

31700

THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

PRINTED AND PUBLISHED PURSUANT TO LAW, UNDER THE SUPERVISION OF M. S. WILKINSON.

SAINT PAUL:

JAMES M. GOODHUE, TERRITORIAL PRINTER.

.....
1851

CHAPTER 136.

OF THE TAKING EFFECT AND REPEAL OF CERTAIN ACTS.

SECTION

1. Certain chapters of revised statute when to take effect.

SECTION

2. Certain acts repealed.

SEC. 1. The following chapters of the bill for revising and consolidating the general statutes of the territory, passed at the present session of the legislative assembly, shall take effect and be in force from and after the first day of May next, to wit; "Of the division of the territory into counties, and their boundaries, sections ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, and one hundred and two, of issues and modes of trial; of counties; of the assessment and collection of taxes; of regulating the sale of spiritous liquors; to provide against the traffic in ardent spirits with the Indians; of religious societies; of cemetery associations; of libraries and lyceums; of the incorporation of plank and turnpike road companies; of corporations for manufacturing, mining, lumbering, agricultural, mechanical, and chemical purposes; of the incorporation of villages; of general provisions relating to corporations; article ten of chapter eight.

Certain chapters of revised statute when to take effect.

SEC. 2. All acts, and parts of acts now in force in this territory, which conflict, or are in any way repugnant to any of the chapters, or the provisions thereof in the preceding section, shall be repealed and cease to be in force from and after the first day of May, 1851.

Certain acts repealed.

CHAPTER 137.

OF THE TIME WHEN THE REVISED STATUTES SHALL GO INTO OPERATION, AND THE REPEAL OF ACTS NOW IN FORCE.

SECTION

1. Revised statutes when to take effect.
2. Certain acts of late territory of Wisconsin not repealed.
3. Acts passed at first session of legislative assembly not repealed.
4. Repeal of acts not to affect certain rights.
5. No offence committed, &c., to be affected by repeal of statutes.
6. Criminal prosecution not to be affected by repeal of statute.
7. Certain acts not revived, &c.

SECTION

8. Repeal of statute not to declare certain statutes to be in force.
9. Repeal of statutes which are consolidated in revised statutes not to affect appointments made or offices held.
10. Offices abolished, when to cease.
11. In case of conflicting provisions revised statute to provide.
12. In case of conflicting provisions, provision of each chapter shall prevail.
13. In case of conflict in one chapter last section to prevail.

MINNESOTA TERRITORIAL STATUTES 1851

578

REVISED STATUTES TAKE EFFECT, &c.

Revised statutes
when to take effect.

Sec. 1. All the provisions contained in the act for revising and consolidating the general statutes of the territory, passed at the present session of the legislative assembly, shall take effect and go into operation, except as otherwise specially provided in the said act, from and after the first day of September, one thousand eight hundred and fifty-one, and from and after the day last mentioned, all acts and parts of acts, unless heretofore repealed, whether enacted by the legislative assembly of the late territory of Wisconsin, or of the territory of Minnesota, shall be repealed except as hereinafter particularly provided.

Certain acts of late
territory of Wisconsin
not repealed.

Sec. 2. The following acts, passed by the legislative assembly of the late territory of Wisconsin, are not repealed by the provisions of this chapter, to wit:

1. "An act relating to the militia," published in the volume called the "Statutes of Wisconsin," which act is hereby re-enacted, continued in force, and made a part of the revised statutes, with such alterations and corrections as are necessary to make the said act consistent with the other portions of the revised statutes.

2. "An act to authorize John Morgan to keep and maintain a ferry across lake St. Croix, at Stillwater, in St. Croix county;" and "An act to authorize William Nobles to keep and maintain a ferry across lake St. Croix, at the mouth of Willow river, in St. Croix county;" which two last mentioned acts, passed in the year one thousand eight hundred and forty-eight.

Acts passed at first
session of legislative
assembly, not
repealed.

Sec. 3. The following acts, passed by the legislative assembly of the territory of Minnesota, at its first session, in the year one thousand eight hundred and forty-nine, are not repealed by the provisions of this chapter, to wit:

Chap. 1. "An act declaring the time at which the several acts passed at the present session of the legislative assembly shall take effect."

Chap. 26. "An act to provide for the payment of the expenses of the legislative assembly of the territory of Minnesota."

Chap. 27. "An act to dissolve the marriage contract between Catharine Hathaway and her husband."

Chap. 28. "An act granting a divorce to Louis Laramusie, from Wa-kan-ye-ke-win, his wife."

Chap. 31. "An act granting a charter to Elam Greeley, his heirs, &c., to construct and maintain a dam across Snake river, near the outlet of Cross lake."

Chap. 30. "An act to dissolve the marriage contract between Stanislaus Bielanski and Mary Bielanski."

Chap. 32. "An act to incorporate the St. Paul and St. Anthony plank road company."

Chap. 33. "An act for the relief of John Morgan."

Chap. 34. "An act for the relief of B. W. Lott and P. P. Bishop."

Chap. 35. "An act to provide for laying out a territorial road from Stillwater to the mouth of Rum river."

Chap. 36. "An act to locate a territorial road from Point Douglass to St. Paul."

Chap. 37. "An act providing for laying out and establishing a territorial road Rum river to Crow Wing."

Chap. 38. "An act for the relief of Charles M. Berg."

Chap. 40. "An act to incorporate the town of St. Paul, in the county of Ramsey."

Chap. 41. "An act to incorporate the Minnesota Mutual Fire Insurance company."

Chap. 42. "An act to locate a territorial road from the town of St. Paul to Little Canada."

Chap. 43. "An act to incorporate the St. Anthony library association."

Chap. 44. "An act to incorporate the Minnesota Historical Society."

SEC. 4. The repeal of the acts mentioned in this chapter, shall not effect any act done, or right accrued, or established, or any proceeding, suit, or prosecution had, or commenced in any civil action or proceeding previous to the time when such repeal shall take effect; but every such act, right, or proceeding, shall remain as valid and effectual, as if the provisions so repealed had remained in force.

Repeal of acts not to effect certain rights.

SEC. 5. No offence committed, and no penalty, or forfeiture incurred previous to the time when any statutory provision shall be repealed, shall be effected by such repeal, except that when any punishment, forfeiture, or penalty shall have been mitigated by these revised statutes, such provisions shall apply to, and control any judgment to be pronounced after the said statutes shall take effect, for any offence committed before that time.

No offence committed, &c., to be effected by repeal of statute.

SEC. 6. No prosecution for any offence, or the recovery of any penalty, or forfeiture, pending at the time any statutory provision shall be repealed, shall be effected by such repeal, but the same shall proceed in all respects as if such provision had not been repealed; except that all such proceedings had after the time when the said revised statutes shall take effect, shall be conducted in accordance with, and be subject to the provisions of the revised statutes.

Criminal prosecution not to be effected by repeal of statute.

SEC. 7. All statutes, and parts of statutes which were repealed, or abrogated by, or which were repugnant to any law hereby repealed, and which are not re-enacted and consolidated in the revised statutes, shall continue to be repealed, and shall be deemed abrogated.

Certain acts not revived, &c.

SEC. 8. The repeal by this chapter, of any statute, or part of a statute heretofore repealed, shall not be construed as a declaration, or implication that such statute has been in force at any time since such first repeal.

Repeal of statute not to declare certain statutes to be in force.

SEC. 9. The repeal by this chapter, of any statutory provisions which are consolidated and re-enacted in the revised statutes, by virtue of which any appointment shall have been made, or any office held, shall not be construed to vacate such office, or in any way effect such appointment; but the said appointment shall continue, and the said office shall be held until the term of the said office shall expire under the provisions of the statutes under which such office is held. Such office shall be held subject, however, to the provisions of law in force, after the repeal of the said statutes.

Repeal of statutes which are consolidated in revised statutes not to effect appointments made or offices held.

SEC. 10. When any office is abolished by the repeal of any act, and such act is not consolidated and re-enacted in the revised statutes, such office shall cease at the time such repeal shall take effect.

Offices abolished, when to cease.

SEC. 11. If the provisions of any law, passed at the present session of the legislative assembly, not incorporated in the chapters composing the revised statutes, shall contravene, or be inconsistent with the provisions of such chapters, the provisions of such chapters shall prevail.

In case of conflicting provisions revised statute to prevail.

SEC. 12. If the provisions of different chapters of the revised statutes conflict with, or contravene each other, the provisions of each chapter shall prevail, as to all matters and questions growing out of the subject matter of such chapter.

In case of conflicting provisions, provision of each chapter.

SEC. 13. If conflicting provisions be found in different sections of the same chapter, the provisions of the section which is last in numerical order, shall prevail, unless such construction be inconsistent with the meaning of such chapter.

In case of conflict in one chapter last section to prevail.

M. E. AMES,

Speaker of the House of Representatives.

D. B. LOOMIS,

President of the Council.

APPROVED March thirty-first, one thousand eight hundred and fifty-one.

ALEX. RAMSEY.