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GENERAL STATUTES

OF THE

STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE
THE STATUTES OF THE STATE, BY ACT OF THE
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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CHAPTER II.

CONGRESSIONAL DISTRICTS.

1 SECTION 1. The state is divided into two congressional
2 districts, each of which is entitled to elect one representa-
3 tive to the congress of the United States. 1862-p. 134, Sect. 1. c 64

1 SECT. 2. The counties of Houston, Winona, Fillmore,
2 Olmsted, Mower, Dodge, Freeborn, Steele, Waseca, Rice,
3 Scott, Le Sueur, Faribault, Blue Earth, Nicollet, Sibley,
4 Martin, Watonwan, Brown, Renville, Jackson, Cotton-
5 wood, Noble, Murray, Pipestone, Redwood and Rock, con-
6 stitute the first congressional district, and are entitled to
7 elect one representative. 1862-p. 135, Sect. 2. c 64

1 SECT. 3. All the residue of the state compose the sec-
2 ond district, and are entitled to elect one representative. c 64

CHAPTER III.

THE LEGISLATURE.

TITLE I.

APPORTIONMENT.

1 SECTION 1. The senate of the state is composed of twen-
2 ty-one members, and the house of representatives of forty-
3 two members. 1860-p. 256, Sect. 1.

1 SECT. 2. The representation in the senate and house of
2 representatives is apportioned throughout the state in
3 twenty-one senatorial and representative districts, as fol-
4 lows, to wit:

5 The first district is composed of the first and second
6 wards in the city of St. Paul, and the townships of McLean,
7 New Canada, White Bear and Mound View, in Ramsey 1860-p. 256, Sect. 2.
8 county, and is entitled to elect one senator and two repre-
9 sentatives.

10 The second district is composed of the counties of Wash-
11 ington, Chisago, Pine and Kanabec, and is entitled to elect
12 one senator and three representatives.

Omitted

13 The third district is composed of the counties of Stearns,
14 Todd, Cass, Wadena, Otter Tail, Toombs, Breckenridge,
15 Douglas, Becker, Polk, Pembina, Morrison, Crow, Wing,
16 Aiken, Itasca, Buchanan, Carlton, St. Louis and Lake, and
17 is entitled to elect one senator and three representatives.

1860—p. 250, Sect. 2.

18 The fourth district is composed of that part of Hennepin
19 county which lies on the east side of the Mississippi river,
20 and the counties of Manomin, Anoka, Sherburne, Benton,
21 Isanti and Mille Lac, and is entitled to elect one senator
22 and two representatives.

23 The fifth district is composed of that portion of Hennepin
24 county which lies on the west side of the Mississippi river,
25 and is entitled to elect one senator and two representatives.

26 The sixth district is composed of the counties of Carver,
27 Wright, Meeker, McLeod, Kandiyohi and Monongalia, and
28 is entitled to elect one senator and three representatives.

29 The seventh district is composed of the county of Da-
30 kota, and is entitled to elect one senator and two represen-
31 tatives.

32 The eighth district is composed of the county of Rice,
33 and is entitled to elect one senator and two representatives.

34 The ninth district is composed of the county of Goodhue,
35 and is entitled to elect one senator and two representatives.

36 The tenth district is composed of the county of Waba-
37 shaw and is entitled to elect one senator and one represen-
38 tative.

39 The eleventh district is composed of the county of Wi-
40 nona, and is entitled to elect one senator and two represen-
41 tatives.

42 The twelfth district is composed of the county of Olm-
43 sted, and is entitled to elect one senator and two represen-
44 tatives.

45 The thirteenth district is composed of the county of
46 Houston, and is entitled to elect one senator and one re-
47 presentative.

48 The fourteenth district is composed of the county of
49 Fillmore, and is entitled to elect one senator and three re-
50 presentatives.

51 The fifteenth district is composed of the counties of
52 Mower and Dodge, and is entitled to elect one senator and
53 two representatives.

54 The sixteenth district is composed of the counties of
55 Steele, Waseca and Freeborn, and is entitled to elect one
56 senator and two representatives.

57 The seventeenth district is composed of the counties of
58 Blue Earth and LeSueur, and is entitled to elect one sena-
59 tor and three representatives.

60 The eighteenth district is composed of the county of
61 Scott, and is entitled to elect one senator and one repre-
62 sentative.

omitted

63 The nineteenth district is composed of the counties of
 64 Nicollet, Sibley, Renville, Pierce, Davis, and that portion
 65 of Brown county which lies west of range thirty-three, and 1860—p. 250, Sect. 2.
 66 is entitled to elect one senator and two representatives.

67 The twentieth district is composed of the counties of
 68 Faribault, Martin, Jackson, Cottonwood, Murray, Nobles,
 69 Pipestone, Rock, and that portion of Brown county which
 70 lies east of range thirty-four, and is entitled to elect one
 71 senator and one representative.

72 The twenty-first district is composed of the third and
 73 fourth wards in the city of St. Paul, and Reserve and Rose
 74 townships in the county of Ramsey, and is entitled to elect
 75 one senator and one representative.

omitted.

TITLE II.

ORGANIZATION.

1 SECT. 3. The legislature shall assemble annually at the 1860—p. 220, Sect. 1. *c 58*
 2 seat of government on the first Tuesday after the first Mon-
 3 day in January.

1 SECT. 4. The certificate of election, from the county
 2 auditor of the proper county, shall be *prima facie* evidence C. S. p. 122, Sect. 22. *PS 1858 c 4*
 3 of the right to membership of the person certified therein
 4 to be elected, for all purposes of organization of either
 5 branch of the legislature.

1 SECT. 5. At the hour of twelve o'clock, m., on the day
 2 appointed for the convening of any regular session of the
 3 legislature, the president of the senate, or in case of his
 4 absence or inability, then the oldest member present shall C. S. p. 122, Sect. 23.
 5 take the chair, call the members elect to order, and appoint
 6 from the members a clerk *pro tem*; the president or chair-
 7 man shall then call over the senatorial districts in their or-
 8 der, and as the same are called, the persons claiming to be
 9 members shall present their certificates and take the oath
 10 required by the constitution. *c 4*

1 SECT. 6. The senate shall thereupon, if a quorum is
 2 present, proceed to elect in the order named, a secretary,
 3 an assistant secretary, an enrolling clerk, an engrossing C. S. p. 122, Sects. 24 & 25 combined. *c 4*
 4 clerk, a sergeant-at-arms, and a fireman, which officers
 5 shall hold their office for and during the session at which
 6 they are elected, but may be discharged by a resolution of
 7 the senate.

1 SECT. 7. At the time specified in section five, the sec-
 4

PS 1838 c 4

C. S. p. 123, Sects.
26 & 27. Amended.

2 retary of state, and in his absence then the oldest member
3 present, in the hall of the house of representatives, shall
4 call the members elect to order, and appoint from such
5 members a clerk *pro tem*; the several representative dis-
6 tricts shall be called in numerical order, and as the same are
7 called the persons claiming to be members shall present
8 their certificates and take the oath required by the constitu-
9 tion, and shall, if a quorum is present, thereupon proceed
10 to elect in the order named, *viva voce*, a speaker, a chief
11 clerk, an assistant clerk, an enrolling clerk, an engrossing
12 clerk, a sergeant-at-arms, (who shall also perform the du-
13 ties of door-keeper,) and a fireman.

c 4

C. S. p. 123, Sect.
29.

1 SECT. 8. The clerks, sergeant-at-arms and fireman shall
2 hold their office for and during the session at which they
3 are elected, but may be discharged by a resolution of the
4 house.

c 4

C. S. p. 123, Sect.
30.

1 SECT. 9. The president of the senate shall appoint two
2 messenger boys, and the speaker of the house two, who
3 shall serve during the session of the legislature, unless
4 sooner discharged for cause, and shall each receive one dol-
5 lar and fifty cents per day.

c 4

C. S. p. 123, Sect.
31.

1 SECT. 10. On all elections for officers of either branch
2 of the legislature, a majority of all the votes given is neces-
3 sary to a choice.

c 4

C. S. p. 120, Sect. 2.

1 SECT. 11. Each house may punish, as a contempt, by
2 imprisonment, a breach of its privileges, or the privileges of
3 its members, but only for one or more of the following, of-
4 fences to wit:

5 *First.*—Arresting a member or officer of the house, or
6 procuring such member or officer to be arrested in violation
7 of his privilege from arrest.

8 *Second.*—Disorderly conduct in the immediate view and
9 presence of the house, and directly tending to interrupt its
10 proceedings.

11 *Third.*—Refusing to attend or be examined as a witness
12 either before the house or a committee, or before any per-
13 son authorized by the house, or a committee, to take testi-
14 mony in legislative proceedings.

15 *Fourth.*—Giving or offering a bribe to a member, or
16 attempting, by menace or any corrupt means or device, di-
17 rectly or indirectly, to control or influence a member in
18 giving his vote, or to prevent his giving the same; but the
19 term of imprisonment which such house may impose for any
20 contempt specified in this section, shall not extend beyond
21 the same session of the legislature.

1 SECT. 12. Whenever either house of the legislature or-
 2 ders or directs the imprisonment of any person in any of
 3 the cases specified in the preceding section, such person 1860—p. 263, Sect. 1. c 7 7
 4 shall be committed to the common jail of the county of Amended.
 5 Ramsey, and the sheriff and keeper of said jail shall receive
 6 such person and detain him in close confinement for the term
 7 specified in the order of imprisonment, unless he is sooner
 8 discharged by the order of such house of the legislature, or
 9 by due course of law.

1 SECT. 13. Whenever at the commencement, or during
 2 the regular, adjourned or extra session of the legislature,
 3 upon a call of either house, it is found that no quorum of C. S. p. 123, Sect. c 4
 4 members is present, or if any members are found absent 32.
 5 upon any such call, the members present are authorized to
 6 direct the sergent-at-arms, or if there is no sergent-at-
 7 arms of such house, then any other person duly authorized
 8 by the presiding officer of that house, to compel the atten-
 9 dance of any or all absentees: *provided*, that if the house
 10 refuse to excuse such absentee, he shall not be entitled to
 11 any per diem during such absence.

1 SECT. 14. Members of the legislature shall not receive 1860—p. 229, Sect. 2. c 5 8
 2 pay for more than sixty days of session during any one
 3 year, unless duly convened in extra session by proclama-
 4 tion of the governor, nor for more than thirty days when
 5 so convened.

1 SECT. 15. The compensation prescribed by law for the
 2 members and officers of the senate shall be certified by the C. S. p. 121, Sect. c 4
 3 president thereof, and attested by the secretary; and the 12.
 4 compensation of members and officers of the house of rep-
 5 resentatives, shall be certified by the speaker thereof, and
 6 attested by the chief clerk, which certificate shall be suffi-
 7 cient evidence of the amount due.

1 SECT. 16. Members of the house of representatives 1860—p. 230, Sect. 3. c 5 8
 2 shall be elected annually, and hold their office for one year.
 3 Senators shall hold their office for and during the term of
 4 two years; *provided*, that at the first annual election after
 5 each new apportionment, made in pursuance of the consti-
 6 tution, there shall be an entire new election of all the sena-
 7 tors, and the senators chosen at every such election by dis-
 8 tricts designated by odd numbers, shall hold their office for
 9 one year only.

TITLE III.

ELECTION OF UNITED STATES SENATOR.

1860—p. 223, Sect. 1. ^{c 54}
 1 SECT. 17. On the second Tuesday of the session of the
 2 legislature, next preceding the expiration of the time for
 3 which any senator was elected to represent this state in
 4 congress, or next succeeding the happening of any vacancy
 5 in the office of such senator, at twelve o'clock, M., the two
 6 houses shall meet in joint convention, in the hall of the
 7 house of representatives, to elect a member of the senate
 8 of the United States from the state of Minnesota, in the
 9 place of the senator so going out of office, or to fill such
 10 vacancy.

1860—p. 223, Sect. 2. ^{c 54}
 1 SECT. 18. On the assembling of the joint convention,
 2 the speaker of the house of representatives shall call the
 3 convention to order, and act as president. The clerk of
 4 the house of representatives shall act as secretary, and call
 5 the roll of the members of the joint convention.

1860—p. 223, Sect. 3. ^{c 54}
 1 SECT. 19. Upon a majority of the members of the joint
 2 convention being present, the convention shall proceed, by
 3 a *vive voce* vote, to the election of such senator, and the
 4 person voted for by a majority of all of the members of the
 5 joint convention, present and voting, shall by the president,
 6 be declared duly elected a member of the senate of the
 7 United States from the state of Minnesota.

1860—p. 224, Sect. 4. ^{c 54}
 1 SECT. 20. The secretary shall enter the name of each
 2 of the members of the convention, and the declaration of
 3 the result thereof, upon the journal of the convention.

1860—p. 224, Sect. 5. ^{c 54}
 1 SECT. 21. Upon the election of any senator as aforesaid,
 2 the president and secretary of the joint convention shall
 3 immediately make and sign a certificate of the said election,
 4 which said certificate, within three days after the time of
 5 said election, shall by the president of the convention be
 6 presented to the governor for his signature. The governor
 7 upon the presentation to him of the said certificate, shall im-
 8 mediately sign the same, and cause to be affixed thereto the
 9 great seal of the state of Minnesota, and cause the said cer-
 10 tificate to be delivered to the person thereto entitled, to-
 11 gether with a written notice to said person of his election.

1860—p. 224, Sect. 6. ^{c 54}
 1 SECT. 22. The joint convention in case of a failure to
 2 elect, may adjourn from time to time, during the same ses-
 3 sion of the legislature in which the convention assembled;
 4 but the convention shall not adjourn *sine die* until an elec-
 5 tion of a senator is made, or until the session is finally
 6 closed.

1 SECT. 23. If from any cause a vacancy happens in the
 2 office of senator in congress during any session of the legis-
 3 lature, the two houses of the legislature shall meet in joint ^{c 54}
 4 convention in the hall of the house of representatives, at a 1860—p. 224, Sect. 7.
 5 time to be fixed by joint resolution of the two houses,
 6 during the same session in which the said vacancy happens,
 7 and shall proceed in the manner provided for in the preced-
 8 ing sections, to elect a United States senator; and in case
 9 of a failure to elect a senator at any of the times provided
 10 for in this title, if such senator is not elected at any time
 11 during the same session as provided for herein, then, at
 12 twelve o'clock, m., on the second Tuesday of the session of
 13 the legislature next succeeding the said session and of each
 14 succeeding session of the legislature until such senator is
 15 elected, the two houses of the legislature shall meet in joint
 16 convention in the hall of the house of representatives, and
 17 proceed to elect such senator in the same manner provided
 18 for herein.

1 SECT. 24. In case a vacancy in the office of United
 2 States senator happens, from any cause, during the recess ^{c 54}
 3 of the legislature of this state, the governor shall appoint 1860—p. 224, Sect. 8.
 4 some person to fill such vacancy until the session of the
 5 legislature next thereafter, and until a successor is elected
 6 and qualified.

CHAPTER IV.

STATUTES—THEIR CONSTRUCTION AND REPEAL.

1 SECTION 1. In the construction of statutes, the follow-
 2 ing rules shall be observed, unless such construction would be
 3 inconsistent with the manifest intent of the legislature, or
 4 repugnant to the context of the same statute, that is to
 5 say :—

6 *First.*—Words and phrases shall be construed according
 7 to the common and approved usage of the language; but tech- ^{p. 2318 40-55 c 3}
 8 nical words and phrases, and such others as may have ac- C. S. p. 113, Sect. 2.
 9 quired a peculiar and appropriate meaning in the law, shall Amended.
 10 be construed according to such peculiar and appropriate
 11 meaning; and all clerical and typographical errors shall be
 12 disregarded when the intent and meaning are obvious.

13 *Second.*—Words importing the singular number may ex-
 14 tend and be applied to several persons or things; words im-
 15 porting the plural number may include the singular, and words
 16 importing the masculine gender may be applied to females.