

MINNESOTA STATUTES 1971

MINNESOTA STATUTES

1971

Printed by the Revisor of Statutes. Embraces laws of a
general and permanent nature in force at the close of the
1971 sessions of the Legislature.

COMPILED, EDITED, AND PUBLISHED BY
the office of Revisor of Statutes



OFFICIAL PUBLICATION
OF THE
STATE OF MINNESOTA

MINNESOTA STATUTES 1971

TABLE OF CONTENTS

VOLUME I

Table of Contents
Preface
Constitution of the United States
Northwest Ordinance of 1787
Organic Act of Minnesota
Enabling Act
Constitution of the State of Minnesota
Territorial Laws 1851, Chapter 3
Act of Admission of the State of Minnesota into the Union
Analytical Table of Chapters of Minnesota Statutes
Minnesota Statutes 1971 Chapters 1-143

VOLUME II

Table of Contents
Analytical Table of Chapters of Minnesota Statutes
Minnesota Statutes 1971 Chapters 144-299I

VOLUME III

Table of Contents
Analytical Table of Chapters of Minnesota Statutes
Minnesota Statutes 1971 Chapters 300-479

VOLUME IV

Table of Contents
Analytical Table of Chapters of Minnesota Statutes
Minnesota Statutes 1971 Chapters 480-648
Revisor's certificate
District Court Terms
Appendix 1. Supreme Court
Appendix 2. District Court
Appendix 3. Municipal Courts
Appendix 4. Judges of Probate and County Courts
Appendix 5. United States Courts in Minnesota
Appendix 6. Supreme Court Rules
Appendix 7. District Court Rules
Appendix 8. Rules of Civil Procedure for the District Court of Minnesota
Appendix 9. Analysis of the State Governmental Structure
Table I Local and Special Acts
Table II Allocation of Acts
Index

MINNESOTA STATUTES 1971

PREFACE

Minnesota Statutes 1971, this publication, is prima facie evidence of the statutes therein contained. See Section 648.33.

Minnesota was admitted into the Union on May 11, 1858, a state government having been authorized by Congress on February 26, 1857.

A list of compilations and revisions of the published statutes is:

Revised Statutes of the Territory of Minnesota, 1851

Public Statutes of the State of Minnesota, 1849-1858

General Statutes, 1866

Statutes at large, 1873

General Statutes, 1878

General Statutes, 1889

General Statutes, 1891

General Statutes, 1894

Revised Laws, 1905

Revised Laws Supplement, 1909

General Statutes, 1913

Supplement to General Statutes, 1917

General Statutes, 1923

Mason's Minnesota Statutes of 1927

Mason's Supplements, 1931, 1934, 1936, 1938, 1940

Minnesota Statutes 1941

Minnesota Statutes 1945

Minnesota Statutes Annotated and annual pocket parts

Minnesota Statutes 1949

Minnesota Statutes 1953

Minnesota Statutes 1957

Minnesota Statutes 1961

Minnesota Statutes 1965

Minnesota Statutes 1967

Minnesota Statutes 1969

Minnesota Statutes 1971

The office of the Revisor of Statutes was created by Laws 1939, Chapter 442. His duties are prescribed by Minnesota Statutes, Chapters 482, 645 and 648.

Laws 1943, Chapter 545 directed the Revisor's office to prepare the text for a bulk revision of the general laws of the state in effect at the close of the 1943 legislative session. That revision was enacted by the legislature by the following enactment:

"AN ACT

Providing that the compilation and revision of general statutes of the State of Minnesota of a general and permanent nature, prepared by the Revisor of Statutes under the provisions of Laws 1943, Chapter 545, and filed in the office of the Secretary of State on December 28, 1944, be adopted and enacted as the 'Minnesota Revised Statutes.'

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Subdivision 1. The compilation and revision of the general statutes of the State of Minnesota of a general and permanent nature, prepared by the Revisor of Statutes under the provisions of Laws 1943, Chapter 545, and filed in the office of the Secretary of State on December 28, 1944, is hereby adopted and enacted as the 'Minnesota Revised Statutes.'

Subd. 2. The 'Minnesota Revised Statutes' shall not be cited, enumerated, or otherwise treated as a session law.

Sec. 2. Acts passed at the 1945 biennial session of the legislature are not repealed or modified by the adoption of the 'Minnesota Revised Statutes.'

Sec. 3. The laws contained and compiled in 'Minnesota Revised Statutes' are to be construed as continuations of the acts from which compiled and derived and not as new enactments.

MINNESOTA STATUTES 1971

PREFACE

Text

State of Minnesota, Department of State

Filed Dec. 28, 1944

Mike Holm, Secretary of State

C. Elmer Anderson, President of the Senate

Lawrence M. Hall, Speaker of the House of Representatives

Passed by the senate the sixth day of February in the year of our Lord one thousand nine hundred and forty-five.

H. Y. Torrey, Secretary of the Senate

Passed the house of representatives the second day of March in the year of our Lord one thousand nine hundred and forty-five.

G. H. Leahy, Chief Clerk, House of Representatives

Approved March 8, 1945

Edward Thye, Governor of the State of Minnesota

Filed March 9, 1945

Mike Holm, Secretary of State."

The statutes are divided into six major parts. See the Analytical Table of Chapters.

Part I Public Rights

Part II Private Rights

Part III Estates of Decedents; Guardianships

Part IV Redress of Civil Injuries

Part V Crimes, Criminals

Part VI Statutes, Construction and Publication

The unit of classification is the chapter. Each chapter is intended to embrace all the law, and no more, upon each subject that can logically be considered a separate branch of the law. Parts and titles indicate logical sequence of chapter groupings, the chapters being arranged topically under appropriate titles. Chapters consist of one or more sections. Sections may be divided into subdivisions, and occasionally sections or subdivisions are separated into lettered or numbered clauses. Sections are placed in logical sequence within the chapters, special subjects being indicated under unnumbered titles. Parts, titles, and subtitles are not used in reference or citation. The definitions applicable to a chapter are found in the first section thereof. Following this are sections stating the leading principle of the chapter. Violations and penalties are usually to be found in the last section.

The statutes contained in this edition are the statutory provisions of a general and permanent nature and consist of Minnesota Revised Statutes and the acts of a general nature enacted by the legislature at its regular sessions of 1945, 1947, 1949, 1951, 1953, 1955, 1957, 1959, 1961, 1963, 1965, 1967, 1969, and 1971 and the extra sessions of 1951, 1955, 1957, 1958, 1959, 1961, 1966, 1967, and 1971. This edition is generally arranged in conformity with Minnesota Revised Statutes and in accordance with the plan followed in prior editions of Minnesota Statutes.

Minnesota Statutes, Section 648.31 directs a decimal system of numbering of the sections contained in this edition, except that the use of alphabetical letters in addition to the decimal numbers is permitted. Under this system the whole number is the chapter number and the decimal fraction indicates the section number. Example: 31.185 means chapter 31, section .185. The decimal .185 is greater than the decimal .18 and less than the decimal .19, hence .185 is placed between .18 and .19. When a section is repealed or renumbered its number is retained in Minnesota Statutes with a note showing the repealing act or the new section number where the text will be found.

Between 1892 and 1958, when the Constitution prohibited certain special legislation, the legislature had developed a practice of enacting general laws of special application. These acts, not having been of general and permanent nature, are in the most part omitted from Minnesota Statutes. A general index of these laws has not been published. Such acts, however, appearing to relate to certain cities, villages, school districts, towns, and counties, and enacted during the 1955 and 1957 regular and extra sessions of the legislature, are listed in Table I of this edition. This table

MINNESOTA STATUTES 1971

PREFACE

vi

also lists special acts relating to local governmental units enacted pursuant to the 1958 amendments to Articles IV and XI of the Constitution during the 1959 regular and subsequent sessions of the legislature. When a general law of special application enacted prior to 1958 appears in the statutes and is thereafter amended by a special act, the law is removed from subsequent editions of the statutes and listed in Table I. The section number or numbers previously assigned the law remain in the statutes followed with a statement that it is a local law applying to a named political subdivision.

In addition to special acts, other acts not contained in the statutes are proposed constitutional amendments, appropriation acts, curative or validating acts, and acts temporary in nature.

In the publication of the session laws, acts of a general and permanent nature that are to be published in the statutes are assigned code numbers, i.e. decimal numbers, which indicate where the enactment may be found in this edition. This coding is tentative only and may be changed when compiling the statutes. The final coding of acts not previously included in Minnesota Statutes is listed in this edition in Table II, Allocation of Acts.

The "Analysis of State Governmental Structure", Appendix 9, is included for the convenience of the user of Minnesota Statutes and is kept current with the latest session laws integrated in the set.

Annotations are not printed in these statutes. Separate volumes of Annotations to Minnesota Statutes were published in 1945, and supplements thereto in 1948 and 1954. The publication thereof was discontinued by Laws 1957, Chapter 466.

The legislative history of each section, beginning with Revised Laws 1905, appears at the end of each section. The reference to Revised Laws 1905 is in brackets, and the reference to Mason's Statutes and Supplements is in parentheses.

The Revisor does not pass upon questions of law arising from the enactment of session laws. He integrates session laws into Minnesota Statutes in accordance with his statutory duties. The Revisor lacks authority to pass upon the repeal of a statute by implication, except when the implication is clear and unmistakable. Therefore many sections or parts of sections are retained in the statutes which the legislature may have intended to repeal. In most instances express legislation is required to remove sections and parts of sections from the statutes which have been repealed by implication. Neither does the Revisor determine the legal effect of conflicting amendments to the same section of the statutes. To the extent that the Revisor has been able to ascertain the existence of conflicting amendments, one of the amendments is contained under a section or subdivision number and the conflicting amendment or amendments are reported in a "note" following such section or subdivision.

This edition is cited as "Minnesota Statutes 1971." See Section 648.31. The individual sections are cited as "Minnesota Statutes 1971, Section 123.45."

The office of the Revisor of Statutes tenders its thanks to the members of the bench and bar, to the Attorney General, and to the departments and agencies of the state and local governments who have made helpful suggestions and criticisms and otherwise assisted the office in the performance of its duties. In order to improve the statutes and the publications in which they are reported, complaints, suggestions and criticisms are invited.

JOSEPH J. BRIGHT

Revisor of Statutes

CONSTITUTION OF THE UNITED STATES

ARTICLE I

Section—

1. Of the legislative power.
2. House of representatives; qualification of members; apportionment of representatives and direct taxes; census; first apportionment; vacancies; officers of the house; impeachments.
3. Senate; classification of senators; qualifications of; vice president to preside; other officers; trial of impeachments.
4. Election of members of congress; meetings of congress.
5. Powers of each house; expulsion of members; journal; adjournments.
6. Compensation and privileges; disabilities of members.
7. Revenue bills; passage and approval of bills; orders and resolutions.
8. General powers of congress.
9. Certain limitations of the powers of congress.
10. Limitation of the powers of individual states.

ARTICLE II

1. Of the executive powers; electors, how and when chosen; qualifications of president; when powers of, to devolve upon vice president; compensation and oath of president.

Section—

2. Powers and duties of president; making of treaties; powers of appointment.
3. Other powers and duties.
4. Officers liable to impeachment.

ARTICLE III

1. Of the judicial power.
2. Extent of the judicial power; jurisdiction of the supreme court; trials for crimes.
3. Treason defined; trial for and punishment.

ARTICLE IV

1. Effect of public acts, records, etc., of each state.
2. Citizenship; fugitives from justice and from service to be delivered up.
3. Admission of new states; power of congress over territory.
4. Republican form of government guaranteed to the several states; protection from invasion or domestic violence.

ARTICLE V

1. How constitution may be amended.

ARTICLE VI

1. Of the public debt; constitution to be supreme law of the land; constitutional oath of office; religious tests prohibited.

ARTICLE VII

1. Ratification of constitution.

AMENDMENTS

Amendment—

1. Religious freedom; freedom of speech and of the press; right of petition.
2. Right to bear arms.
3. Quartering of soldiers.
4. Unreasonable searches and seizures; search warrants.
5. Rights of persons charged with crimes; taking of private property.
6. Trials in criminal cases and rights of the accused.
7. Trials by jury in civil cases.
8. Excessive bail, fines and punishments.
9. Rights of the people.
10. Of powers reserved to the states.
11. Extent of judicial powers.
12. Manner of electing president and vice president; qualification of vice president.
13. Prohibition of slavery.
14. Citizenship; security of persons and property;

Amendment—

- apportionment of representatives; who prohibited from holding office; validity of the public debt; what obligation to be void.
15. Right of citizens to vote.
16. Income tax.
17. Election of United States senators.
18. Prohibition of the liquor traffic.
19. Women's suffrage.
20. Dates of beginning and ending of terms of president and vice president, senators and representatives and date of the assembling of the congress declared.
21. Eighteenth article of amendment repealed.
22. Limitations on Presidential terms.
23. Presidential Electors for District of Columbia.
24. Elections; abolition of the poll tax.
25. Presidential succession.
26. Elective franchise.

Preamble. We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, 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

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

Sec. 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 30,000, but each state

MINNESOTA STATUTES 1971

UNITED STATES CONSTITUTION

viii

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, 1; Connecticut, 5; New York, 6; New Jersey, 4; Pennsylvania, 8; Delaware, 1; Maryland, 6; Virginia, 10; North Carolina, 5; South Carolina, 5; Georgia, 3.

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.

¹Sec. 3. 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.

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.

¹When 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 appointments until the people fill the vacancies by election as the legislature may direct.

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 own 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.

Sec. 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.

Sec. 5. Each house shall be the judge of the election 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.

Sec. 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.

Sec. 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 becomes 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 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 repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

Sec. 8. The Congress shall have power:

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform through the United States;

To borrow money on the credit of the United States;

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

To establish a uniform rule of naturalization and uniform laws on the subject of bankruptcies throughout the United States;

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

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

To establish postoffices and postroads;

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;

To constitute tribunals inferior to the supreme court;

To define and punish piracies and felonies committed on the high seas, and offenses, against the laws of nations;

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

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

To provide and maintain a navy;

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

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

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;

To exercise exclusive legislation in all cases whatsoever over such district (not

UNITED STATES CONSTITUTION

x

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, dock yards, 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.

Sec. 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 case 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 hereinbefore 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 expenditures 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 and 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.

Sec. 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 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.

¹Amendments ratified 1913. See Amendment No. 17.

ARTICLE II

Section 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.

²[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 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 appointed, if such a 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 vote 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 remain two or more who have equal votes, the senate shall choose from them, by ballot, the vice president.]

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."

Sec. 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 offenses 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 all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

Sec. 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.

Sec. 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.

*The portion in brackets has been superseded by the 12th amendment.

ARTICLE III

Section 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,

MINNESOTA STATUTES 1971

UNITED STATES CONSTITUTION

xii

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.

Sec. 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.

Sec. 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.

*See the 11th amendment.

ARTICLE IV

Section 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.

Sec. 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.

Sec. 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.

Sec. 4. The United States shall guarantee to every state in the 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 amend-

MINNESOTA STATUTES 1971

xiii

UNITED STATES CONSTITUTION

ments, 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.

AMENDMENTS

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.

AMENDMENT 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, or to petition the government for a redress of grievances.

AMENDMENT 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.

AMENDMENT 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.

AMENDMENT 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 warrant 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.

AMENDMENT 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 and public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be 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.

AMENDMENT 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,

MINNESOTA STATUTES 1971

UNITED STATES CONSTITUTION

xiv

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 for his defense.

AMENDMENT 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 in the United States than according to the rules of the common law.

AMENDMENT VIII

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

AMENDMENT IX

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

AMENDMENT 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.

AMENDMENT 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.

AMENDMENT 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 ballot 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 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 vote 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. 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.

AMENDMENT XIII

Section 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.

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

AMENDMENT XIV

Section 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.

Sec. 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.

Sec. 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.

Sec. 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.

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

AMENDMENT XV

Section 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.

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

AMENDMENT 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.

AMENDMENT 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.

AMENDMENT XVIII

Section 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.

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

MINNESOTA STATUTES 1971

UNITED STATES CONSTITUTION

xvi

AMENDMENT XIX

Section 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.

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

AMENDMENT XX

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Sec. 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.

Sec. 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Sec. 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Sec. 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

AMENDMENT XXI

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Sec. 2. The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

AMENDMENT XXII

Section 1. No person shall be elected to the office of President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President, or acting as President, during the remainder of such term.

AMENDMENT XXIII

Section 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

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

AMENDMENT XXIV

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or

MINNESOTA STATUTES 1971

xvii

UNITED STATES CONSTITUTION

abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

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

AMENDMENT XXV

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Sec. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Sec. 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Sec. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

AMENDMENT XXVI

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

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

NOTE.—The Constitution was adopted Sept. 17, 1787, by the unanimous consent of the states present in the convention appointed in pursuance of the resolution of the Congress of the confederation, of the twenty-first of February, 1787, and was ratified by the conventions of the several states, as follows, viz.: By convention of Delaware, Dec. 7, 1787; Pennsylvania, Dec. 12, 1787; New Jersey, Dec. 18, 1787; Georgia, Jan. 2, 1788; Connecticut, Jan. 9, 1788; Massachusetts, Feb. 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788; Virginia, June 26, 1788; New York, July 26, 1788; North Carolina, Nov. 21, 1789; Rhode Island, May 29, 1790.

The first ten of the amendments were proposed at the first session of the First Congress of the United States, Sept. 25, 1789; and were finally ratified by the constitutional number of states Dec. 15, 1791. The eleventh amendment was proposed at the first session of the Third Congress, March 5, 1794, and was declared in a message from the president of the United States to both houses of Congress, dated Jan. 8, 1798, to have been adopted by the constitutional number of states. The twelfth amendment was proposed at the first session of the Eighth Congress, Dec. 12, 1803, and was adopted by the constitutional number of states in 1804, according to a public notice thereof by the secretary of state, dated Sept. 25, 1804.

The thirteenth amendment took effect December 18, 1865.

The fourteenth amendment took effect July 28, 1868.

The fifteenth amendment took effect March 30, 1870.

The sixteenth amendment took effect February 25, 1913.

The seventeenth amendment took effect May 31, 1913.

The eighteenth amendment took effect January 29, 1920.*

The nineteenth amendment took effect August 27, 1920.

The twentieth amendment took effect February 6, 1933.

The twenty-first amendment took effect December 5, 1933.

The twenty-second amendment took effect March 1, 1951.

The twenty-third amendment took effect April 3, 1961.

The twenty-fourth amendment took effect Feb. 4, 1964.

The twenty-fifth amendment took effect February 23, 1967.

The twenty-sixth amendment took effect July 5, 1971.

*The eighteenth amendment was repealed by the twenty-first amendment.

NORTHWEST ORDINANCE 1787
ACT OF CONGRESS, JULY 13, 1787

An Ordinance for the government of the territory of the United States northwest of the river Ohio.

1. Be it ordained by the United States, in Congress assembled, That the said territory, for the purpose of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

2. Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among, their children and the descendants of a deceased child in equal parts, the descendants of a deceased child or grandchild to take the share of their deceased parent in equal parts among them; and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parent's share; and there shall, in no case, be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate her third part of the real estate for life, and one-third part of the personal estate; and this law, relative to descents and dower, shall remain in full force until altered by the Legislature of the district. And until the Governor and judges shall adopt laws, as hereinafter mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be, (being of full age), and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person, being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers, shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

3. Be it ordained by the authority aforesaid, That there shall be appointed, from time to time, by Congress, a Governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in 1,000 acres of land, while in the exercise of his office.

4. There shall be appointed from time to time, by Congress, a Secretary, whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office. It shall be his duty to keep and preserve the Acts and laws passed by the Legislature, and the public records of the district, and the proceedings of the Governor in his executive department, and transmit authentic copies of such Acts and proceedings every six months, to the Secretary of Congress. There shall also be appointed a court, to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commission shall continue in force during good behavior.

5. The Governor and judges, or a majority of them, shall adopt and publish in the district such laws of the original States, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress from time to time, which laws shall be in force in the district until the organization

of the General Assembly therein, unless disapproved of by Congress; but afterwards the Legislature shall have authority to alter them as they shall think fit.

6. The Governor, for the time being, shall be commander-in-chief of the militia, appoint and commission all officers in the same below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

7. Previous to the organization of the general assembly, the Governor shall appoint such magistrates, and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the General Assembly shall be organized the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall, during the continuance of this temporary government, be appointed by the Governor.

8. For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the Governor shall make proper divisions thereof; and he shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject, however, to such alterations as may thereafter be made by the Legislature.

9. So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the Governor, they shall receive authority, with the time and place, to elect Representatives from their counties or townships, to represent them in the General Assembly: Provided, that for every five hundred free male inhabitants there shall be one Representative, and soon, progressively, with the number of free male inhabitants, shall the right of representation increase, until the number of Representatives shall amount to twenty-five; after which the number and proportion of Representatives shall be regulated by the legislature: Provided, that no person be eligible or qualified to act as a Representative, unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and, in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: Provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the States, and being resident in the district, or the like freehold and two years' residence in the district, shall be necessary to qualify a man as an elector of a Representative.

10. The Representatives thus elected shall serve for the term of two years; and in case of the death of a Representative, or removal from office, the Governor shall issue a writ to the county or township, for which he was a member, to elect another in his stead, to serve for the residue of the term.

11. The General Assembly, or Legislature, shall consist of the Governor, Legislative Council, and a House of Representatives. The Legislative Council shall consist of five members, to continue in office five years, unless sooner removed by Congress; any three of whom to be a quorum; and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as Representatives shall be elected the Governor shall appoint a time and place for them to meet together, and when met they shall nominate ten persons, resident in the district, and each possessed of a freehold in five hundred acres of land, and return their names to Congress, five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the Council, by death or removal from office, the House of Representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress, one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of the Council, the said House shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission to serve as members of the Council five years, unless sooner removed. And the Governor, Legislative Council, and House of Representatives shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this Ordinance established and declared. And all bills, having passed by a majority in the House, and by a majority in the Council, shall be referred to the Governor for his assent; but no bill or legislative Act whatever shall be of any force without his assent. The Governor shall have power to convene, prorogue, and dissolve the General Assembly when, in his opinion, it shall be expedient.

MINNESOTA STATUTES 1971

NORTHWEST ORDINANCE

XX

12. The Governor, judges, Legislative Council, Secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office; the Governor before the President of Congress, and all other officers before the Governor. As soon as a legislature shall be formed in the district, the Council and House assembled, in one room, shall have authority, by joint ballot, to elect a delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.

13. And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and Constitutions, are erected; to fix and establish those principles as the basis of all laws, Constitutions, and governments, which forever hereafter shall be formed in the said territory; to provide, also, for the establishment of States, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original States, at as early periods as may be consistent with the general interest:

14. It is hereby ordained and declared, by the authority aforesaid, that the following articles shall be considered as articles of compact, between the original States and the people and States in the said territory, and forever remain unalterable, unless by common consent, to wit:

Article I. No person demeaning himself in a peaceable and orderly manner shall ever be molested on account of his mode of worship, or religious sentiments in the said territories.

Art. II. The inhabitants of the said territory shall always be entitled to the benefits of the writs of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the Legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great. All fines shall be moderate, and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared that no law ought ever to be made or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts, or engagements bona fide and without fraud previously formed.

Art. III. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Art. IV. The said territory, and the States which may be formed therein, shall forever remain a part of this Confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the Acts and Ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted, or to be contracted, and a proportional part of the expenses of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion shall be laid and levied by the authority and direction of the Legislatures of the district, or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The Legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall nonresident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and Saint Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to

MINNESOTA STATUTES 1971

xxi

NORTHWEST ORDINANCE

the inhabitants of the said territory as to the citizens of the United States, and those of any other States that may be admitted into the Confederacy, without any tax, impost, or duty therefor.

Art. V. There shall be formed in the said territory not less than three nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her Act of cession, and consent to the same, shall become fixed and established as follows, to wit: The western State, in the said territory, shall be bounded by the Mississippi, the Ohio, and the Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle States shall be bounded by the said direct line, the Wabash from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: Provided, however, and it is further understood and declared, that the boundaries of these three States, shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respects whatever; and shall be at liberty to form a permanent Constitution and State government: Provided, the Constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these Articles, and, so far as it can be consistent with the general interest of the Confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

Art. VI. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: Provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23rd of April, 1784, relative to the subject of this Ordinance, be, and the same are hereby, repealed, and declared null and void.

Done by the United States, in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the 12th.

MINNESOTA STATUTES 1971

ORGANIC ACT OF MINNESOTA

An act to establish the Territorial Government of Minnesota.
[Passed March 3, 1849.]

Section 1. *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 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.

Sec. 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 offenses against the law of said Territory, and reprieves for offenses 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.

Sec. 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 senate 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 the duties of the governor during such vacancy or necessary absence, or until another governor shall be duly appointed to fill such vacancy.

Sec. 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 districts 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 times 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 and 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 also 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 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 of the representation in the several counties or districts to the council and house of representatives, according to the population, shall be prescribed by laws, as well as the day of the commencement of the regular session of the legislative assembly; *provided*, that no one session shall exceed the term of sixty days.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

MINNESOTA STATUTES 1971

ORGANIC ACT OF MINNESOTA

xxiv

Sec. 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 time and places as may be prescribed by law; and the said judges shall, after their appointment, 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 probate courts and justices 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 judges 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.

Sec. 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.

Sec. 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 associate 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,

MINNESOTA STATUTES 1971

XXV

ORGANIC ACT OF MINNESOTA

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 \$1,500 as governor, and \$1,000 as superintendent of Indian affairs. The chief justice and associate justice shall each receive an annual salary of \$1,800. The secretary shall receive an annual salary of \$1,800. 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 session 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 \$1,000, 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.

Sec. 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.

Sec. 13. *And be it further enacted*, That the legislative assembly of the Territory of Minnesota shall hold its first session in 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.

Sec. 14. *And be it further enacted*, That a delegate of 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 time 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.

Sec. 15. *And be it further enacted*, That all suits, process and proceedings, civil and criminal, at law or 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

MINNESOTA STATUTES 1971

ORGANIC ACT OF MINNESOTA

xxvi

courts established by this act; and all penalties, forfeitures, actions and causes of action 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.

Sec. 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.

Sec. 17. *And be it further enacted*, That the sum of \$5,000 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 attorneys of said Territory, and such other persons and under such regulations as shall be prescribed by law.

Sec. 18. *And be it further enacted*, That when the lands in 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.

Sec. 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.

Sec. 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 presented 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 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 legislative assembly, by adjournment, prevent it, in which case it shall not become a law.

ACT AUTHORIZING A STATE GOVERNMENT

[Passed Feb. 26, 1857.]

Section 1. *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 Bois de 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 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 with 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 the British Possessions; thence up Pigeon river and following said dividing line to the place of beginning, be and they hereby are 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.

Sec. 2. *And be it further enacted,* That 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 state or states now or hereafter to be formed or bounded by the same; and said river or 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.

Sec. 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 shall 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.

Sec. 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.

Sec. 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:

MINNESOTA STATUTES 1971

ACT AUTHORIZING A STATE GOVERNMENT

xxviii

First—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.

Second—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 at 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.

Third—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.

Fourth—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; and 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 in individuals, or which may be hereafter confirmed or adjudged to any individual or individuals, shall by this article be granted to said State.

Fifth—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 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 nonresident proprietors be taxed higher than residents.

MINNESOTA STATUTES 1971

CONSTITUTION OF THE STATE OF MINNESOTA

Adopted October 13, 1857. Ayes, 30,055; Nays, 571

Article—

1. Bill of rights.
2. Name and boundaries.
3. Distribution of the powers of government.
4. Legislative department.
5. Executive department.
6. Judiciary.
7. Elective franchise.
8. School funds, education and science.
9. Finances of the state and banks and banking.
10. Corporations having no banking privileges.

Article—

11. Local government.
12. The militia.
13. Impeachment and removal from office.
14. Amendments to the constitution.
15. Miscellaneous subjects.
16. Public highway system.
17. Forest fires; prevention, abatement.
18. Forestation and reforestation.
19. Aeronautics.
20. Veterans bonus.
21. Taconite taxation.

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 I

BILL OF RIGHTS

Object of government. Section 1. 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.

Rights and privileges. Sec. 2. 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 the punishment of crime, whereof the party shall have been duly convicted.

Liberty of the press. Sec. 3. 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.

Trial by jury. Sec. 4. 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 (6) hours' deliberation, shall be a sufficient verdict therein.¹

No excessive bail or unusual punishments. Sec. 5. Excessive bail shall not be required, nor shall excessive fines be imposed; nor shall cruel or unusual punishments be inflicted.

Rights of accused in criminal prosecutions. Sec. 6. In all criminal prosecutions the accused shall enjoy the right to a speedy and 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 defense.

Due process; prosecutions; second jeopardy; self-incrimination; bail; habeas corpus. Sec. 7. No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be put twice in jeop-

MINNESOTA STATUTES 1971

MINNESOTA CONSTITUTION

XXX

ard 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 offenses 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.

Redress of injuries or wrongs. Sec. 8. 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, conformable to the laws.

Treason defined. Sec. 9. 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.

Right against unreasonable searches. Sec. 10. 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 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.

Prohibits ex post facto laws, or laws impairing contracts. Sec. 11. 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.

Imprisonment for debt; property exemption. Sec. 12. 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 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.²

Private property for public use. Sec. 13. Private property shall not be taken, destroyed or damaged for public use without just compensation therefor, first paid or secured.³

Military power subordinate. Sec. 14. The military shall be subordinate to the civil power, and no standing army shall be kept up in this State in times of peace.

Lands declared allodial; leases, when void. Sec. 15. All lands within the State are declared to be allodial, and feudal tenures of every description, with all their incidents, are prohibited. Leases and grants of agricultural lands 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.

Freedom of conscience; no preference to be given to any religious establishment or mode of worship. Sec. 16. 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 of or interference with the rights of conscience be permitted, 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.

No religious test or property qualifications to be required. Sec. 17. 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.

No license to peddle. Sec. 18. Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor.⁴

¹Amended Nov. 4, 1890.

²Amended Nov. 6, 1888.

³Amended Nov. 3, 1896.

⁴Adopted Nov. 6, 1906.

ARTICLE II

NAME AND BOUNDARIES

Name and boundaries. Section 1. 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 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.^{1, 2}

Jurisdiction on bordering rivers. Sec. 2. The State of Minnesota shall have concurrent jurisdiction on the Mississippi and on 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.

Acceptance of propositions in enabling act. Sec. 3. 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 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.

¹The northern boundary of the state at the Lake of the Woods is projected beyond the 49th parallel a distance of about twenty miles, making a wedge-shaped jog through the lake until it strikes firm ground on the west bank of the lake; thence in a due south line to the 49th parallel. The explanation of this jog is found in the subjoined paragraphs. In the seventh article of the treaty of Ghent, section 19 reads as follows: Sec. 19. Resolved that the following described (also represented on said map as before mentioned), is, in the opinion of the commissioners, so far as the same extends, the true boundary intended by the before mentioned treaties, namely: * * * thence through the middle of the waters of this bay to the northwest extremity of the same; being the most northwestern point of the Lake of the Woods, and from a monument in this bay, on the nearest firm ground to the above northwest extremity of said bay, the courses and distances are as follows: 56° W. 1,565½ feet; 2nd, N. 6° W. 861½ feet; 3rd, N. 28° W. 615.4 feet; 4th, N. 27° 10' W. 495.4 feet; 5th, N. 5° 10' E. 1,322½ feet; 6th, N. 70° 45' W. 493 feet, the variation being 12° east. The termination of this 6th and last course and distance being the above said most northwestern point of the Lake of the Woods, as designated by the seventh article of the treaty of Ghent, and being in latitude 49° 23' 55" north of the equator, and in longitude 95° 14' 38" west from Greenwich. The second article of the convention of 1818 is as follows: Article 2. It is agreed that a line drawn from the most northwestern point of the Lake of the Woods along the 49th parallel of north latitude, or, if the said point shall not be in the 49th parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west, along and with the said parallel, shall be the line of demarkation between the territories of the United States and His Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States and the southern boundary of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains. This boundary was re-established and determined by a commission authorized by congress, and the surveys embracing four years were made and reported to congress in 1877.

²See also Laws 1961, Chapter 236.

ARTICLE III

DISTRIBUTION OF THE POWERS OF GOVERNMENT

Division of powers. Section 1. The powers of government shall be divided into three distinct departments—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.

ARTICLE IV

LEGISLATIVE DEPARTMENT

Legislature meets biennially; length of session. Section 1. The legislature shall consist of the Senate and House of Representatives. The senate shall be composed of members elected for a term of four years and the house of representatives shall be composed of members elected for a term of two years by the qualified voters at the general election.

The legislature shall meet at the seat of government in regular session in each odd numbered year at the time prescribed by law for a term not exceeding 120 legislative days; and no new bill shall be introduced in either branch, except on the written request of the Governor, during the last 30 days of such sessions.

A special session of the legislature may be called as otherwise provided by this constitution.¹

Apportionment of members. Sec. 2. The number of members who compose the Senate and House of Representatives shall be prescribed by law, but the representation in the Senate shall never exceed one member for every 5,000 inhabitants, and in the House of Representatives one member for every 2,000 inhabitants. The representation in both houses shall be apportioned equally throughout the different sections of the state, in proportion to the population thereof.²

Eligibility of members; quorum. Sec. 3. 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.

Rules of government. Sec. 4. 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 offense.

Officers; journal of proceedings. Sec. 5. 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.

Length of adjournments. Sec. 6. 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.

Compensation. Sec. 7. The compensation of senators and representatives shall 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.³

Privilege from arrest. Sec. 8. 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.

Restriction as to holding office. Sec. 9. No senator or representative shall hold any other office under the authority of the United States or the State of Minnesota, except that of postmaster or of notary public. If elected or appointed to another office, a legislator may resign from the legislature by tendering his resignation to the governor.⁴

Bills of revenue to originate in House. Sec. 10. All bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose and concur with the amendments as on other bills.

Approval of bills by Governor; action on non-approval. Sec. 11. Every bill which shall have passed the Senate and the 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 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. Bills may be presented to the governor during the three days following the day of the final adjournment of the legislature and the legislature may prescribe the method of performing the acts necessary to present bills to the governor after adjournment. The governor may approve, sign and file in the office of the secretary of state, within 14 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 passed during the last three days of the session is not signed and filed within 14 days after the adjournment, it shall not become a law.

If any bill presented to the governor contain 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.⁵

Money appropriations, how made. Sec. 12. 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.

Majority vote of all members-elect to pass a law. Sec. 13. 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.

Impeachment powers. Sec. 14. 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.

Exclusion from civil rights. Sec. 15. 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.

Protest and dissent of members. Sec. 16. 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.

Vacancies in legislature. Sec. 17. The governor shall issue writs of election to fill such vacancies as may occur, by resignation or any other cause, 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.⁶

Punishment for disorderly conduct. Sec. 18. 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.

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

Reading of bills. Sec. 20. 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 pending 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.

Enrollment of bills. Sec. 21. 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.

Passage of bills on last day of session prohibited. Sec. 22. 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 enrollment 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.

Census enumeration apportionment. Sec. 23. The legislature shall have the power to provide by law for an enumeration of the inhabitants of this State, and also have the power at their first session after each enumeration of the inhabitants of this state made by the authority of the United States, 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.⁷

Senatorial districts; term of office of senators and representatives. Sec. 24. The senators shall also 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 of the year one thousand eight hundred and seventy-eight (1878), at which time there shall be an entire new election of all 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.

Qualification of legislators. Sec. 25. 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.

Laws to embrace only one subject. Sec. 27. No law shall embrace more than one subject, which shall be expressed in its title.

Divorces. Sec. 28. Divorces shall not be granted by the legislature.

Oath of office. Sec. 29. 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.

Elections viva voce. Sec. 30. 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.

Prohibition of lotteries. Sec. 31. The legislature shall never authorize any lottery or the sale of lottery tickets.

Change of form of taxation of railroads to be voted upon. Sec. 32. [a] 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.

Internal improvement lands; investment of proceeds in bonds. Sec. 32. [b] 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 fourth, eighteen hundred and forty-one, being "An act to appropriate the proceeds of the sale 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 (1), chapter thirty-eight, of the General Statutes, except the modifications hereinafter mentioned. All moneys derived from the sales of 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 (1), chapter thirty-eight (38), aforesaid, derived from the sale of 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."

Principal not to be reduced. 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 (50), of title one (1), chapter thirty-eight (38), 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."

Appropriations therefrom to be voted upon before valid. The force of this amendment shall be to authorize the sale of the internal improvement lands, without further legislative enactment.⁸

Against special legislation. Sec. 33. In all cases when a general law can be made applicable, no special law shall be enacted, except as provided in Article XI; 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 authorizing the laying out, opening, altering, vacating or maintaining roads, highways, streets or alleys; remitting fines, penalties or forfeitures; changing the names of persons, places, lakes or rivers; authorizing the adoption or legitima-

tion 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; exempting property from taxation or regulating the rate of interest on money; creating private corporations, or amending, renewing, extending or explaining the charters thereof; granting to any private corporation, association, or individual any special or exclusive privilege, immunity or franchise whatever or authorizing public taxation for a private purpose. 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.

Repeal of existing special laws. The legislature may repeal any existing special or local law, but shall not amend, extend or modify any of the same except as provided in Article XI.⁹

General laws under 1881 amendment. Sec. 34. The legislature shall provide general laws for the transaction of any business that may be prohibited by section one (1) of this amendment, and all such laws shall be uniform in their operation throughout the State.

Against combinations or pools to affect markets. Sec. 35. Any combinations 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.

¹Changed by amendment adopted Nov. 6, 1962.

²Changed by amendment adopted Nov. 3, 1964.

³Changed by amendment adopted Nov. 3, 1964.

⁴Changed by amendment adopted Nov. 5, 1968.

⁵Changed by amendment adopted Nov. 5, 1968.

⁶Changed by amendment adopted Nov. 5, 1968.

⁷Changed by amendment adopted Nov. 3, 1964.

⁸Changed by amendment adopted Nov. 3, 1964.

⁹Changed by amendment adopted Nov. 4, 1958.

ARTICLE V

EXECUTIVE DEPARTMENT

Officers in executive department. Section 1. 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.

Election returns to be sent to secretary of state. Sec. 2. 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.

Official term of governor and lieutenant governor; qualifications. Sec. 3. The term of office for the Governor and lieutenant governor shall be four years, and until their successors are chosen and qualified. Each shall have attained the age of 25 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.¹

Powers and duties of governor. Sec. 4. 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, suppress insurrection and 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 supreme 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 offenses against the State, except in cases of impeachment. He shall have power, by and with the advice and consent of the Senate, to appoint 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 end of the term for which the person who had vacated the office was elected, or the first Monday in January following the next general election whichever is sooner, and until their successors are chosen and qualified.²

Official term of other executive officers. Sec. 5. The official term of the secretary of state, treasurer, attorney general, and 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 salaries of the executive officers shall each be prescribed by law.³

Duties of Lieutenant Governor and succession to office of Governor during emergency. Sec. 6. 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. In case the Governor shall be unable to discharge the powers and duties of his office, the same shall devolve on the Lieutenant Governor. The legislature may by law provide for the case of the removal, death, resignation, or inability both of the Governor and Lieutenant Governor to discharge the duties of Governor and may provide by law for continuity of government in periods of emergency resulting from disasters caused by enemy attack in this state, including but not limited to, succession to the powers and duties of public office and change of the seat of government.⁴

Terms of first state officers. Sec. 7. 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.

Oath of office to be taken by State officers. Sec. 8. 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.

¹Changed by amendment adopted Nov. 4, 1958.

²Changed by amendment adopted Nov. 3, 1964.

³Changed by amendment adopted Nov. 4, 1958.

⁴Changed by amendment adopted Nov. 8, 1960.

ARTICLE VI

JUDICIARY

Judicial power. Section 1. The judicial power of the state is hereby vested in a supreme court, a district court, a probate court, and such other courts, minor judicial officers and commissioners with jurisdiction inferior to the district court as the legislature may establish.

Supreme court. Sec. 2. The supreme court shall consist of one chief judge and not less than six nor more than eight associate judges, as the legislature may establish. It shall have original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases, but there shall be no trial by jury in said court.

A judge of the district court may be assigned as provided by law temporarily to act as a judge of the supreme court upon its request.

The supreme court shall appoint, to serve at its pleasure, a clerk, a reporter, a

MINNESOTA STATUTES 1971

MINNESOTA CONSTITUTION

xxxviii

state law librarian, and such other employees as it may deem necessary.

Judicial districts; district judges. Sec. 3. The number and boundaries of judicial districts shall be established or changed in the manner provided by law but the office of a district judge may not be abolished during his term. There shall be two or more district judges in each district. Each judge of the district court in any district shall be a resident of such district at the time of his selection and during his continuance in office.

District court clerks. Sec. 4. There shall be elected in each county one clerk of the district court, whose qualifications and duties shall be prescribed by law, and whose term of office shall be four years. His compensation shall be prescribed by law and shall not be diminished during his term of office.

Jurisdiction of district court. Sec. 5. The district court shall have original jurisdiction in all civil and criminal cases, and shall have such appellate jurisdiction as may be prescribed by law.

Jurisdiction of probate court. Sec. 6. The probate court shall have unlimited original jurisdiction in law and equity for the administration of the estates of deceased persons and all guardianship and incompetency proceedings, and such further jurisdiction as the legislature may establish, including jurisdiction over the administration of trust estates and for the determination of taxes contingent upon death. Until otherwise provided by law, each county shall constitute a probate court district and there shall be one or more probate judges in each district. Each judge of the probate court in any district shall be a resident of such district at the time of his selection and during his continuance in office.

Qualifications; compensation. Sec. 7. Judges of the supreme court, the district court, and the probate court shall be learned in the law. The qualifications of all other judges and judicial officers shall be prescribed by law. The compensation of all judges shall be prescribed by the legislature and shall not be diminished during their term of office.

Terms of office; election; reelection. Sec. 8. The term of office of all judges shall be six years and until their successors are qualified, and they shall be elected in the manner provided by law by the electors of the state, district, county, municipality, or other territory wherein they are to serve.

Holding other office. Sec. 9. Judges of the supreme court and the district court shall not hold any office under the United States except a commission in a reserve component of the military forces of the United States and shall not hold any other office under this state. The term of office of any such judge shall terminate at the time he files as a candidate for an elective office of the United States or for a nonjudicial office of this state.

Retirement. Sec. 10. The legislature may provide by law for retirement of all judges, for the extension of the term of any judge who shall become eligible for retirement within three years after expiration of the term for which he is selected and for the removal of any judge who is incapacitated while in office.

Vacancy. Sec. 11. Whenever there is a vacancy in the office of judge the governor shall appoint in the manner provided by law a qualified person to fill the vacancy, to hold office until his successor is elected and qualified. The successor shall be elected for a six year term at the next general election occurring more than one year after such appointment.

Retired judges. Sec. 12. As provided by law, a retired judge may be assigned to hear and decide any cause over which the court to which he is assigned shall have jurisdiction.

SCHEDULE

(a) All justices of the peace shall continue in office each for the remainder of his term which remains unexpired at the time this Article takes effect.

(b) All probate judges in office at the time this Article takes effect shall be deemed learned in the law for the purpose of continuance in, and reelection to, any judicial office inferior to the district court.

(c) All municipal courts in existence at the time this Article takes effect shall continue in existence until otherwise provided by law.

(d) Salary schedules, in effect when this Article takes effect for the compensation of judges, court commissioners, clerks of court, and other court employees, shall remain in effect until otherwise prescribed by the legislature or provided by law.

(e) Statutory provisions fixing the retirement compensation of judges, in effect when this Article takes effect shall remain in effect until otherwise provided by law.

(f) The office of court commissioner in any county at the time this Article takes effect shall continue in existence until otherwise provided by law.

¹Article VI, including schedule, adopted November 6, 1956.

ARTICLE VII

ELECTIVE FRANCHISE

Elective franchise. Section 1. Every person of the age of 19 years or more who has been a citizen of the United States for three months and who has resided in this state six months and in the precinct for thirty days next preceding an election shall be entitled to vote in that precinct, and the place of voting by one otherwise qualified who has changed his residence within thirty days preceding the election may be prescribed by law.¹

Non-eligible. Sec. 2. 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.

Residence not lost in certain cases. Sec. 3. 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 in any seminary of learning; nor while kept at any almshouse or asylum; nor while confined in any public prison.

Soldiers and sailors; restriction. Sec. 4. 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.

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

Elections by ballots. Sec. 6. All elections shall be by ballot, except for such town officers as may be directed by law to be otherwise chosen.

Right to hold office. Sec. 7. Every person who by the provisions of this article shall be entitled to vote at any election and is twenty-one years of age 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 law of the United States.²

Official year of the state. Sec. 9. 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 general election shall be

University of Minnesota; location confirmed. Sec. 3. 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.

Permanent school fund; source; investment. Sec. 4. The permanent school fund of the state shall consist of (a) the proceeds of such lands as are or hereafter may be granted by the United States for the use of schools within each township, (b) the proceeds derived from swamp lands granted to the state, and (c) all cash and investments now or hereafter credited to the permanent school fund and to the swamp land fund. No portion of said lands shall be sold otherwise than at public sale, and in the manner provided by law. All funds arising from the sale or other disposition of such lands, or income accruing in any way before the sale or disposition thereof, shall be credited to the permanent school fund. Within limitations prescribed by law, to secure the maximum return thereon consistent with the maintenance of the perpetuity of the fund, such fund may be invested in: (1) interest bearing fixed income securities of the United States and of its agencies, fixed income securities guaranteed in full as to payment of principal and interest by the United States, bonds of the state of Minnesota, or its political subdivisions or agencies, or of other states, but not more than 50 percent of any issue by a political subdivision, shall be purchased; (2) stocks of corporations on which cash dividends have been paid from earnings for five consecutive years or longer immediately prior to purchase, but not more than 20 percent of said fund shall be invested therein at any given time, nor more than one percent in stock of any one corporation, nor shall more than five percent of the voting stock of any one corporation be owned; (3) bonds of corporations whose earnings have been at least three times the interest requirements on outstanding bonds for five consecutive years or longer immediately prior to purchase, but not more than 40 percent of said fund shall be invested in corporate bonds at any given time. The percentages referred to above shall be computed using the cost price of the stocks or bonds. The principal of the permanent school fund shall be perpetual and inviolate forever; provided, that this shall not prevent the sale of any public or private stocks or bonds at less than the cost thereof to the fund; however, all losses not offset by all gains, shall be repaid to the fund from the interest and dividends earned thereafter. The net interest and dividends arising from the investment thereof shall be distributed to the different school districts of the state in proportion to the number of scholars in each district between the ages of five and twenty-one years. No such investment shall be made until approved by a board of investment consisting of the governor, the state auditor, the state treasurer, the secretary of state, and the attorney general, who are hereby constituted a state board of investment for the purpose of administering and directing the investment of all state funds.

The state board of investment shall not permit the fund to be used for the underwriting or direct purchase of municipal securities from the issuer or his agent.

Investment of permanent university fund; approval; bonded indebtedness not to exceed 15 percent, draw not less than two percent, run not less than one year nor more than 30 years. Sec. 5. The permanent university fund of this state may be loaned to or 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 percent of the assessed valuation of the taxable property of the county, school district, city, town, or village issuing such bonds; nor shall any such farm loan or investment be made when such investment or loan would exceed 30 percent of the actual cash value of the farm land mortgaged to secure said investment; nor shall such investments or loans be made at a lower rate of interest than two percent per annum, nor for a shorter period than one year nor for a longer period than 30 years and no change of the town, school district, city, village, or county lines

shall relieve the real property in such town, school district, county, village, or city in this state at the time of issuing such bonds from any liability for taxation to pay such bonds.

Timber lands set apart as state forests; disposition of revenue. Sec. 6. 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.

Exchange of public lands; reservation of rights. Sec. 7. Any of the public lands of the state, including lands held in trust for any purpose, may, with the unanimous approval of a commission consisting of the governor, the attorney general and the state auditor, be exchanged for lands of the United States and/or privately owned lands in such manner as the legislature may provide, and the lands so acquired shall be subject to the trust, if any, to which the lands exchanged therefor were subject, and the state shall reserve all mineral and water power rights in lands so transferred by the state.

¹Article 8, section 1, which directs the establishment of a general and uniform system of public schools, does not prohibit the legislature from providing public schools other than those included in the general system, or creating exceptional districts, to meet particular and exceptional cases; and the exception from the operation of a general law relating to public schools of independent school districts, and schools specially provided for, does not violate the constitutional provision. 25 Minn. 1.

N.B.—Article VIII, Sections 2 and 5 were consolidated into a new Section 4; Section 6 was amended; Sections 3, 4, 6, 7, and 8 were renumbered 2, 3, 5, 6, and 7, respectively; and old Sections 2 and 5 were repealed, by amendment as adopted November 6, 1962.

ARTICLE IX

FINANCES OF THE STATE AND BANKS AND BANKING

Power of taxation; legislature may authorize. Section 1. 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 except as provided in this section, and there may be exempted from taxation personal property not exceeding in value \$200, for each household, individual or head of a family, and household goods and farm machinery, 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. The legislature may by law define or limit the property exempt under this section, other than churches, houses of worship, and property solely used for educational purposes by academies, colleges, universities and seminaries of learning.¹

Occupation tax. Sec. 1A. 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 used as follows: 50 percent to the state general revenue fund, 40 percent for the support of elementary and secondary schools and ten percent for the general support of the university. The legislature shall by law make the necessary provisions for carrying out the provisions of this section.²

NOTE: The part of this section providing for distribution of the fund, adopted November 6, 1956.

N.B. Section 1B expired on December 31, 1958.

Sections 2, 3 and 4 obsolete, because in 1906 there was adopted the section which now is Section 1 in this article. It supplanted Sections 1, 2, 3 and 4 and the unnumbered section of 1896. This amendment is sometimes called the wide open tax amendment. No amendments have been adopted to take the place of the old Sections 2, 3 and 4. There is therefore a gap in the numbering from 1 to 5.

Internal improvements prohibited; exceptions. Sec. 5. The state shall never be a party in carrying on works of internal improvements, except as authorized by 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 the proceeds of such tax in the highway user tax distribution fund provided for in this Constitution, 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.^a

Power to contract public debts; purposes; certificates of indebtedness; bonds. Sec. 6. Subdivision 1. The state may contract public debts, for which its full faith, credit, and taxing powers may be pledged, at such times and in such manner as shall be authorized by law, but only for the purposes and subject to the conditions stated in this section.

Subd. 2. Public debt may be contracted:

(a) for the acquisition and betterment of public land and buildings and other public improvements of a capital nature, and to provide moneys to be appropriated or loaned to any agency or political subdivision of the state for such purposes; provided any law authorizing such debt is adopted by the vote of at least three fifths of the members of each branch of the legislature;

(b) as authorized in any other section or article of this Constitution;

(c) for temporary borrowing as authorized in subdivision 3;

(d) for refunding outstanding bonds of the state or any of its agencies, whether or not the full faith and credit of the state has been pledged for the payment of such bonds; and for refunding certificates of indebtedness authorized by the legislature prior to January 1, 1963.

Subd. 3. As authorized by law, certificates of indebtedness may be issued during each biennium, commencing on July 1 in each odd-numbered year and ending on and including June 30 in the next odd-numbered year, in anticipation of the collection of taxes levied for and other revenues appropriated to any fund of the state for expenditure during that biennium.

No such certificates shall be issued with respect to any fund when the amount thereof with interest thereon to maturity, added to the then outstanding certificates against the same fund and interest thereon to maturity, will exceed the then unexpended balance of all moneys which will be credited to that fund during the biennium under existing laws; except that the maturities of any such certificates may be extended by refunding to a date not later than December 1 of the first full calendar year following the biennium in which such certificates were issued. If moneys on hand in any fund are not sufficient to pay all non-refunding certificates of indebtedness issued on such fund during any biennium and all certificates refunding the same, plus interest thereon, which are outstanding on December 1 immediately following the close of such biennium, the state auditor shall levy upon all taxable property in the state a tax collectible in the then ensuing year sufficient to pay the same on or before December 1 of such ensuing year, with interest to the date or dates of payment.

Subd. 4. Public debt other than certificates of indebtedness authorized in subdivision 3 shall be evidenced by the issuance of the bonds of this state. All bonds issued under the provisions of this section shall mature within not more than 20 years from their respective dates of issue, and each law authorizing the issuance of such bonds shall distinctly specify the purpose or purposes thereof and the maximum amount of the proceeds authorized to be expended for each purpose. The state treasurer shall maintain a separate and special state bond fund on his official books and records, and when the full faith and credit of the state has been pledged for the payment of such bonds the state auditor shall levy each year on all taxable property within the state a tax sufficient, with the balance then on hand in said fund, to pay all principal and interest on state bonds issued under the provisions of this section, due and to become due within the then ensuing year and to and including July 1 in the second ensuing year. The legislature may by law appropriate funds from any source to the state bond fund, and the amount of moneys actually received and on hand pursuant to such appropriations prior to the levy of

such tax in any year, shall be used to reduce the amount of tax otherwise required to be levied.⁴

Limitation as to when debt may be contracted; public debt defined. Sec. 7. 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 and referred to in the sixth section of this article. Public debt includes any obligation payable directly, in whole or in part, from a tax of state-wide application on any class of property, income, transaction or privilege, but does not include any obligation which is payable from revenues other than taxes.⁵

Disposition of funds received for bonds. Sec. 8. 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.

Money drawn from the State treasury. Sec. 9. No money shall ever be paid out of the treasury of this State except in pursuance of an appropriation by law.

Credit of the State limited. Sec. 10. 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.⁶

Publication of receipts and expenditures by treasurer. Sec. 11. There shall be published by the treasurer, in at least one newspaper printed at the seat of government, during the first week in January in 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 purpose and to whom paid, and by what law authorized; and also of all moneys received, and by what authority and from whom.

State school fund; investment; safe keeping; all State funds to be deposited in name of State. Sec. 12. Suitable laws shall be passed by the legislature for the safe keeping, transfer and disbursements of the State and school funds; and all officers and other persons charged with the same or any part of the same, or the safe keeping 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 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 thus be taken, or loaned, or deposited or exchanged, and shall be a felony; and any failure to pay over, produce or account for the State school funds, or any part of the same entrusted to such officer or persons as by law required on demand, shall be held and be taken to be *prima facie* evidence of such embezzlement.⁷

General banking law; provision and restrictions. Sec. 13. The legislature may, by a two-thirds vote, pass a general banking law, with the following restrictions and requirements, viz.:

First—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.

Second—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 percent or more on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by additional stocks.

Third—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.

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

Fifth—Any general banking law which may be passed in accordance with this Article shall provide for recording the names of all stockholders in such corporation, the amount of stock held by each, the time of transfer, and to whom transferred.

County, city or township aid to railroads limited. Sec. 14(b).

Appears to be superseded by Section 15.

County, city or township aid to railroads limited. Sec. 15. 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 (5) per centum of the value of the taxable property within such county, township, city, or other municipal corporation. The amount of such taxable property to be ascertained, and determined by the last assessment of said property made, for the purpose of state and county taxation, previous to the incurring of such indebtedness.¹

State Road and Bridge Fund. Sec. 16.

Superseded by Article XVI as adopted November 6, 1956.

¹Adopted November 6, 1934. Amended Nov. 3, 1970.

²Adopted November 6, 1956.

³Adopted November 6, 1962.

⁴Adopted November 6, 1962.

⁵Adopted November 6, 1962.

⁶Adopted November 7, 1922.

⁷As amended November 4, 1873.

⁸Adopted November 4, 1879.

ARTICLE X

CORPORATIONS HAVING NO BANKING PRIVILEGES

Corporation for general purposes. Section 1. The term "Corporation," 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.

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

Liability of stockholders. Sec. 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.¹

Lands may be taken for public use. Sec. 4. 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 of manufacturers on equal and reasonable terms.

¹Adopted November 2, 1954.

ARTICLE XI

LOCAL GOVERNMENT

Local government, legislation affecting. Section 1. The legislature may provide by law for the creation, organization, administration, consolidation, division, and dissolution of local government units and their functions, for the change of boundaries thereof, for their officers, including qualifications for office, both elective and appointive, and for the transfer of county seats. No county boundary shall be changed or county seat transferred until approved by a majority of the voters of each county affected voting thereon.

Special laws. Sec. 2. Every law which upon its effective date applies to a single local government unit or to a group of such units in a single county or a number of contiguous counties is a special law and shall name the unit or, in the latter case, the counties, to which it applies. The legislature may enact special laws relating to local government units, but a special law, unless otherwise provided by general law, shall become effective only after its approval by the affected unit expressed through the voters or the governing body and by such majority as the legislature may direct. Any special law may be modified or superseded by a later home rule charter or amendment applicable to the same local government unit, but this does not prevent the adoption of subsequent laws on the same subject.

Home rule charters. Sec. 3. Any city or village, and any county or other local government unit when authorized by law, may adopt a home rule charter for its government in accordance with this constitution and the laws. No such charter shall become effective without the approval of the voters of the local government unit affected by such majority as the legislature may prescribe by general law. If a charter provides for the consolidation or separation of a city and a county, in whole or in part, it shall not be effective without approval of the voters both in the city and in the remainder of the county by the majority required by law.

Charter commissions. Sec. 4. The legislature shall provide by law for charter commissions. Notwithstanding any other constitutional limitations, the legislature may require that commission members shall be freeholders, provide for their appointment by judges of the district court, and permit any member to hold any other elective or appointive office other than judicial. Home rule charter amendments may be proposed by a charter commission or by a petition of five percent of the voters of the local government unit as determined by law and shall not become effective until approved by the voters by the majority required by law. Amendments may be proposed and adopted in any other manner provided by law. A local government unit may repeal its home rule charter and adopt a statutory form of government or a new charter upon the same majority vote as is required by law for the adoption of a charter in the first instance.

Existing laws and charters. Sec. 5. Existing laws and charters, valid when adopted shall continue in effect until amended or repealed in accordance with this article.

¹Changed by amendment adopted Nov. 4, 1958.

ARTICLE XII

THE MILITIA

Militia organization. Section 1. 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.

ARTICLE XIII

IMPEACHMENT AND REMOVAL FROM OFFICE

Impeachment and removal from office. Section 1. 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 case 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.

Sec. 2. 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.

Sec. 3. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

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

Sec. 5. 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 XIV

AMENDMENTS TO THE CONSTITUTION

Amendments to constitution; majority vote of electors voting makes amendment valid. Section 1. 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.

Revision of constitution. Sec. 2. 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.

Submission to people of revised constitution drafted at convention. Sec. 3. Any convention called to revise this constitution shall submit any revision thereof by said convention to the people of the State of Minnesota for their approval or rejection at the next general election held not less than 90 days after the adoption of such revision, and, if it shall appear in the manner provided by law that three-fifths of all the electors voting on the question shall have voted for and ratified such revision, the same shall constitute a new constitution of the State of Minnesota. Without such submission and ratification, said revision shall be of no force or effect. Section 9 of Article IV of the Constitution shall not apply to election to the convention.¹

¹Adopted November 2, 1954.

ARTICLE XV

MISCELLANEOUS SUBJECTS

Seat of government. Section 1. 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 a vote of 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.

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

Uniform oath at elections. Sec. 3. 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.

State seal. Sec. 4. 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 the 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.

State prison location. Sec. 5. 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 XVI

PUBLIC HIGHWAY SYSTEM

Authority of state. Section 1. Subject to the limitations of this article the state may establish, locate, construct, reconstruct, improve and maintain public highways and may assist political subdivisions in such work.

Trunk highway system. Sec. 2. There is hereby created a trunk highway system which shall be established, located, constructed, reconstructed, improved and maintained as public highways by the state. Said trunk highway system shall consist of the trunk highway routes numbered 1 through 70 described in the constitutional amendment adopted November 2, 1920, the trunk highway routes added to said foregoing routes by the legislature prior to the effective date of this article, and such additional routes as may be added to the trunk highway system hereby created pursuant to authority in this article contained. The said highways shall extend as nearly as may be along the routes number 1 through 70 described in said constitutional amendment adopted November 2, 1920, and the routes described in any act of the legislature which has made or will hereafter make a route a part of the said trunk highway system. The more specific and definite location of said routes 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 said routes nor shall there be any deviation in fixing such routes from the various villages and cities named therein through which such routes are to pass.

The legislature may add by law new routes to said trunk highway system. Said trunk highway system shall not exceed 12,200 miles in extent, provided however that the legislature may add by law trunk highways to said system in excess of said foregoing mileage limitation as the legislature may determine as necessary or expedient to meet, use, or otherwise take advantage of any federal aid made available by the United States to the State of Minnesota for highway purposes.

Any route added by the legislature to the trunk highway system either prior or subsequent to the effective date of this article may be altered, amended, relocated, changed or removed from said system, as provided by law. The definite location of said trunk highways numbered 1 through 70 heretofore fixed pursuant to this article may be thereafter changed and relocated as provided by law but no such change or relocation shall be authorized which would cause a deviation from the starting points or terminals set forth in said routes nor cause any deviation from the various villages and cities named therein through which such routes are to pass.

County state-aid highway system. Sec. 3. The legislature is hereby authorized to provide by law for the establishment of a system of county state-aid highways. The county state-aid highway system shall be established, located, constructed, reconstructed, improved and maintained by the counties as public highways in such a manner as shall be provided by law. Such system shall include streets in cities, villages, and boroughs of less than 5,000 population where necessary, as provided by law, to provide an integrated and coordinated highway system and it may include similar streets in other cities, villages, and boroughs. The county state-aid highway system as herein authorized shall not exceed 30,000 miles in extent, provided however that said limitation of 30,000 miles may be increased or decreased by the legislature by law.

Municipal state-aid street system. Sec. 4. The legislature is hereby authorized to provide by law for the establishment of a system of municipal state-aid streets within cities, villages and boroughs having a population of 5,000 or more. The municipal state-aid street system shall be established, located, constructed, recon-

structed, improved and maintained as public highways by such cities, villages and boroughs in such manner as shall be provided by law. The municipal state-aid street system as herein authorized shall not exceed 1,200 miles in extent, provided that said limitation of 1,200 miles may be increased or decreased by the legislature by law.

Highway user tax distribution fund. Sec. 5. There is hereby created a fund which shall be known as the highway user tax distribution fund. The highway user tax distribution fund shall be used solely for highway purposes as specified in this article. Said fund shall consist of the proceeds of any taxes authorized to be imposed by sections 9 and 10 of this article. After the deduction of collection costs as provided by law and the payment of refunds authorized by law, the net proceeds of such taxes shall be transferred to the following funds in the following proportions; 62 percent to the trunk highway fund; 29 percent to the county state-aid highway fund; nine percent to the municipal state-aid street fund. After January 1, 1963, the legislature is authorized to provide by law that five percent of the net proceeds of the highway user tax distribution fund may be set aside and if so set aside shall be apportioned as provided by law to one or more of the three foregoing funds on such basis as the legislature may determine. After said five percent may have been so set aside the balance of the highway user tax distribution fund shall in all events be transferred to the trunk highway fund, the county state aid highway fund, and the municipal state aid street fund in accordance with the percentages hereinbefore set forth. No change in the apportionment of the proceeds so set aside shall be made within six years of the commencement of the year in which the last previous change occurred.

Trunk highway fund. Sec. 6. There is hereby created a trunk highway fund which shall be used solely for the purposes specified in section 2 of this article and the payment of principal and interest of any bonds which may be issued under the authority of section 12 of this article and any bonds issued for trunk highway purposes under the constitution prior to July 1, 1957. All payments of principal and interest on any such bonds issued shall be a first charge on moneys coming into this fund during the year in which such principal or interest is payable. The fund created by this section shall also be used for the carrying on of work undertaken and the discharge of obligations incurred payable out of or chargeable to the trunk highway fund or the trunk highway sinking fund constituted and established by the constitution prior to July 1, 1957, and all money in said funds on the effective date of this article are hereby transferred to the fund created by this section.

County state-aid highway fund. Sec. 7. There is hereby created a county state-aid highway fund. Said fund shall, in addition to the share of the highway user tax distribution fund transferred to it by section 5, receive and include all moneys accruing from the income derived from investments in the internal improvement land fund. All moneys in the state road and bridge fund as constituted and established by the constitution prior to July 1, 1957, are hereby transferred on the effective date of this article to the fund created by this section. To render aid for highway purposes the county state-aid highway fund shall be apportioned among the counties as provided by law. Except as provided herein, the funds apportioned shall be used by the counties as provided by law for aid in the establishment, location, construction, reconstruction, improvement and maintenance of county state-aid highways. The legislature may authorize the counties, as provided by law, to use a part of said funds so apportioned to them to render aid in the establishment, location, construction, reconstruction, improvement and maintenance of other county highways, township roads, municipal streets, and any other public highways, including but not limited to trunk highways and municipal state-aid streets within the respective counties.

Municipal state-aid street fund. Sec. 8. There is hereby created a municipal state-aid street fund. To render aid for highway purposes the municipal state-aid street fund shall be apportioned as provided by law among the cities, villages and boroughs having a population of 5,000 or more. Except as provided herein, the funds apportioned shall be used by such cities, villages and boroughs as provided by law for aid in the establishment, location, construction, reconstruction, improvement and maintenance of municipal state-aid streets. The legislature may authorize such cities, villages and boroughs, as provided by law, to use a part of said funds so apportioned to them to render aid in the establishment, location, construction, reconstruction, improvement and maintenance of other municipal streets and any

other public streets, including but not limited to trunk highways within such cities, villages and boroughs and county state-aid highways within the counties wherein such cities, villages and boroughs are located.

Taxation of motor vehicles. Sec. 9. 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 imposed by political subdivisions solely for highway purposes and except that the legislature may impose such tax upon motor vehicles of companies paying taxes under gross earnings system of taxation and upon the right to use such vehicles upon the public highways notwithstanding the fact that earnings from such vehicles may be included in the earnings of such companies upon which such gross earnings taxes are computed. Any such law may, in the discretion of the legislature, provide for the exemption from taxation of any motor vehicle owned by a nonresident of the state but properly licensed in another state, and transiently or temporarily using the streets and highways of the state. The proceeds of such tax shall be paid into highway user tax distribution fund.

Taxation of motor fuel. Sec. 10. The state 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. The proceeds of such tax shall be paid into the highway user tax distribution fund.

Participation of political subdivisions in trunk highway work. Sec. 11. The legislature may authorize any political subdivision, upon such terms, conditions and in such manner as shall be provided by law, to aid or lend aid in the establishment, location, construction, reconstruction, improvement and maintenance of trunk highways within their respective boundaries. The enumeration as in this section contained of the power of the legislature to authorize political subdivisions to participate in trunk highway work shall never operate or be construed so as to limit, prejudice or curtail in any degree or manner whatsoever any power or authority now vested in the legislature concerning or relating to any other public highways.

Bonds. Sec. 12. 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 2 of this article; provided, however, that the total amount of such bonds issued and unpaid shall not at any time exceed \$150,000,000, par value. The proceeds of the sale of such bonds shall be paid into the trunk highway fund. Any bonds so issued and sold shall mature serially over a term not exceeding 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 percent per annum. In case the trunk highway 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 fund moneys in the state treasury not otherwise appropriated.

Superseding; repeal of inconsistent provisions. Sec. 13. Article XVI and Article IX, section 16, are hereby superseded in their entirety; and any and all provisions of the constitution of the State of Minnesota inconsistent herewith are 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.

Effective date. Sec. 14. This article shall take effect on the first day of July, 1957.

¹Adopted November 6, 1956.

NOTE: The routes numbered 1 to 70 referred to in section 2 of this Article are described in Minnesota Statutes, Section 161.114.

ARTICLE XVII

FOREST FIRES; PREVENTION, ABATEMENT¹

Section 1. 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

MINNESOTA STATUTES 1971

MINNESOTA CONSTITUTION

1

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.

Sec. 2. 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.

¹Adopted Nov. 4, 1924.

ARTICLE XVIII

FORESTATION AND REFORESTATION¹

Section 1. 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.

Sec. 2. 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.

¹Adopted Nov. 2, 1926.

ARTICLE XIX

AERONAUTICS¹

Section 1. The state may construct, improve, maintain, and operate and may assist counties, cities, towns, villages, boroughs, and public corporations in constructing, improving, maintaining, and operating airports and other air navigation facilities.

Sec. 2. For the purpose of carrying on or assisting in carrying on such work it may expend monies, including such monies as the legislature may see fit to appropriate, may incur debts, and may issue and negotiate bonds to provide money therefor. The provisions of Section 5 of Article 9 of the Constitution shall not apply to the provisions of this section, and the purposes for which the credit of the state may be given or loaned as herein provided are declared to be public purposes.

Sec. 3. The state may levy a state excise tax upon any fluid or other means or instrumentalities, or the business of dealing in, selling, or producing any or all thereof, used in producing or generating power for propelling aircraft of any kind now known or hereafter invented, or for propelling or operating motor or other vehicles, or other equipment used for airport purposes and not used on the public highways of this state.

Sec. 4. The legislature is hereby authorized to provide, by law, for the taxation of aircraft using the air space overlying the State of Minnesota and the airports thereof, including any contrivance, now known or hereafter invented, used or designed for navigation of or flight in the air, on a more onerous basis than other personal property; provided, however, that any such tax on aircraft shall be in lieu of all other taxation thereon, and except that the legislature may impose such tax upon aircraft of companies paying taxes under any gross earnings system of taxation, and upon the right to use such aircraft in the air space overlying the State of Minnesota and upon the airports thereof, notwithstanding the fact that earnings from such aircraft may be included in the earnings of such companies upon which such gross earnings taxes are computed. Any such law may, in the discretion of the legislature, provide for the exemption from taxation of any aircraft owned by a nonresident of the state and transiently or temporarily using the air space overlying the State of Minnesota or the airports thereof.

Sec. 5. 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.

¹Adopted Nov. 7, 1944.

ARTICLE XX

VETERANS BONUS¹

Section 1. The state may at any time pay an adjusted compensation to persons who have served in the Armed Forces of the United States during the period from and including September 16, 1940, through December 30, 1946; may levy taxes and appropriate monies for such purpose; and if and whenever authorized, and in such amounts and on such terms as may be fixed by the Legislature, may expend monies, may contract debts, may issue and negotiate bonds or certificates of indebtedness, or both, and may pledge the public credit, to provide money therefor. The provisions of section 5 of Article 9 of the Constitution shall not apply to the provisions of this section, and the purposes for which the credit of the state may be given or loaned as herein provided are declared to be public purposes.

Sec. 2. 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.

¹Adopted Nov. 2, 1948.

ARTICLE XXI

TACONITE TAXATION¹

Section 1. Notwithstanding any other provision of this constitution, Laws of Minnesota 1963, Chapter 81, relating to the taxation of taconite and semi-taconite, and facilities for the mining, production and beneficiation thereof shall not be repealed, modified or amended, nor shall any laws in conflict therewith be valid, for a period of 25 years after the adoption of this amendment; and laws may be enacted, fixing or limiting for a period of not more than 25 years but not extending beyond the year 1990, the tax to be imposed upon persons or corporations engaged in (1) the mining, production or beneficiation of copper, (2) in the mining, production or beneficiation of copper-nickel, or (3) in the mining, production or beneficiation of nickel. Taxes imposed upon the mining or quarrying of taconite or semi-taconite and upon the production of iron ore concentrates therefrom, which are in lieu of a tax on real or personal property, shall not be considered to be occupation, royalty, or excise taxes within the meaning of this amendment.

¹Adopted Nov. 3, 1964.

TERRITORIAL LAWS 1851, CHAPTER 3

Perpetuated by the Constitution of the State of Minnesota, Article 8, Section 3.

CHAP. III.—An act to incorporate the University of Minnesota, at the Falls of St. Anthony.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF MINNESOTA, That there shall be established in this Territory an Institution, under the name and style of the University of Minnesota:

Sec. 2. The proceeds of all land that may hereafter be granted by the United States to the Territory for the support of a University, shall be and remain a perpetual fund, to be called the "University Fund," the interest of which shall be appropriated to the support of a University, and no sectarian instruction shall be allowed in such University.

Sec. 3. The object of the University shall be to provide the inhabitants of this Territory with the means of acquiring a thorough knowledge of the various branches of Literature, Science and the Arts.

Sec. 4. The government of this University shall be vested in a Board of twelve Regents, who shall be elected by the Legislature as hereinafter provided.

Sec. 5. The members of the Board of Regents shall be elected at the present session of the Legislature, and shall be divided into classes, numbered one, two, and three; class numbered one shall hold their offices for two years; class numbered two, for four years, and class numbered three, for six years, from the first Monday of February, one thousand, eight hundred and fifty one; biennially thereafter there shall be elected in Joint Convention of both branches of the Legislature, four members to supply the vacancies made by the provisions of this section, and who shall hold their offices for six years respectively.

Sec. 6. Whenever there shall be a vacancy in the office of Regents of the University, from any cause whatever, it shall be the duty of the Governor to fill such office by appointment, and the person or persons so appointed, shall continue in office until the close of the session of the Legislature, then next thereafter, and until others are elected in their stead.

Sec. 7. The Regents of the University and their successors in office, shall constitute a body corporate, with the name and style of the "Regents of the University of Minnesota," with the right as such, of suing and being sued, of contracting and being contracted with, of making and using a common seal, and altering the same at pleasure.

Sec. 8. The Regents shall appoint a Secretary, a Treasurer, and a Librarian, who shall hold their respective offices during the pleasure of the Board. It shall be the duty of the Secretary to record all the proceedings of the Board and carefully to preserve all its books and papers; the Treasurer shall keep a true and faithful account of all moneys received and paid out by him, and shall give such bonds for the faithful performance of the duties of his office as the Regents may require.

Sec. 9. The Regents shall have power, and it shall be their duty to enact laws for the government of the University; to elect a Chancellor, who shall be ex-officio, President of the Board of Regents, or when absent, or previous to the election of such Chancellor, the Board may appoint one of their own number President pro. tem. They may also appoint the requisite number of professors and tutors and such other officers as they may deem expedient; also to determine the amount of their respective salaries: Provided, That the salaries thus determined, shall be submitted to the Legislature for their approval or dissent.

Sec. 10. The University shall consist of five Departments: The Department of Science, Literature and the Arts: The Department of Law: The Department of Medicine: The Department of the theory and practice of Elementary Instruction: The Department of Agriculture. The immediate government of the several Departments shall be entrusted to their respective Faculties; but the Regents shall have power to regulate the course of Instruction, and prescribe under the advice of the

Professorships, the books and authorities to be used in the several Departments, and also to confer such degrees and grant such diplomas as are usually conferred by other Universities.

Sec. 11. The Regents shall have power to remove any officer connected with the Institution, when in their judgment the interest of the University requires it.

Sec. 12. The admission fee to the University and the charges for tuition in the several Departments thereof, shall be regulated and prescribed by the Board of Regents; and as soon as in their opinion, the income of the University fund will permit, tuition in all of the Departments shall be without charge to all students in the same, who are residents of the Territory.

Sec. 13. The University of Minnesota, shall be located at or near the Falls of Saint Anthony, and the Regents as soon as they may deem expedient, shall procure a suitable site for the erection of the University buildings, and they may proceed to the erection of the same as soon as funds may be provided for that purpose, after such plan or plans as may be approved by a majority of said Board.

Sec. 14. The Regents shall have the power, and it shall be their duty, as soon as the requisite funds shall have been secured for that purpose, to establish a Preparatory Department of said University, and employ teachers for the same, who shall be qualified to give instruction in all the branches of learning usually taught in Academies; which Preparatory Department may be discontinued whenever the Regents may think proper, after the other Departments of said University shall have been established.

Sec. 15. The Regents are authorized to expend such portions of the fund, which by the provisions of this act, may come under their control, as they may deem expedient for the erection of suitable buildings, and the purchase of apparatus, a Library, and a Cabinet of Natural History; and the selection, management and control of all lands, which may hereafter be granted by Congress for the endowment of said University, is hereby vested in the Board of Regents.

Sec. 16. The Regents shall make a report annually, to the Legislature at its regular session, exhibiting the state and progress of the University in its several Departments, the course of study, the number of professors and students, the amount of expenditures and such other information as they may deem proper, or may from time to time be required of them.

Sec. 17. Meetings of the Board may be called by any seven members thereof, at such time and place as they may deem expedient, and a majority of the said Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Sec. 18. The Regents, if they shall deem it expedient, may receive into connection with the University, any college within the Territory, upon application of the Board of Trustees; and such college so received, shall become a branch of the University, and be subject to the visitation of the Regents.

Sec. 19. No religious tenets or opinions shall be required to entitle any person to be admitted as a student in said University; and no such tenets or opinions shall be required as a qualification for any professor, tutor or officer of said University.

Sec. 20. The Legislative Assembly may at any time, alter, amend, modify or repeal this act.

Historical Note—See State v. Chase, 175 M. 259, 220 N. W. 951; State v. Quinlivan, 198 M. 65, 268 N. W. 858.

MINNESOTA STATUTES 1971

ACT OF ADMISSION INTO THE UNION

An Act for the admission of Minnesota into the Union.
[Passed May 11, 1858.]

Whereas, An act of Congress was passed February twenty-sixth, 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.

Sec. 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.

Sec. 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 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 of 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.