

GENERAL STATUTES

33

OF THE

STATE OF MINNESOTA,

IN FORCE JANUARY, 1891.

VOL. 1.

CONTAINING ALL THE LAW OF A GENERAL NATURE NOT
REMEDIAL, THE LATTER BEING IN VOL. 2.

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BY

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Acts 1866, ch. 4, G. S. ch. 3, title 1, established twenty-two districts, twenty-two members of senate and forty-seven members of house; amended 1867, ch. 115. Acts 1871, ch. 20, established forty-one districts, forty-one senators, one hundred and six members of house; amended 1872, ch. 94. Acts 1881, ch. 128, established forty-seven districts; senators, forty-seven; house, one hundred and three members; amended 1881, Ex. S. ch. 17, and 1885, ch. 58. Acts 1889, ch. 2, established fifty-four districts, fifty-four senators and one hundred and fourteen representatives.

TITLE 1.

APPORTIONMENT.

SEC. 211. Number of senators and representatives.— That for the next legislature and thereafter until a new apportionment shall have been made the senate of this state shall be composed of fifty-four (54) members and the house of representatives shall be composed of one hundred and fourteen (114) members.

1889, ch. 2, § 1: "An act to prescribe the boundaries of senatorial and representative districts, and to apportion anew the senators and representatives among the several districts." Approved April 22, 1889.

SEC. 212. Number of districts.— That the representation in the senate and house of representatives be apportioned throughout the state in fifty-four (54) senatorial and representative districts, to-wit:

1889, ch. 2, § 2.

FIRST DISTRICT. The first (1st) district shall be composed of the county of Houston, and shall be entitled to elect one (1) senator and one (1) representative.

SECOND DISTRICT. The second (2d) district shall be composed of the county of Fillmore, and shall be entitled to elect one (1) senator and three (3) representatives.

THIRD DISTRICT. The third (3d) district shall be composed of the county of Mower, and shall be entitled to elect one (1) senator and two (2) representatives. Representative districts shall be divided as follows: The towns of Le

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Roy, Lodi, Adams, Nevada, Lyle, Austin and Windom shall be entitled to elect one (1) representative. The towns of Racine, Pleasant Valley, Sargent, Waltham, Udolpho, Lansing, Red Rock, Dexter, Grand Meadow, Frankford, Bennington, Clayton and Marshall shall be entitled to elect one (1) representative.

FOURTH DISTRICT. The fourth (4th) district shall be composed of the county of Freeborn, and shall be entitled to elect one (1) senator and two (2) representatives.

FIFTH DISTRICT. The fifth (5th) district shall be composed of the county of Faribault, and shall be entitled to elect one (1) senator and one (1) representative.

SIXTH DISTRICT. The sixth (6th) district shall be composed of the counties of Martin and Watonwan, and shall be entitled to elect one (1) senator and one (1) representative.

SEVENTH DISTRICT. The seventh (7th) district shall be composed of the counties of Nobles, Murray, Rock and Pipestone, and shall be entitled to elect one (1) senator and three (3) representatives.

EIGHTH DISTRICT. The eighth (8th) district shall be composed of the counties of Jackson and Cottonwood, and shall be entitled to elect one (1) senator and one (1) representative.

NINTH DISTRICT. The ninth (9th) district shall be composed of the counties of Brown and Redwood, and shall be entitled to elect one (1) senator and two (2) representatives. Representative districts divided as follows: The county of Brown shall be entitled to elect one (1) representative. The county of Redwood shall be entitled to elect one (1) representative.

TENTH DISTRICT. The tenth (10th) district shall be composed of the county of Blue Earth, and shall be entitled to elect one (1) senator and three (3) representatives.

ELEVENTH DISTRICT. The eleventh (11th) district shall be composed of the county of Waseca, and shall be entitled to elect one (1) senator and one (1) representative.

TWELFTH DISTRICT. The twelfth (12th) district shall be composed of the county of Steele, and shall be entitled to elect one (1) senator and one (1) representative.

THIRTEENTH DISTRICT. The thirteenth (13th) district shall be composed of the county of Dodge, and shall be entitled to elect one (1) senator and one (1) representative.

FOURTEENTH DISTRICT. The fourteenth (14th) district shall be composed of the county of Olmsted, and shall be entitled to elect one (1) senator and two (2) representatives.

FIFTEENTH DISTRICT. The fifteenth (15th) district shall be composed of the county of Winona, and shall be entitled to elect one (1) senator and four (4) representatives. Representative districts divided as follows: The towns of Saratoga, Fremont, Utica, St. Charles, Elba, White Water, Norton and the city of St. Charles shall be entitled to elect one (1) representative. The towns of Mt. Vernon, Rollingstone, Hillsdale, Warren, Hart, Wiscoy, Wilson, Homer, Richmond, New Hartford, Pleasant Hill and Dresbach shall be entitled to elect one (1) representative. The town of Winona and the first (1st) and second (2d) wards of the city of Winona shall be entitled to elect one (1) representative. The third (3d) and fourth (4th) wards of the city of Winona shall be entitled to elect one (1) representative.

SIXTEENTH DISTRICT. The sixteenth (16th) district shall be composed of the counties of Lyon, Lincoln and Yellow Medicine, and shall be entitled to elect one (1) senator and two (2) representatives.

SEVENTEENTH DISTRICT. The seventeenth (17th) district shall be composed of the county of Nicollet, and shall be entitled to elect one (1) senator and one (1) representative.

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EIGHTEENTH DISTRICT. The eighteenth (18th) district shall be composed of the county of Sibley, and shall be entitled to elect one (1) senator and one (1) representative.

NINETEENTH DISTRICT. The nineteenth (19th) district shall be composed of the county of Le Sueur, and shall be entitled to elect one (1) senator and two (2) representatives.

TWENTIETH DISTRICT. The twentieth (20th) district shall be composed of the county of Rice, and shall be entitled to elect one (1) senator and three (3) representatives.

TWENTY-FIRST DISTRICT. The twenty-first (21st) district shall be composed of the county of Goodhue, and shall be entitled to elect one (1) senator and three (3) representatives. The county of Goodhue shall be divided into representative districts as follows: The first (1) representative district shall include the township of Cannon Falls, the village of Cannon Falls, the townships of Leon, Wanamingo, Cherry Grove, Stanton, Warsaw, Holden, the township of Kenyon and the village of Kenyon, and shall be entitled to elect one (1) representative. The second (2) representative district shall be composed of the townships of Pine Island, Roscoe, Zumbrota, and village of Zumbrota, Minneola, Belle Creek, Goodhue and Belvidere, and shall be entitled to elect one (1) representative. The third (3) representative district shall be composed of the city of Red Wing, the townships of Burnside, Welch, Vasa, Featherstone, Hay Creek, Florence, Wacouta and Central Point, and shall be entitled to elect one (1) representative.

TWENTY-SECOND DISTRICT. The twenty-second (22d) district shall be composed of the county of Wabasha and shall be entitled to one (1) senator and two (2) representatives. Representative districts divided as follows: The towns of Watopa, Greenfield, Glasgow, Wabasha, Highland, Plainview, Oakwood, Elgin, Zumbro and Minneiska, and shall be entitled to elect one (1) representative. The city of Lake City and the towns of Lake, West Albany, Mount Pleasant, Guilford, Chester, Mazepa, Reads, Pepin and Hyde Park, and shall be entitled to elect one (1) representative.

TWENTY-THIRD DISTRICT. The twenty-third (23d) district shall be composed of the county of Washington, and shall be entitled to elect one (1) senator and three (3) representatives. Representative districts divided as follows: The second (2d) and third (3d) wards of the city of Stillwater shall be entitled to elect one (1) representative. The first (1st) 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 (1) representative. The towns of Oakdale, Afton, Woodbury, Baytown, Lakeland, Cottage Grove, Denmark and Newport shall be entitled to elect one (1) representative.

TWENTY-FOURTH DISTRICT. The twenty-fourth (24th) district shall be composed of the county of Dakota, and shall be entitled to elect one (1) senator and two (2) representatives.

TWENTY-FIFTH DISTRICT. The twenty-fifth (25th) district shall be composed of the first (1st), second (2nd) and third (3rd) wards of the city of St. Paul, and shall be entitled to elect one (1) senator and three (3) representatives. Representative districts divided as follows: The first (1st) ward shall be entitled to elect one (1) representative. The second (2nd) ward shall be entitled to elect one (1) representative. The third (3rd) ward shall be entitled to elect one (1) representative.

TWENTY-SIXTH DISTRICT. The twenty-sixth (26th) district shall be composed of the fourth (4th), fifth (5th) and sixth (6th) wards of the city of St. Paul, and shall be entitled to elect one (1) senator and three (3) representatives. Representative districts divided as follows: The fourth (4th) ward shall be entitled to elect one (1) representative. The fifth (5th) ward shall be entitled to elect one (1) representative. The sixth (6th) ward shall be entitled to elect one (1) representative.

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TWENTY-SEVENTH DISTRICT. The twenty-seventh (27th) district shall be composed of the seventh (7th) and eighth (8th) wards of the city of St. Paul, and shall be entitled to elect one (1) senator and two (2) representatives. Representative districts divided as follows: The seventh (7th) ward shall be entitled to elect one (1) representative. The eighth (8th) ward shall be entitled to elect one (1) representative.

TWENTY-EIGHTH DISTRICT. The twenty-eighth (28th) district shall be composed of the ninth (9th), tenth (10th) and eleventh (11th) wards of the city of St. Paul, and the village of White Bear and towns of White Bear, New Canada, Moundsview, Rose and village of North St. Paul, in the county of Ramsey, and shall be entitled to elect one (1) senator and two (2) representatives. Representative districts divided as follows: The ninth (9th) ward shall be entitled to elect one (1) representative. The tenth (10th) and eleventh (11th) wards and the village of White Bear and the towns of White Bear, New Canada, Moundsview, Rose and village of North St. Paul, in the county of Ramsey, shall be entitled to elect one (1) representative.

TWENTY-NINTH DISTRICT. The twenty-ninth (29th) district shall be composed of the first (1st) and third (3rd) wards of the city of Minneapolis, and shall be entitled to elect one (1) senator and two (2) representatives. Representative districts divided as follows: All the first (1st) ward and that portion of the third (3rd) ward lying east of the line of third (3rd) street commencing at a point where third (3d) street intersects third (3rd) avenue north, and extending northerly to the boundary line of the third (3rd) and tenth (10th) wards, and shall be entitled to elect one (1) representative. All of that part of the third (3rd) ward lying west of third (3rd) street commencing at a point where third (3rd) street intersects third (3rd) avenue north, and extending in a northerly direction to the boundary line of the third (3rd) and tenth (10th) wards, and shall be entitled to elect one (1) representative.

THIRTIETH DISTRICT. The thirtieth (30th) district shall be composed of the second (2nd) and ninth (9th) wards of the city of Minneapolis and the town of St. Anthony, in the county of Hennepin, and shall be entitled to elect one (1) senator and two (2) representatives.

THIRTY-FIRST DISTRICT. The thirty-first (31st) district shall be composed of the fourth (4th) and tenth (10th) wards of the city of Minneapolis, the villages of Crystal and Osseo, and the towns of Crystal Lake, Brooklyn, Champlin, Dayton and Hassan, in the county of Hennepin, and shall be entitled to elect one (1) senator and three (3) representatives.

THIRTY-SECOND DISTRICT. The thirty-second (32d) district shall be composed of the fifth (5th) and sixth (6th) wards of the city of Minneapolis, and shall be entitled to elect one (1) senator and four (4) representatives.

THIRTY-THIRD DISTRICT. The thirty-third (33d) district shall be composed of the seventh (7th), eleventh (11th) and twelfth (12th) wards of the city of Minneapolis, the village of Edina, and the towns of Richfield, Bloomington, Eden Prairie and the village and town of Excelsior, in the county of Hennepin, and shall be entitled to elect one (1) senator and two (2) representatives.

THIRTY-FOURTH DISTRICT. The thirty-fourth (34th) district shall be composed of the eighth (8th) and thirteenth (13th) wards of the city of Minneapolis, and the towns of Corcoran, Greenwood, Medina, Independence, Minnetonka, Plymouth, Minnetrista, Maple Grove, Orono, Golden Valley, St. Louis Park and Wayzata, and shall be entitled to elect one (1) senator and two (2) representatives.

THIRTY-FIFTH DISTRICT. The thirty-fifth (35th) district shall be composed of the counties of Anoka and Isanti, and shall be entitled to elect one (1) senator and one (1) representative.

THIRTY-SIXTH DISTRICT. The thirty-sixth (36th) district shall be composed of the county of Scott, and shall be entitled to elect one (1) senator and one (1) representative.

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THIRTY-SEVENTH DISTRICT. The thirty-seventh (37th) district shall be composed of the county of Carver, and shall be entitled to elect one (1) senator and one (1) representative.

THIRTY-EIGHTH DISTRICT. The thirty-eighth (38th) district shall be composed of the counties of Wright and Sherburne, excepting the seventh (7th) ward of the city of St. Cloud in the county of Sherburne, and shall be entitled to elect one (1) senator and four (4) representatives.

THIRTY-NINTH DISTRICT. The thirty-ninth (39th) district shall be composed of the county of Meeker, and shall be entitled to elect one (1) senator and one (1) representative.

FORTIETH DISTRICT. The fortieth (40th) district shall be composed of the county of McLeod, and shall be entitled to elect one (1) senator and one (1) representative.

FORTY-FIRST DISTRICT. The forty-first (41st) district shall be composed of the county of Kandiyohi, and shall be entitled to elect one (1) senator and one (1) representative.

FORTY-SECOND DISTRICT. The forty-second (42d) district shall be composed of the county of Renville, and shall be entitled to elect one (1) senator and one (1) representative.

FORTY-THIRD DISTRICT. The forty-third (43d) district shall be composed of the counties of Lac Qui Parle, Swift and Chippewa, and shall be entitled to elect one (1) senator and three (3) representatives.

FORTY-FOURTH DISTRICT. The forty-fourth (44th) district shall be composed of the counties of Chisago, Kanabec and Pine, and shall be entitled to elect one (1) senator and one (1) representative.

FORTY-FIFTH DISTRICT. The forty-fifth (45th) district shall be composed of the counties of Stearns and Benton, and the seventh (7th) ward of the city of St. Cloud, in the county of Sherburne, and shall be entitled to elect one (1) senator and four (4) representatives. Representative districts divided as follows: The city of St. Cloud including the fifth (5th) and sixth (6th) wards of said city in Benton county and the seventh (7th) ward in Sherburne county and the towns of Brockway, Le Sauk, St. Cloud, St. Augusta, Linden and Fair Haven in Stearns, shall be entitled to elect one (1) representative. The towns of Albany, Farming, Milwood, Krain, Oak Holding, Avon, St. Windel, St. Martin, Collegeville, St. Joseph, Munson, Wakefield, Rockville, Eden Lake, Luxemburg and Maine Prairie, shall be entitled to elect one (1) representative. The towns of Ashley, Sauk Center, Melrose, Raymond, Getty, Grove, North Fork, Lake George, Spring Hill, Crow Lake, Crow River, Lake Henry, Zion and Paynesville, the villages of Belgrade and Paynesville and the city of Sauk Center and the village of Melrose shall be entitled to elect one (1) representative. The county of Benton excepting the fifth (5th) and sixth (6th) wards of the city of St. Cloud in said county shall be entitled to elect one (1) representative.

FORTY-SIXTH DISTRICT. The forty-sixth (46th) district shall be composed of the counties of Crow Wing, Morrison, Todd and Mille Lacs, and shall be entitled to elect one (1) senator and four (4) representatives.

FORTY-SEVENTH DISTRICT. The forty-seventh (47th) district shall be composed of the counties of Pope and Douglas, and shall be entitled to elect one (1) senator and two (2) representatives. Representative districts divided as follows: The county of Pope shall be entitled to elect one (1) representative. The county of Douglas shall be entitled to elect one (1) representative.

FORTY-EIGHTH DISTRICT. The forty-eighth (48th) district shall be composed of the county of Otter Tail, and shall be entitled to elect one (1) senator and four (4) representatives.

FORTY-NINTH DISTRICT. The forty-ninth (49th) district shall be composed of the counties of Big Stone, Grant, Stevens and Traverse, and shall be entitled to elect one (1) senator and two (2) representatives.

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FIFTIETH DISTRICT. The fiftieth (50th) district shall be composed of the counties of Wilkin, Clay and Becker, and shall be entitled to elect one (1) senator and three (3) representatives.

FIFTY-FIRST DISTRICT. The fifty-first (51st) district shall be composed of the counties of Polk, Beltrami and Norman, and shall be entitled to elect one (1) senator and three (3) representatives.

FIFTY-SECOND DISTRICT. The fifty-second (52d) district shall be composed of the counties of Marshall and Kittson, and shall be entitled to elect one (1) senator and one (1) representative.

FIFTY-THIRD DISTRICT. The fifty-third (53d) district shall be composed of the counties of Aitkin, Cass, Itasca, Hubbard, Wadena and Carlton, and shall be entitled to elect one (1) senator and one (1) representative.

FIFTY-FOURTH DISTRICT. The fifty-fourth (54th) district shall be composed of the counties of St. Louis, Lake and Cook, and shall be entitled to elect one (1) senator and three (3) representatives.

SEC. 213. That in the event of any change in the county and township lines affecting the districts provided in section two (2) of this act the senatorial and representative districts shall not be affected thereby.

1889, ch. 2, § 3.

TITLE 2.

ORGANIZATION.

SEC. 214. Biennial sessions.— The legislature shall assemble at the seat of government on the first (1st) Tuesday after the first (1st) Monday in January, in the year of our Lord one thousand eight hundred and seventy-nine, (1879) and biennially thereafter, upon the same day and month.

G. S. ch. 3, § 3, as amended 1878, ch. 23, § 1. Prior to this amendment legislature assembled annually. By constitutional amendment, art. 4, § 1, adopted November 6, 1877, the legislature "shall meet biennially," at the time prescribed by law. Retained by amendment adopted November 6, 1888.

SEC. 215. Term of senators and representatives.— At the general annual election in the year one thousand eight hundred and seventy-eight (1878), there shall be an entire new election of all the senators and representatives. Representatives chosen at such election, or at any election thereafter, shall hold their office for the term of two (2) years, except it be to fill a vacancy; and the senators chosen at such election, by districts designated by odd numbers, shall go out of office at the expiration of the second (2d) year, and senators chosen by districts designated [by] even numbers, shall go out of office at the expiration of the fourth (4th) year, and thereafter senators shall be chosen for four (4) years, except there shall be an entire new election of all senators at the election of representatives, next succeeding each new apportionment.

G. S. ch. 3, § 16, as amended 1878, ch. 23. Approved March 11, 1878. Before this amendment representatives held office for one year and senators two years. This amendment was enacted in pursuance of constitutional amendment, § 1, art. 4, adopted November 6, 1877, providing for *biennial* sessions of legislature.

SEC. 216. Certificate prima facie evidence.— 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.

G. S. ch. 3, § 4 (5).

SEC. 217. Organization of senate.— At the hour of twelve o'clock m., on the day appointed for the convening of any regular session of the legislature,

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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.

G. S. ch. 3, § 5 (6).

SEC. 218. **Officers of senate.**— The senate shall thereupon, if a quorum is present, proceed to elect, in the order named, a secretary, an assistant secretary, an enrolling 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.

G. S. ch. 3, § 6 (7).

SEC. 219. **Organization of house.**— At the time specified in section five the secretary of state, and in his absence the senior 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, a second assistant clerk, an enrolling clerk, an assistant enrolling clerk, (who shall also perform the duties of post-master of the house), an engrossing clerk, sergeant-at-arms, and an assistant sergeant-at-arms, (who shall also perform the duties of door-keeper) and a chaplain.

G. S. ch. 3, § 7 (8), as amended 1872, ch. 58, § 1. The amendment added second assistant clerk, assistant enrolling clerk, assistant sergeant-at-arms and chaplain.

SEC. 220. **Majority of votes necessary to elect.**— On all elections of officers of either branch of the legislature, a majority of all the votes given is necessary to a choice.

G. S. ch. 3, § 10 (11).

SEC. 221. **Clerks and sergeant-at-arms — Term of office.**— The clerks and sergeant-at-arms shall hold their office for and during the session at which they are elected, but may be discharged by a resolution of the house.

G. S. ch. 3, § 8 (9), as amended 1872, ch. 58, § 2. Amendment struck out "fireman."

SEC. 222. **Messengers.**— 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.

G. S. ch. 3, § 9 (10). Compensation, *post*, § 226.

SEC. 223. **Absentees compelled to attend.**— 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.

G. S. ch. 3, § 13 (14).

SEC. 224. **Contempts.**— 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.

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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.

G. S. ch. 3, § 11 (12).

SEC. 225. Where imprisoned for contempt.—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.

G. S. ch. 3, § 12 (13).

SEC. 226. Compensation of members and officers.—That the compensation of the officers and members of the legislature shall be as follows: The per diem of the president of the senate and speaker of the house of representatives shall be ten dollars. The per diem of the secretary of the senate and chief clerk of the house of representatives shall be ten dollars. The per diem of the assistant secretary of the senate and the assistant clerk of the house shall be seven dollars. The per diem of senators and representatives shall be five dollars. The per diem of all other officers of the senate and house of representatives, except the messengers, shall be five dollars. The per diem of the messengers shall be two dollars and fifty cents.* The enrolling clerks may employ such number of competent assistants as may be necessary to secure the prompt and correct enrollment of all acts which have passed both senate and house of representatives, which assistants shall be paid fifteen cents per folio of one hundred words for such bills, memorials and joint resolutions, as have been by them correctly and legibly enrolled.

1868, ch. 43, § 1, as amended 1873, ch. 113, § 1. Amendment increased compensation of secretary of senate and chief clerk of house from \$7 to \$10; assistant secretary and assistant clerk from \$6 to \$7, and messengers from \$2 to \$2.50, and added provision below*. By G. S. ch. 3, § 9, messengers' compensation was \$1.50 per day. Laws 1868, ch. 43, § 1, increased it to \$2, and acts 1873, ch. 113, § 1, to \$2.50.

Joint resolution, February 3, 1874, provides that deputy state treasurer pay officers and members every ten days. Secretary of senate and chief clerk of house to make certificate of amount due, to be audited by state auditor, who issues order on treasurer and paid to deputy treasurer, to be paid to members and officers. At close of session auditor to examine and adjust the accounts. Auditor to furnish blanks. Treasurer held responsible for proper disbursement. Deputy treasurer not to receive any compensation for this additional duty.

SEC. 227. Same — How computed.—The compensation of members of the legislature, at every regular and extra session, shall be computed by including the first and last days of the session and every intervening day.

G. S. ch. 3, § 14 (15), as amended 1878, ch. 23, § 2; 1889, ch. 103. Approved January 25, 1889. Before this amendment this section limited the compensation to sixty days for regular and thirty days for special sessions, which was abrogated by Const. Am. § 1, art. 4, adopted 1888, extending session "not to exceed ninety legislative days."

SEC. 228. Same — How certified.—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 certificates shall be sufficient evidence of the amount due.

G. S. ch. 3, § 15 (21). Superseded by joint resolution, February 3, 1874, which provides for secretary of senate and chief clerk of house to issue certificates every ten days, and deputy

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treasurer to draw and disburse the money. Acts 1868, ch. 43, § 3, approved February 5, provided that secretary of senate and chief clerk of house issue certificates for mileage and per diem of members and the per diem of officers, signed by presiding officer, and presented to auditor, who shall issue warrant upon treasurer, and *repeals all inconsistent laws*, which superseded the foregoing section. Laws 1873, ch. 113, § 4, approved March 6, 1873, in force from and after January 1, 1874, provided that secretary of senate and chief clerk of house issue certificates for amount *due all persons* under provisions of that act, which when signed by presiding officer and presented to auditor he shall issue his warrant upon the treasurer, and *repeals all inconsistent laws*, which supersedes 1868, ch. 43, § 3. Laws 1875, ch. 114, amended § 4, ch. 113, laws 1873, so as to read as provided in § 231, *post*.

SEC. 229. Mileage.— The president of the senate, speaker of the house, and members of both houses, shall receive mileage at the rate of fifteen cents a mile for the distance necessarily travelled in going to and returning from the sessions of the legislature.

1868, ch. 43, § 2, as amended 1873, ch. 113, § 2. Same as before amendment.

SEC. 230. Compensation for indexing, transcribing and printing journals.— The secretary of the Senate and the chief clerk of the House shall be paid each two hundred (200) 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 (300) dollars each for transcribing the journals of their respective legislative bodies.

1873, ch. 113, § 3, as amended 1883, ch. 14. Approved March 2, 1883. Amendment increased compensation for indexing from \$100 to \$300, and for transcribing from \$150 to \$300.

SEC. 231. Same — When to be paid.— The warrants for indexing the printed journals shall not be drawn until the journals are printed. The warrants for transcribing the journals shall not be drawn until the completed transcription is filed in the office of the secretary of state.

1873, ch. 113, § 4, as amended 1875, ch. 114. Approved March 3, 1875. Before this amendment, § 4, ch. 113, laws 1873, provided for the issuance of certificates for amount due members and officers and others and a restriction in enrolling bills by folio.

SEC. 232. Same — To be in full.— The compensation herein fixed shall be in full for all services which are herein required to be performed, whether rendered during the session or subsequent to the adjournment thereof.

1873, ch. 113, § 5.

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SEC. 233. Houses first to vote separately.— That on the second Tuesday after the meeting and organization of the two houses of the legislature of this state, at any regular session thereof immediately preceding the expiration of the time for which any senator was elected to represent this state in the congress of the United States, the legislature shall proceed to, and elect a senator in the place of the senator so going out of office, at the place and in the manner as follows, that is to say: Each house shall openly, by a *viva voce* vote of each member present, name one person for senator in congress from this state; and the name of the person so voted for who shall have received a majority of all the votes cast in each house, a majority of all its members being present and voting, shall be entered in its journal by the proper clerk or secretary thereof; but if either house shall fail to give such majority to the same person on that day, such fact shall be entered in its journal.

G. S. ch. 3, § 17, as amended 1869, ch. 93, § 1. Approved March 3, 1869. Before amendment both houses voted in joint convention. No separate vote in each house.

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SEC. 234. When to meet in joint convention.— At twelve o'clock meridian, of the day following that on which proceedings are required to take place as provided in the preceding section, the members of the two houses shall assemble in joint convention in the hall of the house of representatives.

1869, ch. 93, § 2. Same provision in G. S. ch. 3, § 17, last clause.

SEC. 235. Organization of joint convention.— On the assembling of such joint convention the speaker of the house shall call the convention to order, and act as the president thereof. The chief clerk of the house shall act as secretary, and call the roll of the members of the convention.

G. S. ch. 3, § 18, as amended 1869, ch. 93, § 3. Not changed.

SEC. 236. Proceedings in joint convention.— If, upon the calling of the roll, a majority of the members of both houses be found to be present in such joint convention, then so much of the proceedings of the preceding day of each house as relates to the election of a senator to congress shall thereupon be read by the clerk or secretary thereof; and if it be ascertained therefrom that the same person has received a majority of all the votes in each house, a majority of all its members having been present and voted, then such person shall be deemed to have been duly elected a senator to represent the state of Minnesota in the congress of the United States; but if the same person shall not have received a majority of all the votes in each house, or if either house shall have failed to take proceedings as required by this act, the joint convention thereupon shall then and there proceed to and choose, by a *viva voce* vote of each member present, a person for senator in congress; and the person receiving a majority of all the votes of the joint convention, a majority of all the members of both houses being present and voting, shall be deemed to have been duly elected; and in case no person shall receive such majority on the first day, then the joint convention shall meet at the same place at twelve o'clock, meridian, of each succeeding day during the then session of the legislature, and take at least one vote in manner as aforesaid, until a senator shall have been elected.

1869, ch. 93, § 4. This contains §§ 19, 22, G. S. ch. 3.

SEC. 237. President to declare result.— The person who shall have been elected a senator to congress at the time and place and in the manner provided by this act, shall, immediately after such result shall have been ascertained in joint convention, be declared by the president thereof to have been duly elected a member of the senate of the United States from the state of Minnesota.

1869, ch. 93, § 6. Same provision in G. S. ch. 3, § 19.

SEC. 238. Secretary to make record.— The secretary of the joint convention shall enter the name of each of the members thereof, the result of the election, and the declaration thereof, upon the journal of the convention.

1869, ch. 93, § 7. Same as § 20, ch. 3, G. S.

SEC. 239. Certificate of election.— Upon the election of any senator, as provided by this act, the president and secretary of the joint convention shall immediately make and sign a certificate of such election, specifying the time and place thereof, and the name of the person so elected, which said certificate, within three days after such election, shall, by the president of the convention, be presented to the governor; and immediately upon the presentation thereof to him, the governor shall execute a further certificate of such election, duly certifying the same to the president of the senate of the United States, which certificate shall also be attested by the secretary of state of this state, and have affixed thereto the great seal of the state of Minnesota.

1869, ch. 93, § 8. Same provision in G. S. ch. 3, § 21.

SEC. 240. Certificate prima facie evidence.— The certificate thus executed by the governor shall be forwarded to the president of the senate of

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the United States, and shall be held and deemed *prima facie* evidence that the person named therein as senator has been duly elected, according to law.

1869, ch. 93, § 9. Same as last clause, § 21, ch. 3, G. S.

SEC. 241. Vacancy in United States senate during session of legislature.— Whenever, on the meeting of the legislature of this state, a vacancy shall exist in the representation of the state in the senate of the United States, the legislature, being then in session, shall, on the second Tuesday next after the commencement and organization of both houses thereof, proceed to and elect a person to fill such vacancy in the same manner as is hereinbefore provided for the election of a senator for a full term. And if a vacancy shall happen during any session of the legislature of this state, then, on the second Tuesday after both houses thereof shall have been organized and shall have had notice of such vacancy, the legislature shall in like manner proceed to and elect a person to fill such vacancy.

1869, ch. 93, § 5. Same provision in G. S. ch. 3, § 23.

SEC. 242. Vacancy during recess of legislature.— 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.

G. S. ch. 3, § 24 (38). Not repealed by 1869, ch. 93.