University of Minnesota, as established by existing laws, is hereby confirmed, and said institution is hereby declared to be the "University of the State of Minnesota." All the rights, immunities, franchises and endowments heretofore granted or conferred are hereby perpetuated unto the said university; and all lands which may be granted hereafter by Congress, or other

donations for said university purposes, shall vest in the institution referred to in this section.

85-165, 194, 88+533; 104-359, 116+650; 125-198, 145+967.

§ 5. Loan of school funds—The permanent school funds of the state may be loaned upon interest at the rate of five per cent per annum to the several counties or school districts of the state, to be used in the erection of county or school buildings. No such loan shall be made until approved by a board consisting of the governor, the state auditor and the state treasurer, who are hereby constituted an investment board for the purpose of the loans hereby authorized; nor shall any such loan be for an amount exceeding three per cent of the last preceding assessed valuation of the real estate of the county or school district receiving the same. The state auditor shall annually, at the time of certifying the state tax to the several county auditors, also certify to each auditor to whose county, or to any of the school districts of whose county any such loan shall have been made, the tax necessary to be levied to meet the accruing interest or principal of any such loan, and it shall be the duty of every such county auditor forthwith to levy and extend such tax upon all the taxable property of his county, or of the several school districts, respectively, liable for such loans, as the case may be; and in all such cases the tax so assessed shall be fifty per cent in excess of the amount actually necessary to be raised on account of such accruing principal or interest. It shall be levied, collected and paid into the county and state treasuries in the same manner as state taxes, and any excess collected over the amount of such principal or interest accruing in any given year shall be credited to the general funds of the respective counties or school districts. No change of the boundaries of any school district after the making of any such loan shall operate to withdraw any property from the taxation herein provided for; nor shall any law be passed extending the time of payment of any such principal or interest, or reducing the rate of such interest, or in any manner waiving or impairing any rights of the state in connection with any such loan. Suitable laws, not inconsistent with this amendment, may be passed by the legislature for the purpose of carrying the same into effect.

Adopted November 2, 1886.
193+949.

§ 6. Investment of school funds—The permanent school and university fund of this state may be invested in the bonds of any county, school district, city, town or village of this state, and in first mortgage loans secured upon improved and cultivated farm lands of this state. But no such investment or loan shall be made until approved by the board of commissioners designated by law to regulate the investment of the permanent school fund and the permanent university fund of this state; nor shall such loan or investment be made when the bonds to be issued or purchased would make the entire bonded indebtedness exceed 15 per cent of the assessed valuation of the taxable property of the county, school district, city, town or village issuing such bonds; nor shall any farm loan or investment be made when such investment or loan would exceed 30 per cent of the actual cash value of the farm land mortgage to secure said investment, nor shall such investments or loans be made at a lower rate of interest than 3 per cent per annum, nor for a shorter period than five years, nor for a longer period than thirty years, and no change of the town, school district, city, village or of county lines shall relieve the real property in such town, school district, county, village or city in this state at the time of issuing of

Art 8 § 4
51 — 3
25 — 426
175m 259
220nw 951

Art 8 § 4
27 — 442
236nw 217
See
3110 Note

such bonds from any liability for taxation to pay such bonds.

Adopted Nov. 3, 1896, amended Nov. 8, 1904 and Nov. 7, 1916.

122-59, 141+1105; 193+940.

§ 7. Forests—Such of the school and other public lands of the state as are better adapted for the production of timber than for agriculture, may be set apart as state school forests, or other state forests, as the legislature may provide, and the legislature may provide for the management of the same on forestry principles. The net revenue therefrom shall be used for the purposes for which the lands were granted to the state.

Adopted Nov. 3, 1914.

Art 9 § 1: 29 — 258; 226nw633P; 226nw 842;

ARTICLE 9

FINANCES OF THE STATE, AND BANKS AND BANKING

§ 1. Power of taxation—The power of taxation shall never be surrendered, suspended or contracted away. Taxes shall be uniform upon the same class of subjects, and shall be levied and collected for public purposes, but public burying grounds, public school houses, public hospitals, academies, colleges, universities, and all seminaries of learning, all churches, church property and houses of worship, institutions of purely public charity, and public property used exclusively for any public purpose, shall be exempt from taxation, and there may be exempted from taxation personal property not exceeding in value \$200, for each household, individual or head of a family, as the legislature may determine: Provided, that the legislature may authorize municipal corporations to levy and collect assessments for local improvements upon property benefited thereby without regard to a cash valuation, and provided further, that nothing herein contained shall be construed to affect, modify or repeal any existing law providing for the taxation of the gross earnings of railroads.

Historical—This amendment to article 9, to take the place of sections 1, 2, 3 and 4, and the amendment added to the end of said Article adopted in 1896 (§ 17), and to be known as section 1 of said article 9, was adopted November 6, 1906. See 1907 p. ix; 106-392, 119+408.

PRIOR TO AMENDMENT OF 1906

1. Generally—8-366, 326; 9-273, 258; 11-78, 45; 13-219, 205; 14-252, 185; 20-74, 59; 20-396, 347; 22-312; 22-328; 22-366, 369; 22-400; 22-494, 506; 23-232; 23-280, 286; 23-469, 474; 28-197, 9+681; 36-467, 31+942; 39-110, 38+803; 40-232, 41+948; 40-512, 41+465; 50-248, 52+858; 50-290, 297, 52+652; 56-156, 161, 57+464; 63-80, 65+138; 64-292, 67+68; 68-353, 71+265; 69-170, 71+931; 71-283, 73+970; 72-200, 222, 75+210; 72-528, 75+711; 73-417, 428, 76+217; 74-197, 77+40; 74-498, 501, 77+286; 76-96, 104, 78+1032; 76-155, 163, 78+962, 1117; 77-43, 47, 79+591; 77-433, 437, 80+626; 80-277, 83+339; 85-457, 89+66; 92-436, 100+97; 96-13, 104+571; 97-11, 106+93.

Laws 1923, ch. 226 (§§ 2394-1 to 2394-13) is valid. 13 F. (2d) 227. Affirmed 271 U. S. 577.

Under the Constitution as amended in 1906, a parsonage, owned and maintained by a church organization as a residence for its pastor free of charge, is exempt from taxation. 158-48, 196+802.

Chapter 269, Laws of 1923, adopting the "area plan" for suppressing tuberculosis among cattle, does not violate the constitution. 162-184, 202+719.

Motor vehicles. 165-215, 206+166.

Motor vehicles, owned and used by corporations, paying a gross earnings tax, in the operation of their business, are not subject to the tax imposed by §§ 2672 to 2720, herein. 211+467.

2. Special assessments—8-366, 326; 20-468, 424; 27-509, 8+755; 33-198, 22+444; 33-235, 22+625; 36-430, 31+517; 37-343, 34+222; 38-371, 38+97; 50-204, 52+523; 55-278, 56+1006; 59-522, 61+678; 61-542, 648, 64+190; 65-310, 67+997; 66-161, 68+860; 72-87, 75+103; 73-343, 76+204; 75-292, 77+968; 80-293, 300, 83+183; 80-325, 83+180; 82-359, 85+175; 82-390, 85+207, 86+611; 84-472, 88+6; 87-23, 25, 91+18; 87-146, 91+300; 97-378, 107+151; 98-63, 107+726; 98-113, 107+728; 103-236, 114+758; 114-80, 130+77.

3. Inheritance tax—79-175, 81+839; 87-500, 92+415; 90-180, 95+764; 97-11, 106+93.

4. Equality and uniformity—99-145, 108+828; 103-419, 115+645, 1039; 106-303, 119+202; 107-319, 119+1058.

SUBSEQUENT TO AMENDMENT OF 1906

5. Classification—Uniformity—Mortgage registry tax law constitutional (104-179, 114-95). Tax on occupation of peddling held unconstitutional (109-147). Taxation of money and credits constitutional (117-159). Rural highway act constitutional (117-490) 121-421, 122-254, 123-1, 124-398, 128-384, 129-30, 129-40, 132-232, 133-386, 134-101, 134-296, 134-441, 137-37, 139-473, 144-415, 145-231, 146-444, 152-29, 152-201, 152-529, 191+400; 191+931; 193+170.

§ 1A. Occupation tax—Every person, co-partnership, company, joint stock company, corporation, or association however or for whatever purpose organized, engaged in the business of mining or producing iron ore or other ores in this state, shall pay to the state of Minnesota an occupation tax on the valuation of all ores mined or produced, which tax shall be in addition to all other taxes provided by law, said tax to be due and payable from such person, co-partnership, company, joint stock company, corporation, or association however or for whatever purpose organized, on May first of the calendar year next following the mining or producing thereof. The valuation of ore for the purpose of determining the amount of tax to be paid shall be ascertained in the manner and method provided by law. Funds derived from the tax herein provided for shall be apportioned; fifty percent to the State General Revenue Fund, forty percent to the Permanent School Fund and ten percent to the Permanent University Fund. The Legislature shall by law make the necessary provisions for carrying out the provisions of this section.

Adopted November 7, 1922.

UNDER SUPERSEDED SECTIONS

§ 2. Annual tax for ordinary expenses.

20-74, 59; 22-366, 369; 29-474, 9+737; 69-187, 72+65; 96-13, 104+571; 106-303, 119+202; 109-6, 122+469.

§ 3. Property subject to taxation.

1. Generally—7-258, 198; 8-366, 326; 11-500, 378; 14-252, 185; 20-74, 59; 21-315; 22-366, 369; 23-280, 286; 23-469, 471; 56-156, 161, 64-292, 293; 72-200, 222; 73-417, 428; 74-197, 80-277, 85-457, 96-13, 107-319.

2. Exemptions—12-395, 280; 27-460, 27-503, 45-229, 51-437, 52-144, 62-183, 63-80, 73-343, 85-165, 194, 85-498, 505; 87-165, 90-92, 93-191, 95-489, 105-170.

§ 4. Taxation of property employed in banking.

11-500, 378; 20-74, 59; 22-366, 369; 23-280.

§ 5. Public debt may be contracted—For the purpose of defraying extraordinary expenditures, the state may contract public debts, but such debts shall never, in the aggregate, exceed two hundred and fifty thousand dollars; every such debt shall be authorized by law, for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the legislature, to be recorded by yeas and nays on the journals of each house respectively; and every such law shall levy a tax annually sufficient to pay the annual interest of such debt, and also a tax sufficient to pay the principal of such debt within ten years from the final passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation and taxes shall not be repealed, postponed, or diminished, until the principal and interest of such debt shall have been wholly paid. The state shall never contract any debts for works of internal improvements, or be a party in carrying on such works, except as authorized by section 16 of Article 9, and by Article 16 of this Constitution, but it may levy an excise tax upon any substance, material, fluid, force or other means or instrumentality, or the business of dealing in, selling or producing any or all thereof, used or useful, in producing or generating for propelling motor or other vehicles used

Art 9 § 1: 23 — 32; 23 — 226; 27 — 288; 173m 40; 174m 184; 174m 305; 218nw 892; 210nw 172; 221nw 13; 1650

Art 9 § 1: 175m 305; 178m 244; 230nw 615; 234nw 691; 6030

Art 9 § 1: 180m 268; 246nw 532

Art 9 § 1: 31 — 420; 244nw 331; 246nw 660

Art 9 § 5: 173m 559; 218nw 123; 5604

Art 9 § 5-6: 29 — 258; 226nw633P; 226nw 842

Art 9 sub. rec.: 5, 8 & 10; 23 — 225; 29 — 205; 234nw 691; 235nw 380; 6030

Art 9 § 5-9: 27 — 442; 178m 244; 236nw 217; See 3110 Note

on the public highways of this State, and shall place the proceeds of such tax in the Trunk Highway Fund provided for in Section 2 of said Article 16, and further except in cases where grants of land or other property shall have been made to the state, especially dedicated by the grant to specific purposes, and in such cases the state shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

Amended November 4, 1924.
18-482, 432; 56-100, 57+331; 69-187, 72+65; 91-30, 97+454; 92-84, 99+361. Public debts (109-6, 122+469). Works of internal improvement (108-388, 122+251); 125-325, 146+1110; 144-415, 175+903, 191+931.
Trunk highways. 200+843.

§ 6. Bonds for public debt—All debts authorized by the preceding section shall be contracted by loan on state bonds of amounts not less than five hundred dollars each on interest, payable within ten years after the final passage of the law authorizing such debt; and such bonds shall not be sold by the state under par. A correct registry of all such bonds shall be kept by the treasurer, in numerical order, so as always to exhibit the number and amount unpaid, and to whom severally made payable.

18-482, 432; 69-187, 72+65; 109-6, 122+469; 144-415, 175+903.

§ 7. Public debt to repel invasion or suppress insurrection—The state shall never contract any public debt, unless in time of war, to repel invasion or suppress insurrection, except in the cases and in the manner provided in the fifth and sixth sections of this article.

69-187, 72+65; 109-6, 122+469; 144-415, 175+903; 152-55, 187+709.

§ 8. Application of loans—The money arising from any loan made, or debt or liability contracted, shall be applied to the object specified in the act authorizing such debt or liability, or to the repayment of such debt or liability, and to no other purpose whatever.

69-187, 72+65; 109-6, 122+469; 126-209, 148+52; 144-415, 175+903.

§ 9. Payments out of treasury—No money shall ever be paid out of the treasury of this state except in pursuance of an appropriation by law.

69-187, 191, 72+65; 125-67, 145+607; 144-415, 175+903; 147-125, 179+725.

§ 10. State credit not to be loaned—The credit of the state shall never be given or loaned in aid of any individual, association or corporation, except as hereinafter provided. Nor shall there be any further issue of bonds denominated "Minnesota State Railroad Bonds," under what purports to be an amendment to section ten (10) of article nine (9) of the Constitution, adopted April 15th, 1858, which is hereby expunged from the Constitution, saving, excepting and reserving to the state, nevertheless, all rights, remedies and forfeitures accruing under said amendment. Provided, however, that for the purpose of developing the agricultural resources of the state, the state may establish and maintain a system of rural credits and thereby loan money and extend credit to the people of the state upon real estate security in such manner and upon such terms and conditions as may be prescribed by law, and to issue and negotiate bonds to provide money to be so loaned. The limit of indebtedness contained in section 5 of this article shall not apply to the provisions of this section, and the purposes for which the credit of the state or the aforesaid municipal subdivisions thereof may be given or loaned as herein provided are declared to be public purposes.

As amended November 6, 1860.
As amended November 7, 1922.
2-13, 1; 4-309, 228; 11-180, 114; 14-297, 224; 18-482, 432;

22-67, 71; 29-555, 124+519; 73-417, 427, 76+217; 75-118, 123, 77+568; 91-30, 97+454; 92-84, 99+361; 123-59, 142+945; 191+931.

§ 11. Publication of receipts and expenditures—There shall be published by the treasurer, in at least one newspaper printed at the seat of government, during the first week in January of each year, and in the next volume of the acts of the legislature, detailed statements of all moneys drawn from the treasury during the preceding year, for what purposes and to whom paid, and by what law authorized; and also of all moneys received, and by what authority, and from whom.

69-187, 191, 72+65.

§ 12. State and school funds—Suitable laws shall be passed by the legislature for the safekeeping, transfer and disbursement of the state and school funds, and all officers and other persons charged with the same or any part of the same, or the safekeeping thereof, shall be required to give ample security for all moneys and funds of any kind received by them, to make forthwith and keep an accurate entry of each sum received, and of each payment and transfer; and if any of said officers or other persons shall convert to his own use in any manner or form, or shall loan with or without interest, or shall deposit in his own name or otherwise than in the name of the state of Minnesota, or shall deposit in banks or with any person or persons, or exchange for other funds or property, any portion of the funds of the state or of the school funds aforesaid, except in the manner prescribed by law, every such act shall be and constitute an embezzlement of so much of the aforesaid state and school funds, or either of the same, as shall be thus taken, or loaned, or deposited, or exchanged, and shall be a felony; and any failure to pay over or produce, or account for, the state or school funds, or any part of the same intrusted to such officer or person as by law required on demand, shall be held and taken to be prima facie evidence of such embezzlement.

As amended November 4, 1873.
22-67, 71, 75; 22-196; 66-301, 69+3.

§ 13. Banking law—The legislature may, by a two-thirds vote, pass a general banking law, with the following restrictions and requirements:

1. The legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments by any person, association or corporation issuing bank notes of any description.

2. The legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security in United States stock or state stocks for the redemption of the same in specie; and in case of a depreciation of said stocks, or any part thereof, to the amount of ten per cent or more on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by additional stocks.

3. The stockholders in any corporation and joint association for banking purposes, issuing bank notes, shall be individually liable in an amount equal to double the amount of stock owned by them for all the debts of such corporation or association; and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

4. In case of the insolvency of any bank or banking association, the billholders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

5. Any general banking law which may be passed in accordance with this article shall provide for re-

Art 9 §12
172m 324
174m 286
219nw 163
7447

Art 9 §12
233nw 802

Art 9 §10
29 - 258
226nw633F
226nw 842

Art 9 §10
234nw 691
Art 9 §1
6048

Art 9 §13
233nw 914
7669

ording the names of all stockholders in such corporations, the amount of stock held by each, the time of transfer, and to whom transferred.

25-543, 550; 62-501, 65+78, 632; 70-358, 375, 73+171; 72-266, 75+380; 79-211, 81+1059; 112-76, 127+386; 136-111, 161+498.

§ 14a. Public debt for state buildings—For the purpose of erecting and completing buildings for a hospital for the insane, a deaf, dumb and blind asylum, and state prison, the legislature may, by law, increase the public debt of the state to an amount not exceeding two hundred and fifty thousand dollars, in addition to the public debt already heretofore authorized by the constitution, and for that purpose may provide by law for issuing and negotiating the bonds of the state, and appropriate the money only for the purpose aforesaid, which bonds shall be payable in not less than ten nor more than thirty years from the date of the same, at the option of the state.

Adopted November 5, 1872.

§ 14b. Municipal debts in aid of railroads—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 ten per cent 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.

Adopted November 5, 1872.

23-422, 428; 27-197, 6+621; 136-351, 145+609.

§ 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 cent 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.

Adopted November 4, 1879.

§ 16. For the purpose of lending aid in the construction and improvement of public highways and bridges, there is hereby created a fund, to be known as the "state road and bridge fund," said fund shall include all moneys accruing from the income derived from investments in the internal improvement land fund, or that may hereafter accrue to said fund, and shall also include all funds accruing to any state road and bridge fund, however provided.

The legislature is authorized to add to such fund, for the purpose of constructing or improving roads and bridges of this state, by providing, in its discretion, for an annual tax levy upon the property of this state, of not to exceed in any year one mill on all the taxable property within the state. Provided, that no county shall receive in any year more than three (3) per cent or less than one-half (1/2) of one (1) per cent of the total fund thus provided and expended during such year.

Adopted November 8, 1898. Amended November 5, 1912.

108-388, 122+251; 125-325, 146-1110, 191+931.

Trunk highways. 161-80, 200+843.

§ 17. Special methods of taxing certain corporations.

See note under art. 9 § 1.

80-17, 18, 82+1090; 84-459, 87+1131; 96-389, 104+1086; 104-270, 116+835; 114-346, 131+489; 146-444, 179+221.

ARTICLE 10.

CORPORATIONS HAVING NO BANKING PRIVILEGES

Art 10 §1
235nw 914

§ 1. Defined—Powers—The term "corporations," as used in this article, shall be construed to include all associations and joint stock companies having any of the powers and privileges not possessed by individuals or partnerships, except such as embrace banking privileges, and all corporations shall have the right to sue, and shall be liable to be sued in all courts, in like manner as natural persons.

10-23, 8; 62-501, 65+78, 632; 112-76, 127+386.

§ 2. Not to be created by special act—No corporations shall be formed under special acts, except for municipal purposes.

9-166, 153; 10-23, 8; 12-41, 16; 14-297, 224; 17-412, 391; 21-241, 282; 22-372; 24-75; 35-155, 27+924; 73-517, 527, 76+282; 21 Fed. 817.

Art 10 §3
227nw 495
10750

§ 3. Liability of stockholders—Each stockholder in any corporation, excepting those organized for the purpose of carrying on any kind of manufacturing or mechanical business, shall be liable to the amount of stock held or owned by him.

As amended November 5, 1872.

16-368, 327; 25-543, 550; 40-213, 222, 41+1020; 40-343, 41+1074; 44-409, 46+851; 46-54, 48+528, 681; 48-140, 50+1110; 48-158, 50+1114; 56-420, 57+1065; 58-167, 59+997; 60-82, 61+902; 61-375, 389, 63+1079; 62-448, 64+1143; 62-501, 65+78, 632; 65-249, 68+15; 65-263, 68+48; 66-413, 69+217; 66-441, 444, 69+331; 70-292, 296, 73+149; 71-413, 74+160; 72-431, 75+722; 73-454, 459, 76+254; 73-517, 76+282; 74-22, 76+948; 77-110, 114, 79+606; 79-414, 82+673; 79-488, 495, 82+984; 81-294, 297, 84+109; 90-144, 95+767; 90-501, 97+140; 96-488, 105+901; 99-115, 108+849; 112-76, 127+386; 116-285, 133+801; 117-83, 134+513; 179 Fed. 728; 186 Fed. 7; 188 U. S. 56, 23 Sup. Ct. 244, 47 L. Ed. 380; 206 U. S. 516, 27 Sup. Ct. 755, 51 L. Ed. 1163; 125-20, 145+611; 127-346, 149+462, 646; 132-9, 155+754; 136-28, 161+223; 136-310, 161+713; 139-120, 165+967; 147-58, 179+562; 149-365, 183+826; 152-258, 188+270; 191+601; 191+735; 192+348.

Art 10 §3
172m 394
173m 1
173m 603
174m 427
217nw 940
218nw 121
219nw 466
219nw 455
7836

Art 10 §3
235nw 914
7600

Art 10 §3
175m 44
178m 249
238nw 53
238nw 178
See 7084
Et seq.
See 8027

Art 10 §3
29 - 429
31 - 210
242nw 621
246nw 465
246nw 480

156-323, 194+641, note under § 8025, herein, 157-209, 195+641, note under § 8026, herein; 163-83, 203+456, notes under §§ 8025, 8027; herein; 210+29, note under § 8025, herein.

Defendant held still owner of stock and liable for assessment. No interest was allowable where no demand for payment of assessment was made. 16 F. (2) 33.

The amended answer considered and held not to state a defense to the cause of action set forth in the complaint. 157-449, 196+563.

One who has been a stockholder for a considerable time cannot avoid liability on the ground that he was induced to purchase the stock by fraud on the part of the corporation, where he failed to discover and assert the fraud while the corporation was a going concern. 157-478, 196+659.

When the residue of the indebtedness of a corporation, to be collected by assessment on the secondary liability of stockholders, is less than the charter limitation, stockholders cannot resist an assessment pro tanto because the assets of the corporation have been used to pay indebtedness in excess of the charter maximum. 157-482, 196+654.

The enforcement of the constitutional liability of a decedent stockholder in an insolvent domestic corporation is properly made in the probate court, whenever an order of assessment has been made before the final settlement and distribution of the decedent's estate. 158-106, 196+939.

Determination of court. 160-64, 199+436.

The evidence offered would not establish a rescission of the contract by which defendant became a stockholder, or show that he ever took steps to purge the corporate records of his name as a stockholder, and hence he could not escape liability to innocent creditors because he was induced by fraud to become a stockholder. 161-116, 201+308.

Defendant could not escape liability to creditors by proving that he became a stockholder upon a condition unknown to the creditors, which had not been satisfied. 161-116, 201+308.

So long as there is no attempt to assess them for an amount in excess of the charter limit, stockholders cannot object to an assessment simply because the indebtedness of the corporation exceeds it. 162-83, 202+69.

The rights and obligations of stockholders in a corporation are determined by the laws of the jurisdiction creating the corporation. 162-397, 203+221.

A stockholder cannot defend against an assessment on his constitutional liability, on the ground that his stock was sold to him in violation of the "Blue Sky" Law. 164-305, 204+941.

To entitle the superintendent of banks to recover an assessment against a stockholder in an insolvent bank, who transferred his stock in good faith within a year prior to the time of the superintendent's taking charge, it must appear that the debts for which the assessment was made existed at the time of the transfer and still exist. 166-438, 208+129.

Evidence considered, and held sufficient to support an order refusing to grant an order assessing stockholders of a corporation for secondary liability until some attempt has been made by the receiver to recover the subscription price of stock, apparently issued, which has not been paid. 167-20, 208+424.

That the stockholders are liable individually only to the amount of the indebtedness lawfully contracted, not exceeding par value of stock held by them, and are not liable for the expenses of the receivership in addition thereto. 167-233, 208+959.

In a proceeding to assess the stockholders of a Minnesota corporation on account of their constitutional liability, objecting stockholders may insist that the receiver make proper and sufficient proof of the grounds for an assessment. The degree and kind of proof must be left very largely to the requirements of each case and the discretion of the trial judge. 167-283, 208+997.

A general purpose clause in articles of a corporation construed as meaning that it was not engaged exclusively in manufacturing within section and hence the constitutional exemption is without application. 167-333, 209+17.

Where it is voted by the stockholders of an existing corporation to organize a new corporation for the purpose of taking over the stock of the old corporation, the stockholders thereupon signing articles of incorporation in the new company is equivalent to a subscription for stock in the new company. 212+587.

The liability of stockholders to creditors, though created by the Constitution, is based on contract. 212+806.

As the representative of the creditors of the corporation, a receiver may enforce their rights against stockholders, and appeal from an order disposing of money in his custody, if there are corporate creditors whose rights are prejudiced thereby.

Only those who became creditors of a corporation after bonus stock was issued have a right to require the stockholders to pay for the stock, if payment is necessary to provide funds for the satisfaction of their debts. 210+38.

Stockholders who seek to recover money they paid to a receiver in satisfaction of liability for bonus stock have the burden of proving that there are no subsequent creditors. 210+38.

Section 8779 Rev. Code S. D. 1919, held declaratory of the common-law rule that, when a subscriber in good faith makes a legally complete transfer of stock which has not been fully paid, he is released from further liability to corporate creditors. 210+148.

That the bank made excessive loans, contrary to the statute, thereby creating assets which might be bad, though valid, does not relieve the stockholders of their double liability upon the ground that the making of the excessive loans was ultra vires. 213+36.

§ 4. Lands taken for public way—Lands may be taken for public way, for the purpose of granting to any corporation the franchise of way for public use. In all cases, however, a fair and equitable compensation shall be paid for such land, and the damages arising from the taking of the same; but all corporations being common carriers, enjoying the right of way in pursuance of the provisions of this section, shall be bound to carry the mineral, agricultural and other productions or manufactures on equal and reasonable terms.

10-267, 208; 11-515, 392; 18-384, 345; 21-322, 324; 22-372, 374; 101-488, 112+1033; 94 U. S. 180, 24 L. Ed. 99; 134 U. S. 467, 480, 10 Sup. Ct. 473, 33 L. Ed 985; 124-271, 144+960; 135-323, 160+866.

ARTICLE 11

COUNTIES AND TOWNSHIPS

§ 1. Organization—The legislature may from time to time establish and organize new counties; but no new county shall contain less than four hundred square miles; nor shall any county be reduced below that amount; and all laws changing county lines in coun-

ties already organized, or for removing county seats, shall, before taking effect, be submitted to the electors of the county or counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of such electors. Counties now established may be enlarged, but not reduced below four hundred square miles.

6-428, 291; 10-107, 81; 16-249, 221; 22-53; 22-400; 23-40; 25-215, 219; 37-264, 33+800; 43-500, 46+73; 64-16, 20, 65+956; 64-378, 67+202; 66-32, 68+323. This section is repealed by implication by the constitutional amendment prohibiting special elections, and since then submission of questions for creating new counties to popular vote has been the one of favor by the legislature (113-298, 129+514. See, also, 66-519, 68+767, 69+925, 73+631; 66-636, 68+769); 125-407, 147+815; 131-287, 155+92.

§ 2. Cities organized as counties—The legislature may organize any city into a separate county, when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of the county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

10-107, 81; 16-249, 221.

§ 3. Organization of townships—Laws may be passed providing for the organization, for municipal and other town purposes, of any congressional or fractional townships in the several counties in the state: Provided, that when a township is divided by county lines or does not contain one hundred inhabitants, it may be attached to one or more adjoining townships or parts of townships for the purposes aforesaid.

14-437, 327; 27-38, 6+408; 113-203, 129+381; 133-270, 158+392.

§ 4. Election of county and township officers—Provision shall be made by law for the election of such county or township officers as may be necessary.

15-198, 153; 37-26, 32+788; 74-55, 76+1018; 85-437, 89+175; 121-421, 141+839; 132-426, 157+652; 133-65, 157+907.

The term of office of a county officer appointed when a new county is created continues until the first Monday in January following the next general election at which county officers are elected in all the counties of the state. 158-512, 197+973.

§ 5. Local taxation—Any county and township organization shall have such powers of local taxation as may be prescribed by law.

18-482, 432; 20-74, 59; 22-366, 369; 27-224, 231, 6+777; 103-32, 114+90; 108-388, 122+251.

§ 6. Drawing money from county or township treasury—No money shall be drawn from any county or township treasury except by authority of law.

§ 7. Manomin county abolished—That the county of Manomin is hereby abolished, and that the territory heretofore comprising the same shall constitute and be a part of the county of Anoka.

Adopted November 2, 1869.

ARTICLE 12

THE MILITIA.

§ 1. Organization—It shall be the duty of the legislature to pass such laws for the organization, discipline and service of the militia of the state, as may be deemed necessary.

65-159, 160, 67+989; 74-518, 524, 77+424; 118-380, 137+2.

ARTICLE 13

IMPEACHMENT AND REMOVAL FROM OFFICE

§ 1. Impeachment of certain state officers—The governor, secretary of state, treasurer, auditor, attorney general and the judges of the supreme and district courts, may be impeached for corrupt conduct in office, or for crimes and misdemeanors; but judgment in such cases shall not extend further than to removal

from office and disqualification to hold and enjoy any office of honor, trust or profit in this state. The party convicted thereof shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

72-200, 211, 75+210; 124-73, 144+453; 146-129, 178+167. 157-15, 195+539, note under § 1 of this article. Section 5724, Gen. St. 1913, empowers the governor to remove from office "any collector, receiver or custodian of public moneys" for malfeasance or nonfeasance in the performance of his official duties, but not those who have custody only of money belonging to a city. 157-15, 19+539.

§ 2. Removal—The legislature of this state may provide for the removal of inferior officers from office, for malfeasance or nonfeasance in the performance of their duties.

15-198, 153; 50-239, 52+655; 53-147, 54+1069; 85-41, 45, 88+412; 124-73, 144+453; 141-308, 170+201, 609; 146-129, 178+167.

§ 3. Disabilities pending impeachment—No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

72-200, 75+210.

§ 4. Trial of governor—On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court.

72-200, 75+210.

§ 5. Service of copy of articles—No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

ARTICLE 14

AMENDMENTS TO THE CONSTITUTION

§ 1. Submission to the people—Whenever a majority of both houses of the legislature shall deem it necessary to alter or amend this constitution they may propose such alterations or amendments, which proposed amendments shall be published with the laws which have been passed at the same session, and said amendments shall be submitted to the people for their approval or rejection at any general election, and if it shall appear in a manner to be provided by law, that a majority of all the electors voting at said election shall have voted for and ratified such alterations or amendments, the same shall be valid to all intents and purposes as a part of this constitution. If two or more alterations or amendments shall be submitted at the same time it shall be so regulated that the voters shall vote for or against each separately.

As amended November 8, 1898. 2-13, 1; 10-107, 81; 22-400; 60-178, 62+267; 72-200, 218, 75+210; 84-81, 84, 86+784; 86-136, 138, 90+160; 131-287, 155+92.

§ 2. Constitutional convention — Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a convention to revise this constitution, they shall recommend to the electors to vote at the next election for members of the legislature, for or against a convention; and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall, at their next session, provide by law for calling the same. The convention shall consist of as many members as the house of representatives, who shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid.

10-107, 81; 22-400; 86-136, 138, 90+160.

ARTICLE 15

MISCELLANEOUS SUBJECTS

§ 1. Seat of government—The seat of government of the state shall be at the city of St. Paul, but the

legislature, at their first or any future session, may provide by law for a change of the seat of government by the people, or may locate the same upon the land granted by Congress for a seat of government to the state; and in the event of the seat of government being removed from the city of St. Paul to any other place in the state, the capitol building and grounds shall be dedicated to an institution for the promotion of science, literature, and the arts, to be organized by the legislature of the state, and of which institution the Minnesota Historical Society shall always be a department.

69-187, 191, 72+65.

§ 2. Residents on Indian lands—Persons residing on Indian lands within the state shall enjoy all the rights and privileges of citizens, as though they lived in any other portion of the state, and shall be subject to taxation.

§ 3. Oath at elections—The legislature shall provide for a uniform oath or affirmation to be administered at elections, and no person shall be compelled to take any other or different form of oath to entitle him to vote.

§ 4. State seal—There shall be a seal of the state, which shall be kept by the secretary of state, and be used by him officially, and shall be called the great seal of the state of Minnesota, and shall be attached to all official acts of the governor (his signature to acts and resolves of the legislature excepted) requiring authentication. The legislature shall provide for an appropriate device and motto for said seal.

§ 5. State prison—The territorial prison, as located under existing laws, shall, after the adoption of this constitution, be and remain one of the state prisons of the state of Minnesota.

ARTICLE 16

TRUNK HIGHWAY SYSTEM.

166-354, 208+9. The general purpose of article 16 of the Constitution was to provide for a uniform trunk highway system covering the entire state under one supervision. 166-416, 208+132.

§ 1. Creation of system—There is hereby created and established a trunk highway system, which shall be located, constructed, reconstructed, improved and forever maintained as public highways, by the state of Minnesota. The said highways shall extend as nearly as may be along the following described routes, the more specific and definite location of which shall be fixed and determined by such boards, officers or tribunals, and in such manner, as shall be prescribed by law, but in fixing such specific and definite routes there shall not be any deviation from the starting points or terminals set forth in this bill, nor shall there be any deviation in fixing such routes from the various villages and cities named herein, through which such routes are to pass.

166-416, 208+132; 162-302, 202+893, notes under § 2673. After the county seat of Mille Lacs county was changed from Princeton to Milaca, the Legislature enacted chapter 358, Laws 1923, adding a new route to the state trunk highway system. It did not begin, terminate, or pass through Milaca, but it did intersect another trunk highway, at a point 22 miles distant from Milaca. Held, that section 1 of article 16 of the state Constitution does not authorize the attempted addition to the trunk highway, system, and that the state highway commissioner cannot be compelled to select public highways in obedience to chapter 358, 161-80, 200+843.

Route No. 1.

Beginning at a point on the boundary line between the states of Minnesota and Iowa, southeasterly at Albert Lea and thence extending in a northwesterly

Art 14 § 1; 31 - 420; 244nw 331.

Art 16; 29 - 122; 176m 501; 2553

Art 16; 19 - 530; 29 - 80; 171m 369; 175m 103; 220nw 408; 222nw 918; 223nw 915; 2542

Art 16; 31 - 306§7; 238nw 354; 239nw 008; See 2554; See 6537

Art 16; 33 - 353; Additional Routes and Colvill Highway; 242nw 474; 247nw 509; See 2542

Art 16; 248nw 715

Art 16 § 1; Et seq; 251nw 134; 4735; 4736; 4743 §

direction to a point in Albert Lea and thence extending in a northerly direction to a point and on the southerly limits of the city of St. Paul and then beginning at a point on the northerly limits of the city of St. Paul and thence extending in a northerly direction to a point on the westerly limits of the city of Duluth and then beginning at a point on the northerly limits of the city of Duluth and thence extending in a northeasterly direction to a point on the boundary line between the state of Minnesota and the province of Ontario, affording Albert Lea, Owatonna, Faribault, Northfield, Farmington, St. Paul, White Bear, Forest Lake, Wyoming, Rush City, Pine City, Hinckley, Sandstone, Moose Lake, Carlton, Duluth, Two Harbors, Grand Marais and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 2.

Beginning at a point on Route No. 1 on the westerly limits of the city of Duluth and thence extending in a southwesterly direction along said Route No. 1 to a point on said route at Carlton and thence extending in a westerly direction to a point on the east bank of the Red River of the North at Moorhead, affording Duluth, Carlton, McGregor, Aitkin, Brainerd, Motley, Staples, Wadena, Detroit, Moorhead, and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 3.

Beginning at a point on the boundary line between the states of Minnesota and Wisconsin, westerly of La Crosse, Wisconsin, and thence extending in a northwesterly direction to a point on the easterly limits of the city of St. Paul and then beginning at a point on the westerly limits of the city of Minneapolis and thence extending in a northwesterly direction to a point on the east bank of the Red River of the North at Breckenridge, affording La Crescent, Winona, Kellogg, Wabasha, Lake City, Red Wing, Hastings, St. Paul, Minneapolis, Osseo, Champlin, Anoka, Elk River, Big Lake, St. Cloud, Albany, Sauk Center, Alexandria, Elbow Lake, Fergus Falls, Breckenridge and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 4.

Beginning at a point on the boundary line between the states of Minnesota and Iowa, southwesterly of Jackson and thence extending in a northerly direction to a point on Route No. 3, southeasterly of Sauk Center and thence extending in a northwesterly direction along said Route No. 3 to a point on said route at Sauk Center and thence extending in a northerly direction to a point at International Falls, affording Jackson, Windom, Sanborn, Redwood Falls, Morton, Olivia, Willmar, Paynesville, Sauk Center, Long Prairie, Wadena, Park Rapids, Itasca State Park, Bemidji, International Falls and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 5.

Beginning at a point on the boundary line between the states of Minnesota and Iowa, southerly of Blue Earth and thence extending in a northeasterly direction to a point on the southerly limits of the city of Minneapolis and then beginning at a point on the northerly limits of the city of Minneapolis and thence extending in a northerly direction to a point in Swan

River on Route No. 8, hereinafter described, affording Blue Earth, Winnebago, Mankato, St. Peter, Le Sueur, Jordan, Shakopee, Minneapolis, Cambridge, Mora, McGregor, Swan River and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 6.

Beginning at a point on the boundary line between the states of Minnesota and Iowa, southerly of Ash Creek, and thence extending in a northerly direction to a point on the boundary line between the state of Minnesota and the province of Manitoba, near St. Vincent, affording Luverne, Pipestone, Lake Benton, Ivanhoe, Canby, Madison, Bellingham, Odessa, Ortonville, Graceville, Dumont, Wheaton, Breckenridge, Moorhead, Kragnes, Georgetown, Perley, Hendrum, Ada, Crookston, Warren, Donaldson, Hallock and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 7.

Beginning at a point on Route No. 3 at Winona and thence extending in a westerly direction to a point on the boundary line between the states of Minnesota and South Dakota, westerly of Lake Benton, affording Winona, St. Charles, Rochester, Kasson, Dodge Center, Claremont, Owatonna, Waseca, Mankato, St. Peter, New Ulm, Springfield, Tracy, Lake Benton and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 8.

Beginning at a point on the westerly limits of the city of Duluth and thence extending in a northwesterly direction to a point on Route No. 6 near Crookston and thence extending in a westerly and northerly direction along said Route No. 6 to a point on said route northerly of Crookston and thence extending in a northwesterly direction to a point on the east bank of the Red River of the North at East Grand Forks, affording Duluth, Floodwood, Swan River, Grand Rapids, Cass Lake, Bemidji, Bagley, Erskine, Crookston, East Grand Forks and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 9.

Beginning at a point on Route No. 3 at La Crescent and thence extending in a westerly direction to a point on the boundary line between the states of Minnesota and South Dakota southwesterly of Beaver Creek, affording La Crescent, Hokah, Houston, Rushford, Lanesboro, Preston, Fountain, Spring Valley, Austin, Albert Lea, Blue Earth, Fairmont, Jackson, Worthington, Luverne and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 10.

Beginning at a point on the westerly limits of the city of Minneapolis and thence extending in a northwesterly direction to a point on Route No. 6 at or near Wheaton, affording Minneapolis, Montrose, Cokato, Litchfield, Willmar, Benson, Morris, Herman, Wheaton and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 11.

Beginning at a point on Route No. 8 at the westerly

limits of the city of Duluth and thence extending in a northwesterly and northerly direction to a point on Route No. 4 at International Falls and thence extending in a southwesterly direction along said Route No. 4 to a point on said route southwesterly of International Falls and thence extending in a westerly direction to a point on Route No. 6 at Donaldson, affording Duluth, Eveleth, Virginia, Cook, Orr, Cussons, International Falls, Baudette, Warroad, Roseau, Greenbush, Donaldson and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 12.

Beginning at a point on the west bank of the St. Croix River near Hudson, Wisconsin, and thence extending in a westerly direction to a point on the easterly limits of the city of St. Paul and then beginning at a point on the westerly limits of the city of Minneapolis and thence extending in a westerly direction to a point on Route No. 6 at Madison, affording St. Paul, Minneapolis, Hopkins, Norwood, Glencoe, Olivia, Granite Falls, Montevideo, Dawson, Madison and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 13.

Beginning at a point on Route No. 9 at Albert Lea and thence extending in a northerly direction to a point on Route No. 5 at Jordan, affording Albert Lea, Waseca, Waterville, Montgomery, New Prague, Jordan and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 14.

Beginning at a point on Route No. 6 at Ivanhoe and thence extending in an easterly direction to a point on Route No. 4 at Redwood Falls and thence extending in an easterly direction along said Route No. 4 to a point on said route at Morton and thence extending in an easterly direction to a point on Route No. 22, hereinafter described, at Gaylord, affording Ivanhoe, Marshall, Redwood Falls, Morton, Winthrop, Gaylord and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 15.

Beginning at a point on the boundary line between the states of Minnesota and Iowa southerly of Fairmont and thence extending in a northerly direction to a point on Route No. 14 at Winthrop, affording Fairmont, Madelia, New Ulm, Winthrop and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 16.

Beginning at a point on Route No. 5 southwesterly of Mankato and thence extending westerly to a point on Route No. 15 at Madelia and thence extending in a southerly direction along said Route No. 15 to a point on said route southerly of Madelia and thence extending in a westerly direction to a point on Route No. 4 northerly of Windom and thence extending in a southerly direction along said Route No. 4 to a point on said route at Windom and thence extending in a westerly direction to a point at Fulda and thence extending in a southerly direction to a point on Route No. 9 at Worthington, affording Mankato, Madelia, St. James,

Windom, Fulda, Worthington and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 17.

Beginning at a point on Route No. 16 at Fulda and thence extending in a northerly direction to a point on Route No. 12 at Granite Falls, affording Fulda, Slayton, Garvin, Marshall, Granite Falls and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 18.

Beginning at a point on Route No. 3 at Elk River and thence extending in a northerly direction to a point on Route No. 2 easterly of Brainerd, affording Elk River, Princeton, Milaca, Onamia and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 19.

Beginning at a point on Route No. 2 at Brainerd and thence extending in a northwesterly direction to a point on Route No. 8 at Cass Lake, affording Brainerd, Pine River, Walker, Cass Lake and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 20.

Beginning at a point on the boundary line between the states of Minnesota and Iowa near Canton and thence extending in a northwesterly direction to a point on Route No. 9 at or near Preston and thence extending in a northwesterly direction along said Route No. 9 to a point on said route at Fountain and thence extending in a northwesterly direction to a point on Route No. 3 in the town of Douglas, Dakota county (T. 113, R. 17 W.) affording Canton, Harmony, Preston, Fountain, Chatfield, Oronoco, Pine Island, Zumbrota, Cannon Falls and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 21.

Beginning at a point on Route No. 20 at Zumbrota and thence extending in a westerly direction to a point on Route No. 5, at St. Peter, affording Zumbrota, Kenyon, Faribault, Le Sueur Center, Cleveland, St. Peter and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 22.

Beginning at a point on Route No. 5 at St. Peter and thence extending in a northwesterly direction to a point on Route No. 4 at Paynesville, affording St. Peter, Gaylord, Glencoe, Hutchinson, Litchfield, Paynesville and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 23.

Beginning at a point on Route No. 4 at Paynesville and thence extending in a northeasterly direction through the village of Richmond, Coldspring, Rockville and Waite Park to a point on Route No. 3 westerly of St. Cloud, and thence extending in a northeasterly direction to a point on Route No. 5 southerly of Mora, and thence extending in a northerly direction along said Route No. 5 to a point on said route at Mora, and thence extending in an easterly direction to a

point on Route No. 1 southerly of Hinckley, affording Paynesville, St. Cloud, Foley, Milaca, Ogilvie, Mora and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 24.

Beginning at a point on Route No. 10 at Litchfield and thence extending in a northeasterly direction to a point on Route No. 3 at St. Cloud, affording Litchfield, St. Cloud and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 25.

Beginning at a point on Route No. 5 at or near Belle Plaine and thence extending in a northerly direction to a point on Route No. 3 at Big Lake, affording Belle Plaine, Norwood, Watertown, Montrose, Buffalo, Monticello, Big Lake and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 26.

Beginning at a point on Route No. 10 at Benson and thence extending in a westerly direction to a point on Route No. 6 near Ortonville, affording Benson, Ortonville and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 27.

Beginning at a point on Route No. 3 at St. Cloud and thence extending in a northerly direction to a point on Route No. 2 at Brainerd, affording St. Cloud, Sauk Rapids, Royalton, Little Falls, Brainerd and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 28.

Beginning at a point on Route No. 27 at Little Falls and thence extending in a southwesterly direction to a point on the boundary line between the states of Minnesota and South Dakota at Browns Valley, affording Little Falls, Sauk Center, Glenwood, Starbuck, Morris, Graceville, Browns Valley and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 29.

Beginning at a point on Route No. 28 at Glenwood and thence extending in a northerly direction to a point on Route No. 2 westerly of Wadena, affording Glenwood, Alexandria, Parkers Prairie, Deer Creek and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 30.

Beginning at a point on Route No. 3 at Fergus Falls, and thence extending in a northerly direction to a point on Route No. 8 at Erskine, affording Fergus Falls, Pelican Rapids, Detroit, Mahnomen, Erskine and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 31.

Beginning at a point on Route No. 6 at Ada, and thence extending in an easterly direction to a point on Route No. 30 near Mahnomen, affording Ada, Mahnomen and intervening and adjacent communities a rea-

sonable means of communication, each with the other and other places within the state.

Route No. 32.

Beginning at a point on Route No. 8 easterly of Crookston and thence extending in a northerly direction to a point on Route No. 11 at Greenbush, affording Red Lake Falls, Thief River Falls, Middle River, Greenbush and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 33.

Beginning at a point on Route No. 32 at Thief River Falls and thence extending in a northwesterly direction to a point on Route No. 6 at Warren, affording Thief River Falls, Warren and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 34.

Beginning at a point on Route No. 2 at Detroit and thence extending in a northeasterly direction to a point on Route No. 8 westerly of Grand Rapids, affording Detroit, Park Rapids, Walker, Remer, Grand Rapids and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 35.

Beginning at a point on Route No. 18 near Mille Lacs Lake and thence extending in a northerly direction to a point at Grand Rapids and thence extending in a northeasterly direction to a point at Ely, affording Aitkin, Grand Rapids, Hibbing, Chisholm, Buhl, Mountain Iron, Virginia, Gilbert, McKinley, Biwabik, Aurora, Tower and Ely and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 36.

Beginning at a point on Route No. 3 at Fergus Falls and thence extending in an easterly direction to a point on Route No. 29 easterly of Henning, affording Fergus Falls, Henning and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 37.

Beginning at a point on Route No. 27 at Little Falls and thence extending in a northwesterly direction to a point on Route No. 2 at Motley, affording Little Falls, Motley and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 38.

Beginning at a point on Route No. 12 at Montevideo and thence extending in a northerly direction to a point on Route No. 28 at Starbuck, affording Montevideo, Benson, Starbuck and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 39.

Beginning at a point on Route No. 7 at Mankato and thence extending in a southeasterly direction to a point on Route No. 9 westerly of Albert Lea, affording Mankato, Mapleton, Minnesota Lake, Wells and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 40.

Beginning at a point on the boundary line between the states of Minnesota and Iowa at Lyle and thence extending in a northwesterly direction to a point on Route No. 7 at Owatonna, affording Lyle, Austin, Blooming Prairie, Owatonna and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 41.

Beginning at a point on Route No. 40 at or near Blooming Prairie and thence extending in an easterly direction to a point on Route No. 56, hereinafter described, near Hayfield, affording Blooming Prairie, Hayfield and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 42.

Beginning at a point on Route No. 7 easterly of Rochester and thence extending in a northeasterly direction to a point on Route No. 3 at Kellogg, affording Rochester, Elgin, Plainview, Kellogg and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 43.

Beginning at a point on Route No. 9 at Rushford and thence extending in a northeasterly direction to a point on Route No. 3 at Winona, affording Rushford, Winona and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 44.

Beginning at a point on Route No. 9 at Hokah and thence extending in a southwesterly direction to a point on Route No. 20 near Canton, affording Hokah, Caledonia, Canton and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 45.

Beginning at a point on the west bank of the St. Croix River at Stillwater and thence extending in a southwesterly direction to a point on the easterly limits of the city of St. Paul, affording Stillwater, Lake Elmo, St. Paul and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 46.

Beginning at a point on the west bank of the St. Croix River at Taylors Falls and thence extending in a southwesterly direction to a point on Route No. 1 near Wyoming, affording Taylors Falls, Center City, Wyoming and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 47.

Beginning at a point on Route No. 17 at Slayton and thence extending in a westerly direction to a point on Route No. 6 at Pipestone, affording Slayton, Pipestone and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 48.

Beginning at a point on Route No. 17 westerly of Granite Falls and thence extending in a westerly di-

rection to a point on Route No. 6 at Canby, affording Granite Falls, Clarkfield, Canby and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 49.

Beginning at a point on Route No. 12 easterly of Montevideo and thence extending in a northeasterly direction to a point on Route No. 4 southerly of Willmar, affording Montevideo, Clara City, Willmar and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 50.

Beginning at a point on Route No. 20 at Cannon Falls and thence extending in a northwesterly direction to a point on the southerly limits of the city of Minneapolis, affording Cannon Falls, Farmington, Minneapolis and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 51.

Beginning at a point on Route No. 5 at Shakopee and thence extending in a northerly direction to a point on Route No. 12 northerly of Shakopee, affording a connection between said Route No. 5 and said Route No. 12.

Route No. 52.

Beginning at a point on Route No. 5 south of the city of Minneapolis and thence extending in a north-easterly direction to a point on the westerly limits of the United States Military reservation at Fort Snelling, affording St. Paul and adjacent communities a reasonable communication with said Route No. 5.

Route No. 53.

Beginning at a point on Route No. 3 at Hastings and thence extending in a northwesterly direction to a point on the southerly limits of the city of South St. Paul, affording Hastings, South St. Paul and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 54.

Beginning at a point on Route No. 3 at Elbow Lake and thence extending in a southwesterly direction to a point on Route No. 10 at Herman, affording Elbow Lake, Herman and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 55.

Beginning at a point on Route No. 2 northwesterly of Carlton and thence extending in a northerly direction to a point in Cloquet, affording Carlton, Cloquet and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 56.

Beginning at a point on Route No. 9 easterly of Austin and thence extending in a northerly direction to a point on Route No. 21 at or near Kenyon, affording Brownsdale, Hayfield, Dodge Center, West Concord, Kenyon and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 57.

Beginning at a point in Mantorville and extending in a southerly direction to a point on Route No. 7 southerly of Mantorville, affording Mantorville a reasonable means of communication with said Route No. 7.

Route No. 58.

Beginning at a point on Route No. 20 at Zumbrota and thence extending in a northeasterly direction to a point on Route No. 3 at Red Wing, affording Zumbrota, Red Wing and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 59.

Beginning at a point on the boundary line between the states of Minnesota and Iowa southerly of Spring Valley and thence extending in a northerly direction to a point on Route No. 3 at Lake City, affording Spring Valley, Stewartville, Rochester, Zumbro Falls, Lake City and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 60.

Beginning at a point on Route No. 1 at Faribault and thence extending in a southwesterly direction to a point on Route No. 7 at or near Madison Lake, affording Faribault, Morristown, Waterville, Madison Lake and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 61.

Beginning at a point on Route No. 8 at Deer River and thence extending in a northerly direction to a point on Route No. 4 at or near Big Falls, affording Deer River, Big Falls and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 62.

Beginning at a point on Route No. 3 at Anoka and thence extending in a southeasterly direction to a point on the northerly limits of the city of St. Paul, affording Anoka, St. Paul and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 63.

Beginning at a point on Route No. 1 southerly of Forest Lake and thence extending in a southwesterly direction to a point on the northerly and easterly limits of the city of Minneapolis, affording a reasonable means of communication between Route No. 1 and Minneapolis.

Route No. 64.

Beginning at a point on Route No. 30 northerly of Fergus Falls and thence extending in a northerly and westerly direction to a point on Route No. 6 southerly of Moorhead, affording Fergus Falls, Rothsay, Barnesville, Moorhead and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 65.

Beginning at a point on Route No. 8 at Bagley and thence extending in a northerly and westerly direction to a point on Route No. 32 southerly of Red Lake Falls, affording Bagley, Clearbrook, Gonvick, Gully, Brooks, Terrebonne and intervening and adjacent com-

munities a reasonable means of communication, each with the other and other places within the state.

Route No. 66.

Beginning at a point on Route No. 12 at Montevideo and thence extending in a northwesterly direction to a point on Route No. 26 northerly of Appleton, affording Montevideo, Appleton and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 67.

Beginning at a point on Route No. 14 southerly of Echo and thence extending in a northerly and westerly direction to a point on Route No. 17 at or near Granite Falls, affording Echo, Granite Falls and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 68.

Beginning at a point on Route No. 14 at Marshall and thence extending in a northwesterly direction to a point on Route No. 6 near Canby, affording Marshall, Minneota, Canby and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 69.

Beginning at a point on Route No. 25 at Buffalo and thence extending in a northwesterly direction to a point on Route No. 22 southeasterly of Paynesville, affording Buffalo, Maple Lake, Annandale, Eden Valley, Paynesville and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 70.

Beginning at a point on Route No. 7 westerly of New Ulm and thence extending in a northerly direction to a point on Route No. 12 at or near the village of Hector, affording Fort Ridgely, Fairfax, Hector and intervening and adjacent communities a reasonable means of communication, each with the other and other places within the state.

Route No. 71.

See §§2661, 2662.

Route No. 72.

See §§ 2662-1, 2662-2.

Additional Routes.

Whenever, either by reason of the creation of a new county, or by reason of the change of the county seat of any existing county, any city or village not a county seat at the time of the adoption of this amendment is lawfully constituted the county seat of any county, the legislature is authorized to add to the trunk highway system such additional routes connecting such newly constituted county seats with other county seats and other points in the state.

When after at least seventy-five (75) per cent of the total number of the miles of the routes embraced in the trunk highway system hereinbefore specified shall have been constructed and permanently improved, the legislature shall have authority to add new routes to such trunk highway system; provided, however, that no such new routes shall be added until and unless the funds available for the construction, improvement and maintenance of such additional routes shall be sufficient therefor in addition to the construction, improve-

ment and maintenance of the several routes hereinbefore specifically described.

150-321, 186+688; 191+934, 192+188.

§ 2. Fund—There is hereby created a fund which shall be known as the trunk highway sinking fund. Said fund shall consist of the proceeds of any tax imposed on motor vehicles as herein authorized. The moneys in said fund shall be used for the payment of the principal and interest of any bonds which may be issued under the authority of this article; and any moneys in excess of such requirements shall be transferred to a fund which is hereby created and which shall be known as the trunk highway fund. The trunk highway fund shall be used solely for the purposes specified in section 1 of this article, and when duly authorized by legislative enactment to reimburse any county for the money expended by it subsequent to February 1st, 1919, in permanently improving any road hereinbefore specifically described, in accordance with plans and specifications therefore approved by the commissioner of highways.

§ 3. Taxation of motor vehicles—The legislature is hereby authorized to provide, by law, for the taxation of motor vehicles, using the public streets and highways of this state, on a more onerous basis than other personal property; provided, however, that any such tax on motor vehicles shall be in lieu of all other taxes thereon, except wheelage taxes, so-called, which may be imposed by any borough, city or village. Any such law may, in the discretion of the legislature, provide for the exemption from taxation of any motor vehicle owned by a non-resident of the state, and transiently or temporarily using the streets and highways of the state. The proceeds of such tax shall be paid in to said trunk highway sinking fund.

150-374, 185+390; 152-529, 189+418.

165-215, 206+166.

Laws providing for the taxation of motor vehicles, once used on the public streets and highways, on a more onerous basis than other personal property, is not in contravention of the Constitution. 159-269, 198+1011.

Chapter 299, Laws 1925, which classifies motor trucks for purpose of taxation, is not invalid under section 3 of article 16 of the state Constitution. 166-22, 206+942.

It is within the exclusive province of the Legislature to determine what distinction is necessary to warrant the placing of motor trucks into different classes for the purpose of taxation. Such classification, when made by that body, is binding upon the courts unless clearly arbitrary. 166-22, 206+942.

Motor vehicles, owned and used by corporations, paying a gross earnings tax, in the operation of their business, are not subject to the tax imposed by §§ 2672 to 2720, herein. 211+467.

§ 4. Bonds—The legislature may provide by law for the issue and sale of the bonds of the state in such amount as may be necessary to carry out the provisions of section 1 of this article, provided, however, that the amount of bonds which may be issued in any one calendar year shall not exceed, in the aggregate, ten million dollars, par value, and provided further, the total amount of such bonds issued and unpaid shall not at any time exceed seventy-five million dollars, par value. The proceeds of the sale of such bonds shall be paid into the treasury of the state and credited to the trunk highway fund. Any bonds so issued and sold shall be for a term not exceeding twenty (20) years. They shall not be sold for less than par and accrued interest and shall not bear interest at a greater rate than five per cent per annum. In case the trunk highway sinking fund shall not be adequate to meet the payment of the principal and interest of the bonds authorized by the legislature as hereinbefore provided, the legislature may provide by law for the taxation of all taxable property of the state in an amount sufficient to meet the deficiency, or it may, in

its discretion, appropriate to such sinking fund moneys in the state treasury not otherwise appropriated.

§ 5. Modification of constitution—Any and all provisions of the constitution of the state of Minnesota inconsistent with the provisions of this article, are hereby repealed, so far, but only so far, as the same prohibit or limit the power of the legislature to enact laws authorizing or permitting the doing of the things hereinbefore authorized.

Adopted November 2, 1920.

ARTICLE 17.

ABATEMENT AND PREVENTION OF FOREST FIRES.

§ 1. Authority to contract debts, pledge credit, assess benefits, and pay damages—The state and (or) any of its political subdivisions, if and whenever authorized by the legislature, may contract debts and pledge the public credit for and engage in any work reasonably tending to prevent or abate forest fires, including the compulsory clearing and improvement of wild lands (whether belonging to the public or privately owned) and the assessment against such lands of the value of all benefits so conferred and the payment of damages so sustained in excess of such benefits.

Adopted November 4, 1924.

§ 2. Constitutional provisions repealed—Any and all provisions of the constitution of the state of Minnesota inconsistent with the provisions of this article, are hereby repealed, so far, but only so far, as the same prohibit or limit the power of the legislature to enact laws authorizing or permitting the doing of the things hereinbefore authorized.

Adopted November 4, 1924.

ARTICLE 18.

FORESTATION AND REFORESTATION OF LANDS.

§ 1. Laws for forestation and reforestation of lands authorized—Tax on lands for—Laws may be enacted for the purpose of encouraging and promoting forestation and reforestation of lands in this state, whether owned by private persons or the public, including the fixing in advance of a definite and limited annual tax on such lands for a term of years and a yield tax at or after the end of such term upon the timber and other forest products so grown, but the taxation of mineral deposits shall not be affected by this amendment.

§ 2. Same—Inconsistent provisions repealed—Any and all provisions of the constitution of the state of Minnesota, inconsistent with the provisions of this article, are hereby repealed, so far, but only so far, as the same prohibit or limit the power of the legislature to enact laws authorizing or permitting the doing of the things hereinbefore authorized.

Adopted November 2, 1926.

SCHEDULE

§ 1. Rights under territorial laws saved—That no inconvenience may arise by reason of a change from a territorial to a permanent state government, it is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no change had taken place; and all process which may be issued under the authority of the territory of Minnesota previous to its

Art 16 §2
29 — 122

Art 16 §2
21 — 323
29 — 394
232nw 718
2554

Art 16 §3
227nw 43
2674B

Art 16 §3
29 — 301
230nw 815
2268

Art 16 §3
(Page 2)
31 — 58
246nw 660
See 2674

Art 16 §4
29 — 412

Art 16 §
31 — 113
31 — 168

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admission into the Union of the United States shall be as valid as if issued in the name of the state.

§ 2. **Territorial laws continued**—All laws now in force in the territory of Minnesota not repugnant to this constitution shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature.

19-132, 99, 18 Am. St. Rep. 334; 24-584, 587.
134-441, 159-962.

§ 3. **Fines—Penalties—Forfeitures**—All fines, penalties or forfeitures accruing to the territory of Minnesota shall inure to the state.

§ 4. **State to succeed to rights of territory**—All recognizances heretofore taken, or which may be taken before the change from a territorial to a permanent state government shall remain valid, and shall pass to and may be prosecuted in the name of the state; and all bonds executed to the governor of the territory, or to any other officer or court in his or their official capacity, shall pass to the governor or state authority and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly; and all the estate of property, real, personal or mixed, and all judgments, bonds, specialties, choses in action, and claims and debts, of whatsoever description, of the territory of Minnesota, shall inure to and vest in the state of Minnesota, and may be sued for and recovered in the same manner and to the same extent by the state of Minnesota as the same could have been by the territory of Minnesota. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the state. All offences committed against the laws of the territory of Minnesota, before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the state of Minnesota with like effect as though such change had not taken place, and all penalties incurred shall remain the same as if this constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the territory of Minnesota, at the time of the change from a territorial to a state government, may be continued and transferred to any court of the state which shall have jurisdiction of the subject matter thereof.

3-72, 33.

§ 5. **Territorial officers continued**—All territorial officers, civil and military, now holding their offices under the authority of the United States, or of the territory of Minnesota shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.

§ 6. **First session of legislature**—The first session of the legislature of the state of Minnesota shall commence on the first Wednesday of December next, and shall be held at the capitol, in the city of St. Paul.

§ 7. **Election laws continued**—The laws regulating the election and qualification of all district, county and precinct officers shall continue and be in force until the legislature shall otherwise provide by law.

§ 8. **Submission of constitution to the people**—The president of this convention shall, immediately after the adjournment thereof, cause this constitution to be deposited in the office of the governor of the territory; and if, after the submission of the same to a vote of the people, as hereinafter provided, it shall appear that it has been adopted by a vote of the people of the

state, then the governor shall forward a certified copy of the same, together with an abstract of the votes polled for and against said constitution, to the President of the United States, to be by him laid before the Congress of the United States.

§ 9. **Representative districts**—For the purposes of the first election, the state shall constitute one district, and shall elect three members to the house of representatives of the United States.

§ 10. **First legislative districts**—For the purposes of the first election for members of the state senate and house of representatives, the state shall be divided into senatorial and representative districts, as follows: First district, Washington county; second district, Ramsey county; third district, Dakota county; fourth district, so much of Hennepin county as lies west of the Mississippi; fifth district, Rice county; sixth district, Goodhue county; seventh district, Scott county; eighth district, Olmsted county; ninth district, Fillmore county; tenth district, Houston county; eleventh district, Winona county; twelfth district, Wabasha county; thirteenth district, Mower and Dodge counties; fourteenth district, Freeborn and Faribault counties; fifteenth district, Steele and Waseca counties; sixteenth district, Blue Earth and Le Sueur counties; seventeenth district, Nicollet and Brown counties; eighteenth district, Sibley, Renville and McLeod counties; nineteenth district, Carver and Wright counties; twentieth district, Benton, Stearns and Meeker counties; twenty-first district, Morrison, Crow Wing and Mille Lacs counties; twenty-second district, Cass, Pembina and Todd counties; twenty-third district, so much of Hennepin county as lies east of the Mississippi; twenty-fourth district, Sherburne, Anoka and Manomin counties; twenty-fifth district, Chisago, Pine and Isanti counties; twenty-sixth district, Buchanan, Carlton, St. Louis, Lake and Itasca counties.

§ 11. **Same**—The counties of Brown, Stearns, Todd, Cass, Pembina and Renville, as applied in the preceding section, shall not be deemed to include any territory west of the state line, but shall be deemed to include all counties and parts of counties east of said line as were created out of the territory of either, at the last session of the legislature.

§ 12. **Apportionment of members of the legislature**—The senators and representatives at the first election shall be apportioned among the several senatorial and representative districts as follows: First district, two senators and three representatives; second district, three senators and six representatives; third district, two senators and five representatives; fourth district, two senators and four representatives; fifth district, two senators and three representatives; sixth district, one senator and four representatives; seventh district, one senator and three representatives; eighth district, two senators and four representatives; ninth district, two senators and six representatives; tenth district, two senators and three representatives; eleventh district, two senators and four representatives; twelfth district, one senator and three representatives; thirteenth district, two senators and three representatives; fourteenth district, one senator and three representatives; fifteenth district, one senator and four representatives; sixteenth district, one senator and three representatives; seventeenth district, one senator and three representatives; eighteenth district, one senator and three representatives; nineteenth district, one senator and three representatives; twentieth district, one senator and three representatives; twenty-first district, one senator and one representative; twenty-second district, one senator and one representative; twen-

ty-third district, one senator and two representatives; twenty-fourth district, one senator and one representative; twenty-fifth district, one senator and one representative; twenty-sixth district, one senator and one representative.

§ 13. **Canvass of certain returns**—The returns from the twenty-second district shall be made to and canvassed by the judges of election at the precinct of Otter Tail City.

§ 14. **Judicial districts**—Until the legislature shall otherwise provide, the state shall be divided into judicial districts as follows: The counties of Washington, Chisago, Manomin, Anoka, Isanti, Pine, Buchanan, Carlton, St. Louis and Lake shall constitute the first judicial district. The county of Ramsey shall constitute the second judicial district. The counties of Houston, Winona, Fillmore, Olmsted and Wabasha shall constitute the third judicial district. The counties of Hennepin, Carver, Wright, Meeker, Sherburne, Benton, Stearns, Morrison, Crow Wing, Mille Lacs, Itasca, Pembina, Todd and Cass shall constitute the fourth judicial district. The counties of Dakota, Goodhue, Scott, Rice, Steele, Waseca, Dodge, Mower and Freeborn shall constitute the fifth judicial district. The counties of Le Sueur, Sibley, Nicollet, Blue Earth, Faribault, McLeod, Renville, Brown and all other counties in the state not included within the other districts, shall constitute the sixth judicial district.

§ 15. **Prosecuting attorney**—Each of the foregoing enumerated judicial districts may, at the first election, elect one prosecuting attorney for the district.

§ 16. **First election**—Upon the second Tuesday, October 13, 1857, an election shall be held for members of the house of representatives of the United States, governor, lieutenant governor, supreme and district judges, members of the legislature and all other officers designated in this constitution, and also for the submission of this constitution to the people, for their adoption or rejection.

22-67, 71.

§ 17. **Voters at first election**—Upon the day so designated as aforesaid every free white male inhabitant over the age of twenty-one years, who shall have resided within the limits of the state for ten days previous to the day of said election, may vote for all officers to be elected under this constitution at such election, and also for or against the adoption of this constitution.

§ 18. **Vote on constitution**—In voting for or against the adoption of this constitution, the words, "For Constitution," or "Against Constitution," may be written or printed on the ticket of each voter, but no voter shall vote for or against this constitution, on a separate ballot from that cast by him for officers to be elected at said election under this constitution; and if

upon the canvass of the vote so polled it shall appear that there was a greater number of votes polled for than against said constitution, then this constitution shall be deemed to be adopted as the constitution of the state of Minnesota, and all the provisions and obligations of this constitution, and of the schedule thereunto attached, shall thereafter be valid to all intents and purposes as the constitution of said state.

10-107, 81.

§ 19. **Conduct of election**—At said election the polls shall be opened, the election held, returns made and certificates issued, in all respects as provided by law for opening, closing and conducting elections and making returns of the same, except as hereinbefore specified, and excepting also that polls may be opened and elections held at any point or points in any of the counties where precincts may be established as provided by law, ten days previous to the day of election, not less than ten miles from the place of voting in any established precinct.

§ 20. **Election returns**—It shall be the duty of the judges and clerks of election, in addition to the returns required by law from each precinct, to forward to the secretary of the territory, by mail, immediately after the close of the election, a certified copy of the poll book containing the name of each person who has voted in the precinct, and the number of votes polled for each person for any office, and the votes polled for and against the adoption of this constitution.

§ 21. **Canvass of returns**—The returns of said election for and against this constitution, and for all state officers and members of the house of representatives of the United States, shall be made, and certificates issued in the manner now prescribed by law for returning votes given for delegate to Congress; and the returns for all district officers, judicial, legislative or otherwise, shall be made to the register of deeds of the senior county in each district, in the manner prescribed by law, except as otherwise provided. The returns for all officers elected at large shall be canvassed by the governor of the territory, assisted by Joseph R. Brown and Thomas J. Galbraith, at the time designated by law for canvassing the vote for delegate to Congress.

§ 22. **Same**—If, upon canvassing the votes for and against the adoption of this constitution, it shall appear that there has been polled a greater number of votes against than for it, then no certificates of election shall be issued for any state or district officer provided for in this constitution, and no state organization shall have validity within the limits of the territory, until otherwise provided for and until a constitution for a state government shall have been adopted by the people.

10-107, 81.

PROPOSED CONSTITUTIONAL AMENDMENTS.

Proposed at the 1927 Session of the Legislature.

ARTICLE 9.

Section 1. The following amendment to Section 5 of Article 9 of the Constitution (as amended), is hereby proposed to the people of the state for their approval or rejection, which amendment, when so adopted, shall read as follows:

"Sec. 5. For the purpose of defraying extraordinary expenditures, the state may contract public debts, but such debts shall never, in the aggregate, exceed two

hundred and fifty thousand dollars; every such debt shall be authorized by law, for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the legislature, to be recorded by yeas and nays on the journals of each house respectively; and every such law shall levy a tax annually sufficient to pay the annual interest of such debt, and also a tax sufficient to pay the principal of such debt within ten years from

the final passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation and taxes shall not be repealed, postponed, or diminished, until the principal and interest of such debt shall have been wholly paid. The state shall never contract any debts for works of internal improvements, or be a party in carrying on such works, except as authorized by Section 16 of Article 9, and by Article 16 of this Constitution, but it may levy an excise tax upon any substance, material, fluid, force or other means or instrumentality, or the business of dealing in, selling or producing any or all thereof, used or useful, in producing or generating power for propelling motor or other vehicles used on the public highways of this state, and shall place two-thirds of the proceeds of such tax in the trunk highway fund provided for in Section 2 of said Article 16, and one-third thereof in the state road and bridge fund, and further except in cases where grants of land or other property shall have been made to the state, especially dedicated by the grant to specific purposes and in such cases the state shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion." ('27, c. 445, § 1)

Sec. 2. This proposed amendment shall be submitted to the people of this state for their approval or rejection at the general election for the year 1928 and the Secretary of State shall place this proposed amendment as No. 1 on the official ballot, and the qualified voters of the state in their respective districts may at such election vote for or against such amendment by ballot; and the returns thereof shall be made and certified within the time, and such votes canvassed and the result thereof declared in the manner provided by law with reference to the election of said officers, and if it shall appear thereupon that a majority of all the electors voting at said election as provided in the next section have voted in favor of the same, then the governor shall make proclamation thereof, and such amendment shall take effect and be in force as a part of the Constitution. ('27, c. 445, § 2)

Sec. 3. The ballots used at said election on said amendment shall have printed thereon "Amendments to Section 5, of Article 9, of the Constitution (as amended), authorizing the state to place in the trunk highway fund two-thirds and in the state road and bridge fund one-third of any and all excise taxes levied and collected on the business of selling or dealing in fluids used or which can be used for motor vehicle power purposes.

Yes
 No"

Each elector voting on said amendment shall place a cross mark, thus (X), in a space to be left opposite

either the word "Yes" or the word "No" and shall be counted for or against such proposed amendment in accordance with the expressed will of the elector, as provided by the election laws of this state. ('27, c. 445, § 3)

ARTICLE 10.

Section 1. The following amendment to Section 3, of Article 10, of the Constitution of the State of Minnesota, is hereby proposed to the people of the State for their approval or rejection, which amendment, when so adopted, shall read as follows:

"Section 3. The Legislature shall have power from time to time to provide for, limit and otherwise regulate the liability of stockholders or members of corporations and co-operative corporations or associations, however organized. Provided nothing in this section shall be construed as repealing or in any manner affecting the liability of stockholders in banks or corporations organized for banking purposes as provided in Section 13 of Article 9 of the Constitution of the State of Minnesota." ('27, c. 441, § 1)

Sec. 2. This proposed amendment shall be submitted to the people of this State for their approval or rejection at the general election for the year 1928, in the manner provided by law and the Secretary of State shall place this proposed amendment as No. 2 on the official ballot, and the qualified voters of the State in their respective districts may at such election vote for or against such amendment by ballot; and the returns thereof shall be made and certified within the time, and such votes canvassed and the result thereof declared in the manner provided by law with reference to the election of said officers, and if it shall appear thereupon that a majority of all the electors voting at said election as provided in the next section have voted in favor of the same, then the governor shall make proclamation thereof, and such amendment shall take effect and be in force as a part of the Constitution. ('27, c. 441, § 2)

Sec. 3. The ballots used at said election on said amendment shall have printed thereon "Amendment to Section 3, of Article 10, of the Constitution, authorizing the legislature from time to time to prescribe and limit the liability of stockholders in corporations.

Yes
 No"

Each elector voting on said amendment shall place a cross mark, thus (X) in a space to be left opposite either the word "Yes" or the word "No" and shall be counted for or against such proposed amendment in accordance with the expressed will of the elector, as provided by the election laws of this State. ('27, c. 441, § 3)

Sec. 4. This act shall take effect and be in force from and after its passage. ('27, c. 441, § 4)