

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

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the Laws of 1866.

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TITLE I.

APPORTIONMENT.

Number of mem-
bers.

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SECTION 1. That for the next legislature, and thereafter until a new apportionment shall have been made, the senate of this state shall be composed of twenty-two members, and the house of representatives shall be composed of forty-seven members.

SEC. 2. That the representation in the senate and house of representatives be apportioned throughout the state in twenty-two senatorial and representative districts, as follows, to wit:

The first district shall be composed of the county of Ramsey, and shall be entitled to elect one senator and three representatives;

The second district shall be composed of the counties of Washington, Chisago, Pine, and Kanabec, and shall be entitled to elect one senator and two representatives;

The third district shall be composed of the counties of Stearns, Todd, Cass, Wadena, Otter Tail, Andy Johnson, Clay, Douglas, Becker, Polk, Pembina, Morrison, Crow Wing, Aiken, Itasca, Buchanan, Carleton, St. Louis and Lake, and shall be entitled to elect one senator and two representatives, of which number of representatives the county of Stearns shall be entitled to elect one, and the balance of the territory the other;

The fourth district shall be composed of that portion of Hennepin county which lies east of the Mississippi river, and the counties of Manomin, Anoka, Sherburne, Benton, Isanti and Mille Lacs, and shall be entitled to elect one senator and one representative;

The fifth district shall be composed of that portion of Hennepin county which lies west of the Mississippi river, and shall be entitled to elect one senator and three representatives;

The sixth district shall be composed of the counties of Wright, Mecker, McLeod, Kandiyohi and Monongalia, and shall be entitled to elect one senator and two representatives;

The seventh district shall be composed of the county of Dakota, and shall be entitled to elect one senator and two representatives;

The eighth district shall be composed of the county of Rice, and shall be entitled to elect one senator and two representatives;

The ninth district shall be composed of the county of Goodhue, and shall be entitled to elect one senator and three representatives;

The tenth district shall be composed of the county of Wabashaw, and shall be entitled to elect one senator and two representatives;

The eleventh district shall be composed of the county of Winona, and shall be entitled to elect one senator and three representatives;

The twelfth district shall be composed of the county of Olmsted, and shall be entitled to elect one senator and three representatives;

The thirteenth district shall be composed of the county of Houston, and shall be entitled to elect one senator and two representatives;

The fourteenth district shall be composed of the county of Fillmore, and shall be entitled to elect one senator and four representatives;

The fifteenth district shall be composed of the counties of Mower and Dodge, and shall be entitled to elect one senator and two representatives;

The sixteenth district shall be composed of the counties of Steele, Waseca, and Freeborn, and shall be entitled to elect one senator and three representatives, of which number of representatives, each county shall elect one each year;

The seventeenth district shall be composed of the counties of Blue Earth and Watonwan, and shall be entitled to elect one senator and two representatives;

The eighteenth district shall be composed of the county of Scott, and shall be entitled to elect one senator and one representative;

The nineteenth district shall be composed of the counties of Nicollet, Brown, Sibley, Redwood, Renville, Pierce and Davis, and shall be entitled to elect one senator and two representatives;

The twentieth district shall be composed of the counties of Faribault, Martin, Jackson, Cottonwood, Murray, Nobles, Pipestone and Rock, and shall be entitled to elect one senator and one representative;

The twenty-first district shall be composed of the county of Carver, and shall be entitled to elect one senator and one representative;

The twenty-second district shall be composed of the county of LeSueur, and shall be entitled to elect one senator and one representative.

TITLE II.

ORGANIZATION.

SEC. 3. The legislature shall assemble annually at the seat of government on the first Tuesday after the first Monday in January. When legislature shall assemble.

SEC. 4. The certificate of election, from the county auditor of the proper county, shall be *prima facie* evidence of the right to membership of the person certified therein to be elected, for all purposes of organization of either branch of the legislature. Certificate prima facie evidence of membership.

SEC. 5. At the hour of twelve o'clock, M., on the day appointed, for the convening of any regular session of the legislature, the president of the senate, or in case of his absence or inability, then the oldest member present shall take the chair, call the members elect to order, and appoint from the members a clerk *pro tem*; the president or chairman shall then call over the senatorial districts in their order, and as the same are called, the persons claiming to be members shall present their certificates and take the oath required by the constitution. Senate, how organized.

SEC. 6. The senate shall thereupon, if a quorum is present, proceed to elect in the order named, a secretary an assistant secretary, an enroll- Officers to be elected.

ing clerk, an engrossing clerk, a sergeant-at-arms, and a fireman, which officers shall hold their office for and during the session at which they are elected, but may be discharged by a resolution of the senate.

House of representatives, how organized.

SEC. 7. At the time specified in section five, the secretary of state, and in his absence then the oldest member present, in the hall of the house of representatives, shall call the members elect to order, and appoint from such members a clerk *pro tem*; the several representative districts shall be called in numerical order, and as the same are called the persons claiming to be members shall present their certificates and take the oath required by the constitution, and shall, if a quorum is present, thereupon proceed to elect in the order named, *viva voce*, a speaker, a chief clerk, an assistant clerk, an enrolling clerk, an engrossing clerk, a sergeant-at-arms, (who shall also perform the duties of door-keeper,) and a fireman.

Officers shall hold how long.

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

Messengers, how appointed.

SEC. 9. The president of the senate shall appoint two messenger boys, and the speaker of the house two, who shall serve during the session of the legislature, unless sooner discharged for cause, and shall each receive one dollar and fifty cents per day.

Majority of votes necessary to elect officers.

SEC. 10. On all elections for officers of either branch of the legislature, a majority of all the votes given is necessary to a choice.

Contempts, how punished.

SEC. 11. Each house may punish, as a contempt, by imprisonment, a breach of its privileges, or the privileges of its members, but only for one or more of the following offences, to wit:

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

Second. Disorderly conduct in the immediate view and presence of the house, and directly tending to interrupt its proceedings.

Third. Refusing to attend or be examined as a witness either before the house or a committee, or before any person authorized by the house, or a committee, to take testimony in legislative proceedings.

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

Person in contempt, where imprisoned.

SEC. 12. Whenever either house of the legislature orders or directs the imprisonment of any person in any of the cases specified in the preceding section, such person shall be committed to the common jail of the county of Ramsey, and the sheriff and keeper of said jail shall receive such person and detain him in close confinement for the term specified in the order of imprisonment, unless he is sooner discharged by the order of such house of the legislature, or by due course of law.

Absentees may be compelled to attend.

SEC. 13. Whenever at the commencement, or during the regular, adjourned or extra session of the legislature, upon a call of either house, it is found that no quorum of members is present, or if any members are found absent upon any such call, the members present are authorized to direct the sergeant-at-arms, or if there is no sergeant-at-arms of such house, then any other person duly authorized by the presiding officer of that house, to compel the attendance of any or all absentees: *provided*, that if the house refuse to excuse such absentee, he shall not be entitled to any per diem during such absence.

Only sixty days pay.

SEC. 14. Members of the legislature shall not receive pay for more than sixty days of session during any one year, unless duly convened in

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extra session by proclamation of the governor, nor for more than thirty days when so convened.

SEC. 15. The compensation prescribed by law for the members and officers of the senate shall be certified by the president thereof, and attested by the secretary; and the compensation of members and officers of the house of representatives, shall be certified by the speaker thereof, and attested by the chief clerk, which certificate shall be sufficient evidence of the amount due. Compensation of members, how certified.

SEC. 16. Members of the house of representatives shall be elected annually, and hold their office for one year. Senators shall hold their office for and during the term of two years: *provided*, that at the first annual election after each new apportionment, made in pursuance of the constitution, there shall be an entire new election of all the senators, and the senators chosen at every such election by districts designated by odd numbers, shall hold their office for one year only. Term of office.

TITLE III.

ELECTION OF UNITED STATES SENATOR.

SEC. 17. On the second Tuesday of the session of the legislature, next preceding the expiration of the time for which any senator was elected to represent this state in congress, or next succeeding the happening of any vacancy in the office of such senator, at twelve o'clock, m., the two houses shall meet in joint convention, in the hall of the house of representatives, to elect a member of the senate of the United States from the state of Minnesota, in the place of the senator so going out of office, or to fill such vacancy. United States Senator, when elected.

SEC. 18. On the assembling of the joint convention, the speaker of the house of representatives shall call the convention to order, and act as president. The clerk of the house of representatives shall act as secretary, and call the roll of the members of the joint convention. Joint convention, how organized.

SEC. 19. Upon a majority of the members of the joint convention being present, the convention shall proceed, by a *viva voce* vote, to the election of such senator, and the person voted for by a majority of all of the members of the joint convention, present and voting, shall by the president, be declared duly elected a member of the senate of the United States from the state of Minnesota. Election, how conducted.

SEC. 20. The secretary shall enter the name of each of the members of the convention, and the declaration of the result thereof, upon the journal of the convention. Duty of secretary of joint convention.

SEC. 21. Upon the election of any senator as aforesaid, the president and secretary of the joint convention shall immediately make and sign a certificate of the said election, which said certificate, within three days after the time of said election, shall by the president of the convention be presented to the governor for his signature. The governor upon the presentation to him of the said certificate, shall immediately sign the same, and cause to be affixed thereto the great seal of the state of Minnesota, and cause the said certificate to be delivered to the person thereto entitled, together with a written notice to said person of his election. Certificate of election, how given.

SEC. 22. The joint convention in case of a failure to elect, may adjourn from time to time, during the same session of the legislature in which the convention assembled; but the convention shall not adjourn *sine die* until an election of a senator is made, or until the session is finally closed. Joint convention may adjourn, when.

Vacancy during session of legislature, how filled.

SEC. 23. If from any cause a vacancy happens in the office of senator in congress during any session of the legislature, the two houses of the legislature shall meet in joint convention in the hall of the house of representatives, at a time to be fixed by joint resolution of the two houses, during the same session in which the said vacancy happens, and shall proceed in the manner provided for in the preceding sections, to elect a United States senator; and in case of a failure to elect a senator at any of the times provided for in this title, if such senator is not elected at any time during the same session as provided for herein, then, at twelve o'clock, M., on the second Tuesday of the session of the legislature next succeeding the said session and of each succeeding session of the legislature until such senator is elected, the two houses of the legislature shall meet in joint convention in the hall of the house of representatives, and proceed to elect such senator in the same manner provided for herein.

Vacancy during recess of legislature, how filled.

SEC. 24. In case a vacancy in the office of United States senator happens, from any cause, during the recess of the legislature of this state, the governor shall appoint some person to fill such vacancy until the session of the legislature next thereafter, and until a successor is elected and qualified.

CHAPTER IV.

STATUTES.

THEIR CONSTRUCTION AND REPEAL.

SECTION

- 1 Rules for construing statutes.
- 2 Statutes, shall take effect, when.

SECTION

- 3 Effect of repeal

Rules for construing statutes.

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

First. Words and phrases shall be construed 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 according to such peculiar and appropriate meaning; and all clerical and typographical errors shall be disregarded when the intent and meaning are obvious.

Second. Words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular, and words importing the masculine gender may be applied to females.

Third. 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 persons.

Fourth. The term "folio," when used as a measure for computing fees or compensation, or in any legal proceedings, means one hundred words, counting every figure necessarily used, as a word; and any portion of a