

GENERAL STATUTES

OF THE

STATE OF MINNESOTA

36

IN FORCE

JANUARY 1. 1889.

COMPLETE IN TWO VOLUMES.

VOLUME 1, the General Statutes of 1878, prepared by GEORGE B. YOUNG, edited and published under the authority of chapter 67 of the Laws of 1878, and chapter 67 of the Laws of 1879.

VOLUME 2, Supplement.—Changes effected in the General Statutes of 1878 by the General Laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H. J. HORN, Esq., with Annotations by STUART RAPALJE, Esq., and others, and a General Index by the Editorial Staff of the NATIONAL REPORTER SYSTEM.

VOL. 2.

SUPPLEMENT, 1879-1888,

WITH

ANNOTATIONS AND GENERAL INDEX TO BOTH VOLUMES.

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***§ 3. Second district.**

The counties of Faribault, Blue Earth, Waseca, Watonwan, Martin, Cottonwood, Jackson, Murray, Nobles, Rock, Pipe Stone, Lincoln, Lyon, Redwood, Brown, Nicollet, Yellow Medicine, Lac qui Parle, Sibley, and Le Sueur shall constitute the second congressional district. (*Id.* § 3.)

***§ 4. Third district.**

The counties of Goodhue, Rice, Dakota, Scott, Carver, McLeod, Meeker, Kandiyohi, Renville, Swift, and Chippewa shall constitute the third congressional district. (*Id.* § 4.)

***§ 5. Fourth district.**

The counties of Washington, Ramsey, Hennepin, Wright, Pine, Kanabec, Anoka, Chisago, Isanti, and Sherburne shall constitute the fourth congressional district. (*Id.* § 5.)

***§ 6. Fifth district.**

The counties of Mille Lacs, Benton, Morrison, Stearns, Pope, Douglas, Stevens, Big Stone, Traverse, Grant, Todd, Crow Wing, Aitkin, Carlton, Wadena, Otter Tail, Wilkin, Cass, Becker, Clay, Polk, Beltrami, Marshall, Kittson, Itasca, St. Louis, Lake, and Cook shall constitute the fifth congressional district. (*Id.* § 6.)

CHAPTER 3.
THE LEGISLATURE.**APPORTIONMENT.*****§ 1. Number of members of each house.**

That for the next legislature, and thereafter, until a new apportionment shall have been made, the senate of this state shall be composed of forty-seven members, and the house of representatives shall be composed of one hundred and three members. (1881, c. 128, § 1.)

***§ 2. Senatorial and representative districts.**

That the representation in the senate and house of representatives be apportioned throughout the state in forty-seven senatorial and representative districts, to-wit:

1. The first district shall be composed of the county of Houston, and shall be entitled to elect one senator and two representatives.

2. The second district shall be composed of the county of Fillmore, and shall be entitled to elect one senator and five representatives.

3. The third district shall be composed of the county of Mower, and shall be entitled to elect one senator and two representatives. Representative districts divided as follows: The towns of Le Roy, Lodi, Adams, Nevada, Lyle, Austin, and Windom shall be entitled to elect one representative. The towns of Racine, Pleasant Valley, Sargent, Waltham, Udolphi, Lansing, Red Rock, Dexter, Grand Meadow, Frankfort, Bennington, Clayton, and Marshall shall be entitled to elect one representative.

4. The fourth district shall be composed of the county of Freeborn, and shall be entitled to elect one senator and two representatives.

5. The fifth district shall be composed of the county of Faribault, and shall be entitled to elect one senator and one representative.

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6. The sixth district shall be composed of the counties of Jackson and Martin, and shall be entitled to elect one senator and one representative.

7. The seventh district shall be composed of the counties of Nobles, Murray, Rock, and Pipe Stone, and shall be entitled to elect one senator and two representatives. Representative districts divided as follows: The counties of Nobles and Murray shall be entitled to elect one representative; and the counties of Rock and Pipe Stone shall be entitled to elect one representative.

8. The eighth district shall be composed of the counties of Watonwan and Cottonwood, and shall be entitled to elect one senator and one representative.

9. The ninth district shall be composed of the counties of Brown and Redwood, and shall be entitled to elect one senator and two representatives. Representative districts divided as follows: The county of Brown shall be entitled to one representative, and the county of Redwood shall be entitled to elect one representative.

10. The tenth district shall be composed of the county of Blue Earth, and shall be entitled to elect one senator and four representatives.

11. The eleventh district shall be composed of the county of Waseca, and shall be entitled to elect one senator and one representative.

12. The twelfth district shall be composed of the county of Steele, and shall be entitled to elect one senator and one representative.

13. The thirteenth district shall be composed of the county of Dodge, and shall be entitled to elect one senator and one representative.

14. The fourteenth district shall be composed of the county of Olmsted, and shall be entitled to elect one senator and three representatives. Representative districts divided as follows: The towns of New Haven, Oronoco, Farmington, Haverhill, Cascade, Kolmer, Byron village, Salem township, and Rock Dell township shall be entitled to elect one representative. The first, second, and third wards of the city of Rochester, towns of Rochester and Marion, shall be entitled to elect one representative. The towns of Viola, Quincy, Eyota, Dover, Elmira, Orion, Pleasant Grove, High Forest, Eyota village, and High Forest village shall be entitled to elect one representative.

15. The fifteenth district shall be composed of the county of Winona, and shall be entitled to elect one senator and five representatives. Representative districts divided as follows: The towns of Saratoga, Elba, Norton, Hart, St. Charles, city of St. Charles, Whitewater, Utica, Warren, Mount Vernon, and Fremont shall be entitled to elect two representatives. The towns of Winona, Rolling Stone, Pleasant Hill, New Hartford, Hillsdale, city of Winona, Wilson, Homer, Dresbach, Wiscoy, and Richmond shall be entitled to elect three representatives.

16. The sixteenth district shall be composed of the counties of Lyon, Lincoln, and Yellow Medicine, and shall be entitled to elect one senator and two representatives.

17. The seventeenth district shall be composed of the county of Nicollet, and shall be entitled to elect one senator and one representative.

18. The eighteenth district shall be composed of the county of Sibley, and shall be entitled to elect one senator and one representative.

19. The nineteenth district shall be composed of the county of Le Sueur, and entitled to elect one senator and two representatives.

20. The twentieth district shall be composed of the county of Rice, and shall be entitled to elect one senator and four representatives.

21. The twenty-first district shall be composed of the towns of Stanton, Cannon Falls, Warsaw, Leon, Holden, Wanamingo, Kenyon, Cherry Grove, Roscoe, Pine Island, Minneola, Zumbrota, Belle Creek, Goodhue, and Belvidere, of the county of Goodhue, and shall be entitled to elect one senator and two representatives. Representative districts divided as follows: The towns of Stanton, Cannon Falls, Warsaw, Leon, Holden, Wanamingo, Kenyon, and Cherry Grove shall be entitled to elect one representative. The towns of Belle

Creek, Goodhue, Belvidere, Minneola, Zumbrota, Roscoe, and Pine Island shall be entitled to elect one representative.

22. The twenty-second district shall be composed of the towns of Welch, Burnside, Red Wing, Wacouta, Vasa, Featherstone, Hay Creek, Florence, and Central Point, in the county of Goodhue; and shall be entitled to elect one senator and one representative.

23. The twenty-third district shall be composed of the county of Wabasha, and shall be entitled to elect one senator and three representatives. Representative districts divided as follows: The towns of Lake, Mount Pleasant, Gilford, Chester, Hyde Park and city of Lake City shall be entitled to elect one representative; the towns of Mazeppa, Elgin, Zumbro, Plainview, and Oakwood shall be entitled to elect one representative; the towns of Minneiska, Watopa, Greenfield, Glasgow, Pepin, West Albany, and Highland, the village of Reads, and the city of Wabasha shall be entitled to elect one representative. (1881, c. 128, § 1; 1881, *Ex. Sess.* c. 17, § 1; *as amended* 1885, c. 58.)

24. The twenty-fourth district shall be composed of the county of Washington, and shall be entitled to elect one senator and three representatives. Representative districts divided as follows: The second and third wards of the city of Stillwater shall be entitled to elect one representative. The first ward of the city of Stillwater, and the towns of Marine, Forest Lake, Stillwater, Grant, and Oneka, of the county of Washington, shall be entitled to elect one representative. The towns of Oakdale, Afton, Woodbury, Baytown, Lakeland, Cottage Grove, Denmark, and Newport shall be entitled to elect one representative.

25. The twenty-fifth district shall be composed of the county of Dakota, and shall be entitled to elect one senator and two representatives.

26. The twenty-sixth district shall be composed of the first and fifth wards of the city of St. Paul, and townships of McLean, White Bear, New Canada, Mounds View, Rose, and Reserve, in the county of Ramsey, and shall be entitled to elect one senator and three representatives. Representative districts divided as follows: The first ward shall be entitled to elect one representative. The fifth ward shall be entitled to elect one representative. The townships of McLean, White Bear, New Canada, Mounds View, Rose, and Reserve, in the county of Ramsey, shall be entitled to elect one representative.

27. The twenty-seventh district shall be composed of the second, third, fourth, and sixth wards of the city of St. Paul, and shall be entitled to elect one senator and four representatives. Representative districts divided as follows: The second and sixth wards shall be entitled to elect one representative. The third ward shall be entitled to elect one representative. The first and fourth precincts of the fourth ward shall be entitled to elect one representative. The second and third precincts of the fourth ward shall be entitled to elect one representative.*

28. The twenty-eighth district shall be composed of the first and second wards of the City of Minneapolis, the township of St. Anthony, in the county of Hennepin, the counties of Anoka and Isanti, and shall be entitled to elect one senator and four representatives.

29. The twenty-ninth district shall be composed of the fifth and sixth wards of the city of Minneapolis, and the townships of Minneapolis, Bloomington, Eden Prairie, Richfield, Minnetonka, Excelsior, Minnetrista, Medina, Plymouth, and Independence, in the county of Hennepin, and shall be entitled to elect one senator and six representatives.

30. The thirtieth district shall be composed of the third and fourth wards of the city of Minneapolis, the townships of Hassan, Dayton, Champlin, Greenwood, Corcoran, Maple Grove, Brooklyn, Osseo, and Crystal Lake, in the

*See Sp. Laws 1887, c. 46, and § 3 post.

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county of Hennepin, and shall be entitled to elect one senator and four representatives.

31. The thirty-first district shall be composed of the county of Scott, and shall be entitled to elect one senator and one representative.

32. The thirty-second district shall be composed of the county of Carver, and shall be entitled to elect one senator and two representatives.

33. The thirty-third district shall be composed of the counties of Wright and Sherburne, and shall be entitled to elect one senator and three representatives.

34. The thirty-fourth district shall be composed of the county of Meeker, and shall be entitled to elect one senator and one representative.

35. The thirty-fifth district shall be composed of the county of McLeod, and shall be entitled to elect one senator and one representative.

36. The thirty-sixth district shall be composed of the county of Kandiyohi, and shall be entitled to elect one senator and one representative.

37. The thirty-seventh district shall be composed of the counties of Lac qui Parle, Swift, and Chippewa, and shall be entitled to elect one senator and two representatives.

38. The thirty-eighth district shall be composed of the counties of Chisago, Kanabec, and Pine, and shall be entitled to elect one senator and one representative.

39. The thirty-ninth district shall be composed of the counties of Crow Wing, Benton, Morrison, Todd, and Mille Lacs, and shall be entitled to elect one senator and three representatives.

40. The fortieth district shall be composed of the county of Stearns, and shall be entitled to elect one senator and four representatives. Representative districts divided as follows: The city of St. Cloud, towns of Brockway, Le Sauk, St. Cloud, St. Augusta, Lyndon, and Fairhaven shall be entitled to elect one representative. The towns of Maine Prairie, Rockville, Luxemburg, Eden Lake, Paynesville, Zion, Lake Henry, and Crow River shall be entitled to elect one representative. The towns of Holding, Krain, Millwood, Oak, Albany, Avon, St. Windel, St. Joseph, Collegeville, Farming, St. Martin, Munson, and Wakefield shall be entitled to elect one representative. The towns of Ashley, Sauk Centre, Melrose, Grove, Getty, Raymond, North Fork, Lake George, Spring Hill, and Crow Lake shall be entitled to elect one representative.

41. The forty-first district shall be composed of the counties of Pope and Douglas, and shall be entitled to elect one senator and two representatives. Representative districts divided as follows: The county of Pope shall be entitled to elect one representative, and the county of Douglas shall be entitled to elect one representative.

42. The forty-second district shall be composed of the counties of Big Stone, Grant, Stevens, and Traverse, and shall be entitled to elect one senator and one representative.

43. The forty-third district shall be composed of the county of Otter Tail, and shall be entitled to elect one senator and two representatives.

44. The forty-fourth district shall be composed of the counties of Wilkin, Clay, and Becker, and shall be entitled to elect one senator and one representative.

45. The forty-fifth district shall be composed of the counties of Polk, Kittson, Marshall, and Beltrami, and shall be entitled to elect one senator and one representative.

46. The forty-sixth district shall be composed of the counties of Carlton, St. Louis, Wadena, Cook, Lake, Itasca, Cass, and Aitkin, and shall be entitled to elect one senator and one representative.

47. The forty-seventh district shall be composed of the county of Renville,

and shall be entitled to elect one senator and one representative. (1881, c. 128, § 2.)

***§ 3. Change of county or township lines—Effect.**

In the event of any change in the county and township lines affecting the districts provided in section two of this act, the senatorial and representative districts shall not be affected thereby. (*Id.* § 3.)

ORGANIZATION.

***§ 18. Compensation for preparing journals.**

The secretary of the senate and the chief clerk of the house shall be paid each two hundred dollars for fully and completely indexing the printed journals of their respective legislative bodies. The assistant secretary of the senate and the assistant clerk of the house shall be paid three hundred dollars each for transcribing the journals of their respective legislative bodies. (1873, c. 113, § 3, *as amended* 1883, c. 14, § 1.)

CHAPTER 4.

STATUTES.

VALIDITY. Evidence and authentication. *Jordan v. Circuit Court*, (Iowa,) 28 N. W. Rep. 548; *State v. McClelland*, (Neb.) 25 N. W. Rep. 77; *State v. Poole*, (Neb.) 29 N. W. Rep. 246; *Stout v. County of Grant*, (Ind.) 8 N. E. Rep. 222; *State v. Stevenson*, (Neb.) 25 N. W. Rep. 585; *State v. Smith*, (Ohio,) 7 N. E. Rep. 447; *Darling v. Boesch*, (Iowa,) 25 N. W. Rep. 887; *Taylor v. Wilson*, (Neb.) 22 N. W. Rep. 119; *Railroad Tax Cases*, 18 Fed. Rep. 722; *County of Santa Clara v. Southern Pac. R. Co.*, 18 Fed. Rep. 385.

Absence of enacting clause. *Powell v. Jackson Common Council*, (Mich.) 16 N. W. Rep. 369.

Statute not in fact enacted, though enrolled. *Meracle v. Down*, (Wis.) 25 N. W. Rep. 412.

Statutes invalid in part. *O'Brien v. Krenz*, 36 Minn. 136, 30 N. W. Rep. 458; *People v. Richmond*, (Mich.) 26 N. W. Rep. 770; *The General Tompkins*, 9 Fed. Rep. 620; *Supervisors Albany v. Stanley*, 12 Fed. Rep. 82.

INTERPRETATION OF STATUTES. Letter and spirit—Intent. *U. S. v. Buchanan*, 9 Fed. Rep. 689; *Dilger v. Palmer*, (Iowa,) 14 N. W. Rep. 184; *Mutual Life Ins. Co. v. Champlin*, 21 Fed. Rep. 85; *Farmers' Loan & Trust Co. v. Oregon & C. Ry. Co.*, 24 Fed. Rep. 407; *The Lizzie Henderson*, 20 Fed. Rep. 524; *State v. Small*, 29 Minn. 216, 12 N. W. Rep. 703.

Whole statute to be considered—Inconsistent provisions. *Mutual Life Ins. Co. v. Champlin*, 21 Fed. Rep. 85; *People v. McClare*, (N. Y.) 1 N. E. Rep. 235; *Stout v. County of Grant*, (Ind.) 8 N. E. Rep. 222; *State v. Liedtke*, (Neb.) 4 N. W. Rep. 61; *Albertson v. State*, (Neb.) 2 N. W. Rep. 742; *County of Richardson v. Miles*, (Neb.) 16 N. W. Rep. 150.

Construction sustaining validity and reasonableness preferred. *People v. Lacombe*, (N. Y.) 1 N. E. Rep. 599; *Stout v. County of Grant*, (Ind.) 8 N. E. Rep. 222; *Case of the Chinese Laborers*, 13 Fed. Rep. 291; *Case of the Chinese Merchant*, Id. 605; *The Samuel E. Spring*, 27 Fed. Rep. 764; *Singer Manuf'g Co. v. McCollock*, 24 Fed. Rep. 667.

Unlawful object not inferred. *Allor v. Auditors*, (Mich.) 4 N. W. Rep. 492.

Consideration attached to the title and preamble. *Hahn v. Salmon*, 20 Fed. Rep. 801; *Wilson v. Spaulding*, 19 Fed. Rep. 304.

Punctuation. *U. S. v. Vorhees*, 9 Fed. Rep. 143.

Consideration given to other statutes. *Central Iowa Ry. Co. v. Board of Sup'rs*, (Iowa,) 25 N. W. Rep. 128; *State v. Boswell*, (Ind.) 4 N. E. Rep. 675; *People v. Lacombe*, (N. Y.) 1 N. E. Rep. 599.

Purpose of the statute. *State v. McEntee*, (Iowa,) 27 N. W. Rep. 265; *People v. Lacombe*, *supra*; *City of Evansville v. Summers*, (Ind.) 9 N. E. Rep. 81; *Virginia Coupon Cases*, 25 Fed. Rep. 666; *Northern Pac. R. Co. v. Majors*, (Mont.) 2 Pac. Rep. 322; *Wilson v. Spaulding*, 19 Fed. Rep. 304; *Hahn v. Salmon*, 20 Fed. Rep. 801; *U. S. v. Buchanan*, 9 Fed. Rep. 689; *Yuengling v. Schile*, 12 Fed. Rep. 97.

Use of same word in different statutes. *Louisville & N. R. Co. v. Gaines*, 3 Fed. Rep. 266.