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THE
REVISED STATUTES,
OF THE
TERRITORY OF MINNESOTA,

PASSED AT THE SECOND SESSION OF THE
LEGISLATIVE ASSEMBLY,

COMMENCING JANUARY 1, 1851.

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the counties of Cass, Itasca and Pembina are hereby attached to the county of Benton for judicial purposes.

Governor to appoint justices in certain counties.

SEC. 19. That the counties of Itasca, Wabashaw, Dakota, Cass and Pembina, shall each be entitled to any number of justices of the peace, not exceeding six, and to the same number of constables; which said justices and constables shall receive their appointment from the governor; and their term of office shall be two years, unless sooner removed by the governor.

Justices, conservators of the peace.

SEC. 20. That the justices and constables appointed for said counties shall be conservators of the peace, and shall each give a bond to the territory to be approved by the secretary, in the sum of five hundred dollars for the faithful performance of their duties, upon which bond they may at any time be sued for the benefit of any person or persons aggrieved, by reason of the wilful omission of duty or misconduct of such officers.

Unorganized counties annexed for the purposes of taxation.

SEC. 21. Counties which are unorganized for judicial purposes, which are annexed or hereafter to be annexed to any organized county for judicial purpose, shall, for the purpose of assessment and collection of taxes, be deemed to be within the limits of the county to which they are or may be so annexed, and as forming a part thereof unless and until otherwise provided by law.

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CONSTRUCTION OF STATUTES.

Rules to be observed in the construction of statutes.

SEC. 1. In the construction of all statutes, the following rules shall be observed, unless such construction will be inconsistent with the manifest intent of the legislature, or repugnant to the context of the same statute, that is to say:

1. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.

Rules to be observed in the construction of statutes.

2. Every word importing the singular number only, may extend and be applied to one person or thing as well as to several persons or things; and every word importing the plural number only, may extend and be applied to one person or thing as well as to several persons or things; and every word importing the masculine gender only, may extend and be applied to females as well as to males.

3. All words purporting to give a joint authority to three or more public officers or other persons, shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority.

4. The word "grantors" may be construed as including every person from or by whom any freehold estate or interest passes in or by any deed; and the word "grantee" as including every person to whom any such estate or interest passes in like manner.

5. The word "highway" may be construed to include any road laid out by the authority of the United States, or of this territory, or of any town or county; and all bridges upon the same.

6. The words "insane person" shall be construed to include every idiot, non-compos, lunatic and distracted person.

7. The word "issue" as applied to the descent of estates, shall be construed to include all the lawful lineal descendants of the ancestor.

8. The word "land" or "lands," and the words "real estate" shall be construed to include lands, tenements and hereditaments, and all rights thereto and interests therein.

9. The word "month" shall be construed to mean a calender month, unless otherwise expressed; and the word "year," a calender year, unless otherwise expressed; and the word "year" alone shall be equivalent to the expression "year of our Lord."

10. The word "oath" shall be construed to include "affirmation" in all cases where by law an affirmation may be substituted for an "oath;" and in the like cases the word "sworn" shall be construed to include the word affirmed.

11. The word "person" may extend and be applied to bodies politic and corporate, as well as to individuals.

12. The words "preceding" and "following," when used by way of reference to any section of any statute of this territory, shall be construed to mean the section next preceding or next following that in which such reference is made, unless when some other section is expressly designated in such reference.

13. In all cases in which the seal of any court or public office shall be required by law to be affixed to any paper issuing from such court or office, the word "seal" shall be construed to include an impression of such official seal made upon the paper alone, as well as an impression made by means of a wafer or of wax affixed thereto.

14. The word "town" may be construed to include all cities and districts, unless such construction would be repugnant to the provisions of any act specially relating to such cities or districts.

15. The term "will" shall be construed to include codicils as well as wills.

16. The words "written" and "in writing" may be construed to include printing, engraving, lithographing, and any other mode of representing words or letters: *Provided, however,* That in all cases where the written signature of any person is required by law, it shall always be the proper handwriting of such person, or in case he is unable to write, his proper mark.

SEC. 2. Every statute which does not expressly prescribe the time when it shall go into operation, shall take effect throughout the territory on the thirtieth day next after that on which it shall be approved

Statutes, when to take effect.

PUBLICATION AND DISTRIBUTION OF STATUTES.

by the governor, or otherwise become a law, according to the provisions of the organic act of this territory: *Provided*, That no general law shall take effect until published.

OF THE PUBLICATION AND DISTRIBUTION OF STATUTES.

Original acts to be deposited with the secretary.

SEC. 3. The original acts of the legislative assembly shall be deposited, immediately after they shall have been passed, with and kept by the secretary of the territory, and shall be promulgated in the manner following, to wit:

Statutes, how promulgated.

SEC. 4. The secretary of the territory, immediately after any general law of the legislative assembly shall have been deposited with him, shall furnish a copy thereof to the person authorized to print the laws, who shall immediately publish the same in a newspaper printed at the seat of government of the territory.

Revised statutes, how to be printed.

SEC. 5. The several laws of general and permanent nature passed at the present session of the legislative assembly shall be published in one volume, to be designated the "*Revised Statutes*," to be printed on good paper, and the standard of printing to be adopted in printing the said revised statutes, shall be such as is now provided by the act approved November 1st, 1849, entitled "An act to regulate the public printing and binding;" and the same shall be handsomely and substantially bound in sheep in the modern style of law book binding; such edition shall consist of fifteen hundred copies, and shall be ready for distribution on or before the first day of September next after the passage of this act.

Acts not repealed, to be bound with revised statutes.

SEC. 6. All acts or parts of acts of general nature passed previous to the present session of the legislative assembly which are not repealed or incorporated in the revised statutes, shall be published as an appendix, and bound in the volume of the revised statutes. The declaration of independence, the constitution of the United States and its amendments, the ordinance of July 13th, 1787, the act organizing the territory of Minnesota, and such other acts of congress as relate to the said territory, shall also be published and bound in the said revised statutes.

Commissioner to superintend publication.

SEC. 7. The governor of this territory is hereby authorized and required to appoint a commissioner to superintend the publication of the revised statutes, which commissioner so appointed by the governor shall arrange the order of publication; he shall prepare suitable marginal notes, examine and correct the proof sheets, and cause all clerical and typographical errors to be corrected so far as he may discover the same.

Powers and duties of such commissioner.

SEC. 8. Such commissioner may rearrange the order of sections in any chapter wherever it shall not alter the intent and meaning of the law, he may also correct errors which may have occurred in numbering chapters and sections, and in any references made thereto, and words inserted or omitted in the enrolled acts by mistake, may be omitted or supplied without brackets, but in every such case notes of such corrections shall be inserted at the end of the volume.

Secretary to furnish certified copies.

SEC. 9. The secretary of the territory is required to furnish certified copies of the several chapters of the revised statutes to the said commissioner within thirty days after the close of the present session of the legislative assembly; and the said commissioner shall certify that the printed chapters and acts contained in the volume of the revised statutes are correctly published from such certified copies, with the exception of such corrections of clerical errors and mistakes as are authorized by this chapter to be made, which certificate of the said commissioner shall be prefixed to the said statutes, and the same shall be sufficient authority to entitle the said revised statutes to be read in ev-

idence in any court in this territory. The said commissioner shall receive as compensation for the services mentioned in this chapter, the sum of five hundred dollars, to be paid by the secretary of the territory, out of the funds appropriated by congress to defray the expenses of the legislative assembly; but no such payment shall be made except on the presentation of a certificate of the governor, that the services mentioned in this chapter have been performed by such commissioner.

SEC. 10. In preparing such edition it shall only be necessary to place a general enacting clause at the commencement of the laws of the territory, and arrange the laws thereafter by their several chapters, articles and sections, without the signature of the presiding officers of the legislative assembly and the approval thereof by the governor.

Enacting clause.

SEC. 11. Such edition so prepared shall be entitled to be read in evidence in any court of justice, or in any other place where the laws of the territory may be required within this territory.

Revised statutes to be read in evidence.

SEC. 12. All laws hereafter to be printed by authority of this territory shall be distributed by the secretary as follows: To the territorial librarian for the use of the library, twenty copies. The following public-officers shall be entitled to one copy each, namely: The governor, each member of the council and house of representatives, and the officers of the same, each of the judges of the supreme court, the United States district attorney, the marshal of the territory, the attorney general, the auditor of the territory, the treasurer of the territory, each district attorney, the masters in chancery, the judges of probate, the adjutant general, the quartermaster general, each county treasurer, each register of deeds, the board of commissioners in each county, notaries public, the sheriffs, the coroners, the justices of the peace, the clerk of the supreme court, the clerks of the district courts, the delegate in congress, secretary of the United States, the secretary of each state and territory of the Union, for the use of each state and territory, to the library of congress: *Provided*, That no person who shall hold more than one of the above named offices shall be entitled to more than one copy.

Distribution of statutes, who entitled to copies.

SEC. 13. Whenever the printing and publication of the laws shall have been completed, the secretary as soon as may be, shall deliver or transmit to the register of deeds in each of the organized counties, fifty copies thereof for distribution among the several officers of their respective counties, and of the counties thereto attached for judicial purposes; and it shall be the duty of the said register to keep a correct statement of the name and office of the several persons who may receive copies thereof, and also to take a receipt for the same, when delivered; in case fifty copies shall not supply the officers authorized to receive a copy of the laws in any county, the register shall inform the librarian, who shall immediately forward the number to make up the deficiency.

Register of deeds to receive fifty copies.

SEC. 14. The copy delivered to any person shall have stamped or written thereon, the name of the office held by such person, and shall be again deposited in the office of said register, on the expiration of his term of office by the person to whom the same may have been delivered; and any person failing to deposit the said copy in pursuance hereof shall forfeit the sum of ten dollars, to be received by the said register in his own name, by action of debt in any court of competent jurisdiction for the use of the proper county.

Copies of revised statutes to be returned to register of deeds.

SEC. 15. The several copies of the laws remaining after distribution among the several counties, as contemplated in this chapter, shall be deposited in the territorial library, and the librarian shall furnish each of the officers and persons other than the county officers herein before designated, with a copy thereof on demand, and shall take a receipt therefor when delived.

Copies to be deposited in the library.

SEC. 16. This chapter shall take effect from and after its passage.

This chapter, when to take effect.