

STATUTES AT LARGE
OF THE
STATE OF MINNESOTA.

PART VI.*

MISCELLANEOUS AND UNCLASSIFIED ACTS.

AN ACT

TO AUTHORIZE THE SEVERAL DISTRICT COURTS OF THIS STATE TO CHANGE
THE NAME OF PERSON OR PERSONS.

SEC.

1. District courts to have exclusive right to change names.
2. Manner of application to obtain change of name.

SEC.

3. Relating to the action of the court, and the duties of the clerk of court.
4. Repeal of inconsistent acts.
5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. *District courts to have exclusive right to change names.*—The several district courts of this state shall hereafter have the exclusive right to change the name of any person, when applied to for that purpose, as hereinafter provided.

SEC. 2. *Manner of application to obtain change of name.*—Any person who shall have resided in any judicial district in this state for a period of not less than one year, may make application to the district court of such district to have his or her name changed. Such person shall appear personally before such court (and in case of an infant, by such infant's guardian, adoptive parent, or next of kin), with two witnesses, and prove to the satisfaction of the court, that such person is the identical person he or she represent him or herself to be; and in case such applicant shall apply to be made the heir-at-law of any person, then such person whose heir-at-law such applicant applies to be made, shall appear as one of the witnesses, and acknowledge that such application is made in good faith.

SEC. 3. *Relating to the action of the court, and the duties of the clerk of court.*—If it shall appear to such court that such change of name is necessary and proper, the said court shall proceed to grant said application, and the clerk of said court shall enter a memorandum thereof on the record of said court, and also issue a certificate to the applicant certifying to the fact, for which entry and certificate the

* *Vide* preface to vol. i.

clerk shall receive a fee of two dollars, to be paid by the person making the application. Such certificate shall be *prima facie* evidence of such change of name.

SEC. 4. *Repeal of inconsistent acts.*—All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 5. *When act to take effect.*—This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

AN ACT

REQUIRING CLAIMS AGAINST TOWNS AND COUNTIES TO BE ITEMIZED AND VERIFIED.

SEC.

1. Before any account or claim against any town shall be audited or allowed, the person holding such claim shall reduce the same to writing in items verified to the effect that such account is just and true—what not applicable.
2. Verification to be made before any officer

SEC.

- authorized to administer oaths—punishment for perjury.
3. Claimants may have the right of appeal.
4. What to be considered a misdemeanor—penalty for violating the provisions of this act.
5. Repeal of inconsistent acts.
6. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. *When claims may be audited.*—Before any account, claims, or demand against any town or county of this state, for any property or services for which such town or county shall be liable, shall be audited or allowed by the board or officers authorized by law to audit and allow the same, the person in whose favor such account, claim, or demand shall be, or his agent, shall reduce the same to writing in items, and shall verify the same to the effect that such account, claim, or demand is just and true, that the money therein charged was actually paid for the purposes therein stated, that the property therein charged was actually delivered or used for the purposes therein stated, and was of the value therein charged; and that the services therein charged were actually rendered and of the value therein charged, or in case such services were official for which fees are prescribed by law, then that the fees or amounts charged therefor are such as are allowed by law, and that no part of such account, claim, or demand has been paid: *provided*, That the provisions of this act shall not apply to any claim or demand for an annual salary or per diem of jurors or witnesses fixed by, or in pursuance of any statute.

SEC. 2. *How verified—punishment for perjury.*—The verification required by the preceding section may be made before any officer authorized by law to administer oaths, or before any member of the board, to which the account, claim, or demand shall be presented to be audited, and every member of any such board is hereby authorized to administer the proper oath in such cases; and every person who shall willfully or knowingly swear falsely on any such cases shall be deemed guilty of willful perjury, and be punished accordingly: *provided*, That in case any such account, claim, or demand shall be made or presented by any administrator or executor on behalf of the estate of a deceased person, he shall not be required to verify the same, but may prove the same otherwise to the satisfaction of the board.

SEC. 3. *Right of appeal.*—Whenever any account, claim, or demand against any town or county shall have been verified in the manner prescribed in this act, the board of officers to whom the same shall be presented may receive and consider

the same and may allow or disallow the same in whole or in part as to such board or officers shall appear just or lawful, saving to such claimants the right of appeal.

SEC. 4. *Penalty for violating this act.*—Any member of such board who shall audit and allow any account, claim, or demand required by this act to be itemized and verified without the same having been first duly itemized and verified, shall be deemed guilty of a misdemeanor, and be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SEC. 5. *Repeal of inconsistent acts.*—All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 6. *When act to take effect.*—This act shall take effect from and after the first day of May, A.D. one thousand eight hundred and sixty-nine.

Approved March 5, 1869.

AN ACT

TO AUTHORIZE TOWN, VILLAGE, CITY, AND COUNTY AUTHORITIES TO CANCEL MATURED AND UNPAID BONDS BY THE ISSUING OF NEW ONES.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. All town, village, city, and county authorities are hereby authorized and empowered to take up and cancel, by the issue of new bonds, any old matured and unpaid bonds which have been heretofore issued by such authorities for the purpose of raising the quota of volunteers in said town, village, city, or county under the several calls of the president of the United States for the suppression of the late rebellion : *provided*, such new bonds shall not bear a greater interest than twelve per cent. per annum, and shall run for such period as may be agreed upon by said authorities and the holders of the bonds above referred to.

Approved March 5, 1868.

AN ACT

TO PROVIDE PAYMENT FOR SERVICES OF COMMISSIONERS APPOINTED BY THE GOVERNOR TO TAKE AND REPORT TESTIMONY IN CERTAIN CASES.

SEC.
1. Relating to the appointment of commissioners to take testimony, on charge preferred against officers.
2. Commissioners to be sworn before entering upon duties.

SEC.
3. Witnesses before commissioners to be sworn.
4. Fees of commissioners, and by whom paid.
5. Relating to commissioners heretofore appointed, and providing for payment of fees.
6. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. *Charges against officers, commissioners to be appointed.*—Whenever charges are duly made against any officer under chapter nine of the general statutes, and acts amendatory thereto, relating to resignations, vacancies, and removals, the governor shall appoint special commissioners to take and report testimony for and against such officer, to be used in determining his guilt or innocence.

SEC. 2. *Commissioners to be sworn.*—Each commissioner, before he enters upon his duties in taking such testimony, shall be sworn to truly and faithfully take and record the testimony of each witness, and report the same fully and impartially to the governor within the time required by the commission of his appointment.

SEC. 3. *Witnesses to be sworn.*—The commissioners shall administer to each witness the oath required to be administered to witnesses testifying in courts of record of this state, and each witness shall subscribe his name to his testimony when reduced to writing by the commissioners.

SEC. 4. , *Fees of commissioners.*—The fees of commissioners for such services shall be the same as now allowed by law to referees in actions brought in the district courts of this state, and shall be paid out of moneys not otherwise appropriated on the order of the governor, and on presentation of such order to the auditor of the state, he shall draw his warrants on the state treasurer in favor of the person entitled to the same: *provided*, that when testimony is taken for and against a county officer, like fees of the commissioners shall be paid by the county wherein such officer was elected, and be allowed in the same manner as other claims against the county.

SEC. 5. *Commissioners heretofore appointed to have same fees.*—Commissioners heretofore appointed by the governor to take and report testimony for and against an officer charged with malfeasance or nonfeasance in office, under chapter nine of the general statutes, shall be paid like fees and in same manner as is required by section four of this act: and in all cases where testimony has been or shall be taken by the commissioners appointed by the governor in such cases, the county commissioners of the proper county may, if they think it advisable, allow and pay reasonable compensation to counsel, for attending to the prosecution of such cases, not exceeding ten dollars per day for the time actually engaged before the commissioners, and may allow witnesses fees for the prosecution, the same as is allowed to witnesses in cases in the district court of the state.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved March 4, 1872.

AN ACT

TO AMEND THE GENERAL AND SPECIAL LAWS OF THE STATE OF MINNESOTA, RELATING TO THE DISTRICT COURT FOR THE SECOND JUDICIAL DISTRICT, AND THE COURT OF COMMON PLEAS FOR THE COUNTY OF RAMSEY, SO AS TO PROVIDE FOR BUT ONE GRAND JURY PER YEAR FOR EACH OF SAID COURTS, TO REGULATE THE SELECTION AND DRAWING OF GRAND AND PETIT JURORS FOR SAID COURTS, AND TO ESTABLISH THE FEES OF SUCH JURORS.

SEC.

1. When county commissioners to meet for the purpose of selecting grand and petit jurors for the courts in the second judicial district—number of each to be certified to the clerk of said courts.
2. Clerk of court to strike from list disqualified jurors—county commissioners to fill the places of persons exempt from jury duty.
3. When venires shall be issued for grand and petit jurors—how served and returned.
4. When judge of either court may order another grand jury drawn—when order to be issued for said jury.

SEC.

5. Manner of drawing petit jurors for each term of court—length of time of service of each juror.
6. Venires for first two weeks to be served twelve days prior to general terms of court—by whom served.
7. Disposition of jurors not drawn in the several venires in the preceding section—when special venire may be ordered.
8. Fees of grand and petit jurors and talesmen.
9. To be deemed a public act.
10. Repeal of former act.
11. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. *Commissioners to select jurors for Ramsey county, how and when.*—The county commissioners of the county of Ramsey shall, at their next regular

meeting after the passage of this act, and thereafter at their annual meeting in January in each year (or as soon after such annual meeting as the same can conveniently be done), select from the qualified electors of said county fifty persons properly qualified to serve as grand jurors for the said district court, and fifty persons properly qualified to serve as grand jurors for the said court of common pleas; and four hundred persons properly qualified to serve as petit jurors for said district court, and four hundred persons properly qualified to serve as petit jurors for said court of common pleas. Which said names shall be retained and certified in the manner provided by law for drawing grand and petit jurors, in separate lists for each of said courts, to the clerk of said district court and court of common pleas.

SEC. 2. *Duty of clerks on receipt of jury list—who to fill places of those exempt as jurors.*—Upon the receipt of said lists by the clerk of said courts, he shall carefully examine the same, and shall note the names of any persons on said lists who may not be a qualified juror, or who may be exempt, with the nature or cause of such disqualification or exemption, which said names so noted as disqualified or exempt, with the nature or cause thereof, shall be certified and returned by said clerk to said board of county commissioners on or before their next regular meeting; and it shall thereupon, as soon as practicable, proceed to fill the places of the persons so noted, if they shall find that such exemption or disqualification actually exists, and shall certify and return said names in the same manner as said original list was returned and certified: *provided*, that if said original lists shall contain the names of at least forty grand jurors, and three hundred and fifty petit jurors for each of said courts, after the same are corrected by said clerk, as above provided, it shall not be necessary to certify the said lists to said board of county commissioners for correction.

SEC. 3. *When venire to be issued—how served and returned.*—On or before fifteen days prior to the general May term of said district court, and on or before fifteen days prior to the general September term of the said court of common pleas, the grand jurors for said respective courts shall be drawn from the said lists of grand jurors so selected, and venires shall be issued therefor, and served and returned in the same manner as now provided by the general laws of the state.

SEC. 4. *When judge may order another jury drawn.*—If in the opinion of the judge of either of said courts the public interests should at any time require that a grand jury shall be drawn for the other general terms of their respective courts, not above provided for, it shall and may be lawful for such judge to make and enter an order at least thirty days next prior to the first day of such general term, requiring the county commissioners to select a list of fifty persons qualified to serve as grand jurors for such general term, and the said list shall be reported, returned, certified, and corrected, and the said grand jury drawn therefrom, in all respects as above provided. And the grand jury so drawn shall be summoned as provided by law, and shall have all the powers of a grand jury regularly drawn under this act, and the general laws of this state.

SEC. 5. *Manner of drawing petit jurors—time of service of each juror.*—On or before fifteen days prior to any general term of said district court or court of common pleas of said county, the one-half of the whole number of names so selected for petit jurors for such court taken in the order in which they stand on the said list thereof, shall be placed in a box, and shall be drawn by the persons and in the

manner now provided by law, except that the first thirty names drawn from said box shall compose the petit jurors for the first week of such term of court, and the second thirty names shall compose the petit jury for the second week of said term, and in like manner the names for four several sets of jurors of thirty each shall be drawn for such general term of said court, except that for the next general term of such court, the other half of the whole number of said list for said court shall be used in drawing therefor. The said clerk shall make out a separate venire for the petit jury for each week, and shall therein direct the sheriff of said county to summon said jurors for the particular week of said term for which they were drawn respectively; and the said jurors shall not be required or permitted to serve beyond the time for which they were summoned, unless they, or some of them, shall have been sworn and impaneled for the trial of a cause which is not concluded at the expiration of their said term, in which event the jurors so impaneled shall serve until they shall have rendered their verdict in such cause, or shall be duly discharged from the further consideration thereof: *provided*, that the said one-half of the number of names so placed in the box for the purpose of drawing a petit jury for any term of said court, shall not be so used for any subsequent term of said court, until again returned by the county commissioners in pursuance of the provisions of this act.

SEC. 6. *Venires, when and by whom served.*—The venires for the first two weeks of each of said general terms, shall be placed in the hands of the sheriff at least twelve days prior to the first day of such general terms respectively, and he shall serve the same in the manner provided by law. The other venires for the third and fourth weeks shall be held in the hands of the clerk, subject to the order of the court; and upon such order shall be placed in the hands of the sheriff for service, and a service of twenty-four hours upon the jurors named in such venires, shall be valid and effectual for all purposes.

SEC. 7. *Disposition of jurors not drawn—when special venire may be ordered.*—The names of the petit jurors who shall not have been drawn in drawing the several venires as aforesaid, shall be carefully preserved by said clerk, and if at any time it shall appear that the venires drawn for any general term shall not be sufficient to transact the business of such term, the judge of said court may make an order for such additional juries as may be necessary, whereupon the same shall be drawn from the names so preserved by the clerk as aforesaid, and venires shall be issued therefor, and they shall be summoned as last above provided. And if the names so preserved shall be insufficient, the said juries may be supplied with tales jurors, or a special venire may be ordered, in the manner aforesaid by law.

SEC. 8. *Fees of jurors and talesmen.*—The fees of all grand jurors, petit jurors, tales jurors, and struck jurors in said courts of Ramsey county, shall be fifty cents per day for each day of actual attendance upon court, and mileage for such attendance in pursuance of summons: *provided*, that no juror summoned on a petit or struck jury shall be paid any fee unless he shall have been actually in attendance upon the court in pursuance of summons, for at least one half day, and then only for the time of his actual attendance. And no tales jurors shall be paid any fees unless he shall have been actually sworn and impaneled on the trial of a cause.

SEC. 9. *Deemed a public act.*—This act shall be deemed and construed as a public act, and all general or special laws of this state in conflict herewith, shall be construed as amended by this act so far as the same affects the said district court

for the second judicial district, and the court of common pleas for said county of Ramsey.

SEC. 10. *Repeal of former act.*—Section eight of chapter eighty-four of the special laws of one thousand eight hundred and sixty-seven, is hereby repealed: *provided*, that nothing in this act shall in any manner affect or interfere with the grand or petit jury for the March term of the court of common pleas for said county, for the year A.D. one thousand eight hundred and seventy.

SEC. 11. *When act to take effect.*—This act shall take effect and be in force from and after its passage.

Approved March 1, 1870.

AN ACT

TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE SEVERAL ORGANIZED COUNTIES OF THE STATE TO PAY A BOUNTY FOR THE DESTRUCTION OF WOLVES.

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| <p>SEC.
1. Boards of county commissioners authorized to give bounties for destruction of wolves.
2. Necessary evidence to obtain the bounty.</p> | <p>SEC.
3. Duties of the county auditors in the premises.
4. Further duties of the county auditor.
5. When act to take effect.</p> |
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Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. *Wolf bounty authorized.*—The board of county commissioners of the several organized counties of this state are hereby authorized and empowered, if in their opinion it is deemed necessary or expedient, to give a bounty for the destruction of wolves in their respective counties, not exceeding the sum of five dollars for each wolf so destroyed, payable at the treasury of the county wherein such wolf may be taken and killed.

SEC. 2. *Head of wolf to be produced.*—When the county commissioners shall grant said bounty, any person claiming such bounty shall produce the head of each wolf with the ears and scalp entire, within twenty days after the same has been taken and killed, to the county auditor of the county within which such wolf was taken and killed, and shall make oath or affirmation in writing before such auditor that the wolf whose head and scalp is produced was taken and killed within such county within twenty days last past.

SEC. 3. *Duties of auditor.*—The county auditor before whom the said oath or affirmation is made, shall cause the head and scalp of said wolf to be destroyed in his presence, and shall file affidavit so taken in his office, and shall grant an order to the person making the affidavit for the amount due him on the treasurer of the county where such wolf was taken and killed, and shall take a receipt of such person for such order, which order shall be received for all county taxes.

SEC. 4. *Record of bounties.*—The said county auditor shall make a record of the date, number, and amount of all orders drawn by him under the provisions of section three of this act, and the name of the person to whom granted, and shall present such record with the receipts for said orders, and the affidavits above named, to the county commissioners of his county, at their regular annual meeting in September of each year.

SEC. 5.—This act shall take effect and be in force from and after its passage.

Approved, February 28, 1872.

AN ACT

TO PREVENT THE IMPORTATION OF TEXAS OR SOUTHERN CATTLE, AND THE SPREAD OF THE SO-CALLED TEXAS OR SPANISH FEVER AMONG THE CATTLE OF THE STATE OF MINNESOTA.

SEC.

1. Importation of Texas, Cherokee, or Indian cattle prohibited.
2. Not applicable to possessors of said cattle now on hand—present stock to be kept separate from other cattle—penalty for allowing such cattle to run at large.

SEC.

3. Not to prevent the transportation or driving such cattle through this state.
4. Penalty for violation of provisions of this act.
5. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. *Importation of Texas or Indian cattle prohibited.*—That it shall not be lawful for any one to bring into the state, or have in possession, any Texas, Cherokee, Indian, or any diseased cattle, except as hereinafter provided.

SEC. 2. *Not applicable to cattle now on hand—present stock to be kept separate from other cattle—penalty for allowing such cattle to run at large.*—This act shall not apply to any Texas, Cherokee, or Indian cattle, or other diseased cattle now on hand within this state, but persons having such shall be compelled to keep them within the bounds of their own premises, or separate from other cattle, and any damage that may accrue from allowing such cattle to run at large, and thereby spreading disease among other cattle, shall be recovered from the owner or owners thereof, who shall be liable to all the pains and penalties, as provided in section four of this act.

SEC. 3. *Not to prevent the driving of such cattle through this state.*—Nothing contained in this act shall be so construed as to prevent the transportation of such cattle through this state on railroads; or to prohibit the driving through any portion of this state such Texas or southern cattle as have been wintered at least one winter north of the northern boundary of the state of Missouri.

SEC. 4. *Penalty for violating this act.*—Any person who shall violate the provisions of this act shall, for every such violation, forfeit and pay into the school fund of the county where the offense is committed, a sum not exceeding one thousand dollars, or to be fined and imprisoned in the county jail at the discretion of the court, though such time of imprisonment shall not exceed six months; and such person or persons shall pay all damages that may accrue to any person by reason of such violation of this act.

SEC. 5. *When act to take effect.*—This act shall take effect and be in force from and after its passage.

Approved March 5, 1869.

AN ACT

TO PREVENT THE RUNNING AT LARGE OF HORSES OR OTHER ANIMALS
SUFFERING FROM A DISEASE KNOWN AS "GLANDERS."

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| <p>SEC.
1. Penalty for permitting diseased animals to run at large.</p> | <p>SEC.
2. When act to take effect.</p> |
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Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. *Penalty for allowing diseased animals to run at large.*—Any person being the owner of any horse, or other animal, having the disease known as the "glanders," who shall knowingly permit such animal to run at large, or be driven upon any of the highways of this state, or any hotel keeper or keeper of any public barn, who shall knowingly permit any horse or other animal having such disease to be stabled in such public barn, shall be guilty of a misdemeanor, and upon conviction before any justice of the peace of any such offence, shall be punished by a fine of not more than one hundred dollars nor less than twenty-five dollars.

SEC. 2. *When act to take effect.*—This act shall be in force from and after its passage.

Approved March 6, 1868.

AN ACT

TO AUTHORIZE THE GOVERNOR OF MINNESOTA TO MAKE CONVEYANCES
IN CERTAIN CASES.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. *Lands conveyed to state may be re-conveyed.*—That in all cases where lands have been erroneously or improperly certified or conveyed to the state of Minnesota, for school or railroad or other purposes, by the proper officers of the general government of the United States, the governor of this state is hereby authorized to re-convey or relinquish by the execution under his hand and seal of the state of such conveyances as will be necessary to convey or relinquish the title, or color of title, which this state may have to such lands.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 28, 1866.

AN ACT

TO PROMOTE THE SCIENCE OF MEDICINE AND SURGERY IN THE STATE
OF MINNESOTA.

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| <p>SEC.
1. Authorizing the delivery of bodies of deceased persons to physicians, professors, and teachers, under certain circumstances.</p> <p>2. Duties of physicians, etc., after receiving such bodies.</p> | <p>SEC.
3. Further duties of physicians.</p> <p>4. Penalty for violation of this law.</p> <p>5. When act to take effect.</p> |
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Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. *Authorizing the delivery of bodies of deceased persons to physicians, professors, and teachers under certain circumstances.*—It shall be lawful in cities

and counties whose population equals or exceeds ten thousand inhabitants, for superintendents of penitentiaries, wardens of poor houses, coroners, and city undertakers, to deliver to the physicians, professors, and teachers in medical colleges and schools, in the state, and for physicians, professors, and teachers to receive the remains or body of any deceased person, for purposes of medical and surgical study: *provided*, that said remains shall not have been regularly interred, and shall not have been desired for interment by any relative or friend of said deceased, within twenty-four hours after death: *provided also*, that the remains of no person who may be known to have relatives or friends, shall be so delivered or received without the consent of said relatives or friends: *and provided*, that the remains of no person detained for debt, or as a witness, or on a suspicion of crime, or of any traveler, or of any person who shall have expressed a desire in his or her last sickness, that his or her body may be interred, shall be delivered or received as aforesaid, but shall be buried in the usual manner: *and provided also*, that in the case the remains of any person so delivered or received shall be subsequently claimed by any surviving relative or friend, they shall be given up to said relative or friend for interment.

SEC. 2. *Duties of physicians, etc., after receiving such bodies.*—And it shall be the bounden duty of said physicians, professors, or teachers, decently to bury in some public cemetery, the remains of all bodies after they shall have answered the purposes of study aforesaid, and for any neglect or violation of the provision of this act, the party so neglecting shall forfeit and pay a penalty of not less than twenty-five dollars or more than fifty dollars, to be sued by the health officers of said cities or other places for the benefit of their department.

SEC. 3. *Further duties of physicians.*—The remains and bodies of said persons as may be so received by the physicians, professors, and teachers, as aforesaid, shall be used for the purposes of medical and surgical study alone, and in this state only; and whoever shall use such remains for any other purpose or shall remove such remains beyond the limits of this state, or in any manner traffic in the same, shall be deemed guilty of a misdemeanor, and shall on conviction, be imprisoned for a term not exceeding one year in the county jail, or pay a penalty not less than three hundred dollars or more than one thousand dollars.

SEC. 4. *Penalty for violation of this law.*—Every person who shall deliver up the remains of any deceased person, in violation of or contrary to any or all the provisions contained in the first section of this act, and every person who shall receive said remains, knowing the same to have been delivered contrary to any of the provisions of said section, shall each and every one of them be deemed guilty of a misdemeanour, and shall on conviction be imprisoned for a term not exceeding two years in a county jail, or shall pay a penalty of not more than one thousand dollars.

SEC. 5. *When act to take effect.*—This act shall take effect and be in force from and after its passage.

Approved February 27, 1872.

AN ACT

TO ENCOURAGE THE PURSUIT AND CAPTURE OF HORSE AND CATTLE THIEVES.

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| <p>SEC.
1. Provides for compensation to parties arresting horse thieves.</p> | <p>SEC.
2. When act to take effect.</p> |
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Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. *County to pay for arrest of horse thieves.*—Whenever any person or persons of this state shall pursue and capture any thief or thieves, and return such thief or thieves to the proper officers of the county in which the larceny was committed, and said accused person or persons, upon examination before the proper magistrate, shall be held for trial, the person or persons who captured the accused shall receive as compensation for such arrest, at the discretion of the county commissioners of the county where the larceny was committed, two dollars per day for each day actually employed in the pursuit, capture, and return of such accused person or persons, and ten cents per mile for each mile actually traveled in making such arrest, the same to be paid out of any moneys in the county treasury not otherwise appropriated.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.

AN ACT

TO PREVENT THE COMMISSION OF WASTE UPON INCUMBERED REAL ESTATE.

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| <p>SEC.
1. No person shall remove any building, fixture, or fence from real estate upon which exists any mortgage or mechanic's lien, without permission of person holding said mortgage or lien—punishment for violating provisions of this act.</p> | <p>SEC.
2. In case of such removal the district court shall have power to order such building replaced.
3. When act to take effect.</p> |
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Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. *Penalty for removing property from mortgaged real estate.*—That no mortgagor or other person shall remove any building, fixture, or fence, situate or being upon any real estate on which real estate any mortgage or mechanic's lien exists, either before or after the foreclosure of such mortgage or sale in satisfaction of such lien, to the prejudice of any holder of such mortgage or lien, and with the intent to impair or lessen the value of such mortgage or lien, without first having procured the consent of the person owning or holding such mortgage or lien. Any person offending against the provisions of this section shall be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both fine and imprisonment.

SEC. 2. *In case of removal court may order the same replaced.*—Whenever any person shall remove any building, fixture, or fence in violation of the provisions of the first section of this act from any real estate upon which there is a mortgage or lien, the district court of the county in which such real estate is situate shall have power to order such building, fixture, or fence to be restored and replaced

upon such real estate, and may compel the same by attachment and punishment as for contempt, and may in the same action give damages for such removal.

SEC. 3. *When act to take effect.*—This act shall take effect and be in force from and after its passage.

Approved March 4, 1869.

AN ACT

FOR THE PROTECTION OF CRANBERRIES.

SEC. 1. Time fixed for gathering cranberries—penalty for violation—in what amount.

SEC. 2. How offender may be prosecuted—disposition of funds arising therefrom.
3. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. *Time fixed for gathering cranberries—penalty for violation.*—That if any person shall hereafter pick or gather cranberries on lands other than his own, in this state, before the tenth day of September in any year, such person shall be fined in the sum of ten dollars for each offense so committed.

SEC. 2. *How prosecuted—disposition of funds.*—All prosecutions under the provisions of this act shall be commenced within six months from the time such offense is committed, and the same shall be upon complaint, under oath, before any justice of the peace in the county where the offense is committed, and all fines imposed and collected under this act shall be paid, one-half to the complainant and one-half into the treasury of the county where such conviction takes place, for the use of the common schools within such county.

SEC. 3. *When act to take effect.*—This act shall take effect and be in force from and after its passage.

Approved March 6, 1871.

AN ACT

TO PROVIDE FOR THE USE OF STEAM TRACTION MOTORS FOR PURPOSES OF TRANSPORTATION.

SEC. 1. County commissioners to cause a road for steam traction transportation to be opened and laid out upon receipt of a petition signed by a majority of freeholders residing along the line of said proposed road requesting the construction of said road.
2. All roads opened under the provisions of this act to be of a uniform width.
3. Of what material road bed may be constructed.
4. When action shall be taken by county commissioners in the construction of any road for steam traction transportation.
5. Upon signing articles of agreement county commissioners to cause a survey of the proposed line of road, and after ascertaining probable cost of construction, the question of building said road at expense of county to be submitted to legal voters of the county.

SEC. 6. Ballots, how prepared.
7. If the result of said election be in favor of the construction, then the articles of agreement shall be countersigned, sealed, and recorded by the proper officers.
8. County commissioners authorized to issue bonds for the amount necessary to defray the expenses of construction.
9. Where bonds made payable—when made payable—at what rate of interest—cost per mile of said road.
10. How principal and interest to be paid.
11. If the majority of votes cast at said election was against said construction, the county commissioners may cause the road to be opened and constructed by private means.
12. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. *When commissioners to cause road for steam traction transportation to*

be opened.—Upon the presentation of a petition signed by a majority of the freeholders and persons living on United States lands, who have filed their declaratory statement for the same in the proper land office, and, actually residing at the time within one mile of the line of any road proposed to be used for steam traction transportation, asking for the legal establishment of such road as may be prescribed by such petitioners within the limits of the county in which said petitioners reside, it shall be the duty of the board of county commissioners of the proper county to cause a road for steam traction transportation to be laid out, opened and improved, in the same manner and under the same powers and restrictions in all respects as provided by law for laying out, opening or constructing and repairing county roads in this state, except as hereinafter provided.

SEC. 2. *All roads to be of uniform width.*—All roads laid out and opened under the provisions of this act, for steam traction transportation, shall be a uniform width of twenty feet, and where steam traction transportation shall be used on the line of and in connection with any existing road, twenty feet in width on one side of said road may be appropriated exclusively to steam traction transportation, and said twenty feet may be separated from the portion appropriated to general use by a division fence if deemed expedient.

SEC. 3. *Of what material road bed may be constructed.*—Road beds for steam traction transportation may be constructed with timber causeway foundations for clay, gravel, or other material; or clay, gravel, or other material may be used without causeway foundations for the purpose of making a good, substantial, and hard road over soft ground; or wooden rails or trams may be used in constructing any such road when the same may be deemed proper; and where the character of the country demands it the road bed may be cut down or filled in to make the grade of the road suitable to the requirements of the steam traction motors. All bridges for the use of steam traction motors shall be constructed with a separate track for said motors from that used for a general track.

SEC. 4. *When commissioners shall take action in the construction of any such road.*—No action shall be taken by any board of county commissioners in the improvement or construction of any road for steam traction transportation until an agreement shall have been entered into by and between the board of county commissioners, for and in behalf of the proper county, and some responsible person or the duly authorized representative of an association of persons, by which such person or association of persons shall be obliged to provide and operate on the road proposed to be opened such number of steam traction motors as will suffice to transport to and from the stations along said road specified in said agreement, with out any unreasonable delay, and at a cost not exceeding the compensation to be specified in said agreement, all agricultural products or other freight belonging to any *bona fide* resident of such county for a term of years not exceeding twenty, and in consideration of the above-mentioned obligation and the faithful performance of the same, the board of county commissioners, for and in behalf of the county in which the contemplated road is to be located and constructed, may secure to the said person or association of persons the right to operate said road with steam traction motors for the same term of years without interference or hindrance through any action of the county authorities of the said county.

SEC. 5. *When to cause a survey of the proposed road—question of county paying cost of road submitted to voters.*—As soon as said agreement shall have been signed

by said person, or representative of an association of persons, party of the one part, and by the chairman of the board of county commissioners of the proper county, party of the other part to said agreement, the said board of county commissioners shall cause the line and limits of said proposed road to be definitely surveyed and marked, including the portion of any road already established that is proposed to be devoted to steam traction transportation, and shall ascertain, as near as may be, the amount of improvement necessary to put said road in proper condition for steam traction transportation, and the probable cost of the same, and having obtained satisfactory information upon these points, the board of county commissioners shall authorize a special election to be held in the proper county, at which election the legal voters of the county will determine whether the road shall be constructed at the expense of the county or not, the notice of the time and place of holding said election, the qualification of voters, the opening and closing of polls, and the counting, canvassing, and return of votes shall be in conformity to the law regulating special elections in the several counties in this state: *provided*, that the notice calling such election shall contain a full statement of the terms of the agreement entered into for steam traction transportation over the proposed road, the location and points on the road, the estimated cost of constructing the road, and the probable amount of freight belonging to citizens of the county that will pass over the road per annum.

SEC. 6. *Ballots, how prepared.*—At all elections to be held under the provisions of this act, the voters voting in favor of constructing any road at the expense of the county, as specified in the notice for holding the election, shall deposit a ballot, with the words written or printed, or partly written and partly printed thereon, "Construction of steam traction road from (designating the point of beginning) to (designating the terminus), yes," and the voters opposed to the construction of said road, voting at said election, shall deposit ballots with the words written or printed, or partly written and partly printed thereon, "Construction of steam traction road from (designating the place of beginning) to (designating the terminus), no."

SEC. 7. *When agreement to be countersigned, sealed, and recorded.*—If a canvass of the votes polled in any county at any election, as herein provided, shall show that a majority of the voters of such county, voting at such election, voted in favor of the construction of such road for steam traction transportation, then the agreement entered into, as provided in section four of this act, shall be countersigned by the auditor of the county, sealed with the seal of the board of county commissioners, and recorded by the register of deeds, and being stamped in accordance with the revenue laws of the United States, shall thereafter be and remain binding upon the parties thereto in all its provisions: *provided*, said agreement shall not contravene the provisions of this act, or of the constitution of the State of Minnesota, and the board of county commissioners shall forthwith proceed to have the road, as designated, for steam traction transportation, opened and improved for such transportation in conformity to the survey and estimates embraced in the notice for holding the election at which the construction of the road was authorized.

SEC. 8. *Commissioners to issue bonds to defray expenses.*—To provide means for constructing any road authorized to be constructed, as provided by this act, in any county in this state, the board of county commissioners of the county in which said road; so authorized to be constructed, may be located, are hereby authorized

MINNESOTA STATUTES 1873 SUPPLEMENT

AN ACT

PROVIDING FOR THE DISCHARGE OF ONE OR MORE JOINT DEBTORS, WITHOUT IMPAIRING THE RIGHTS OF THE CREDITOR AS TO THE OTHER DEBTORS.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Any creditor who now has, or hereafter may have, a debt, demand, or judgment against any co-partnership, or several joint obligors, or promissors, or debtors, may discharge one or more of such co-partners, obligors, promissors or debtors, without impairing his right to recover the residue of his debt or demand against the other co-partners, obligors, promissors, or debtors, or preventing the enforcement of the proportionate share of any or all undischarged judgment debtors under such judgment.

SEC. 2. In all such cases a suit may be brought and maintained against all or any of such co-partners, joint obligors, promissors, or debtors, not so discharged, setting forth in the complaint thereof, that the contract was made with the defendants and the party so discharged, and that such party has been discharged. Such discharge shall have no other effect than such as is in this act mentioned.

SEC. 3. Such discharge shall have the same effect for all purposes, and as to all persons, as a payment by the party so discharged of his equal part of the debt, according to the number of debtors, aside from sureties.

SEC. 4. This act shall not be construed so as to affect or change the liability of such co-partners, joint obligors, promissors, or debtors, to each other.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 9, 1867.

MINNESOTA STATUTES 1873 SUPPLEMENT

and empowered to issue the bonds of the county for the amount necessary to defray the expense of improving and constructing said road so authorized to be improved and constructed: *provided*, that said bonds shall not exceed, in the aggregate, the amount of the estimated expense of improving and constructing said road, as set forth in the notice for holding the election at which the improvement and construction of said road was authorized by the votes of a majority of the voters of the county voting at said election.

SEC. 9. *Where and when bonds made payable—rate of interest—cost per mile of said road.*—Said bonds shall be made payable in the city of New York not less than ten nor more than twenty years after the date thereof with interest coupons attached, providing for the semi-annual payment of interest at the rate of ten per cent. per annum, and said bonds shall be disposed of at par in payment for material furnished and for labor performed for the improvement and construction of the road so authorized to be constructed and improved for steam traction transportation, and for no other purpose whatever: *provided*, that not more than three thousand dollars shall be paid for the improvement or construction of any one mile of any road to be improved or constructed under the provisions of this act, to include the improvement or construction of bridges, causeways, putting down wooden rails or trams, cutting, filling, or any other improvement or work whatever.

SEC. 10. *How principal and interest to be paid.*—For the purpose of providing for the punctual payment of the maturing interest and principal (on) all bonds issued under the authority of this act, a tax upon the taxable property in the several counties in which such bonds shall be issued as heretofore provided, shall be assessed and levied each year sufficient to pay all the interest and principal of such bonds as may mature and become payable before the time fixed by law for the collection of any such tax for the next succeeding year. All such taxes authorized by this act shall be levied and collected at the same time and in the same manner that other county taxes are levied and collected, and such taxes levied and collected for the payment of the principal and interest of the bonds so issued shall be applied to such payment, and to no other purpose.

SEC. 11. *When commissioners to cause road to be opened by private means.*—If, upon canvassing the votes polled at any election in any county in this state, held in pursuance of sections five and six of this act, it shall appear that a majority of the votes cast at said election was cast against the construction of the road designated at the expense of the county, then, and in that case, the said road shall not be constructed at the expense of the county, but at the request of a majority of the freeholders and persons living on United States lands who have filed their declaratory statement for the same in the proper land office, and residing at the time within one mile of the line of said road as surveyed and marked, it shall be lawful for the county commissioners of the county to cause the road to be opened, and the road may be improved and constructed with private means, and be operated in all respects as is provided by this act for improving, constructing, and operating county roads for steam traction transportation, except that no agreement between the board of county commissioners of the county and the person or association of persons operating said road shall be binding.

SEC. 12. *When act to take effect.*—This act shall take effect and be in force from and after its passage.

MINNESOTA STATUTES 1873 SUPPLEMENT

AN ACT

TO PROVIDE FOR THE FILING OR SERVICE OF UNDERTAKINGS IN LIEU OF BONDS IN CERTAIN CASES.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That in all cases of appeal from the board of county commissioners to the district court upon the allowance or disallowance of any account of indebtedness, and in all actions brought before justices of the peace, and in all cases of an appeal from a justice court, or a probate court, to the district court, and in all actions commenced in the district court, and in all cases of special or equitable proceedings in either the district or supreme courts, the filing or service, or both, as may be required by law or the practice of the court, of an undertaking signed by a surety or sureties, as the law may require, containing a condition substantially the same as that required by law to be contained in the various bonds now required by law in such cases, with like sureties, qualifications and justifications, and without any acknowledgment, and without the seal or signatures of the person or parties taking such proceedings, shall be deemed a sufficient compliance with the law to sustain any such action, appeal or proceeding, and every such undertaking shall be construed in any proceeding taken or had thereon, to save and secure all rights and liabilities to the same extent in every particular as though a bond had been executed, acknowledged, filed and served in the manner now required by law, and the damages presumed to accrue to the party against which such proceeding is taken shall be construed to be a sufficient consideration for such undertaking to support the same or any action thereon, though no consideration be mentioned therein; provided, that no undertaking or bond need be given or executed in any case before such appeal or other proceeding is instituted or taken in favor of the state of Minnesota and county, town, city, school district therein, or any executor or administrator as such.

Sec. 2. This act shall take effect and be in force from and after its passage.
Approved March 5, 1868.